



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 1/16/2023

ITEM NO: 15

DATE: January 9, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Consider Whether the Town Should Retain a Separate Building Board of Appeals and Provide Direction to Staff.

RECOMMENDATION:

Consider whether the Town should retain a separate Building Board of Appeals and provide direction to staff.

BACKGROUND:

The Town currently has a Building Board of Appeals. As authorized by Section 1.8.8 of the California Building Code, the Town's Building Board of Appeals was established in 1991 to hear appeals from decisions of the Town's Building Official. Examples of appealable decisions are: the application or interpretation of specific California Building Code provisions, such as those related to occupancy load, exiting, or accessibility; or the rejection of requests to use alternative materials or methods not explicitly authorized by the California Building Code. The Building Board of Appeals does not have the ability to waive California Building Code requirements altogether. Since the Building Board of Appeals was established, no appeals have been submitted or heard.

Section 1.8.8 of the California Building Code does provide that a Town Council can assume the duties of hearing appeals from decisions of the Building Official instead of having a separate Building Board of Appeals.

DISCUSSION:

This topic has been scheduled for a discussion of the Town Council to determine whether:

- 1) A separate Building Board of Appeals should be retained; or

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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DISCUSSION (continued):

- 2) The existing Building Board of Appeals should be disbanded and provide that the Town Council will assume the duties of the Building Board of Appeals and hear appeals from decisions of the Building Official.

If the Town Council votes to assume the duties of the existing Building Board of Appeals, a resolution rescinding the enabling resolution (Attachment 1) will be drafted and return to the Town Council for consideration.

COORDINATION:

This report was coordinated with the Town Manager, Community Development Director, and Building Official.

FISCAL IMPACT:

The discussion and possible action will not affect the Town's Budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Resolution 2021-40