

February 5, 2019

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060



Subject: Public Safety and Hazard Management General Plan, Local Coastal Program, and County Code Amendments

Dear Members of the Planning Commission:

One may ask why is California in a housing crisis? Why is Santa Cruz County in a housing crisis?

One may also ask why Santa Cruz County is the least affordable housing market in the world (New Zealand's 2017 International Housing Affordability Survey)?

Thankfully Governor Newsom is suing Huntington Beach over this issue. Essentially Governor Newsom is saying, I don't care what the excuse is...fix it.

Governor Newsom's action is something I personally find very encouraging but also leaves me questioning how do the changes proposed to the General Plan, Local Coastal Plan, and ordinances fit with our Housing Element? With a cursory review it appears the changes are not consistent with the Housing Element, with state legislation, with federal requirements, and not with the California Building Code. So, I am discouraged by the County planning staffs' proposed changes.

However, I was also recently encouraged that a recent complaint (by a local engineer) against a local California Coastal Commission staff person, for rendering an engineering decision without the proper credentials, was up held. Why this is important is that it confirms that government agencies must also follow state laws and legislation regarding the proper credentials. But I am discouraged as this is also a typical problem with County planning staff and the County planning staffs' proposed changes do not address that issue.

And finally, I was encouraged by finding that per federal agency FEMA Floodplain Management Bulletin P-993 (July 2014):

"The safety of all residents takes precedence over neighborhood aesthetics".

While there is repeated note of this requirement in various FEMA/NFIP documents, this is one of the most concise. This statement highlights how important it is, when reviewing the existing General Plan, LCP, and ordinances code changes proposed by the County, that it be done considering the safety of all residents of our community. The aesthetics of our community are vital, but I would hope not at the cost of public safety standards. For instance: we could plan on removing the levee that protects the County building and a large portion of the Santa Cruz community. It would be prettier, more environmentally sensitive, and at some point, the levee may no longer be viable. But I would suggest that prior to

planning these sorts of actions, the community would want to make sure the proper life safety codes be in place. Currently the proper life safety codes and policies are not in place. The County General Plan, LCP, and code are outmoded, out of date, not consistent with the Housing Element, not consistent with the Local Hazard Mitigation Plan, and not consistent with various federal and state requirements regarding public life safety, *and the current proposals exacerbate the problem.*

Example 1

Geologic Hazards, Grading Regulations, Flooding, Erosion Control are all under Planning Code Chapter 16 "Environmental and Resource Protection" erroneously administered under the authority of the planning department. However these issues are building code and under the authority of the Building Official and should be administered by the Building Department. The result is a fundamental flaw in County Planning and Building code. Due to that fundamental flaw, current and proposed County code and policies dangerously conflict with state legislated requirements. The Planning staff and Coastal Commission staff, and code under their policies and jurisdiction, do not meet the requirements to determine building standards and life safety aspects of the code, including how and when a seawall is removed, when one is required, nor the engineering aspects of the seawall. While environmental concerns and mitigations may be appropriate, the Coastal Act currently allows one to protect their homes and infrastructure but does not give authority to override and undermine public life safety code.

Please see attached Exhibit 1 IT'S YOUR BUILDING DEPARTMENT! "A Resource for City and County Elected Official and Managers (and in particular Chapter 4 regarding Mandates for Local Government) published by the California Building Standards Commission (dated June 2017).

Example 2

Example 2 is confirmation that General Plan and the Local Coastal Program must not introduce policies, or create code, that conflict (or could in the near future) with state codes. Please see below concern raised by the State Board of Forestry (contained in Exhibit 2 attached) over the County proposals:

"The primary concern of the BOF (State Board of Forestry) is that the GP/LCP policies are too specific, and some policies read more like standards found in code language".

Example 3

Attached (Exhibit 3) is a portion of the County of San Diego's General Plan Safety Element. Please note the language is not "too specific", does not have policies that "read more like standards found in code language", and makes a point of referring to appropriate California Building Code. However the County General Plan and LCP imply, if not outright dictate, that the Planning Department and Planning code have far more authority than granted them under the California Building Code.

The above are just three examples that highlight the fundamental flaws contained in the current County of Santa Cruz General Plan, LCP, and codes, but are also contained in the revisions proposed. The future and present safety of the public, protection of the existing infrastructure, and homes are threatened by these flaws.

Recommendations:

A. Revise General Plan language to not read "like standards found in code" and clarify what state and federal legislation and codes apply when appropriate.

B. Revise the General Plan and the LCP (Local Coastal Program) so that policies and goals are not intermixed. I.e. the LCP to be a distinct section unto itself.

C. Revise LCP Plan language to not read "like standards found in code" and clarify what state and federal legislation and codes apply when appropriate. Clarify the LCP is not part of the Safety Element of the General Plan nor should it be treated as such in any manner.

D. Revise County code and ordinances so that Planning Code Chapter 16 "Environmental and Resource Protection" Sections 16.10 Geologic Hazards, 16.20 Grading Regulations, 16.22 Erosion Control be properly placed in Chapter 12 Building Regulations. Revise Chapter 13 to contain any issues that were proper planning code concerns that were erroneously placed in Chapter 16 Sections 16.0, 16.20, 16.22 that are not were not building standards contained. The community has been threatened far too long with this intermix of planning code and building code.

