



CITY OF NEWPORT BEACH BUILDING AND FIRE BOARD OF APPEALS AGENDA

100 Civic Center Drive, CDM Conference Room Bay 1E
Wednesday, December 9, 2015 - 3:00 PM

Building and Fire Board of Appeals Members:

Brion Jeannette, Chair
Stephen Sandland, Vice Chair
James Anderson, Board Member
Jay Elbettar, Board Member
Richard Luehrs, Board Member
James Piridy, Board Member
Saum Nour, Board Member

Staff Members:

Seimone Jurjis, Chief Building Official/Secretary to the Board
Kevin Kitch, Assistant Fire Chief
Debi Schank, Administrative Support Specialist

The Building and Fire Board of Appeals meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Building and Fire Board of Appeals agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Board and items not on the agenda but are within the subject matter jurisdiction of the Building and Fire Board of Appeals. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Seimone Jurjis, Deputy Community Development Director, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3282 or sjurjis@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Community Development Department 24 hours prior to the scheduled meeting.

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the [Board/Committee/Commission]. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The [Board/Committee/Commission] has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- IV. APPROVAL OF MINUTES**
 - 1. APPROVAL OF JUNE 17, 2015 MINUTES**

Recommended Action: Approve June 17, 2015 minutes

[DRAFT MINUTES OF JUNE 17, 2015](#)

- V. NEW BUSINESS**
 - 2. WELCOME NEW BOARD MEMBER SAUM NOUR**

Recommended Action: No action required

3. A PRESENTATION ON THE RESPONSIBILITY OF THE BUILDING AND FIRE BOARD OF APPEALS

Recommended Action: No action required

4. A PRESENTATION ON CURRENT AND PENDING PROJECTS IN THE CITY

Recommended Action: No action required

VI. CONTINUED BUSINESS

5. DISCUSSION ON THE ADOPTED FEES FOR FILING AN APPEAL AND RATIFICATION OF ACCESSIBILITY HARDSHIPS

Recommended Action: No action required

VII. STAFF AND BOARD MEMBER ITEMS

VIII. BUILDING AND FIRE BOARD OF APPEALS ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT

IX. ADJOURNMENT

CITY OF NEWPORT BEACH

Building and Fire Board of Appeals Minutes Building and Fire Board Regular Meeting June 17, 2015

A. **CALL TO ORDER** - The meeting was called to order at 3:05 p.m.

B. **ROLL CALL**

Present: Anderson, Elbettar, Jeannette, Piridy, and Sandland

Absent: Luehrs

C. **PUBLIC COMMENTS** - None

D. **APPROVAL OF MINUTES OF FEBRUARY 25, 2015**

It was noted that written comments were received from Jim Mosher suggesting corrections to the meeting minutes of February 25, 2015.

Chair Jeannette clarified comments relative to commercial facilities.

Motion by Chair Jeannette, seconded by Board Member Anderson, and carried (5 – 0) to approve the minutes of February 25, 2015, as amended.

AYES: Anderson, Elbettar, Jeannette, Piridy, and, Sandland

NOES: None

ABSENT: Luehrs

ABSTAIN: None

E. **NEW BUSINESS**

Item No. 1: Draft Fee Study as it Relates to the Fee Charged by the Building Division.

Summary: The Finance Department conducted a study of the fees charged by the Community Development Department for development related services. Both Planning and portions of the Building Division fees were studied in the process.

Chief Building Official Seimone Jurjis noted that Board Member Sandland was nominated as Vice Chair at the last Board meeting.

He provided details of a draft fee study for the Police Department, Fire Department and Community Development Department. He reported that his presentation will focus on Building Division fees. He addressed specific fees studied, costs, consideration by the Finance Committee, existing and proposed fees for an appeals board hearing and recommendations for City Council to subsidize 50 percent of fees and alignment of fees with planning fees for appeals. He reported that City Council will consider all fees at its meeting of July 14.

In response to an inquiry by the Board, Chief Building Official Jurjis reported that the revised fee does not cover costs for that particular item. He addressed other fees applicable to the Board and current Code requirements for accessibility.

Discussion followed regarding the Board's jurisdiction in terms of projects in the flood zone.

Chief Building Official Jurjis highlighted items of relevance to the Board.

Discussion followed regarding rechecks and plan reviews, determination of unreasonable hardship, the approval process and ratification of projects.

Chief Building Official Jurjis continued with the presentation addressing costs, projected revenue, building permit fees, grading bond fee and generation of a residential building records report.

A suggestion was made to include in future agendas, the expected Board action for each item.

Chief Building Official Jurjis noted that the staff report lists recommendations.

