

Dear community members-

Attached is the California Building Code process and requirements for setbacks for a setback for a bluff.

It is simple and it is clear.

That the County of Santa Cruz and the Coastal Commission do not want to follow it, is the question. Why not?

Also attached is the opinion of Attorney General Bill Lockyer that includes the statement; "The legislative mandate, that building standards be uniform throughout the state, would otherwise be effectively thwarted".

That the county planning staff (and coastal staff etc.) have other issues, regarding recreational uses and access to the coast, that do not conform to building standards and life safety is of course reasonable. However that they are threatening the life safety of the whole community in advancing that agenda through a profound disregard and/or ignorance of the life safety issues involved is unconscionable.

What has been presented to the community regarding this issue is gibberish that only serves the County and the Coastal staff, it does not serve the community.

Regards-

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Cove Britton
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Dear Supervisor Coonerty:

I have become increasingly concerned over the Planning staffs' proposals regarding the General Plan, Local Coastal Program, and ordinance revisions (see link below).

<http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=3/13/2019&MeetingType=1>

The lack of response to technical questions, the lack of accurate and specific responses, the lack of proper credentials of those who addressed the technical and life safety issues, and the lack of proper work shops (as promised) is alarming.

It is alarming to such a degree I question the basic precepts that have been presented by Planning staff and the funding that was used.

Towards that concern (of funding):

1. Per the staff report dated March 19, 2019 (linked above)

2011: Planning Department obtained funding from the Department of Housing and Community Development (HCD) Community Development Block Grant (CDBG) Disaster Recovery Initiative (DRI) grant program to update the Safety Element of the General Plan as related to flooding, coastal bluffs and beaches, erosion, and fire.

2. Per HUD.GOV "**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - CDBG**"

Citizen Participation

A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with the following: reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

While #2 above is just one issue that clearly has not occurred, nor is occurring, I am further concerned that none of the conditions for the grant have been made (please see attached).

I insist that Planning staff provide a detailed response, and records, to how the Planning department met the conditions of the HUD grant. Misuse of HUD grant funds is a serious issue for everyone in this country and the continued “cherry picking” of responses by Planning staff has become not just a question of less than appropriate behavior, but one of far more import.

Regards-

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Cove Britton
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3 Attachments

(2134 mm) from the top of the slope shall be capable of supporting the water in the pool without soil support.

1808.7.4 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

1808.7.5 Alternate setback and clearance. Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official shall be permitted to require a geotechnical investigation as set forth in Section 1803.5.10.

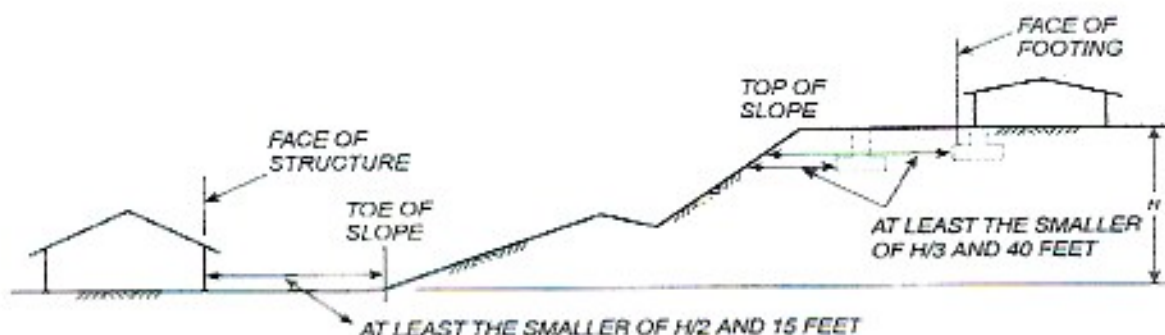
1808.8 Concrete foundations. The design, materials and construction of concrete foundations shall comply with Sections 1808.8.1 through 1808.8.6 and the provisions of Chapter 19.

Exception: Where concrete footings supporting walls of light-frame construction are designed in accordance with Table 1809.7, a specific design in accordance with Chapter 19 is not required.