E. Verify that the building regulations are indeed following IT'S YOUR BUILDING DEPARTMENT! "A Resource for City and County Elected Official and Managers (and in particular Chapter 4 regarding Mandates for Local Government) published by the California Building Standards Commission (dated June 2017). This includes following the Building Standards Commission recommendations and verifying that adopted modification to building standards findings are legitimate.

F. Place in the General Plan and LCP that all taxes, fees, mitigation fees, in lieu fees, and leasing shall be consistent with Proposition 218 and Proposition 26. In addition, place in the General Plan and LCP that all permits that are affected by said fees and taxes shall require an explanation verifying conformance with Proposition 218 and Proposition 26, including those adopted via resolution.

These are complex issues, but thankfully there are good resources to address them. It is more the political will to correct these issues than a lack of resources to address these issues. Far more is being spent in time and money on the continued reliance on a faulty General Plan etc. than the cost to properly revise. The risk to public safety that has ensued, the high cost of housing, the lack of housing, is demonstrable and is unacceptable.

Consequently, my final recommendation is for the County to conduct expert and proper professional facilitated meetings to address these issues. Attached (Exhibit 4) is a proposal from MIG to provide said services. This proposal is supported by Coastal Property Owners Association of Santa Cruz County, Pajaro Dunes Homeowners Associations, and Rio Del Mar Beach Island HOA .

Thank you for the Commission's consideration.

Cove Britton
Architect





IT'S YOUR BUILDING DEPARTMENT!

A Resource for
City and County
Elected Officials
and Managers



An educational publication
from the California
Building Standards Commission

Ex 1

Third Edition, June 2017

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CHAPTER 1: Introduction

This booklet was developed and is distributed by the California Building Standards Commission with the purpose of assisting elected officials and executive managers of city and county governments to understand the responsibilities of their building department that are established in state law. In the discussions to follow we will identify many mandates of state laws regarding the responsibilities of the local building department, required personnel training and certifications, usage of building permit revenues, introduction of the California Building Standards Code (California Code of Regulations, Title 24) with statewide application, and more.

The information in this booklet should help to better prepare you to manage your building department for the purpose of assuring healthy, safe, sustainable, and accessible buildings and grounds in your community. Most all information herein applies to both general law and charter cities.

The Building Standards Commission's website provides other educational materials for use by local government. Find the following publications at our website

<http://www.bsc.ca.gov>:

- Guide to Title 24
- Guide to the CALGreen Code Nonresidential
- CALGreen Commissioning Guide Nonresidential
- A Public Guide to the Building Standards Adoption Process
- Guide for Local Amendments of Building Standards
- Guide to Filing Permit Surcharge Fees
- Maintaining Your Title 24
- Frequently Asked Questions
- Glossary of Terms
- Accessing State Laws Online
- Accessing State Regulations Online
- Accessing State Legislation Online
- Code Book Fundamentals
- Code Names – A One Page Explanation

CHAPTER 2: Why a Building Department is Necessary

The simple answer is that state law requires every city, county, or city and county, to enforce state law mandating specific requirements for buildings, and to enforce the California Building Standards Code in Title 24, California Code of Regulations. The traditional means for local government to carry out this enforcement mandate is to have a building department. There are several other mandates of state law that will be discussed in this booklet. Notwithstanding the requirements of state law, your community will want safe, accessible, efficient and sustainable buildings within its community.

The California legislative process has resulted in state laws with the intent of ensuring that new and existing buildings provide cost efficient operation, safeguard the environment, and provide safe, healthy, and accessible environments for human occupancy and habitation. There are laws regarding historical buildings requiring present day safety and accessibility, while preserving historical significance. There are laws addressing the thousands of unreinforced masonry buildings that were constructed at a time when resistance to seismic motion was not a major consideration. Cities and counties within the coastal regions of California are required by state law to identify all potentially hazardous buildings and to establish a program for the mitigation of those buildings identified as potentially hazardous.

Over the past several decades, a number of changes have occurred that present challenges for designers and owners of buildings, and for local building departments. For one, the Americans with Disabilities Act of 1990 (ADA), a federal law, is now over 26 years of age. While the ADA's implementing federal standards, such as its Access Guidelines, impacts new construction, the standards also impact preexisting buildings when repaired, altered or added to. There are thousands of retail, office and assembly buildings that were constructed prior to the passage of the ADA. California has enacted laws and building standards for accessibility in new and existing buildings that are intended to be equal to or more.

restrictive than the federal ADA-driven standards. Your building department personnel must be trained and ready to work with designers and property owners wishing to renovate or change the use of a preexisting building, and incorporate accessibility improvements as provided for in Federal and California law, as well as the building standards in Title 24. These accessibility laws and codes provide specific requirements and exceptions for preexisting buildings and historical buildings. When the standards are applied incorrectly, enormous unnecessary costs may result; or the opposite may occur, accessibility may not be provided where it should be.

There are separate federal and California laws and building standards that apply to multifamily dwellings and publicly funded housing, concerning accessibility. These requirements apply to new construction, and to some projects at existing multifamily dwellings constructed after March 13, 1991. Multifamily dwellings constructed after that date may be subject to current accessibility standards when new common areas or additions are made. Only personnel trained and certified in the accessibility laws and building standards will be able to apply the standards correctly.

The laws establishing accessibility requirements in public buildings and multifamily dwellings are structured to provide that accessibility is a civil right, and the failure to provide accessibility is an act of discrimination that will likely result in costly litigation.

