

October 4, 2018, 1:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

1. Chairperson Alegre called the meeting to order at 1:09 p.m.
2. Roll call found Board Members Alegre, Aubin, Davis and Yerian present. Board Member Caling absent.
3. Items from the Audience – None.
4. Minutes Approval – May 23, 2018 Special Meeting Minutes and September 26, 2018 Special Meeting Minutes

ACTION: Motion was made by Board Member Aubin and seconded by Board Member Davis to adopt the minutes of the Board of Appeals Special Meetings held on May 23, 2018 and September 26, 2018. Voice vote found all in favor, passed and so ordered. Board Member Caling absent.

5. CONTINUATION OF AN APPEAL OF A CITY OF TRACY ORDER TO ABATE PUBLIC NUISANCE OR SHOW CAUSE DATED MARCH 27, 2018, FOR VIOLATIONS OF THE TRACY MUNICIPAL CODE (TMC) SECTION 9.02.040 - UNPERMITTED STRUCTURES WITH AN AREA GREATER THAN 120 SQUARE FEET IN VIOLATION, TMC SECTION 10.08.1200 – UNPERMITTED OUTDOOR STORAGE PER LOW DENSITY RESIDENTIAL (LDR) ZONING REQUIREMENTS, TMC SECTION 10.08.3530 - VEHICLES PARKED ON UNPAVED SURFACE , AND TMC SECTION 4.12.250 – RUBBISH AND REFUSE OVER THE ENTIRETY OF THE PROPERTY

Shawn Potter, Code Enforcement Officer stated the City of Tracy stands by decision. Ana Contreras, Code Enforcement Manager and Lacy Sterling, Code Enforcement Officer were also present.

Nathan Miller, Appellant asked for explanation of purpose of the Board of Appeals. John Horn was also present.

Board Member questions and comments followed.

Ana Contreras, Code Enforcement Manager introduced Shawn Potter, Code Enforcement Officer to discuss efforts toward compliance. Ms. Contreras noted the September 15, 2018 date set at the last hearing was intended for staff to report on efforts of compliance. Ms. Contreras also commented that these type of cases do not normally come to the Board of Appeals due to Code Enforcement's standard practice of successfully achieving compliance.

Adrienne Richardson, City Clerk addressed the Board and Mr. Miller to clarify that the Board of Appeals' qualifications is not on the Agenda and cannot be addressed at this meeting.

Chairperson Alegre explained that the Board of Appeals will make a decision and the appellant can appeal that decision to City Council if he further disagrees with the Board of Appeals decision.

The Board discussed the lack of evidence of compliance by the appellant and appellant's refusal to allow Code Enforcement onto the property so that an onsite visual inspection could be conducted.

Board Member Aubin explained that Mr. Miller could appeal the code regarding structures that may have been grandfathered in as original buildings on the property prior to the institution of the City of Tracy's permit regulations.

Shawn Potter explained that the matter of the barn and residence was already researched and found that the original buildings on Mr. Miller's property are not in violation.

Board Member Aubin suggested that appellant present a written plan to the Board and Code Enforcement within a certain time and any deviation would cause the citations to stand.

Ana Contreras stated Code Enforcement is open to phasing the violation compliance due dates.

Board Members and staff address potential safety hazards due to noncompliance.

Adrienne Richardson, City Clerk requests that the Board summarize their decision for the record.

ACTION: Motion was made by Board Member Aubin and seconded by Board Member Davis to **uphold with modification** of the appeal the City's Order to Abate Public Nuisance or Show Cause dated March 27, 2018, for violations of the Tracy Municipal Code Section 9.02.040 – Unpermitted Structures with an area greater than 120 Square Feet in violation, TMC Section 10.08.1200 – Unpermitted Outdoor Storage per Low Density Residential Zoning requirements, TMC Section 10.08.3530 – vehicles parked on unpaved surface, and TMC Section 4.12.250 – Rubbish and Refuse over the entirety of the property.

Modification incorporates a systematic plan to phase compliance, which allows for the removal of each citation as it is complied within terms of the plan. The plan must be memorialized in writing and submitted within 30 days of this hearing. Furthermore, appellant must allow access to the property for the purpose of compliance verification by Code Enforcement. Voice vote found all in favor, passed and so ordered. Board Member Caling absent.

6. ADJOURNMENT: Time: 2:10 p.m.

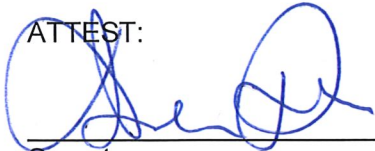
ACTION: Motion was made by Vice Chairperson Yerian and seconded by Board Member Aubin to adjourn. Voice vote found all in favor, passed and so ordered. Board Members Alegre and Caling absent.

The agenda was posted at the Tracy City Hall on September 13, 2018. The above are action minutes. A recording is available at the office of the City Clerk.



Chairperson

ATTEST:



Secretary