



Agenda Date: 6/19/2007  
Agenda Placement: 6A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** David Giudice, Supervising Code Enforcement Officer , 299-1347  
**SUBJECT:** Ordinance amending 15.04.090 of the Napa County Code - Board of Appeals

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### **RECOMMENDATION**

Second reading and adoption of an ordinance amending Napa County Code section 15.04.090 to change the composition of the Board of Appeals that decides appeals of orders, decisions or determinations made relative to the application and interpretation of the various Building and Construction Regulations adopted by Chapters 15.12, 15.16, 15.20, 15.24, 15.28, 15.30, 15.32, 15.34, 15.36, and 15.44 of Title 15 of the Napa County Code.

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **EXECUTIVE SUMMARY**

The proposed ordinance is designed to make an administrative and procedural amendment in the Board of Appeals portion of the Napa County Code relating to the Building Code.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Various chapters of Title 15 of the Napa County Code and state building regulations require a board of appeals to decide appeals of orders, decisions, or determinations made by the County's building official relative to the

application and interpretation of Title 15 and state regulations. Section 15.04.090 creates a unified board of appeals, consisting of seven voting members -- one licensed general contractor, one licensed plumbing contractor, one licensed electrical contractor, one licensed mechanical contractor, one licensed architect, and two members of the general public, at least one of whom shall be a physically challenged person familiar with the problems of physical access experienced by persons with disabilities. The qualifications for appointment specified in Section 15.04.090 are more specific, and therefore more time consuming to attain and to maintain, than requirements contained in the County adopted Section 105 of the 2001 California Building Code and Section 203 of the 1997 Uniform Housing Code.

An appeal has recently been filed, challenging an order of the Napa County Chief Building Official, although there is not a fully appointed and operational Board of Appeals. Amendment of section 15.04.090 to modify the number of members and their qualifications is necessary so that a Board of Appeals can be quickly constituted to hear the pending appeal. The proposed ordinance reduces the number of members from seven to five and modifies qualifications of members to those persons qualified by experience and training to pass upon matters pertaining to building construction -- the same qualifications as is specified in Section 105 of the 2001 California Building Code and Section 203 of the 1997 Uniform Housing Code. The ordinance also retains a local requirement that one member have expertise in evaluating issues related to disabled access.

Decisions by the Building Appeals Board will remain appealable to the Board of Supervisors per Napa County Code Section 2.88.

This proposed amendment to section 15.04.090 constitutes a local administrative practice amendment only, unrelated to building standards, and repeals the previously adopted county modifications to the state regulations relating to the composition of the board of appeals. Therefore express findings pursuant to Health and Safety Code sections 17958.5 and 17958.7 are not required.

On June 12, 2007, the Board of Supervisors conducted a first reading of the ordinance by reading the title and waiving the reading of the balance of the ordinance. After conducting a public hearing, the Board voted affirmatively declaring its intent to adopt the ordinance. This item now comes before the Board for the second reading and formal adoption of the ordinance.

County Counsel recommends adoption of the ordinance.

### **SUPPORTING DOCUMENTS**

A . Ordinance

CEO Recommendation: Approve

Reviewed By: Helene Franchi