

**RULES AND REGULATIONS OF
THE SANTA BARBARA COUNTY FIRE DEPARTMENT'S
BOARD OF APPEALS**

DEFINITIONS:

- a. "Appeal Application" or "Application" means an application for appeal submitted to the Clerk of the Board of Appeals.
- b. "Appellant" means the individual or entity that has filed an appeal application with the Board of Appeals.
- c. "Board" means the Board of Appeals created pursuant to the California Fire Code as amended by Appendix A-Board of Appeals of the Santa Barbara County Code.
- d. "Building Official" means the Santa Barbara County Building Official.
- e. "Chair" means the Chair elected by the Board of Appeals to preside over the hearing.
- f. "Chapter 10, Article XIX" means the Santa Barbara County Fire Department's amendments to the most recent version of the California Wildland Urban Interface Code adopted as part of the County of Santa Barbara Building Code.
- g. "Chapter 15" means the Santa Barbara County Fire Department's amendments to the most recent versions of the California Fire; Title XIV, Minimum Fire Safe Regulations; and the Fire Department's Development Standards adopted as the Fire Code of Santa Barbara County.
- h. "Clerk of the Board" means the Santa Barbara County Executive Office shall serve as the Clerk of the Board of Appeals.
- i. "Days" mean calendar days.
- j. "Fire Marshal" means the Fire Marshal or designee of the Santa Barbara County Fire Department Fire Chief.
- k. "Fire Chief" means the Fire Chief or designee of the Santa Barbara County Fire Department.
- l. "Fire Department" means the Santa Barbara County Fire Department.

BOARD'S FUNCTION:

The Board is convened to hear and preside over appeals in which appellants request changes to decisions of the Fire Marshal regarding alternate means and methods of construction; interpretation of Chapter 10, Article XIX; interpretation of Chapter 15; modification and/or variance requests to Chapter 10, Article XIX; modification and/or variance requests to Chapter 10; modification and/or variance requests to Chapter 15; and Fire Department conditions related to a Building Permit issued by the Building Official.

This Board of Appeal is subject to the Brown Act and will conduct its meetings in accordance with all applicable laws.

APPEAL APPLICATION:

An application is filed by appellant, or by appellant's agent, directly aggrieved by a decision that is subject to appeal.

Appeal applications or a letter requesting an appeal must be submitted to the Clerk of the Board at offices located at 105 E. Anapamu Street in Santa Barbara (Room 407) or 511 E. Lakeside Parkway in Santa Maria.

The appellant shall submit the applicable fee at the time of submittal to the Clerk of the Board.

The application shall include the following information:

- a. The name and address of the appellant.
- b. The name and address of the appellant's agent (if applicable).
- c. Assessor's Parcel Number and/or Plan Check numbers of the associated appeal.
- d. Specific section(s) of the code for which appellant requested a modification or interpretation that was the subject of the Fire Marshal's decision. Appellant must include all information that supports the appellant's interpretation or position and the details of any design modification or mitigation measure that appellant proposes.

NOTIFICATION OF HEARING:

The Clerk of the Board shall notice the public hearing per Brown Act rules.

After the filing of the appellant's application, the Clerk of the Board shall set the matter for hearing and notify the appellant and/or the appellant's agent, and the Fire Department via email and certified mail with the following details:

- a. The notice shall determine the time, date, and location of hearing.
- b. The notice shall be given no less than 15 days before the hearing.
- c. The Appellant may request an alternate hearing date mutually agreed upon by the Fire Department and the Board of Appeals.
- d. The Fire Department may request an alternate hearing date mutually agreed upon by the Appellant and the Board of Appeals.

SUBMITTAL DOCUMENTS TO THE BOARD OF APPEAL:

The appellant shall submit supporting documents to the Clerk of the Board and may include the following 7 days prior to the hearing date:

- a. Appellant should submit the original request for variance or alternate means and methods request documentation or the Santa Barbara County Fire Department's Request for Modification or Alternative Design and Methods Review form.
- b. The Appellant may submit up to 5 additional pages of reasoning for the members of the Board of Appeals to consider. All submissions must be formatted in a minimum 11-point font.
- c. The Appellant may submit a plan set up to 5 pages for members of the Board of Appeals to consider.

The Fire Department shall submit supporting documents to the Clerk of the Board and may include the following 7 days prior to the hearing date:

- a. The Fire Department should submit their determination documents responding to the appellants request for variance or alternate means and methods request documentation or the Santa Barbara County Fire Department's Request for Modification or Alternative Design and Methods Review form.
- b. The Fire Department may submit up to 5 additional pages of reasoning for the members of the Board of Appeals to consider. All submissions must be formatted in a minimum 11-point font.
- c. The Fire Department may submit a plan set up to 5 pages for members of the Board of Appeals to consider.

HEARING PROCESS:

The Board of Appeals shall be provided with the materials submitted by all parties at least 5 days prior to the hearing.

During the hearing, but prior to hearing arguments from the appellant or the Fire Department, the Board shall select one of its members to act as Chair of the Board to preside over the hearing and one Secretary. The Chair shall exercise such control over the hearing as is reasonable and necessary. He or she shall make all rulings regarding procedural matters and regarding applicability, admission or exclusion of evidence.

Three members shall constitute a quorum for a hearing. No hearing shall be held unless a quorum is present. No decision, determination, or order shall be made by the Board by less than a majority of votes of all the members of the board who have been in attendance throughout the hearing.

The Clerk of the Board shall announce the application and the name of the appellant and verify the appellant and the Fire Department are in attendance.

Each party will have 10 minutes to make comments for their respective positions.

After the 10-minute comment period, each party will have 3 minutes for rebuttals.

The Board will deliberate after the comment and rebuttal periods.

DECISION:

The Chair of the Board will submit the Board's decision to the Clerk of the Board.

The Clerk of the Board will notify the appellant via Certified US Mail and email address on file of the Board's decision within 10 business days.

The decision made by the Board of Appeals is **final**.