Energy efficiency standards (Part 6, Title 24, California Code of Regulations) did not exist for thousands of buildings built in the 1970s and before. The need for energy conservation has increased, such that the energy standards have become more and more restrictive with each edition of the code, every three years.

Adoption of emergency building standards imposing new construction requirements such as building standards affecting exterior elevated elements that were implemented in response to the collapse of an exterior balcony. Emergency building standards are not common, however when implemented it often necessitates immediate enforcement by building departments.

Mandatory green building standards (Part 11 of Title 24, California Code of Regulations) became effective on January 1, 2011, imposing new requirements at construction sites, material selection, water conservation, and more, necessitating training in a whole new code and way of thinking for the design professions, builders, and your building department personnel responsible for enforcement.

Governor issued executive orders or declarations of a state of emergency can affect building departments. These impacts often necessitate redirection of and/or the need to obtain additional resources such as staff and/or equipment. Disasters, including seismic events or flooding, can necessitate that a building department staff immediately respond on an emergency basis to evaluate buildings and structures and determine whether the buildings and structures remain suitable for human occupancy due to the damage sustained. Building departments provide a crucial public service protecting the public in these types of events.

We have mentioned only a few of the important laws and building standards to be enforced by your building department. Only a properly staffed and trained building department is able to effectively carry out activities to accomplish the intent of federal and state law, and the building standards adopted to implement requirements of law. In the next chapter of this booklet we will introduce the various state laws that relate to the operation of a building department and the design, construction and use of buildings. We will also introduce some important state regulations required to be enforced by local government. Later in this booklet we will introduce several important mandates of state law that are to be enforced by local government.

CHAPTER 3: The State Laws and Regulations

In this chapter we will first introduce state laws and state regulations in general and how to access them using the state's websites. Thereafter we will provide the identification of the various state laws and regulations relating to the operation of a local building department along with an abbreviated description. The referenced state laws are available at the state website

<http://leginfo.legislature.ca.gov/faces/codes.xhtml> . Referenced state regulations are available at the Office of Administrative Law website <http://www.oal.ca.gov>. See the Note on the following page for an exception regarding the availability of Title 24.

Introduction of State Laws:



California state laws are enacted through California's legislative process involving the State Senate and Assembly of the legislative branch of state government, and the Governor and Secretary of State in the executive branch of state government. The laws are divided into 29 separate codes, each with an identifying name. A listing of the 29 codes of state law is available at the state website

<http://leginfo.legislature.ca.gov/faces/codes.xhtml> . The Health and Safety Code, Government Code, Penal Code,

Civil Code and Public Resources Code are just five examples of the names used to identify the codes among the 29 codes of state laws.

Introduction of State Regulations:

State regulations are promulgated by agencies of the Executive Branch of state government for the purpose of interpreting, implementing, clarifying and carrying out the intent of state law. The regulations are contained in the **California Code of Regulations** available at the Office of Administrative Law website



<http://www.oal.ca.gov> (see the Note on the following page for an exception regarding Title 24). The California Code of Regulations is subdivided into 28 separate title numbers, i.e. Title 1, 2, 3 etc. Each title number is also given a name. For example, Title 13 is titled Motor Vehicles and Title 19 is titled Public Safety. Most titles reveal the general subject of the regulations. Some titles are reserved for the regulations of just one state agency, like Title 24 for the California Building Standards Commission and Title 25 for the Department of Housing and Community Development.

Note: Title 24 is reserved for building standards published by the California Building Standards Commission but are not available at the website of the Office of Administrative Law. To access Title 24 online, go to the California Building Standards Commission website <http://www.bsc.ca.gov>. This is discussed in more detail later.

Now let's talk about some specific California laws regarding a building department.

Health and Safety Code: The Health and Safety Code is one of the 29 codes that make up California state law enacted through California's legislative process. The Health and Safety Code contains in excess of 130,000 sections organized into divisions. Divisions 12 and 13 include provisions regarding the design, construction, use and maintenance of buildings. The discussions throughout this booklet often times include references to various provisions of the Health and Safety Code. It may have the most requirements relating to buildings than all the other 28 codes of state law. The mandate for several state agencies to develop building standards and for local governments to enforce building standards is found in the Health and Safety Code.

California Building Standards Law: This name refers to the portion of state law within Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work of the California Building Standards Commission and how the building standards are to be adopted and published. It also mandates that California Building Standards Code, in Title 24 of the California Code of Regulations, applies to all building occupancies throughout the state.

State Housing Law: This name refers to the portion of the Health and Safety Code in Division 13, Part 1.5, commencing with Section 17910. It establishes responsibilities for the Department of Housing and Community Development and the Office of the State Fire Marshal to develop building standards for housing structures, including hotels, motels, lodging houses, apartments, condominiums and dwellings. It also mandates enforcement of the State Housing Law provisions and the building standards adopted pursuant to the State Housing Law, by every city, county, or city and county within this state.

Government Code: The Government Code is another of the 29 codes of California state laws. Sections 4450 through 4460 in a portion of the Government Code titled Access to Public Buildings by Physically Handicapped Persons, establishes requirements for building accessibility. The provisions establish the authority for the California Division of the State Architect (DSA) to develop building standards and regulations for publicly funded buildings, publicly funded sidewalks and curbs, public accommodations, and commercial facilities. The building standards for accessibility developed by DSA are located in Title 24 of the California Code of Regulations, known as the California Building Standards Code, to be discussed later.

Note: Health and Safety Code, Sections 19952 through 19959, establishes the requirement for accessibility in privately owned buildings open to the public, and for DSA to develop the building standards for accessibility in such buildings.

Earthquake Protection Law: There are two state laws to be aware of that address buildings and their resistance to earthquakes. The first is known as the Earthquake Protection Law, the portion of the Health and Safety Code in Division 13, Part 3, commencing with Section 19100. The law establishes the requirement that all buildings be designed to resist lateral forces from seismic motion, and allows local government to enact local requirements to mitigate the risk from existing buildings, such as unreinforced masonry buildings and others not designed in consideration of seismic motion.



The other state law regarding earthquake safety is in Government Code, Title 2, Chapter 12.2, commencing with Section 8875. This law requires cities and counties to identify potentially hazardous buildings, as defined, and establish a local mitigation program. Further, the owner of a building identified as a potentially hazardous building must post a written notice in a conspicuous location to warn the public as to the potential hazard during an earthquake.

*Now let's identify some
regulations that implement
state laws regarding
buildings and building
departments.*

California Building Standards Code: This name refers to the building standards located in the 13 Parts of Title 24 of the California Code of Regulations as published by the California Building Standards Commission. The 13 Parts of Title 24, published in 11 binders, are shown in the photograph below. The building standards are state regulations developed by various state agencies in the Executive Branch of state government. The building standards govern the design and construction of buildings, building equipment and accessories. Some of the state agencies that develop the building standards for Title 24 that apply to buildings subject to local government enforcement include the Division of the State Architect, Office of the State Fire Marshal, Department of Housing and Community Development, Office of Statewide Health Planning and Development, Energy Commission and Building Standards Commission.



Note: The Building Standards Commission provides a [Guide to Title 24](http://www.bsc.ca.gov) explaining the application and use of Title 24. It is available at the Commission's website <http://www.bsc.ca.gov>. It may be read online, or printed, at no cost. Building department personnel should have the *Guide to Title 24* for study and reference, and other associated Building Standards Commission Publications.

State Housing Law Regulations: This is the name given to Chapter 1, Title 25 of the California Code of Regulations. The provisions are adopted by the California Department of Housing and Community Development in order to implement, interpret, clarify, and carry out the provisions of the State Housing Law in Health and Safety Code, Division 13, Part 1.5. The provisions relate to the construction, use, maintenance, and change of occupancy of all hotels, motels, lodging houses, condominiums, apartment houses and dwellings.



State Historical Building Code. This is the name given the state law in Health and Safety Code, Division 13, Part 2.7, commencing with Section 18950. The intent of this law is to provide means for the preservation of historical buildings while providing reasonable safety from fire, seismic forces and availability and usability by persons with disabilities. This law establishes the State Historical Building Safety Board, as a unit within the Division of the State Architect, that develops the building standards for historical buildings. The standards are found in Part 8 of Title 24, California Code of Regulations, and are named the California Historical Building Code.



This chapter has provided only a brief introduction to state laws and regulations relating to buildings. In Chapter 4 to follow we will provide several specific mandates in state law applying to local government.

CHAPTER 4: Mandates for Local Government

The following are some of the most important mandates of state laws regarding the operation and responsibilities of a local building department. Our descriptions are abbreviated so we ask that you refer to the referenced law or regulation for the complete language.

1. Must enforce state laws and Title 24 building standards.

a. The Building Department of every city, county or city and county shall enforce the following:

- Specified provisions of the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901, and the implementing of building standards in Title 24, California Code of Regulations, known as the California Building Standards Code.

Reference: Health and Safety Code Sections 17960, 17961 & 18948.

- State Housing Law (Health and Safety Code, Division 13, Part 1.5), and implementing regulations of Title 25, Chapter 1, pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of hotels, motels, lodging houses, condominiums, apartment houses and dwellings.

Reference: Health and Safety Code Section 17960.

- The earthquake protection laws applicable to hazardous buildings, seismic retrofitting, seismic gas shutoff devices, water heater bracing, posting of buildings that are potentially dangerous during seismic motion, and more.

Reference: Health and Safety Code in Division 13, Part 3, commencing with Section 19100, and Government Code, Title 2, Chapter 12.2, commencing with Section 8875.

b. Local adoption of currently published provisions (and repeal of outdated editions) as ordinance, allows the local jurisdictions to codify a complete regulation for its unique community.



The standard means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading the plans prior to permit issuance to observe that the plans will result in a building complying with requirements

applying to structural safety, energy conservation, green technology, fire & life safety, accessibility, and with complying plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections to the plans and specifications. The plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform the review of the structural plans and supporting calculations. The other subjects may be reviewed by Certified Plan Examiners, or registered structural engineers, civil engineers, and architects.

Inspections during the various construction phases are to be performed by personnel holding a building inspection certification issued by the International Association of Electrical Inspectors, International Association of Plumbing and



Mechanical Officials, International Code Council, National Fire Protection Association, or similar organizations. Personnel qualifications are discussed in more detail in Chapter 6, Suggested Personnel Qualifications.

2. Must file local code requirements with the state.

While state law requires local government to enforce Title 24, California Code of Regulations (where no State agency has authority to do same), the law allows local government to enact local requirements, often called local amendments to Title 24. These local amendments must be based on local climatic, geological, or topographical conditions. When a city, county, or city and county enacts local amendments, a copy of the local amendment along with an express finding that such amendment(s) is reasonably necessary because of local climatic, geological, or topographical conditions, must be filed with the California Building Standards Commission. No local amendment is enforceable unless filed with the California Building Standards Commission. However, if the amendment is by a local fire protection district, it must be ratified by the local legislative body and filed with the California Department of Housing and Community Development.

Assistance with enacting and filing of local amendments is available at the Commission's website <http://www.bsc.ca.gov> . Our *Guide for Local Amendments of Building Standards* is available and provides information that is essential for enacting local amendments to Title 24. Our website also provides access to all city and county local amendments accepted by the Commission.

Reference: Health and Safety Code Sections 13869.7, 17958, 17958.5, 17958.7, 18941.5 and 18944.31.

3. Permit fees are for code enforcement and designated purposes.

a. Every city, county or city and county may establish fees to offset the cost of enforcement of the building codes. Such fees for permits and enforcement activities shall not be levied for general revenues.

Reference: Health and Safety Code Sections 17951 and 19132.3.

b. Every city, county or city and county shall return fees paid for inspection if the inspection is not performed within 60 days of the request for inspection.

Reference: Health and Safety Code Section 17951 (d)

c. Each city, county and city and county shall collect a fee from the applicant for a building permit to be remitted to the California Building Standards Commission. The fee shall be at the rate of \$4 per one hundred thousand dollars of building valuation, but not less than \$1.

d. The local jurisdiction may retain not more than 10 percent of this collected fee, for related administrative costs, and for code enforcement education. Consult the Guide for additional information.

Note: Available at our website is a *Guide to Filing Permit Surcharge Fees*.

Reference: Health and Safety Code Section 18931.6.

4. Must employ certified personnel.

State law requires the personnel of a local building department to be certified for the code enforcement work to be performed. This matter is also discussed in Chapter 5 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31

5. Personnel must have continuing education.

State law requires each building official, plan examiner, and building inspector to obtain 45 hours of qualified continuing education in each three year period

with at least 8 hours regarding disabled access requirements. This matter is also discussed in Chapter 5 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31.

6. Must not have excessive plan review backlogs.

When plan checking of residential plans requires more than 30 days, or 50-days for all other buildings, the building department shall make available plan checking by private plan checking entities.

Reference: Health and Safety Code Sections 17960.1 and 19837.

7. Must have appeals board.

a. Every city, county or city and county shall have a **local appeals board** to hear appeals regarding the building requirements.

Reference: Health and Safety Code Section 17920.5. Alternatives are provided.

b. Every city, county or city and county shall have a **housing appeals board** to hear matters relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, condominiums and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, and demolition.

Reference: Health and Safety Code Section 17920.6. Alternatives are provided.

8. Must have local soil report ordinance.

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report by a registered civil engineer of every

subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

Reference: Health and Safety Code Section 17953 through 17957.
Exceptions are provided.

9. Must have codes on hand.

Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings, published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations.

Reference: Health and Safety Code Section 18942(e). An exception is provided.

10. Must maintain building plans.

The building department of every city, county, or city and county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the building department issued a building permit.

Reference: Health and Safety Code Section 19850 and 19851. Exceptions are provided.

In this chapter we have listed just 10 examples of mandates in state law applying to the operation of a local building department. There are many other requirements in law specific to buildings that must also be enforced by the local building department. There are requirements regarding use of materials, Carbon Monoxide devices, water saving toilets and urinals, methods of construction, relocated buildings and more. Many requirements have been incorporated into the building standards of Title 24, California Code of Regulations.

Building departments must be aware of the requirements of state law relating to the design, construction, use and maintenance of buildings and accessories to buildings. Generally, reference Health and Safety Code, Division 13, Parts 1.5, 2, 2.1, 2.3, 2.5, and 3, which are all available at the state website <http://leginfo.legislature.ca.gov/>.

CHAPTER 5: Required Personnel Certification and Training

Certification: Health and Safety Code Section 18949.28 reads in part, "All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency." Subdivision (b) exempts employees who were employed two years before the enactment of Section 18949.28 (added by Chapter 623 of the 1995 Statutes, effective January 1, 1996).



The subject of the certification(s) shall be closely related to the primary job function, as determined by the employing local agency. There are numerous certifications to attest to a person's skills and knowledge necessary to perform building plan examination, and building inspection. In the discussion to follow about training, is a listing of some entities offering certification by examination.

California licensed architects and engineers performing plan examination, construction inspections, or building official duties are exempted from the Certification requirements of Health and Safety Code Section 18949.28. However, it is a good practice to require engineers and architects to have training in building codes.

California Civil Code Section 55.53 requires local government to employ or retain the services of at least one building inspector who is a Certified Access Specialist on and after July 1, 2010. Further, this state law requires that a sufficient number of building plan examiners and inspectors are employed or retained to carry out plan reviews and inspections for enforcement of accessibility codes by July 1, 2014. The Division of the State Architect administered the Certified Access Specialist program, including the examination, pursuant to Government Code Section 4459.5.

Reference: Health and Safety Code Sections 18949.28, Civil Code Section 55.53 and Government Code Sections 4459.5 through 4459.8 for the details on required Certified Access Specialist program. Considerable information about the Certified Access Specialist program is available at the Division of State Architect website <http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx>

Training: Training is essential to the professional and efficient operation of a building department in order to serve the public appropriately. And, state law in Health and Safety Code Section 18949.29 requires 45 hours of continuing education every three years (also discussed in Chapter 4 of this booklet). Eight of those hours must be in subjects relating to accessibility requirements.