1808.8.1 Concrete or grout strength and mix proportioning. Concrete or grout in foundations shall have a specified compressive strength (f'_c) not less than the largest applicable value indicated in Table 1808.8.1.

Where concrete is placed through a funnel hopper at the top of a deep foundation element, the concrete mix shall be designed and proportioned so as to produce a cohesive workable mix having a slump of not less than 4 inches (102 mm) and not more than 8 inches (204 mm). Where concrete or grout is to be pumped, the mix design including slump shall be adjusted to produce a pumpable mixture.

1808.8.2 Concrete cover. The concrete cover provided for prestressed and nonprestressed reinforcement in foundations shall be no less than the largest applicable value specified in Table 1808.8.2. Longitudinal bars spaced less than $1\frac{1}{2}$ inches (38 mm) clear distance apart shall be considered bundled bars for which the concrete cover provided shall also be no less than that required by Section 7.7.4 of ACI 318. Concrete cover shall be measured from the concrete surface to the outermost surface of the steel to which the cover requirement applies. Where concrete is placed in a temporary or permanent casing or a mandrel, the inside face of the casing or mandrel shall be considered the concrete surface.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

TABLE 1808.8.1
MINIMUM SPECIFIED COMPRESSIVE STRENGTH f'_c OF CONCRETE OR GROUT

FOUNDATION ELEMENT OR CONDITION	SPECIFIED COMPRESSIVE STRENGTH, f'_c
1. Foundations for structures assigned to Seismic Design Category A, B or C	2,500 psi
2a. Foundations for Group R or U occupancies of light-frame construction, two stories or less in height, assigned to Seismic Design Category D, E or F	2,500 psi
2b. Foundations for other structures assigned to Seismic Design Category D, E or F	3,000 psi
3. Precast nonprestressed driven piles	4,000 psi
4. Socketed drilled shafts	4,000 psi
5. Micropiles	4,000 psi
6. Precast prestressed driven piles	5,000 psi

For SI: 1 pound per square inch = 0.00689 MPa.

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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - CDBG

The Community Development Block Grant (CDBG) program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG program provides annual grants on a formula basis to 1209 general units of local government and States.

Program Areas

CDBG Entitlement Program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

CDBG State Program allows States to award grants to smaller units of general local government that develop and preserve decent affordable housing, to provide services to the most vulnerable in our communities, and to create and retain jobs.

CDBG HUD Administered Non-Entitled Counties in Hawaii Program provides annual grants on a formula basis to Hawaii, Kauai, and Maui counties to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

CDBG Insular Area Program provides grants to four designated insular areas: American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

CDBG Program Colonias Set-Aside requires the border states of Arizona, California, New Mexico and Texas to set aside a percentage of their annual State CDBG allocations for use

Explore CDBG Online
Technical Assistance
Products



This collection of online technical assistance products will help grantees: create transformative impact in your community, improve the lives of all residents, and especially those with low and moderate income levels; develop strategies that bring partners and resources together, leveraging and building community assets; and implement your program effectively, increasing the likelihood of successful projects.

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in the Colonia to help meet the needs of the Colonias residents in relationship to the need for potable water, adequate sewer systems, or decent, safe and sanitary housing.

Section 108 Loan Guarantee Program is the loan guarantee provision of the CDBG Program and provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects.

The Neighborhood Stabilization Program provided grants to communities that suffered from foreclosures and abandonment to purchase and redevelop foreclosed and abandoned homes and residential properties. Congress authorized NSP grants between 2008 and 2011; no new funds are available.

About the Program

The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities respectively. Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CDBG funds to non-entitlement localities not qualified as entitlement communities.

HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Citizen Participation

A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with the following: reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide

Featured Tools and Resources

For additional Community Development resources, visit the Community Development pages on the HUD Exchange.

Básicamente CDBG - preparado para realizar un entrenamiento en Puerto Rico, el manual es un buen recurso para todos los administradores hispanohablantes del programa "Entitlement CDBG"

"Basically CDBG" Entitlement Course Training Manual (*May 2014*) - developed to guide and assist CDBG entitlement grantees in the implementation of local Community Development Block Grant programs

"Basically CDBG" State Course Training Manual (*April 2012*) - developed to guide and assist State CDBG grantees in the implementation of local Community Development Block

for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Eligible Activities

Over a 1, 2, or 3-year period, as selected by the grantee, not less than 70 percent of CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

CDBG Contacts

Access a listing of CDBG grantees in a particular state.

