



Department: Community Development
Cost Center: 4006
For Agenda of: 10/1/2024
Placement: Consent
Estimated Time: NA

FROM: Timmi Tway, Community Development Director
Prepared By: Michael Loew, Deputy Director/Chief Building Official

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1741 (2024 SERIES) TO AMEND QUALIFICATION FOR CONSTRUCTION BOARD OF APPEALS

RECOMMENDATION

Adopt Ordinance No. 1741 (2024 Series) entitled, "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," which will remove the local requirement to maintain an Accessibility Board of Appeals pursuant to Health and Safety Code 19957.5.

POLICY CONTEXT

City Charter Section 1202: Eligibility, Appointment, and Length of Terms – permits nonregistered voter and non-city resident participation on citizen committees, commissions, boards, and authorities depending upon the nature and purpose of the advisory body, as determined by City Council. City Council approval is required to amend the Advisory Body Handbook revising the participation requirements for committee members.

The specific qualifications for appointment to the Construction Board of Appeals are established under Municipal Code Title 15.04.020 Section 113 and in the Advisory Body Handbook under the Bylaws of the board.

DISCUSSION

Background

On September 3, 2024, the City Council voted 5-0 to introduce Ordinance No. 1741 (Attachment A), which amends Municipal Code Section 15.04.020 Subsection N, and removes the local requirement to establish an Accessibility Board of Appeals pursuant to California Health and Safety Code Section 19957.5. Currently, this municipal code section requires the Construction Board of Appeals (CBOA) to have two physically disabled members, two members experienced in construction, and one member of the public. The amendment to the municipal code allows the City Council to establish local qualifications in the bylaws of the CBOA.

Additionally, based on CBOA's recommendation, the City Council adopted [Resolution No. 11519 \(Series 2024\)](#), which modifies the qualifications in the bylaws of the board. Resolution No. 11519 (2024 Series) ensures the CBOA has representation for the physically disabled community and allows advocates who represent them to fill these positions. A vacancy for a physically disabled representative has existed on the board since April of 2022. Furthermore, the updated bylaws now consider applicants eligible to fill the physically disabled community representative positions even if they do not meet the registered voter and residency requirements.

Previous Council or Advisory Body Action

On November 15, 2022, Council adopted [Resolution No. 11377 \(2022 Series\)](#) amending the Human Relations Commission's (HRC) purpose statement and bylaws section of the Advisory Body Handbook. The amendment expanded the residency requirements for two of the commissioner positions allowing up to two members to be residents and registered voters of San Luis Obispo County or Cal Poly campus with a significant connection to the City of San Luis Obispo. The HRC amendments were supported by the HRC itself as well as the Diversity, Equity, and Inclusion (DEI) Taskforce.

On December 5, 2023, Council adopted [Resolution No. 11462 \(2023 Series\)](#) amending the Mass Transportation Committees bylaws section of the Advisory Body Handbook. The amendment modified the residency requirements for the person with disability position and provides a pathway for the position to be filled by an individual who represents the physically disabled community.

On April 25, 2024, during a Regular Meeting, the Construction Board of Appeals [voted to recommend the amendments](#) as proposed in this report.

On September 3, 2024, the City Council voted 5-0 to introduce [Ordinance 1741 \(2024 Series\)](#) that will amend the municipal code and adopted [Resolution No. 11519](#) to amend the advisory body handbook. No changes have been made to the Ordinance since introduction.

Public Engagement

The proposed amendments were discussed at a public meeting of the Construction Board of Appeals on April 25, 2024. This item was introduced at a public hearing during a regular meeting of the City Council on September 3, 2024, which allowed for public comment and followed the required postings and notifications.

CONCURRENCE

The current Construction Board of Appeals membership and Office of Diversity, Equity, and Inclusion concurs with these recommendations. The report and ordinance have been reviewed by the Finance Department and City Attorney's Office.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to the recommended action in this report because the action does not constitute a “project” under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: NA
 Funding Identified: NA

Budget Year: 2024-25

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$NA	\$NA	\$NA	\$NA

There are no fiscal impacts associated with the proposed Ordinance.

ALTERNATIVES

1. **Council may decide to modify the Ordinance before adoption.** Depending on the changes proposed, modifications of the Ordinance may require reintroduction and then adoption during a subsequent public hearing, which will delay implementation of Ordinance.
2. **Council could decide not to adopt the Ordinance and require the CBOA to be established pursuant to Health and Safety Code 19957.5.** This action is not recommended by staff because the Council has adopted Resolution No. 11519 (2024 Series) that updates the qualifications for members in the bylaws. The new bylaws would be in conflict with the municipal code if this ordinance is not adopted.

ATTACHMENTS

A - Ordinance No. 1741 (2024 Series)