

CITY OF NEWPORT BEACH

**Building and Fire Board of Appeals Minutes
Building and Fire Board Regular Meeting
July 30, 2013**

A. CALL TO ORDER - The meeting was called to order at 3:02PM

B. ROLL CALL

Present: Anderson, Jeanette, Luehrs, Pirdy, Sandland, Yant, and Yeo
Absent (Excused):

C. ANNOUNCE AND CONGRATULATE NEW BOARD MEMBERS

Chief Building Official, Seimone Jurjis introduced Assistant Fire Chief Kevin Kitch and announced and congratulated new Board Members Pirdy and Yeo and congratulated Board Members Jeanette and Luehrs for their reappointment.

D. PUBLIC COMMENTS

Jim Mosher, a resident of Newport Beach, congratulated new Board Members and those reappointed. He commented on the lack of business to come before the Board and suggested increased efforts at promoting the existence of the Board and the appeal process. He addressed the fee to bring about an appeal noting that it is fairly daunting and suggested the Board consider reducing it.

Discussion followed regarding the amount of staff time necessary to process an appeal.

Chief Building Official, Seimone Jurjis reported that the Building Division is currently conducting a fee study with the possibility of adjusting it lower.

Mr. Mosher stated challenges with identifying the City Fire Marshall on the City's website.

Assistant Fire Chief Kitch reported that he is the City Fire Marshall and is in charge of Code Enforcement, Planning review and inspection and fire investigations as well as other duties.

Mr. Mosher reported that the ordinance that created the Board requires it to set procedures for holding meetings and hearings as well as preparing minutes and suggested the Board place the matter on a future agenda. He addressed a Rehabilitation Committee and wondered who is being charged with that duty.

Chief Building Official Jurjis referenced a copy of the Board's rules and procedures, copies of which are included in each Member's package of information.

There being no others wishing to address the Board, public comments were closed.

E. NEW BUSINESS

ITEM NO. 1 Election of Building and Fire Board of Appeals Chair and Vice Chair

SUMMARY: On an annual basis the Building and Fire Board of Appeals elects a Chair and Vice Chair to run the Board meetings. A Vice Chair's role is to run the Board meetings when the Chair is unavailable. (No staff report will be provided.)

RECOMMENDATION:

- 1) Elect Building and Fire Board of Appeals Chair;

- 2) Elect Building and Fire Board of Appeals Vice Chair; and
- 3) Alternatively, discuss and take other action related to this item.

Nominations were open by Chief Building Official Jurjis to fill vacant seat of Chair for the Building and Fire Board of Appeals.

Board Member Luehrs nominated Brion Jeanette to serve as the new Chair for the Building and Fire Board of Appeals. Board Member Yeo seconded the nomination.

There being no other nominations, nominations were closed.

Nomination carried (7 – 0) to elect Brion Jeanette as the Chair of the Building and Fire Board of Appeals.

AYES: Anderson, Jeanette, Luehrs, Piridy, Sandland, Yant, and Yeo
NOES: None
ABSENT: None
ABSTAIN: None

Nominations were open by Chair Jeanette to fill the vacant seat of Vice Chair of the Building and Fire Board of Appeals:

Chair Jeanette nominated Robert Yant to serve as the Vice Chair of the Building and Fire Board of Appeals. Board Member Yeo seconded the nomination.

A unanimous decision was made to appoint Robert Yant as the new Vice Chair of the Building and Fire Board of Appeals.

There being no other nominations, nominations were closed.

Nomination carried (7 – 0) to elect Robert Yant as the Vice Chair of the Building and Fire Board of Appeals.

AYES: Anderson, Jeanette, Luehrs, Piridy, Sandland, Yant, and Yeo
NOES: None
ABSENT: None
ABSTAIN: None

ITEM NO. 2 Introduce City Staff

SUMMARY: City staff will make presentations on their organization and codes used.

Chief Building Official, Seimone Jurjis introduced himself as did Assistant Fire Chief, City Fire Marshall and Fire Code Official Kevin Kitch. Mr. Jurjis thanked his staff for coordinating the meeting and provided a PowerPoint presentation included in Members' folders. He listed other documents included in the folder and addressed Department Divisions and staffing. He introduced Community Development Director Kimberly Brandt and addressed the purpose of the Building Division, adoption of new California Building Codes, purpose of the Appeals Board, the appeals process, the Board's role and the Rehabilitation Committee and limitations to the Appeals Board.

Assistant Fire Chief Kitch provided a brief background of the Code, noting that it is an interpretive document and addressed the process of adoption noting that it is initiated at the State level. The City can make amendments to the Code, but only to the extent that it is more restrictive and based upon findings of fact. He stated that if someone were to come forward with an appeal, it would be related to the interpretation of the Code.

Discussion followed regarding ADA Compliance and CASP Members on staff.

In reply to Board Member Luehrs's inquiry, Mr. Jurjis reported Certified Access Specialists (CASPs) are certified by the State as having the proper knowledge of disabled access. He stated that currently, there are three CASP members within the Building Division and that by 2014 the Department will have a total of four CASP members.

Chair Jeanette asked regarding Building Permit activity and Mr. Jurjis reported that the City is experiencing a huge surge in development activity and addressed increases in workload, valuations, inspections and plan checks. He listed development projects currently in progress and added that contract services are being used to back fill the work that staff cannot handle.

In response to an inquiry by Board Member Sandland, Mr. Jurjis addressed the application process for projects to come before the Board. He added that in his two years with the City, he has not come across an appealed decision. Staff does its best to work with the applicant to develop a solution and not burden the Board with appeals because they are costly in terms of time and money. The appeals process will always be there and the Board will always be available. Staff does its best to work with the applicant and no decisions have been appealed in the last two years.

Assistant Fire Chief Kitch added that typically, there is a lot of interaction on a daily basis as projects are processed and clarified. He noted that is key in keeping projects out of the appeals process. Staff is focused on ensuring that the process is completed without involving the Board.

Vice Chair Yant commented on a previous case involving fraudulent construction documents.

It was noted that the case was a civil matter and that those cases do not come before the Board.

Board Member Luehrs commented on cases that involve financial hardship or disabled access.

Members of the Board affirmed that they are comfortable in having the issues resolved at staff level.

Staff will do its best in trying to minimize impacts to the Board.

Discussion followed regarding the Board diffusing some of the pressures faced by staff. It was suggested that the Board periodically review cases handled by staff to learn how staff has resolved them and provide guidance to the Board.

Assistant Fire Chief Kitch reported that some of the challenges involve issues with technology as well as interpreting the intent of the Code.

Chair Jeanette felt that a regular update would be beneficial to the Board.

In response to an inquiry from Board Member Yeo, Mr. Jurjis reported that many of the cases involve small, water-proofing issues, alternate methods and materials of construction, approved materials related to venting underground and new technology in framing systems. He reported that hardship is granted for disabled access and addressed lawsuits related to disabled access. He added that regarding the Newport Pier structure, staff is currently going through a study to determine the best use for the building.

Assistant Fire Chief Kitch reported on a current case proposing an air pollution control unit for restaurants which is not listed in the Code, but the manufacture states that it meets all applicable codes. Staff will resolve the matter through interaction with the applicant.

Discussion followed regarding selection of the Rehabilitation Committee.

F. BUILDING AND FIRE BOARD OF APPEALS MEMBER'S ITEMS

Discussion ensued regarding the next Board meeting. Members of the Board agreed to meet within the next six months.

G. ADJOURNMENT - The Building and Fire Board of Appeals adjourned at 3:58PM.