

ORDINANCE NO. 1741 (2024 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING SECTION 15.04.020, SUBSECTION N, OF THE SAN LUIS OBISPO MUNICIPAL CODE

WHEREAS, the membership requirements for appointment to the Construction Board of Appeals is established in the City of San Luis Obispo Advisory Body Handbook and the Building Construction and Fire Prevention Code of the City of San Luis Obispo, 2023; and

WHEREAS, the Building Construction and Fire Prevention Code of the City of San Luis Obispo, 2023 is adopted under Title 15 of the City of San Luis Obispo Municipal Code; and

WHEREAS, the disability representative position of the Construction Board of Appeals has been vacant since April 1, 2022; and

WHEREAS, expansion of eligibility for the disability representative position could assist in filling the vacancy; and

WHEREAS, the requirements for membership are established locally; and

WHEREAS, the language of Health & Safety Code §19957.5 is permissive as to the creation of a local accessibility appeals board; and

WHEREAS, the amendments herein do not require the City Council to make express findings for local amendments not considered a “building standard” as defined by Health and Safety Code Section 18909(c).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically the California Health & Safety Code Sections 17958.7 and 18941.5. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant effect on the environment.

SECTION 2. Findings. The City Council finds that each amendment referred to in the ordinance are reasonably necessary and are not considered a “building standard” as defined in Health and Safety Code Section 18909(c).

SECTION 3. Subsection N of Section 15.04.020 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

N. Amend Chapter 1, Division II, Section 113 to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official or fire code official relative to the application and interpretations of the California Building Standards Code, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, and the International Property Maintenance Code, and standards referenced by Title 15 of the City of San Luis Obispo Municipal Code, there shall be and is hereby created a Board of Appeals. The building official or fire code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of this code. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability to authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code.

113.3 Qualifications. The board of appeals shall consist of seven members, five of which who are qualified by experience and training to pass on matters pertaining to building construction and building service equipment, hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction.

SECTION 4. The Chief Building Official and Fire Code Official are hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 5. If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City of San Luis Obispo hereby declares that it would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this ordinance.

SECTION 6. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 3rd day of September 2024, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of _____ 2024, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk