

NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Board of Appeals** is hereby called for:

Date/Time: **Thursday, April 19, 2018, 2:00 p.m.**
(or as soon thereafter as possible)

Location: **Room 109, City Hall**
333 Civic Center Plaza, Tracy

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Board of Appeals on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

1. Call to Order
2. Roll Call
3. Items from the Audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Board Member to sponsor the item for discussion at a future meeting.*
4. Approval of January 25, 2018, and March 21, 2018, special meeting minutes
5. RATIFICATION OF RESOLUTION DENYING AN APPEAL AND UPHOLDING A CITY OF TRACY NOTICE AND ORDER DATED OCTOBER 26, 2017, FOR VIOLATIONS RELATIVE TO THE 2016 BUILDING CODE (CBC), 2016 CALIFORNIA PLUMBING CODE (CPC), 2016 CALIFORNIA ELECTRICAL CODE (CEC), 2016 CALIFORNIA FIRE CODE (CFC), THE CALIFORNIA HEALTH AND SAFETY CODE (H&S), THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (UCADB), AND SECTION 10.08.3460(A) OF THE TRACY MUNICIPAL CODE FOR PROPERTY LOCATED AT 714 NORTH CENTRAL AVENUE, TRACY,CA
6. Adjournment

Posted: Tuesday, April 10, 2018

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6105), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Board of Appeals regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 333 Civic Center Plaza, Tracy, during normal business hours.

January 25, 2018, 1:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

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

1. Meeting was called to order at 1:00 p.m.
2. Roll call found Board Members Alegre, Aubin, Caling, Davis, and Yerian present.
3. Items from the Audience – None
4. Approval of Minutes

ACTION: Motion made by Board Member Yerian and seconded by Board Member Aubin to adopt the special meeting minutes of September 29, 2015. Voice vote found all in favor; passed and so ordered.

5. Appoint Chair and Vice Chair

ACTION: Motion was made by Board Member Yerian and seconded by Board Member Caling to nominate Board Member Alegre as Chairperson. Voice vote found all in favor; passed and so ordered.

ACTION: Motion made by Board Member Aubin and seconded by Board Member Davis to nominate Board Member Yerian as Vice Chairperson. Voice vote found all in favor; passed and so ordered.

6. Review of Hearing Procedures – Nira Doherty, Attorney, Burke, Williams & Sorensen, LLP, reviewed the hearing procedures with the Board of Appeals.

Board Member questions followed.

Chairperson Alegre called for a recess at 1:13 p.m.

Chairperson Alegre reconvened the meeting at 2:01 p.m. Roll call found Board Members Aubin, Caling, Davis, Vice Chair Yerian and Chair Alegre present.

7. Hearing on appeal of Notice and Order dated October 26, 2017, for violations relative to the 2016 Building Code, 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Fire Code (CFC), the Health and Safety Code (H & S), the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB), and Section 10.08.3460 (a) of the Tracy Municipal Code. Property Located at 714 North Central Avenue, Tracy. Appellant – Bradley S. Albom, BBS Adventures, LLC. Code Enforcement Case 16CD-0188.

City of Tracy staff present: Bianca Rodriguez – Deputy City Attorney, Jim Decker - Code Enforcement Officer/Building Inspector, Ana Contreras - Community Preservation Manager/Code Enforcement Manager, Scott Owen – Consultant

Daniel Butt, Attorney represented the Appellant, Brad Albom.

City of Tracy presented its case.

Appellant presented its case.

Board Member deliberation followed.

ACTION: Motion was made by Vice Chair Yerian and seconded by Board Member Aubin to continue the hearing to Wednesday, March 21, 2018 at 2:00 p.m. Voice vote found all in favor; passed and so ordered.

8. Adjournment: Time: 5:21 p.m.

ACTION Motion was made by Vice Chair Yerian, and seconded by Board Member Aubin to adjourn the meeting. Voice vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on January 9, 2018. The above are action minutes. A recording is available at the Office of the City Clerk.

Chairperson

ATTEST:

Secretary

March 21, 2018, 2:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

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

1. Chairperson Alegre called the meeting to order at 2:12 p.m.
2. Roll call found Board Members Aubin, Caling, Davis, and Chairperson Alegre present. Vice Chairperson Yerian absent.
3. Items from the Audience – None
4. CONTINUATION OF AN APPEAL OF A CITY OF TRACY NOTICE AND ORDER DATED OCTOBER 26, 2017, FOR VIOLATIONS RELATIVE TO THE 2016 BUILDING CODE (CBC) , 2016 CALIFORNIA PLUMBING CODE (CPC), 2016 CALIFORNIA ELECTRICAL CODE (CEC), 2016 CALIFORNIA FIRE CODE (CFC) THE CALIFORNIA HEALTH AND SAFETY CODE (H & S), THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (UCADB), AND SECTION 10.08.3460 (a) OF THE TRACY MUNICIPAL CODE: PROPERTY LOCATED AT 714 NORTH CENTRAL AVENUE, TRACY. APPELLANT - BRADLEY S. ALBOM, BBS ADVENTURES, LLC, CODE ENFORCEMENT CASE 16CD-0188

Daniel Butt, Attorney on behalf of the Appellant, Mr. Bradley Albom, presented its case.

ACTION: Motion was made by Board Member Davis and seconded by Board Member Caling to uphold the Notice and Order issued to BBS Adventures LLC, on October 26, 2017. Voice vote found all in favor; passed and so ordered.