There are a number of organizations and associations that provide training and certification by examination on building codes and related subjects such as how to conduct inspections, material tests, plan review and more. Training is available in the form of seminars, online classrooms, and workbooks with lessons and exercises. There are also several colleges offering courses on building codes.

The following is a listing of some organizations where training is available.

- CALBO (California Building Officials). <http://www.calbo.org>
- International Association of Electrical Inspectors. <http://www.iaei.org>
- International Association of Plumbing and Mechanical Officials (IAPMO). <http://www.iapmo.org>
- International Code Council (ICC). <http://www.iccsafe.org>
- Individual Chapters of the ICC. A listing of chapters in California is available at the ICC website. Each chapter is independent and may have different educational programs. Many chapters have websites.
- National Fire Protection Association. <http://www.nfpa.org>

The IAEL, IAPMO, ICC and NFPA offer certification by examination programs.

On an as needed basis, the state agencies such as the California Building Standards Commission, Department of Housing and Community Development and Division of the State Architect, offer training on subjects within their respective jurisdictions. Training opportunities are announced in industry newsletters, the agency's website, and by the organizations discussed above.



Health and Safety Code Section 18949.31 requires the employing local government to bear the cost of the required certifications and continuing education.

Further, this state law allows a local government to adjust building permit fees to cover the cost of the certification and education of personnel.

CBSC recommendation: Maintain a record of each building department employee that identifies training needed to perform assigned duties, provide courteous and efficient public service, and satisfy the continuing education requirements of Health and Safety Code Section 18949.29, and Civil Code Section 55.53. The record should include a listing of completed training.

CHAPTER 6: Suggested Personnel Qualifications

The search for and selection of qualified personnel is a critically important task for any employer, including governmental agencies. Personnel hired to perform building permit issuance, plan review, building inspection, and management of the building department operations, must have appropriate training and experience. The hiring decision is critically important and has impact on public service and public safety. For these reasons the CBSC provides the following suggested guidelines.

1. Building Official and Assistant Building Official

Desirable Experience Pattern:

- Experience in the administration of a building department and,
- Experience as a building inspector and plans examiner and or,
- Experience as a licensed architect or engineer, performing duties within a building department
- Experience as a builder

Desirable Education:

- High School
- College
- Or the equivalent by training and experience

Desirable Credentials:

- Certified as a Building Official or Code Administrator by the IAPMO, ICC or other appropriate organization.
- Certifications as an inspector, and/or plans examiner
- Engineers and Architects should be licensed in California and hold additional IAEL, IAPMO, ICC, or NFPA certifications as may apply

2. Plans Examiner

Desirable Experience Pattern:

- experience as building inspector, architect, or engineer
- experience as a builder

- experience with preparation of building plans

Desirable Education:

- High School.
- Community college degree in Building Inspection Technology
- College

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, and Mechanical Codes, or a Combination Certification, issued by the IAEI, IAPMO, ICC, NFPA or other appropriate organization.
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Senior Building Inspector

Desirable Experience Pattern:

- Experience in the administration of a building department and or,
- five years of experience as a building inspector with some plans examination experience
- Experience with the preparation of building plans

Desirable Education:

- High School or more
- Community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, Mechanical Codes, accessibility, and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Building Inspector (Entry Level)

Desirable Experience Pattern:

- Experience as a builder or in the building trades
- Experience with construction plans

Desirable Education:

- High School.
- A community college degree in Building Inspection Technology is highly desirable.

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, and Mechanical Codes, or a Combination Certification, issued by the IAEI, IAPMO, ICC, NFPA or other appropriate organization.

Note: Health and Safety Code Section 18949.28, allows certification(s) as deemed appropriate by the employing building department to be obtained by the employee within one-year of employment.

5. Building or Permit Technician

Desirable Experience Pattern:

- Administrative duties within a building department

Desirable Minimum Education:

- High School
- Training on building permit issuance

Desirable Credentials:

- Permit or Building Technician certification by the ICC or other appropriate organization.

These have been desirable qualification patterns. We are not suggesting that these patterns should be a minimum standard, or that a candidate must satisfy all elements of a suggest pattern. Each local government agency must assess their individual needs, conditions, and availability of candidates.

Many local jurisdictions advertise available building department positions on the websites of the International Code Council (ICC), ICC Chapters and CALBO shown on page 18.

CHAPTER 7: Conclusion

We hope you have found this booklet helpful and that you better understand the mandates placed on your building department. We urge you to become acquainted with our website <http://www.bsc.ca.gov> and the educational materials available there and require that your building department personnel do the same. They should be regular visitors to our website and use all the educational materials. This is especially important for newly hired personnel.

The following websites may be useful to you and your building department staff.

