



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING  
Wednesday, September 26, 2012**

The Building and Standards Commission convened in a regular meeting on Wednesday, September 26, 2012 at 301 West 2<sup>nd</sup> Street, Austin, Texas.

Chairperson Dr. Ethelynn Beebe called the Commission Meeting to order at 6:39 p.m.

**Commissioners in Attendance:**

Dr. Ethelynn Beebe, Chair; David Brown, Vice Chair; Stacy Kaplowitz, Daniel Gonzalez, Charles Cloutman, Steven Alloway

**Staff in Attendance:**

Christopher Moore, Commission Coordinator; Sonja Prevo, Commission Coordinator; Steve Ramirez, Assistant Division Manager; Ron Potts, Assistant Division Manager; Kathleen Buchanan, Assistant City Attorney; Carl Smart, Director; Dan Cardenas, Assistant Director; Keith Leach, Assistant Director; Jerry Reynolds, Supervisor; Jonathan Josephson, Supervisor; Todd Wilcox, Supervisor; Doug Baggett, Investigator; Malcolm Mills, Investigator; Mario Ruiz, Investigator; Matthew Noriega, Investigator; Alanna Reed, Community Outreach Coordinator; Gay Thomas, Municipal Court Coordinator; Richard Davis, Assistant Fire Chief.

1. **CITIZEN COMMUNICATION: General**  
There were no citizen's communications.

2. **PUBLIC HEARINGS**

- A. **Wood Ridge Apartments, 1900 Burton Drive, Buildings 1-15; W Ridge Apts., LLC**

CL 2012-052362	CL 2012-052509	CL 2012-052515
CL 2012-052496	CL 2012-052510	CL 2012-052517
CL 2012-052500	CL 2012-052511	CL 2012-052518
CL 2012-052503	CL 2012-052513	CL 2012-052519
CL 2012-052506	CL 2012-052514	CL 2012-052521

- i. Progress update given by Ginger Bernstein – Regional Supervisor for Asset Plus Management.
    - ii. City Staff's update given by Todd Wilcox and Alanna Reed.
    - iii. Public Comments: Claudia Gonzales - (tenant); Teresa Martinez - (tenant); Ruby Roa - (community activist); Doug Robb - (tenant)
    - iv. A motion to recommend the City Council to direct the City Manager to confer with staff regarding the revocation of certificate of occupancy for Wood Ridge Apartments was made by Commissioner Daniel Gonzalez; Vice-chair Commissioner Brown second. The motion failed on a 4-2-0 vote.

- B. **1701 Toomey Road; Shambala Corporation**

CL 2012-069447

- i. 1701 Toomey Road is an occupied commercial structure. Travis Central Appraisal District shows that Shambala Corporation is the property owner. This case was represented by the Roger Chan (consultant) and John Schwarzschild (manager).

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property.

Order any necessary permits be secured; order the owner or owner's representatives to provide an approved fire apparatus access road to the rear commercial building at the southeastern corner of the property. The fire apparatus access road shall comply with the requirements of section 503.1.1 and all applicable codes and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Fire Code.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided, or
3. As an alternative method of compliance for approved fire apparatus access, the garden area may be restored back to its original form where access could be utilized.

Order the owner or owner's representatives to provide an accessible means of egress from the rear commercial building. The egress shall be a continuous and unobstructed way of egress travel from any *accessible* point in a building or facility to a public way. The remedy for this would be to cut an opening in the railing of the outside deck that leads from the side exits of the restaurants. A landing and stairway would be added to enable patrons to exit the deck. This would provide a secondary continuous unobstructed way to an area of refuge.

Order that all repairs or modifications shall meet or exceed the requirements of all applicable codes. The owner or owner's representative shall request inspection(s) to verify compliance.

Order compliance with these requirements to be completed within 30 days from the date this order is mailed to the owner. If compliance is not achieved within the 30 days, a civil penalty of \$5,000 per week shall be assessed until compliance is achieved, including securing all required permits and passing all required inspections.

- ii. Public Comments: Alastair Jenkin – (developer for adjacent property); Carl Lindermen – (neighbor); Marion Molotock – (patron)
- iii. A motion was made by Commissioner Gonzalez to amend staff's recommended Order was adopted, as follows: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the commercial structure located on the property be repaired with final inspections passed within ninety (90) days of the date the Order is mailed to the owner that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after ninety (90) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

Commissioner Cloutman second; the motion passed with a 6-0-0 vote.

