



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 2/20/2024

ITEM NO: 17

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DATE: February 12, 2024  
TO: Mayor and Town Council  
FROM: Gabrielle Whelan, Town Attorney  
SUBJECT: Adopt Resolution Repealing the Building Board of Appeals (BBA) Enabling Resolutions and Introduce "An Ordinance of the Town Council of the Town of Los Gatos Designating the Town Council to Hear Appeals from Decisions of the Building Official."

**RECOMMENDATION:**

Adopt resolution repealing the Building Board of Appeals (BBA) enabling resolutions (Attachment 1) and introduce "An Ordinance of the Town Council of the Town of Los Gatos Designating the Town Council to Hear Appeals from Decisions of the Building Official" (Attachment 3).

**BACKGROUND:**

The Town currently has 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.

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

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SUBJECT: Building Board of Appeals

DATE: February 12, 2024

DISCUSSION:

This topic was scheduled for a discussion at the January 16, 2024 Town Council to determine whether:

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

The Town Council voted to disband the existing Building Board of Appeals and assume the duties of the Building Board of Appeals. A resolution rescinding the enabling resolutions (Attachment 1) and an amendment to the ordinance (Attachments 2 and 3) are attached for the Town Council's consideration.

COORDINATION:

This report was coordinated with the Town Attorney's Office, Community Development Department, 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.

Attachments:

1. Building Board of Appeals Resolution
2. Ordinance Redline
3. Proposed Ordinance