



# County of Santa Cruz

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## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

**JOHN LEOPOLD**  
FIRST DISTRICT

**ELLENPIRIE**  
SECOND DISTRICT

**NEAL COONERTY**  
THIRD DISTRICT

**TONY CAMPOS**  
FOURTH DISTRICT

**MARK W. STONE**  
FIFTH DISTRICT

AGENDA: 2/10/09

January 29, 2009

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: ANNUAL REPORT OF THE BUILDING, ACCESSIBILITY  
AND FIRE CODE APPEALS BOARD

Dear Members of the Board:

Attached is the 2008 Annual Report of the Building, Accessibility and Fire Code Appeals Board. I recommend that the Board accept and file this report.

Sincerely,

NEAL COONERTY, Chairperson  
Board of Supervisors

NC :pmp  
Attachment

cc: Building, Accessibility and  
Fire Code Appeals Board

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**BUILDING, ACCESSIBILITY AND FIRE CODE APPEALS BOARD  
(Formerly the Building And Fire Code Appeals Board)**

**2008 ANNUAL REPORT**

**I. ROLE OF BOARD**

County Code Section 2.100 establishes the Building, Accessibility and Fire Code Appeals Board and sets forth their Powers and Duties as follows:

The Board shall exercise the following responsibilities within the jurisdiction of the County; except that, for purposes related to the fire code, the Board shall have no responsibilities with respect to any unincorporated area of the county that lies within the jurisdiction of a fire protection district:

- A. Determine the suitability of alternate building materials and methods and types of construction for use in the County;
- B. Interpret the provisions of the fire code adopted by Chapter 7.92, the provisions of the uniform codes adopted by Chapter 12.10, and the provision of the grading regulations adopted by Chapter 16.20 of the Santa Cruz County Code;
- C. Consider recommendations to the Board of Supervisors concerning improvements of building, grading and fire regulations for the County;
- D. Hear all appeals filed by persons pursuant to provisions of Chapter 7.92 and 12.12 of this code;
- E. Hear all appeals filed by persons regarding actions taken by the building department of the County in the enforcement of the requirements of Sections 19955 et. seq. of the Health and Safety Code.;
- F. Render final decisions on all appeals brought before the Board;
- G. Exercise any other responsibilities which may be set forth in the Board bylaws and rules of investigation, approved by the Board of Supervisors.

**II. MEETING DATES**

Special meetings of the Board are held from time to time as necessary to hear appeals, or upon request of the Chief Building Inspector of the Planning Department, the Fire Marshal, or a member of the Board.

No valid appeal was filed during the 2008 calendar year.

One meeting was scheduled in 2008. That meeting was scheduled on July 23, 2008 for the purpose of electing a Chair and Vice Chair; to establish term expiration dates by lot; and to consider recommended amendments to the Board's By-Laws. At the beginning of the meeting, a member of the public questioned whether the meeting had been appropriately noticed. The meeting was subsequently halted when staff could not verify that the agenda had been properly posted in a public location prior to the meeting.

Subsequently, upon further review by County Counsel's Office, it was determined that the terms of all of the members of the Board had in fact expired, and that action by the Board of Supervisors was required to fill the vacancies. The Board of Supervisors thereafter initiated the reappointment process in late 2008, and final appointments were made on January 27, 2009.

### III. BOARD STRUCTURE

In 2008, the Board of Supervisors enacted an ordinance revising Chapter 2.100 including changes to the membership requirements of the Appeals Board:

- A. The Board shall now consist of five at-large members appointed as follows:
  - 1. Two members specifically knowledgeable about issues related to accessibility for persons with disabilities;
  - 2. Two members with at least five years experience in California as either a licensed contractor, a licensed civil engineer, or a licensed architect; and
  - 3. One member representing the public.
- B. Each member of the Board must be:
  - 1. Qualified and specifically knowledgeable in the California Building Standards Codes and the Building and Fire Codes of the County of Santa Cruz;
  - 2. A resident of the County; and
  - 3. Not a current employee of the County of Santa Cruz.

### IV. BOARD STAFF

The Building Inspection Division of the Planning Department provides staff support for the Board for all building appeals, and the Fire Marshal provides staff

support for the Board for all fire code appeals. The Chief Building Inspector or the Fire Marshal, as appropriate, serves as the administrative secretary to the Board and prepares and mail the agendas, takes minutes of each meeting, and performs other duties as directed by the Board.

V. ATTENDANCE

Three members represent a quorum.

VI. GOALS

There were no specific goals set for calendar year 2008.

VII. FUTURE GOALS

For calendar year 2009, the Board will meet at least once to elect Officers, and consider amended By-Laws. In addition, the Board will also be convened to hear any appeals within their jurisdiction that are filed in 2009.