Discussion followed regarding unreasonable hardships, all line items under plan review, raising the plan review fee, challenges with raising some of the fees, electrical permits, decreases and discrepancies in the permit issuance fee, plumbing issuance fee, cost recoveries and costs paid by taxes.

It was noted that local taxes do not cover these issues and that these are fees for services, are not to be subsidized by the general public, and that the fee study is to justify the cost of services. Brief discussion ensued regarding permit fees being a percentage of the inspection costs.

Ensuing discussion pertained to the annual volumes of appeals, it was noted that now, there is potential for more ratification cases than in the past.

Discussion followed regarding checking the work of Deputy Inspectors. It was noted that the matter is required by City Code.

Item No. 2: Presentation on the Revisions to the City's Base Flood Elevation for Newport Harbor

Summary: A study conducted by the City's consultant determined an error existed in the Flood Insurance Rate Map (FIRM) reflecting an incorrect Base Flood Elevation (BFE). The error has subsequently been corrected and further study has taken place to determine a more accurate BFE of Newport Harbor.

Chief Building Official Jurjis provided details of a staff report addressing areas of highest potential flooding, flood insurance, and costs. He reported that the City voluntarily participates in the National Flood Insurance Program which provides affordable flood insurance to affected residents. He noted increases in flooding, implementation of a risk-based concept, base flood elevation, Council direction in terms of determining the true base-flood elevation on Balboa Island, government methodologies to measure height, revised maps and rates, and savings resulting from the new rates.

Discussion followed regarding sea-level rise, savings considering the potential liability to the City, establishing the height limit through the base flood elevation, the zoning code, having a consistent number throughout the City and Coastal Commission's interpretation of sea level rise.

Chief Building Official Jurjis reported that the seawall has not been resolved and that the issue is not only the height, but the structural integrity of the seawall.

Chair Jeannette opened public comments.

Josh Yocam referenced the Flood Plain Ordinance and asked whether remodeling costs for properties currently at 7.6 feet are capped in terms of a dollar amount.

Chief Building Official Jurjis reported that staff needs to verify constructions costs and the value of the building. If costs exceed 50 percent of the value, they are considered substantial improvements and the applicant must raise above the flood line.

Item No. 3: Presentation on Examples of Accessibility Compliance Approved by the Building Division

Summary: Commercial and some multi-family buildings are required to be upgraded for accessibility compliance when a building permit is obtained. Staff will present a list of projects recently approved.

Chief Building Official Jurjis provided details of a staff report including a restroom upgrade at high-rise towers at 4695 MacArthur Boulevard and the approval process.

Brief discussion followed regarding needing a spring mechanism at the door, removing the door and moving the door inward.

Chief Building Official Jurjis addressed the restroom on an adjacent tower and a significant remodel at 207 Marine Avenue that is above the thresholds for substantial improvements.

Discussion followed regarding leaving a non-conforming condition in perpetuity.

Chief Building Official Jurjis stated that regarding the remodel project, staff bent over backwards to have the project approved but that the applicant became frustrated and withdrew his plans.

Discussion followed regarding the need to be creative and the applicant's objections to installing handrails.

Chief Building Official Jurjis continued presenting examples of accessibility compliance projects considered by the Building Division.

Brief discussion followed regarding construction tolerance.

F. STAFF AND BOARD MEMBER ITEMS

Item No. 1: Chief Building Official's Report

Summary: Announcement of a Public Workshop by Simpson Strong-Tie on June 24, 2015

Chief Building Official Jurjis reported that Simpson Strong-Tie has been invited to the community on June 24, 2015, at 12:00 p.m. and that they'll provide a free lunch and seminar regarding their products. Additionally, he announced that the City is proud to have launched iPermit on its new website that will provide the ability to apply for permits that do not need plan review, online.

Discussion followed regarding the need for inspections.

G. BUILDING AND FIRE BOARD OF APPEALS ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT

Board Member Elbettar reported completing accessibility training on Saturday, June 6. He noted that he will be doing the same training for ICC at their headquarters, in the City of Brea, on June 23. He offered to help interested Board Members.

Discussion followed regarding the next Board meeting and Chief Building Official Jurjis confirmed it would be within the six months.

Discussion continued regarding the time it takes to put together a fee schedule.

Chief Building Official Jurjis was directed to bring other examples of projects considered by the Building Division to future meetings.

Discussion followed regarding the Solar Act Rights AB2188 and it was noted the item will be considered by Council on July 14.

H. **ADJOURNMENT** – The Building and Fire Board of Appeals adjourned at 4:20 p.m.

Motion by Vice Chair Sandland, seconded by Board Member Jeannette and carried (5 – 0) to approve adjourn the meeting at 4:20 p.m.

AYES: Anderson, Elbettar, Jeannette, Piridy, and, Sandland
NOES: None
ABSENT: Luehrs
ABSTAIN: None