

ZONING HOUSING AND BUILDING CODES APPEALS BOARD

March 27, 2018 MINUTES

IN ATTENDANCE:

Board Members

Ray Bettencourt (RB), Chairperson
Tom Echavez (TE)
Capri Roth (CR)
Neil Rabbitoy (NR)

Code Enforcement Staff

Gary Beretta (GB)
Alison Fletcher (AF)
Lauro Vazquez (LV)

Fire District Staff

Lynn Osgood (LO)

Interested Parties

Steven Summers (SS), Property Manager for Novato Square at 2001 Novato Blvd.
Mohammed Hadji (MH), Business owner for Marin Fitness at 2001 Novato Blvd., #2025
No one was present for 704 McClay Road

Meeting called to order at 9:00a.m.

Action minutes, contents of statements have been paraphrased for length and clarity. (AF)

Supervising Code Enforcement Officer Gary P. Beretta (GB) introduced the hearing.

Item 1. Marin Fitness at 2001 Novato Blvd., #2025

Issue at hand: Complaint driven case on property maintenance

GB: Presented case via PowerPoint

SS: Speaking as property manager for Novato Square which is owned by his cousin. Spoke for approx. 25 minutes outlaying his role in managing the property, what the owner is responsible for (exterior repairs and maintenance, roof specifically mentioned for this case) vs what the tenant or business owners are responsible for (all interior improvements and repairs). He said that he'd had difficulty working with the city in order to get a permit for roof repairs because of this open case. Explained there had been a problem with the fire sprinklers (painted over by tenant). Said that owner (MH) had complained that he didn't have the money to make various repairs so he lowered the rent by \$2000 a month. He believes there is big problem with miscommunication and a lack of understanding the problems by MH. He has had numerous conversations via phone and in person with MH and GB, LV, LO. Yes there was a leak but that repair was delayed due to heavy rains.

TE: Is the roof repaired?

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SS: He thinks so but again there have been issues due to weather conditions, city permitting process, some kids trespassing riding bikes on the roof. Mentioned that they found a leaking pipe and that Marin Fitness HVAC system was the cause of the leak which is MH's responsibility, not the property owners.

NR: Asked SS to explain the chronology of when issues/violations were discovered.

SS: Said that his cousin was interested in trying to develop the property but is having trouble due to city requirements. He knows MH has been a very long-term tenant but just doesn't seem to understand the issues or who is responsible. His 'guys' at ASTI found the problem with the sprinklers at the same time the city noted the violations. Said MH painted walls and sprinkler heads and that MH would continually say he would take care of it but kept stalling.

MH: Spoke for about 20 minutes. Has owned the business for 22 years. The roof has been leaking for a long time he'd tried many times to contact the owners with no success. He thinks the mold and water damage is all the roof and doesn't believe it's his responsibility, that he should be compensated. In September GB and a fire inspector shut down the business because it was unsafe, says they did it without any warning to him. Says the sprinklers are not painted. Called 25 sprinkler companies and not one was available. LO was a no show due to family illness for a week to inspect sprinklers and reopen business. (SS disputes this) Believes he is in compliance with fire/exit door requirements, but has been given different information by different inspectors. One says it's okay then another comes along and says it's not, very frustrating. The notices he has received don't make sense, he continues to hold that it is the roof not HVAC and therefore the property manager/owners responsibility to fix. Ceiling tiles have to be removed as mold or sagging is noticed and they have to be specially ordered from a place up north that is why there are frequently tiles are missing when inspections have occurred. Trying to avoid something falling on a gym member. Electrical can be fixed. He asks staff not to do certain things over and over but they continue to, for example, store items in water heater closet. He asks member not to, for example, block fire exits and they just keep doing it, and has had to terminate memberships because people do not comply. Does not understand GB's explanations of the fines.

TE: Asks if they have a lease.

MH. Yes. As far as fees go thinks it's not his roof it's not his problem.

CR: Asks for clarification about who is actually assessed fines.

GB: Indicates they are assessed on the property and the owner, the city would not know the specifics of the lease agreement.

CR: States that then it would appear the fines go to the owner and it would be up to the landlord and tenant to suss out who ultimately pays the fines.

MH: Continues to questions fees and fines, why these problems weren't called out by previous building inspectors.

SS: Reiterates that they lowered the rent so MH should have the money to pay for repairs. He is in regular touch with GB regarding the property as a whole, not only Marin Fitness.

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RB: Believes it is clear that the matter is between them and not the board's role to determine who pays or makes repairs.

CR: Made motion to follow staff recommendations.

TE: Repeats generally RB's point

NR: Second

RB: Agrees, so entered. Reads the right of appeal.

Item 2. 704 McClay Road, APN: 140-241-03, CE-HI14-0203

Issue at hand: Permit violations found during resale inspection.

AF: Gave background on resale inspection and property ownership specific to this address. Then presented Power Point, and paraphrased recent email from homeowner stating inability to pay.

CR: Moves for staff to take city recommendation.

TE: Seconds.

RB: Agrees, so entered. Reads the right of appeal.

Item 3. Overview of new citation program going into effect per NMC 1-7.

GB: Presents PowerPoint

Board members ask some questions for clarification. CR says that she knows we are patient with owners and tenants and just hopes that a citation program won't be too aggressive in working with the community.

AF and GB assure that the intent is not to punish unduly or too harshly and that staff will continue to work with the public in order to gain compliance.

Meeting adjourned at approx. 10:40am.