5. Adjournment: Time: 2:37 p.m.

ACTION Motion was made by Vice Chair Aubin, and seconded by Board Member Davis to adjourn the meeting. Voice vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on March 8, 2018. The above are action minutes. A recording is available at the Office of the City Clerk.

Chairperson

ATTEST:

Secretary

BOARD OF APPEALS
RESOLUTION BOA2018-001

DENYING AN APPEAL AND UPHOLDING A CITY OF TRACY NOTICE AND ORDER DATED OCTOBER 26, 2017, FOR VIOLATIONS RELATIVE TO THE 2016 BUILDING CODE (CBC), 2016 CALIFORNIA PLUMBING CODE (CPC), 2016 CALIFORNIA ELECTRICAL CODE (CEC), 2016 CALIFORNIA FIRE CODE (CFC), THE CALIFORNIA HEALTH AND SAFETY CODE (H&S), THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (UCADB), AND SECTION 10.08.3460(A) OF THE TRACY MUNICIPAL CODE FOR PROPERTY LOCATED AT 714 NORTH CENTRAL AVENUE, TRACY, CA

WHEREAS, the property, which is the subject of this appeal, is located at 714 North Central Avenue, Tracy, California (APN 235-162-09) ("Property"), and

WHEREAS, the Property is owned by BBS Adventures, LLC, Bradley S. Albom (Managing Partner), and

WHEREAS, commencing in December, 2008, the Property was inspected by a City Code Enforcement official and found to have building and electrical code violations, and

WHEREAS, the Property was inspected again on June 28, 2012 and a Notice and Order was issued for hazardous electrical wiring and inadequate exiting facilities as well as the violations from the 2008 inspection, and

WHEREAS, the Property was inspected again on March 24, 2016 and another Notice and Order was issued for structural deficiencies as evidenced by the floor buckling and the brick façade detaching from the front entry way, causing the Property to be unsafe to occupy, and

WHEREAS, a structural engineer inspected the Property, at the request of the City, on August 26, 2016 and determined that there were multiple deficiencies in the structure of the building due to the unreinforced masonry and compromised floor systems on the first and second floors, and

WHEREAS, a Notice and Order was issued on October 26, 2017, which determined that there were numerous conditions on the Property which violated the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB § 302(1)(2)(4)(5)(6)(7)(8)(13)(16)); the California Building Code(105.1, 111.1); the California Plumbing Code (801.2), 803.3, 814.1); the California Fire Code (304.1.1,110.1.1); the California Electric Code (110.3(B), 334.10(3)); the California Health and Safety Code (17920.3(b)(4),(d),(f),(j),(l)); and the Turlock Municipal Code (5.20.050). A copy of the Notice and Order is attached hereto and hereinafter incorporated by reference as Exhibit A, and

WHEREAS, the October 26, 2017 Notice and Order required certain corrective actions, which have not been taken by the Property owner, and

WHEREAS, the Property owner appealed Notice and Order on November 3, 2017, the appeal was based on the following reasons: 1) the time line and deadlines set in the Notice and Order are unreasonable and unachievable given the scope of work and analysis being requested; 2) the demolition option is unreasonable under the UCADB Code cited by the City's notice and that section 403.1.3 of the UCADB should be applied; and 3) any other applicable causes which may come to light, and

WHEREAS, a public hearing was held on January 25, 2018, during which the Board heard and considered all relevant documents relating to the appeal, including but not limited to code enforcement records, and all other relevant documents, oral testimony and all other relevant evidence relating to the Property, the violations set forth in the Notice and Order and the appeal of the Property owner, and

WHEREAS, the Board continued the January 25, 2018, to a future date to allow the City and the Property owner to provide further briefing to the Board, and

WHEREAS, the Board reconvened a public hearing held on March 21, 2018, and again considered all relevant documents relating to the appeal, including but not limited to code enforcement records, and all other relevant documents, oral testimony and all other relevant evidence relating to the Property, the violations set forth in the Notice and Order and the appeal of the Property owner.

NOW THEREFORE, BE IT RESOLVED by the Board of Building Appeals that it hereby makes the following findings based on the evidence, including oral testimony, presented at the January 25, 2018 and the March 21, 2018 hearings:

1. The foregoing recitals are true and correct and are incorporated herein as findings.
2. The Notice and Order dated October 26, 2017, and all violations contained therein, are appropriate interpretations pertaining to the enforcement of the UCADB, the California Building Standards, the Health and Safety Code and the Tracy Municipal Code and the violations are an ongoing health and safety concern.
3. The violations have been continuing to some degree since 2008 and all required actions to correct the violations and the timelines for that corrective action set forth in the Notice and Order dated October 26, 2017 are appropriate and reasonable.

BE IT FURTHER RESOLVED, based on the aforementioned findings, the Building Appeals orders that the Property owner's appeal dated November 3, 2017 is

denied and the Notice and Order dated October 26, 2017 and all orders contained therein are upheld.

The foregoing Building Board of Appeals Resolution BOA2018-001 was passed and adopted by the Building Board of Appeals on the 21st day of March, 2018 by the following vote:

AYES: Aubin, Alegre, Caling, Davis

NOES: None

ABSENT: Yerian

ABSTAIN: None

DENNIS ALEGRE, CHAIR

ATTEST:

Adrienne Richardson, City Clerk