



City of Santa Barbara
 Building and Safety Division
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City of Santa Barbara
 Building and Safety Division
**REQUEST FOR
 APPEALS BOARD HEARING**

MAY 01 2015

RECEIVED

Subject Property Address 1215 E. Cota APN 031-190-022 Date 01 May 2015
 Owner's Name Leslie Colasse
 Owner's Address 1215 E. Cota (Phone) 451-8414
 Owner's Email Address unknown

Decision Being Appealed

A brief statement specifying order or action protested:

Fire Marshal's variance for access is not acceptable for safety reasons

- Further explanation attached.
 Copy of protested notice attached.

A brief statement of the reason the protested order or action should be reversed, modified or otherwise set aside:

x see statement above - additional comments will be forthcoming next week

You will be notified within 30 days of the date of your hearing.

Signature

I certify under penalty of perjury that the foregoing, to the best of my knowledge, is true and correct. I also acknowledge that the Board cannot waive any Code requirements and will only determine the proper application of the code.

Signature Trevor J. Martinson
 TREVOR J. MARTINSON
 965-2385

Questions

For further information contact the Building & Safety Division at (805) 564-5485

Hours: Monday-Friday *
 8:30 a.m. to 4:30 p.m.
 *Closed Alternate Fridays
 www.SantaBarbaraCA.gov

Address: 630 Garden St, Santa Barbara, CA 93101
 Phone: (805) 564-5485



City of Santa Barbara

Fire Department

www.SantaBarbaraCA.gov

April 2, 2014

Leslie Colasse
Studio G Design
P.O. Box 6425
Santa Barbara Ca. 93160-6425

Administration

Tel 805 965.5254

Fax 805.564.5730

Fire Prevention/

Public Education

Tel 805 564.5702

Fax 805 564 5715

121 W. Carrizo St.

Santa Barbara CA

93101

Subject: 1215 E Cota

Dear Leslie:

This letter is in response to your request for a variance of the Fire Department access distance standard of 150 feet to all exterior walls. The partial plans of March 27 that you sent by email confirm the phone conversation that we had previously: The project consists of a remodel/ addition to the existing residence in the front and a new garage / accessory use at the rear of the lot. Both buildings will be fully sprinklered and the distance issue presents at the rear building only.

We have concluded that the variance request is reasonable and approve it with the following caveat: Since access to the rear structure would ultimately require travel through another structure, in this case the driveway overhang, it will be necessary to leave enough room for foot access on the east side of the main house. It is understood that either the existing or a new proposed gate will be in that location and that gate will suffice as an alternate method of accessing the rear of the property on foot.

Keep in mind that distance to a residential fire hydrant is also required for the new structure and that it may not exceed 500 feet. We currently show the nearest hydrant as FH-J07-014, a qualifying residential hydrant located near Cota Street and Casitas Road, a distance of approximately 112 feet from the east property line. Remember to show the hydrant on your site plan.

Please attach or imprint a copy of this letter to your plan when you submit for a building permit. If you have any further questions feel free to call me at 805 564 5702.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Poiré".

Joe Poiré
Fire Marshal



1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385
(FAX) 965-5457

City of Santa Barbara
Building and Safety Division

MAY 05 2015

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05 May 2015

Andrew Stuffer, CBO and Secretary
to the Fire & Building Appeals Board
City of Santa Barbara
Building & Safety Division
630 Garden Street
P. O. Box 1990
Santa Barbara, CA. 93102-1990

(805) 564-5485
FAX 564-5470

Re: 1215 East Cota Street project
MST2014-00310
Leslie Marie Colasse, Architect/Owner

Subject: My request for a Appeals Board
Hearing submitted 01 May 2015 and my
additional comments for the Appeals Board

Dear Mr. Stuffer:

As you may know, my office represents the northerly next-door neighbor, Mr. Roger Goldtrap, at 1217 East Cota Street, who has concerns regarding the location of the proposed new construction of a detached three-car garage and accessory structure which will block some of his private views to the Western sunset. A review and my current investigations have discovered several important facts to be considered by you and the Appeals Board and they are as follows:

This project, in addition to being in violation of the City driveway standards, will be in violation of the Santa Barbara Fire Code. It does not qualify for exceptions to the apparatus access road standards in the Fire Code.

The Fire Code limits the distance from a fire truck access road to a building at 150 feet. (Section 503.1.1)

05 May 2015

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to the Fire & Building Appeals Board
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The Fire Code requires that the fire apparatus access road shall have a roadway of 16 feet with clearance of not less than 13 feet 6 inches. (Section 503.2.1) No exceptions may be granted.