Grant programs

HUD Income Limits applicable to the CDBG program, include—
Extremely Low (30%),
Very Low (50%) and
Low (80%) of area
median income

IDIS Resources for the
CDBG Program

IDIS Training Manual for
CDBG Entitlement
Communities

This manual explains
how to set up, fund,
draw funds, and report
accomplishments and
performance measures
for CDBG activities in
IDIS

Memo on Fair Housing
Agencies Eligible for
CDBG Funds - guidance
on the definition of fair
housing organizations in
a memorandum dated
January 11, 2008

CDBG Toolkit on
Crosscutting Issues -
designed to provide
Entitlement and State
grantees, as well as sub-
recipients, with
information on

crosscutting regulations that apply to the CDBG program. The Toolkits cover five disciplines-- financial management, environmental review, federal labor standards, acquisition/relocation, and fair housing and serve as a resource guide for grantees.

CDBG Grantee Reports

- Expenditure Reports

- Accomplishment Data

- Performance Profiles

Related Information

- Census Data - 2000

- CPD Notices

- CPD Monitoring Handbook

- Field Office Directors

- Formula Allocations

- Guidance for reporting CDBG accomplishments
| PDF

- Section 108 Project Summaries - 2006



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Telephone: (202) 708-9112 TTY: (202) 708-1466
Visit the address of the HUD office near you

Community Development Block Grant Disaster Recovery Program



HUD Helping Your Community Recover After Disaster Video

(<https://youtu.be/Lrmwz8lXXdQ>)

This video uses illustrations to describe how HUD helps communities recover after a disaster.

Watch the Video (<https://youtu.be/Lrmwz8lXXdQ>)

HUD provides flexible grants to help cities, counties, and States recover from Presidentially declared disasters, especially in low-income areas, subject to availability of supplemental appropriations. In response to Presidentially declared disasters, Congress may appropriate additional funding for the Community Development Block Grant (CDBG) Program as Disaster Recovery grants to rebuild the affected areas and provide crucial seed money to start the recovery process. Since CDBG Disaster Recovery (CDBG DR) assistance may fund a broad range of recovery activities, HUD can help communities and neighborhoods that otherwise might not recover due to limited resources.

Resources and Training Materials

Reports (/programs/cdbg-dr/reports/)

Toolkits and Early Planning (/programs/cdbg-dr/resources/#toolkits-and-early-planning)

Training Materials (/programs/cdbg-dr/resources/#training-materials)

Guidance (/programs/cdbg-dr/resources/#guidance)

Equity in Disaster Planning and Recovery (/programs/cdbg-dr/resources/#equity-in-disaster-planning-and-recovery)

Reporting Systems (DRGR and FFATA) (/programs/cdbg-dr/resources/#reporting-systems-drgr-and-ffata)

Federal Partners and Resources (/programs/cdbg-dr/resources/#federal-partner-resources)

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

BILL LOCKYER
Attorney General

OPINION	:	No. 01-306
	:	
of	:	December 12, 2001
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
CLAYTON P. ROCHE	:	
Deputy Attorney General	:	
	:	

The CALIFORNIA BUILDING STANDARDS COMMISSION has requested an opinion on the following questions:

1. Is City of Pasadena Ordinance No. 6847, which authorizes that the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel and Gas Code, and the International Mechanical Code may be deemed by the city's building official as an approved alternate for materials, designs, and methods of construction, consistent with state law?

2. Does state law allow model building codes other than those adopted in the California Building Standards Code to be deemed by a local jurisdiction as "approved alternate" authority to the California Building Standards Code for purposes of approving materials, designs, and methods of construction for buildings constructed in California?

CONCLUSIONS

1. City of Pasadena Ordinance No. 6847, which authorizes that the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel and Gas Code, and the International Mechanical Code may be deemed by the city's building official as an approved alternate for materials, designs, and methods of construction, is not consistent with state law.