VIII. RECOMMENDATIONS

None

## CBD BOSMAIL

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From: CBD BOSMAIL  
Sent: Monday, February 09, 2009 9:05 PM  
To: CBD BOSMAIL  
Subject: Agenda Comments

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**Meeting Date** : 2/10/2009

**Item Number** : 19

**Name** : Rose Marie McNair

**Email** : realrose@norcalbroker.com

**Address** : Not Supplied

**Phone** : 831 476 2102

**Comments** :  
Feb. 10, 2009

Honorable Supervisors:

When will the Building, Accessibility and Fire Code Appeals Board meet? Most commissions have fixed monthly dates and times for meetings. That way, the public knows when to expect hearings to take place. I presume you have fixed dates for all the commissions and that they are calendared? For example, the Housing Advisory Commission meets on the first Wednesday of each month.

I will continue to ask why the requirements under CBC 108.8 for an existing housing appeals board are not addressed by the County? Shall we presume that you will handle existing housing issues under this BAFCAB?

Please address these issues in the record.

Thank you,  
Rose Marie McNair, Broker/REALTOR(R)  
831 4762102

## **CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Monday, February 09, 2009 7:05 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 2/10/2009

**Item Number :** 19

**Name :** Erik Zinn

**Email :** enzinn@cruzio.com

**Address :** 2231 40th Avenue  
Santa Cruz, CA 95062

**Phone :** 831.476.8443

### **Comments :**

Re: Accept and file annual report of the Building, Accessibility, and Fire Code Appeals Board [BAFCAB], as recommended by Chairperson Coonerty

I recommend that for 2009 the Board Of Supervisors consider creating a regular monthly meeting time for the BAFCAB for a specific weekday in the evening for the following reasons:

■ There is a large amount of work to be done, by this very import Board, such as working upon by laws and meeting protocols and electing officers, PRIOR to even hearing the first appeal. Developing regular monthly meeting times will expedite this process.

2. There is a huge amount of public interest in the BAFCAB, particularly regarding the Item I C in Supervisor Coonerty's letter: "Consider recommendations to the Board of Supervisors concerning improvements of building, grading and fire regulations for the County". Attempting to achieve this goal with sporadic meetings solely focused upon an appeal and little public input is unrealistic in my opinion.

3. I recommend that the meetings be held in a room large enough to comfortably hold at least the number of people whom attended the ill-fated July 2008 meeting.

4. I recommend that monthly meetings be held on a weekday after 6:00 pm to encourage wider participation by the many responsible citizens who would otherwise be unable to attend due to work and family committments. Additionally, holding regular monthly meetings at this time will allow the BAFCAB members the opportunity to properly do their job in a comfortable measured fashion that does not regularly interfere with their daily job and family responsibilities.

Thank you for consideration.

Sincerely,  
Erik N. Zinn

## CBD BOSMAIL

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**From:** CBD BOSMAIL  
**Sent:** Monday, February 09, 2009 2:42 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 2/10/2009

**Item Number :** 19

**Name :** Cove Britton

**Email :** cove@matsonbritton.com

**Address :** Not Supplied

**Phone :** 831/425-0544

**Comments :**  
February 9, 2009

Agenda 2/10/09

RE: Annual Report of the Building, Accessibility, and Fire Code Appeals Board

Dear Members of the Board,

I have a few concerns regarding the annual report which I wish to bring to the Board's attention:

1. Under County Code 2.38.130 Meetings (A) "Each commission and committee meeting shall be open and public. All commission and committees shall hold regular meetings." (Please note under section 2.38.030 the Appeals Board is a commission).

The staff report (under II. Meeting Dates) does not note that regular meetings must be held.

2.1 would like to bring special attention to section I. Role of the Board ( C ) "Consider recommendations to the Board of Supervisors concerning improvements of building, grading and fire regulatoris for the County."

Regular meetings must be held in order to perform the "duty" (2.100.050 "C") noted above.

3. The staff reports states under II. MEETING DATES "No valid appeal was filed during the 2008 calendar".

Under county code 12.12.060 "the Building Appeals Board shall review the relevant documents to determine whether the appellant has properly presented a matter for consideration by the Board." .

With all due respect to staff, it is the responsibility of the Appeals Board to determine the validity of an appeal. The staff report acknowledges appeals were filed, but staff decided they were not "valid", thus the legislative body (as defined under the Brown Act) was not presented with the appeal(s) as required. In other words, I believe the "appeals" heard by the Deputy Zoning Administrator, but addressed to the Building Appeals Board, well may be a violation of the Brown Act.

This again highlights the need for regular meetings; regular meetings allow the public to present objections to the appropriate legislative body with out the "filter" of staff.

2/10/2009

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Thank you for the Board's consideration.

Sincerely,  
Cove Britton  
Architect  
Matson Britton Architects

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2/10/2009