The three-car garage (actually a six-car garage and attached room with a bath room and living space) would violate the 150-foot limit.

The Fire Department's proposed waiver is being appealed to the Building and Fire Board which is the Board required under the adopted codes to hear the appeal. The waiver is not allowed because there is nothing about the site, which justifies a waiver. This would be a bad precedent if the Board of Appeals grants a waiver. The lot has sufficient size and there are no terrain issues to allow an exception under Fire Code Section 503.1.1. The Code, and common sense, would not allow this exception. The City of Santa Barbara and this area have frequent drought conditions with increased fire hazards. Access into the property and out, for fire fighting, is critical to knock down fires quickly and to protect structures in the event of any vegetation fire, car fire or fire caused by humans, such as lawnmowers, grills, autos, cigarettes, or any business activity using the six-car garage structure. Relying on a narrow path between a building and a property line is exposing persons, property and firefighters to an unnecessary risk.

The Fire Department did require the building to have sprinklers. Every new building in the City, of that size, is now required to have sprinklers. It does not provide additional fire protection to state that it will have sprinklers.

The project includes demolition of the existing garage and the unpermitted bedroom above it. There are numerous options regarding improving this property. In other words, it is merely the desire to "rebuild" in the current location, which causes the request for an unreasonable waiver or exception.

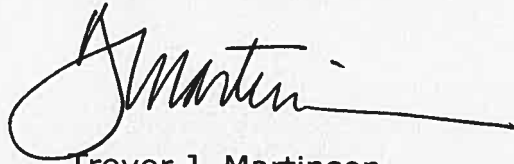
05 May 2015

Andrew Stuffer, CBO and Secretary
to the Fire & Building Appeals Board
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That is not a valid basis. A valid basis would require terrain or other factors not under the control of the applicant. An Owner/Architect is proposing this project, and of course, has the ability to change the design to allow full fire access or, more easily, move the location of the new garages and building closer to the street.

If you, or the Board, have any questions please feel free to contact me.

Respectfully Submitted.

A handwritten signature in black ink, appearing to read "T. Martinson", with a long horizontal line extending to the right from the end of the signature.

Trevor J. Martinson
Architect, Planner & Forensic

XC: R. Goldtrap



City of Santa Barbara
Fire Department
Prevention Bureau

Memorandum

DATE: 6/9/2015
TO: Building and Fire Code Appeals Board
FROM: Joseph Poiré, Fire Marshal
SUBJECT: 1215 E Cota – Appeal of the Fire Marshal’s Decision Regarding Access

On March 27, 2014, Leslie Collasse, the owner and architect for the project at 1215 E. Cota Street, applied for a variance from Fire Department access standards in connection with a proposed remodel of a single family residence. The proposed project involves a second-floor addition to the single family residence and the construction of a new garage with an attached accessory use at the rear of the property. The garage will be accessed by a driveway with a pass through underneath the second-floor addition of the residence which is located at the front of the property approximately thirty (30) feet from the front lot line. The proposed garage and accessory use are to be constructed approximately 200 feet from the front lot line on East Cota Street.

The applicant requested a variance from the provisions of California Fire Code Section 503.1.1 which, as amended upon adoption by the City, reads as follows:

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus roads shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The Fire Code Official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternate means of fire protection is provided.

The applicant’s variance requested that the 150 foot distance required by California Fire Code Section 503.1.1 from the front lot line to the exterior walls of the proposed garage and

accessory use at the rear of the property be extended to 225 feet. The variance was granted by letter on April 2, 2014.

On May 1, 2015, Trevor Martinson, an agent for the owner of the property located at 1217 E. Cota Street, filed this appeal.