2. State law does not allow model building codes other than those adopted in the California Building Standards Code to be deemed by a local jurisdiction as "approved alternate" authority to the California Building Standards Code for purposes of approving materials, designs, and methods of construction for buildings constructed in California.

ANALYSIS

The Legislature has enacted the California Building Standards Law (Health & Saf. Code, §§ 18901-18949.31)¹ to govern the adoption of building standards published in the California Building Standards Code (§ 18910; Cal. Code Regs., tit. 24; "Code") by the California Building Standards Commission ("Commission") (§ 18942). One part of the 2001 Code is the 1998 California Building Code, which in turn is based upon the 1997 edition of the Uniform Building Code. (Sec 83 Ops. Cal. Atty. Gen. 210, 210-211 (2000).)

The two questions presented for analysis concern the authority of a city (or county) to approve materials, designs, and methods of construction not specifically prescribed in the Code.

1. Ordinance No. 6847

On December 18, 2000, the City Council of the City of Pasadena unanimously adopted Ordinance No. 6847, providing in relevant part:

"For the purpose of determining the suitability of alternate materials, alternate design and methods of construction and approving their use as set forth in Section 104.2.8 of the 1998 California Building Code, the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel and Gas Code, and the

¹ All references hereafter to the Health and Safety Code are by section number only.

International Mechanical Code as published by the International Code Council (ICC) may be deemed by the building official as an approved alternate for materials, design and methods of construction. One copy of the above referenced codes are on file for public inspection.”²

Section 104.2.8 of the 1998 California Building Code, referenced in the ordinance and constituting a portion of the Code, provides:

“The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the building official.

“The building official may approve any such alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

“The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.”

The Code preempts local regulations as to building standards except in the narrow set of circumstances set forth sections 17958.5 and 17958.7 regarding “local conditions.” (See *Leslie v. Superior Court* (1999) 73 Cal.App.4th 1042, 1048; *Building Industry Assn. v. City of Livermore* (1996) 45 Cal.App.4th 719, 726; *ABS Institute v. City of Lancaster* (1994) 24 Cal.App.4th 285, 293; *Briseno v. City of Santa Ana* (1992) 6 Cal.App.4th 1378, 1382-1383; *Danville Fire Protection Dist. v. Duffel Financial & Constr. Co.* (1976) 58 Cal.App.3d 241, 245-249.) It is not suggested that Ordinance No. 6847 was adopted pursuant to the authority of sections 17958.5 and 17958.7 to modify the Code’s building standards due to local conditions within the city. Rather, the issue is whether Ordinance No. 6847 is consistent with the language of section 104.2.8 of the California Building Code. Under the latter provision, a material, design, or method of construction may be approved by a building official as an alternate to what is prescribed in the California Building Code. The building official must be satisfied that the material or method of construction is at least equivalent to that prescribed in the California Building Code for the

² “Building official” is a technical term referring to the person responsible for overseeing local code enforcement activities. (See § 18949.27.)

purpose intended.

Any reliance upon the International Codes or other evidence must be based upon a case-by-case examination of the evidence by the building official. In 64 Ops.Cal.Atty.Gen. 536 (1981), we analyzed similar language in a related context, stating:

“The question remains as to whether the Legislature intended under the statute for a city to review and approve alternate methods of construction on an individual project basis or whether a finding of equivalency may be made applicable to all future projects where the identical alternate method of construction is proposed.

“Applying the principles of statutory interpretation enumerated in the discussion of the first question, we believe that a project-by-project review is necessary under the statute’s provisions. The key phrase is that an alternate method of construction can be approved if a finding is made ‘that the proposed design is satisfactory and that the . . . method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the State Building Standards Code.’

“Because of the use of the word ‘design’ in the singular (as well as the entire statute being drafted in the singular), the possible unique features of any project vis-a-vis a particular alternate method of construction, and no express indication in the statute of a multiple approval process, it appears that the Legislature contemplated a project-by-project review procedure. Such a conclusion gives the statutory language its ordinary and usual meaning, harmonizes the provisions as a whole, and appears to be a workable solution without the imposition of undue administrative burdens.” (*Id.* at p. 540.)