**C. 2603 Hillview Road; Rufina Hemmasi**

**CL 2012-089066**

**2603 Hillview Road is a residential family structure. Travis Central Appraisal District shows that Rufina Hemmasi is the property owner. This case was represented by the property Majid Hemmasi.**

**The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.**

**Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the residential single family structure located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$250.00 per week shall be assessed until work is completed with final inspections passed.**

**A motion was made by Commissioner Gonzalez to amend staff's recommended Order was adopted, as follows: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the residential single family structure located on the property be repaired with final inspections passed within sixty (60) days of the date the Order is mailed to the owner that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after sixty (60) days, a penalty of \$250.00 per day per violation shall be assessed until work is completed with final inspections passed.**

**Commissioner Kaplowitz second; the motion passed with a 6-0-0 vote**

**D. 3109 East Cesar Chavez Street; Auspro Enterprises, LP**

**CL 2012-069447**

**3109 East Cesar Chavez Street is a commercial structure. Travis Central Appraisal District shows that Auspro Enterprises, LP is the property owner. This case was represented by the property Phil Moncada (consultant).**

**The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.**

**Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the residential single family structure located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$5000.00 per week shall be assessed until work is completed with final inspections passed.**

**A motion was made by Commissioner Cloutman to accept staff's recommended Order.**

**Commissioner Alloway second; the motion passed with a 6-0-0 vote.**

**E. 5330 Fleming Court; Flemtex Properties c/o CT Corporation**

**CL 2012-032370 (returning case from April's BSC Hearing)**

**5330 Fleming Court is a commercial structure. Travis Central Appraisal District shows that Flemtex Properties c/o CT Corporation is the property owner. This case was represented by the Nikkel Meade (attorney) and Chad Williams (agent for property owner).**

In April, the Commission accepted staff's recommended order; due to unforeseeable circumstances associated with coming into compliance under the allotted time of the order that was issued in April, the Commission granted an additional 90 days for compliance at the request of the owner's representatives.

A motion made by Commissioner Kaplowitz to accept the recommended order with a change from 30 days to 90 days per the original order.

Vice Chair Brown second; the motion passed with a 6-0-0 vote.

**F. 817 West 5<sup>th</sup> Street; Luckeme, LLC**

CL 2012-045799 (returning case from May's BSC Hearing)

817 West 5<sup>th</sup> Street is a commercial structure. Travis Central Appraisal District shows that Luckeme, LLC is the property owner. This case was represented by Claire Subt (interested party), Rebecca Melancon (interested party) and Jim Herbert (consultant).

The Commission heard testimony from the property owner's representatives as to why relief should be granted from the existing penalty.

A motion was made by Commissioner Cloutman to take no action on the Agreed Order that was signed in May.

Commissioner Gonzalez second; the motion passed with a 6-0-0 vote.

**G. 310 East 6<sup>th</sup> Street; Craddock Ventures, LLC**

CL 2012-045836 (returning case from May's BSC Hearing)

310 East 6<sup>th</sup> Street is a commercial structure. Travis Central Appraisal District shows that Craddock Ventures, LLC is the property owner. This case was represented by Oscar Miranda (sub-tenant) and Hector Cardenas (attorney for tenant).

The Commission heard testimony from the representatives as to why the case should be reheard by the Commission as a future agenda item.

A motion made by Commissioner Gonzalez to return the case for reconsideration on a future agenda only if the property is not eligible for a civil penalty off-set and if the penalties accrued are not exceeded or matched by the cost of repair to achieve compliance of the property.

Commissioner Alloway second; the motion passed with a 6-0-0 vote.

**H. 904 West Avenue, Unit 211; Marisa Ravalli and Jiri Prihoda**

CL 2012-079565

904 West Avenue, Unit 211 is an occupied commercial multi-family structure. Travis Central Appraisal District records shows Marisa Ravalli and Jiri Prihoda are the owners of this property. This case was represented by the owner and their representatives.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the commercial multi-family structure located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

**A motion was made by Vice-chair Brown to accept staff's proposed Agreed Order.**

**Commissioner Gonzalez second; the motion passed with a 6-0-0 vote.**

**3. EXTENSION OF MEETING**

**Commissioner Cloutman made a motion to extend the hearing beyond 10 pm. Vice-chair Brown second; the motion passed with a 6-0-0 vote.**

**4. APPROVAL OF MINUTES**

**Commissioner Alloway's made a motion to approve the minutes from the August 22, 2012 meeting. Commissioner Gonzalez second; the motion passed with a 6-0-0 vote.**

**5. ADJOURNMENT**

**Chairperson Dr. Beebe adjourned the meeting at 10:55 pm without objection.**