

**BEFORE THE BUILDING AND HOUSING
BOARD OF APPEALS
OF
THE CITY OF STOCKTON**

Appeal of Christopher J. Bennett

Re: 1825 through 1831 Pacific Avenue (APN: 137-020-42)

Case No. 12-100159

LEGAL INTEREST OF APPELLANT

Appellant Christopher J. Bennett (“Bennitt”) is the record title holder of the real property located at 1825 through 1831 Pacific Avenue, Stockton, California 95204 (APN: 137-20-42) (the “Property”) that is the subject of this appeal.

DISPUTED ORDER AND ACTION

Bennitt appeals the City of Stockton’s (the “City”) issuance of a Notice and Order to Vacate and Cease and Desist All Operations (“Notice and Order”) for the Property, dated June 7, 2017. Bennitt protests the City’s finding of building and fire code violations at the Property. Specifically, Bennitt disputes the existence of the violations detailed in the Notice and Order, as well as the nature, scope, severity, and extent of those alleged violations.

Additionally, Bennitt protests the City’s determination that the Property presently exists in such a hazardous and dangerous condition that an emergency exists justifying the City’s evacuation of the Property. According to the Notice and Order, the City has been aware of many of the alleged violations for several years. Furthermore, many of the alleged violations were allegedly discovered by the City during its most recent inspection of the Property in April 2017. If the violations allegedly discovered by the City during its April 2017 inspection, and previously, posed an “immediate threat to the life, limb, health, safety, and welfare of the public at large and the occupants of [the] Property,” the City would have, and should have, exercised its authority to evacuate the Property immediately. Instead, the City waited until June 7, 2017, or approximately two months, to issue the Notice and Order. This delay undermines the City’s determination that the Property is in a dangerous and hazardous condition justifying immediate evacuation. If the Property was truly in such a condition, the City had a duty to act immediately and, by delaying, the City would be admitting that it failed to carry out its duty to protect both

the public at large and the occupants of the Property from being endangered. Ultimately, the City's inaction belies its contention that immediate vacation of the Property was warranted.

Finally, Bennitt protests the validity of the Notice and Order insofar as it is defective on its face and fails to contain certain language and express rights required to be stated by the Uniform Code for the Abatement of Dangerous Buildings, as adopted through the City's Municipal Code.

RELIEF REQUESTED

Bennitt requests that the Notice and Order be set aside, that immediate reoccupation of the Property be allowed, for an order declaring that (1) the Notice and Order is defective, and (2) that the City's actions were an unlawful and/or improper abuse of power, and for such other relief as the Board determines is appropriate.



ANTHONY L. VIGNOLO
Attorney for Christopher J. Bennitt

VERIFICATION

I, Christopher J. Bennitt, declare under penalty of perjury under the laws of the State of California that the matters stated in this appeal are true and correct, and that this declaration was executed this 15th day of June 2017 at Stockton, California.



Christopher J. Bennitt