

BUILDING BOARD OF APPEALS CODE UPDATE

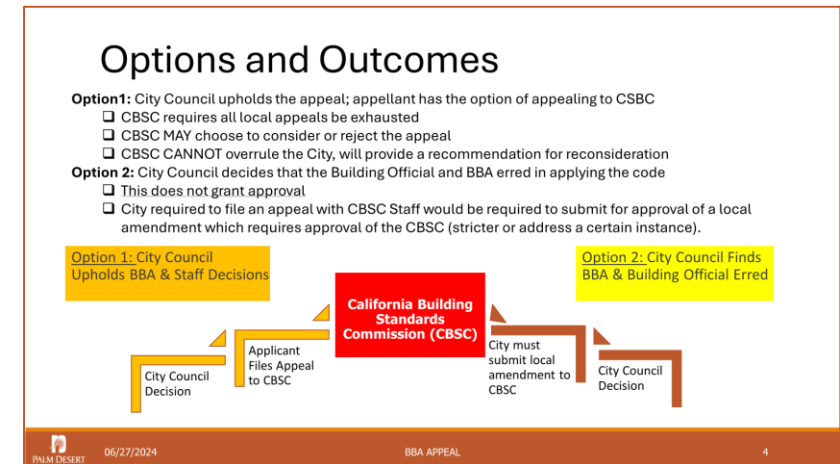
**CITY COUNCIL STUDY SESSION
SEPTEMBER 12, 2024**



Purpose

The purpose of the proposed update is two-fold:

1. Establish a realistic expectation of what can be appealed.
2. Streamline the appeal process.
 - Building Board of Appeals (BBA) final decision
 - Appeal of BBA may be appealed to the California Building Standards Commission



Recommendation

1. Clarify Appeal Procedures

- The strict enforcement of a building code standard by the Building Official would no longer be appealable.
 - Aligns with the appeal procedures for City Council
 - Cannot appeal a ministerial decision that does not involve the exercise of administrative discretion or personal judgment.

2. Update Board Membership Requirement

- Require that members possess a thorough understanding of the California Building Code and related city regulations and ordinances.

Recommendation

3. Clarify Decision Authority

- BBA has no authority to waive requirements of any code, which is consistent with California Building Code Section 113.2.
- BBA shall either approve, approve with modifications, or deny the appeal, and shall specify any conditions or limitations imposed.
- BBA decision shall be final, and a written decision shall be sent to the appellant informing them that they may file an appeal with the CBSC pursuant to California Administrative Code Section 1-303(a).
 - This appeal procedure allows an individual to file an appeal directly to CBSC, and not in conjunction with the City.
 - The CBSC is not obligated to act on or consider the appeal and may choose to either review or reject it.

Discussion
