



## AGENDA SUMMARY EUREKA CITY COUNCIL

**TITLE: Bill No. 1027-C.S. Section 150.029 Board of Appeals**

**DEPARTMENT: Development Services**

**PREPARED BY: Brendan Reilly, Chief Building Official**

**PRESENTED FOR:** Action Information only Discussion

### **RECOMMENDATION:**

Waive reading, read by title only and introduce Bill No.1027-C.S. "An ordinance of the City of Eureka amending Eureka Municipal Code Title 15, Chapter 150, Section 150.029 pertaining to the Board of Appeals."

### **FISCAL IMPACT**

No Fiscal Impact Included in Budget Additional Appropriation

### **COUNCIL GOALS/STRATEGIC VISION**

- Financially Sound City Providing Effective Services
- Municipal Code Update

### **DISCUSSION**

If approved, Bill No. 1027-C.S. will amend Eureka Municipal Code Section 150.029(A) to reduce the membership of the Board of Appeals from seven to five members, three of whom shall be qualified by experience and training in matters pertaining to building construction, and to add Section 150.029(B) to provide language clarifying the appeals process.

The Board of Appeals currently consists of seven members. There has been one vacancy for a number of years and there will soon be two more. The Board has often been failing to make a quorum because of scheduling difficulties, and staff is confident reducing the number of board members will resolve this issue. Additionally, filling vacancies on the Board has proved challenging, which will be mitigated by reducing the number of members.

Appendix B of the 2022 California Building Code mandates that the Board of Appeals consist of five members. Although this appendix is not adopted by the City of Eureka, it does provide guidance on what the model code and other jurisdictions recommend.

The current ordinance requires that five of the seven total members be qualified by a background in construction. The proposed changes to the Board will still allow for two members with experience outside of the construction industry.

Staff also seeks to add clarifying language into the Board of Appeals ordinance outlining the process of the appeal itself as well as the required timelines for applications, hearings, and final determinations.

### **ENVIRONMENTAL**

Amending the text of the Eureka Municipal Code is a “project” for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines, Section 15061, there is a general rule CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the Text Amendment only makes procedural changes to the Board of Appeals and does not affect Building Code standards, the Text Amendment will not result in a significant effect on the environment.

### **ATTACHMENTS:**

- Bill No.1027-C.S. – Board of Appeals

### **REVIEWED AND APPROVED BY:**

City Attorney

City Clerk/Information Technology

Community Services

Development Services

Finance

Fire

Human Resources

Police

Public Works