



CITY OF MERCED **AMENDED** Meeting Agenda

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Building & Housing Board of Appeals

Thursday, September 2, 2021

3:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

THE PURPOSE OF THE BUILDING AND HOUSING BOARD OF APPEALS, CITY OF MERCED, CALIFORNIA

In order to hear and decide appeals of orders, decisions, or determinations made by the Chief Building Official relative to the application and interpretation of the Merced Municipal Code, including all Building Code, Housing Code, Administrative Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, and Abatement of Dangerous Buildings Code adopted by reference, there shall be and hereby is created a Building and Housing Board of Appeals, consisting of five (5) members to be appointed by motion of the City Council adopted by at least five (5) affirmative votes, at least three (3) of whom shall be registered or licensed professionals in the trade of design, engineering, construction, or inspection of buildings, all of whom are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Chief Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice, but no vote or authority to make or second any motion upon any matter before the Board. The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The Board shall hold office at least once a year, or as called for by a majority of the members of the Board, or as requested by the Chief Building Official. The decision of the Board shall be final and conclusive on all matters decided therein. Upon receipt of the Board's written decision, the Chief Building Official shall proceed in accordance therewith.

BUILDING AND HOUSING BOARD OF APPEALS PROCESS, RIGHT TO APPEAL

For clarification purposes, the applicable subsection of the Health and Safety Code section is repeated. Section 18945: (a) "Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency, respecting the administration of any building standard may appeal the issue for resolution to the Commission." (Board)

APPEALS PROCESS

Upon receipt of any appeal filed, the building official shall present it at the next regular or special meeting of the board of appeals. Notwithstanding any applicable state, federal, or local law or adopted unified code, only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated therein.

WELCOME

At least 72 hours prior to each regular Board meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD/COMMISSION CLERK

Members of the audience who wish to address the Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 5 minutes each, unless the number of speakers is over 3, which in that case, comments shall be limited to 3 minutes each. For all other issues, for 3 or less speakers, 5 minutes each and for over 3 speakers, 3 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks. For at risk individuals of those not wanting to attend an in-person meeting during the current Covid-19 pandemic, please submit your public comment to the Commission electronically no later than 10 AM on the day of the meeting. Comments received before the deadline will be sent to the Board/Commission and will be part of the record and mentioned as part of the Public Comment portion of the agenda. Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Report item # or Oral Communication. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 10 AM will be distributed to the Commission and retained for the official record. You may provide telephonic comments via voicemail by calling (209) 388-7394 by no later than 10 AM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, for example, Report item #, Consent item #, or Oral Communication. Your comments will be played during the Commission meeting at the appropriate time.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at 209-385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

A.1 Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Board, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

D.1 [21-695](#) **SUBJECT:** Building and Housing Board of Appeals Minutes of July 1, 2021

ACTION:

Approving and filing the Building and Housing Board of Appeals Minutes of July 1, 2021

ATTACHMENTS

1. Draft Minutes of July 1, 2021

E. BUSINESS

E.1 [21-693](#) **SUBJECT:** Continued Appeal Hearing - William L. Stevenson and Inez T. Stevenson Estate, 2505 3rd Avenue: Notice and Order to Repair or Abate

ACTION:

Adopt a motion approving or denying the appeal filed by William L. Stevenson and Inez T. Stevenson Estate on the Notice and Order to Repair or Abate posted by the Chief Building Official on June 15, 2020, for the property located at 2505 3rd Avenue, Merced, CA 95340

F. ADJOURNMENT