Ordinance No. 6847, on the other hand, does not envision a case-by-case review and determination by the building official of the required findings. Rather, it sets forth a legislative policy that the International Codes may be deemed approved alternatives without further investigation by the building official. (See 57 Ops.Cal.Atty.Gen. 443, 445-447 (1974).) The purpose of the ordinance was described in the Agenda Report of the City Manager of the City of Pasadena dated October 9, 2000:

“The merging of the three major building codes has substantially advanced the Code Development Process. The International Codes have been created by a combination of the Uniform Building Code, the Basic National Building Code, and the Southern Standard Building Code. The provisions of these codes have been incorporated into a single document titled, the International Building Code. This Code contains the most modern, up-to-date

code provisions and is recognized by the Federal Emergency Management Agency as the latest code for protection of property against natural disasters.

"The development of building codes is a process generally taking from 3-5 years. After the building codes are developed the State of California usually takes an additional 1-2 years to incorporate it into State Law. The codes that we are currently using were developed in 1993, 1994 and 1995. The City of Pasadena has many architects, engineers and developers that also work in other parts of the country. They are accustomed to utilizing the more up-to-date provisions found in the International Codes. To recognize the provisions of International Codes as acceptable alternates it will be clear that the newer and safer methods of design are acceptable without the necessity of going through Board of Appeals Hearings for each request.

"The incorporation of the codes as published by the International Code Council (ICC) as an alternate approved method in plumbing, mechanical, residential and building sections of the Pasadena Municipal Code would allow for the alternate uses and the recognition of the latest materials and construction techniques without the necessity of individual special review processes for each project."

The lack "of individual special review processes for each project" authorized by Ordinance No. 6847 is inconsistent with state law, section 104.2.8 of the California Building Code. As we have seen, state law requires the weighing of evidence in each case to substantiate the claimed alternative use.

We thus conclude in answer to the first question that City of Pasadena Ordinance No. 6847, which authorizes that the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel and Gas Code, and the International Mechanical Code may be deemed by the city's building official as an approved alternate for materials, designs, and methods of construction, is not consistent with state law.

2. Model Codes

The second question presented for resolution is whether state law allows model building codes other than those adopted in the Code to be deemed by a local jurisdiction as "approved alternate" authority for purposes of approving materials, designs, and methods of construction for buildings to be constructed.

Our discussion with respect to the first question and Ordinance No. 6847 essentially answers the second question as well. The purpose of the California Building

Standards Law is to require uniform building regulations throughout the state except where a local regulation may be appropriate for "local conditions." Even in such situation, a city or county must justify any proposed exemption from the state's uniform standards by making express findings and filing them with the Commission. (§§ 17958.5, 17958.7.) To conclude that state law permits local jurisdictions to deem model codes other than those adopted in the Code as "approved alternates" would be inconsistent with the legislative intent to require and ensure uniformity of building regulations throughout the state. As stated in *Briseno v. City of Santa Ana*, *supra*, 6 Cal.App.4th 1378, "it makes little sense to prescribe a narrow set of circumstances in which local entities can override state law [i.e., as to local conditions] if those entities are already free to override state law with impunity." (*Id.* at p. 1383.)

In keeping with our 1981 opinion, 64 Ops.Cal.Atty.Gen. 536, *supra*, we find that section 104.2.8 of the Uniform Building Code requires a case-by-case analysis with respect to a proposed material, design, or method of construction, including an individual investigation by the local building official. The official must require evidence as to the equivalency of the particular proposed alternate.

In the present situation, we recognize that the International Codes represent accepted principles and tests by recognized technical and scientific organizations. However, under section 104.2.8 of the California Building Code, the building official must still determine the propriety of a proposed alternate by applying accepted principles and evaluating the particular proposal for equivalency "in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation." That statutory responsibility is not subject to delegation to a third party such as the publishers of the International Codes. The legislative mandate, that building standards be uniform throughout the state, would otherwise be effectively thwarted.

We conclude in answer to the second question that state law does not allow model building codes other than those adopted in the Code to be deemed by a local jurisdiction as "approved alternate" authority to the Code for purposes of approving materials, designs, and methods of construction for buildings constructed in California.