State laws: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

State Regulations: <http://www.oal.ca.gov>

California Legislature: <http://leginfo.legislature.ca.gov/>

Department of Housing and Community Development: <http://www.hcd.ca.gov>

Division of the State Architect: <http://www.dgs.ca.gov/dsa/home.aspx>

Office of the State Fire Marshal: <http://osfm.fire.ca.gov>

Office of Statewide Health Planning and Development: <http://www.oshpd.ca.gov>

State Historical Building Safety Board: <http://dgs.ca.gov/dsa/aboutus/ssbsb.aspx>

Contact our office anytime you have questions relating to your building department responsibilities or the application of Title 24. Written comments and suggestions regarding this booklet are welcomed in order that future editions will be more effective. Address written comments and suggestions to:

Mia Marvelli, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Comments and suggestions may also be sent by email to the attention of Mia Marvelli, Executive Director at cbssc@dgs.ca.gov. You may also use our "Feedback" feature on our website www.bsc.ca.gov, located under Contact Us.

one-quarter acre of land is proposed to be cleared. These requirements regarding fuel reduction activities in sensitive habitats and other environmental resource areas are reflected in proposed policy amendments (Policy 6.5.2 and 6.5.3).

Response to Comments

As required by State law the proposed amendments to Fire Hazard policies were forwarded to the State Board of Forestry (BOF) for review and comment. The BOF comments are included in Attachment P. The primary concern of the BOF is that the GP/LCP policies are too specific, and some policies read more like standards found in code language. The standards outlined in certain proposed policies may potentially change with each triennial update of the State Fire Code which would make the Safety Element out of date and in conflict with County and State requirements if changes occur. The BOF comments state this level of detail would lead to confusion and increased workload amending the GP/LCP each triennial cycle of updates to the State Fire Code. The BOF recommends certain proposed policies should be relocated to SCCC 7.92 Fire Code which is updated on the State's triennial cycle and will capture any updates to State standards without having to amend the GP/LCP each cycle. Planning Department staff worked with the Fire Prevention Officers section of the Fire Chiefs Association of Santa Cruz County (FPOs) to review the proposed amendments. The FPOs are otherwise satisfied with the accuracy of the proposed amendments, except they have the same concerns expressed by the BOF.

In Santa Cruz County these policies have for many years been found in the Fire Hazards section of the Safety Element, and they represent an accessible listing of development standards related to fire hazards that are otherwise harder to find in separate State and local fire district laws and ordinances. However, a comprehensive checklist of standards has been developed by the County Fire Department in conjunction with the FPOs. The checklist is more comprehensive compared to the standards currently listed in the proposed GP/LCP amendments. Making this checklist more accessible to applicants would meet local goals so that the GP/LCP text can be amended to conform to the BOF comments. It is not necessary to amend the County Fire Code currently because all the same standards already exist in the Fire Code either directly or by reference to the State Fire Code. The County Fire Code will be updated again in 2019 on the regular triennial cycle.

Changes have been made to the proposed amendments to conform to the BOF comments. These changes do not have any effect on the Initial Study because the changes do not represent a change to the overall policy intent or any existing regulation. Specifically, Policy 6.7.1 was changed to remove the reference to specific defensible space distance standards, and Policies 6.7.4 and 6.7.6 have been changed to remove specific standards and instead refer to State law, County Fire Code and local fire district ordinances.

The fire hazard mapping referenced in the BOF comments is not located in the GP/LCP document, but is located on the County's Geographic Information System, which includes layers for State Responsibility Area, Fire Hazard Severity Zones, and Critical Fire Hazard areas. These maps are also included in the County's Local Hazard Mitigation Program, which is being incorporated by reference into the proposed Safety Element update, and which is available on the County's website. As recommended, the Table of Contents of GP/LCP Safety Element Chapter 6 has been changed to reference the maps and their location.

Other changes in response to the BOF comments include a new policy stating the County's commitment to fire safe development through adoption of local fire codes (Policy 6.7.15). Text

Ex. 2

development in hazardous areas or require engineering solutions that mitigate dangers to proposed structures and to off-site lands.

GOALS AND POLICIES

GOAL S-7

Reduced Seismic Hazards. Minimized personal injury and property damage resulting from seismic hazards.

Policies

- S-7.1 **Development Location.** Locate development in areas where the risk to people or resources is minimized. In accordance with the California Department of Conservation Special Publication 42, require development be located a minimum of 50 feet from active or potentially active faults, unless an alternative setback distance is approved based on geologic analysis and feasible engineering design measures adequate to demonstrate that the fault rupture hazard would be avoided.
- S-7.2 **Engineering Measures to Reduce Risk.** Require all development to include engineering measures to reduce risk in accordance with the California Building Code, Uniform Building Code, and other seismic and geologic hazard safety standards, including design and construction standards that regulate land use in areas known to have or potentially have significant seismic and/or other geologic hazards.
- S-7.3 **Land Use Location.** Prohibit high occupancy uses, essential public facilities, and uses that permit significant amounts of hazardous materials within Alquist-Priolo and County special studies zones.
- S-7.4 **Unreinforced Masonry Structures.** Require the retrofitting of unreinforced masonry structures to minimize damage in the event of seismic or geologic hazards.
- S-7.5 **Retrofitting of Essential Facilities.** Seismic retrofit essential facilities to minimize damage in the event of seismic or geologic hazards.

GOAL S-8

Reduced Landslide, Mudslide, and Rock Fall Hazards. Minimized personal injury and property damage caused by mudslides, landslides, or rock falls.

Policies

- S-8.1 **Landslide Risks.** Direct development away from areas with high landslide, mudslide, or rock fall potential when engineering solutions have been determined by the County to be infeasible.
- S-8.2 **Risk of Slope Instability.** Prohibit development from causing or contributing to slope instability.

EX. 7



**Santa Cruz County Coastal Policy
Proposed Scope of Work – as of 1/22/2019**

1. INITIAL ASSESSMENT

1.1 Team Communications and Activities Coordination

MIG will conduct a coordination call to develop a schedule and coordinate activities with the project team. The team will also agree on a schedule of regular calls and communications to keep the project moving forward. This task also includes regular communications and related project management activities. It also includes scheduling of meetings with the Homeowners Groups and County

Deliverable: Schedule of key activities and related milestones

1.2 Policy Review

MIG team will review background materials and related policies. MIG will produce a memorandum summarizing the information for use by the team and in meetings.

Deliverable: Memorandum summarizing key policies and related actions

1.3 Develop Strategic Approach

Based on the schedule and policy review, MIG will develop a recommended approach that will help determine the process including the objectives, format and content of meetings to be held with the Homeowners Groups and the County. It will also include a schedule. MIG will serve as a neutral third party in these discussions.

Deliverable: Memoranda that describes the meeting objectives, format and content. 1.4 Mapping Support

1.4 Mapping Support

MIG will provide graphics support to improve the readability of technical maps created for the discussions. Base maps will be provided by client. We expect 1-2 maps will be delivered.

Deliverable: User friendly version of technical maps to support the discussion.

2. MEET WITH HOMEOWNERS GROUPS

2.1 Coordinate with Project Partners

This task includes the communications and coordination needed to confirm and proceed with the sessions.

Deliverable: Coordination schedule

2.2 Develop Meeting Agenda and Materials

Based on the strategic approach in 1.3, MIG will develop the agenda and meeting presentation for the two meetings with the Homeowners Groups.

2.3 Facilitate and Conduct Work Sessions (2)

MIG will facilitate two work sessions with the Homeowners Groups. MIG will provide two staff (includes travel from Berkeley)

Deliverable: Two work sessions

2.4 Summary of Work Sessions

MIG will produce a written summary of the session documenting the key themes, issues and concerns, areas of agreement and next steps.

Deliverable: Written Summary of Work Sessions

3. MEET WITH THE COUNTY

3.1 Coordinate with County Partners

This task includes the communications and coordination needed to confirm and proceed with the sessions.

Deliverable: Ongoing coordination

3.2 Develop Meeting Agenda and Materials

Based on the strategic approach in 1.3, MIG will develop the agenda and meeting presentation for the two meetings with the County.

Deliverable: Agenda and meeting materials

3.3 Facilitate and Conduct Work Sessions (2)

MIG will facilitate two work sessions with the County. MIG will provide two staff (includes travel from Berkeley)

Deliverable: Two work sessions

3.4 Summary of Work Sessions

MIG will produce a written summary of the session documenting the key themes, issues and concerns, areas of agreement and next steps.

Deliverable: Written Summary of Work Sessions

4. PUBLIC MEETING

4.1 Develop meeting materials

MIG will develop a brief presentation which shares the results of the process.

4.2 Present results/Attend Public Meeting (1)

MIG will attend/present results of the process.

Deliverable: Public meeting presentation/attendance

estimated project cost

		MIG, Inc.							
		Joan Chapple Project Manager / Lead Facilitator		Project Associate		Graphic/Map Designer		MIG Total	
		Hours	Rate	Hours	Rate	Hours	Rate	Hours	Cost
Initial Assessment									
1.1	Team Communications	4	\$750	4	\$620	0	\$0	8	\$1,370
1.2	Policy Review	0	\$1,170	2	\$210	0	\$0	2	\$210
1.3	Develop Strategic Approach	4	\$750	1	\$100	0	\$0	5	\$850
1.4	Mapping Support	1	\$186	2	\$210	12	\$1,620	15	\$2,025
		15	\$2,925	9	\$945	12	\$1,620	36	\$5,490
Process with Homeowners Groups									
2.1	Coordinate with Project Partners	2	\$390	4	\$620	0	\$0	6	\$910
2.2	Develop Agenda, Presentation and Materials	4	\$750	8	\$840	0	\$0	12	\$1,590
2.3	Facilitate and Conduct Work Sessions 25	18	\$3,120	18	\$1,860	0	\$0	36	\$4,980
2.4	Summarize Results	18	\$3,120	18	\$1,860	0	\$0	36	\$4,980
		38	\$7,410	44	\$4,620	0	\$0	82	\$12,030
Process with County									
3.1	Coordinate with County Partners	0	\$0	4	\$620	0	\$0	4	\$620
3.2	Develop Agenda, Presentation and Materials	8	\$1,590	8	\$840	0	\$0	16	\$2,430
3.3	Facilitate and Conduct Work Sessions 25	18	\$3,120	18	\$1,860	0	\$0	36	\$4,980
3.4	Summarize Results	1	\$186	0	\$0	0	\$0	1	\$186
		25	\$4,875	32	\$3,240	0	\$0	57	\$8,115
Public Meetings									
4.1	Develop meeting materials	2	\$390	8	\$840	0	\$0	10	\$1,230
4.2	Travel and present/attend 1 public meetings	0	\$1,900	0	\$0	0	\$0	0	\$0
		10	\$3,900	8	\$840	0	\$0	18	\$2,740
TOTALS		68	\$17,160	93	\$9,765	12	\$1,620	183	\$28,545
									\$625
									\$29,170

Expenses Assumptions

154 miles round trip X .55 X 2 trips

printing costs

154 miles round trip X .55 X 2 trips

154 miles round trip X .55 X 1 trip