Code Authority

The Fire Department access standards are based on the 2013 Edition of the California Fire Code, as adopted and amended in Chapter 8.04 of the Santa Barbara Municipal Code (hereafter referred to as "the code"). Section 103.1.1 establishes the Fire Prevention Bureau, which operates under the direction of the Fire Code Official, alternately known as the Fire Marshal. In Section [A] 104.8, entitled "Modifications" (attached), the code states that the Fire Code Official has the authority to grant modifications for individual cases provided that he/she first:

- Finds that the individual reason for the request make the strict letter of the code impractical and
 - The modification is in compliance with the intent and purpose of the code and
 - Does not lessen health, life and fire safety requirements.
- (See Attachment #1)

The code cannot foresee every possible field condition that may arise and leaves it to the Fire Code Official to apply the general intent and purpose of the code where conditions make strict adherence impractical. Review of such departure requests is a common occurrence in the Fire Prevention Bureau and often occurs as an informal meeting with the applicant over a set of proposed plans. The Fire Marshal or his designee must review the request using code knowledge, knowledge of the local fire and emergency services, local conditions and common sense. If, in the view of the Fire Marshal, the applicant's proposal does not satisfy the intent and purpose of the code, the applicant is informed that they need to adhere to the code or present a new alternative. If the Fire Marshal makes the three required findings, the variance is approved and a letter describing and approving the variance or modification is sent to the applicant. Section [A] 104.8 clearly gives the Code Official the authority to review and issue such a variance or modification and the appellant's assertion to the contrary is not correct.

Variance Request

The site plan provided by the applicant illustrates that the lot is relatively narrow and deeper than some city lots, at 225 feet from the public way. The existing house is within the 150 foot access distance and a variance was not required to add to or remodel the residence. The structure at issue is the proposed garage on the west (rear) side of the lot. The existing driveway would be extended, but due to site constraints, the width of the driveway would not be able to meet fire access standards, thus the distance to exterior walls of the proposed garage and accessory use would be greater than 150 feet. The remodel of the house called for a partially covered driveway after the first 30 feet from the street, due to site constraints in the addition of a new room above. The applicant proposed that both garage and house be equipped with fire sprinklers.

The Role of Sprinklers

Generally, sprinklers are required for all new construction under Municipal Code 8.04 and the California Fire, Building and Residential Codes. Section 903.2.20.1 (Attachment #2) designates the occupancy types subject to the requirement. One exception is made for "U" (Utility) occupancies, which says, in relevant part: "...A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area". California Building Code 312.1 describes the types of structures that qualify as U occupancies and included in that list are "Private Garages" (Attachment #3). The issue of occupancy type for the structure in question had yet to be decided but the applicant had chosen to sprinkle the garage regardless. It is likewise not known if the addition / remodel of the house would have triggered the sprinkler requirement (where the floor area of the addition/remodel exceeds 75% of existing square footage) but the applicant had already chosen to sprinkle the house as well.

The fact that both structures would be sprinklered, therefore, may or may not have had a mitigating impact on the access request in and of itself, but sprinklers are always a consideration in new construction. As an example: Prior to adopting the residential sprinkler ordinance, the Fire Department automatically allowed up to 250 feet of access distance if the applicant installed sprinklers (2001 CFC Adopting Ordinance 5257, see Attachment 4). Although no longer a part of our local code, the principal holds true, in part due to the effectiveness of sprinklers and in part due to modern urban firefighting techniques and equipment. Firefighters can deploy 250 feet of quick attack line and it continues to make sense to allow the extra distance on a case by case basis.

The Variance as Granted

Attachment #4 is an annotated version of the site plan submitted by the applicant. I added the notations to explain the thought process that lead to the decision to grant the variance. The annotations are explained as follows:

1. Distance: Under the circumstances, the additional distance requested is not significant. In fact, under a prior version of the City's Fire Code (Ordinance No. 5257) the requested variance would have been granted automatically. For reference, I have added a note at the top of the site plan (Attachment #4) indicating the approximate 150 foot distance from the front property line. As previously stated, the total lot depth is 225 feet. The lot is relatively flat, not in the high fire hazard area and reasonably accessible from Cota Street, with ample water supply nearby. As the Code Official I have approved similar distance extensions in the past without hesitation when circumstances provided a reasonable degree of life safety and adherence to the intent of the Fire Code. On a case by case basis I will continue to evaluate similar proposals with a mind to overall fire and life safety.
2. A minor irregularity in this project was the covered driveway, not because of a threat to advancing fire apparatus – both the existing and proposed legs of the driveway are too narrow for Fire Department use – but out of concern for firefighters advancing a hose line to the garage area. For that reason the Fire Department required the applicant to maintain the existing clear passage on the Plan North side of the residence. This is the same passage that I referred to as "East" in my letter, due to the shifted alignment of city streets in relation to the points of the compass. Keeping the passage open ensures that firefighters will have two potential access routes to the rear of the property.

3. The portion of the project that relies on the variance is relatively small and consists primarily of a U occupancy, private garage. Although the accessory portion could be an office or a studio, it is a less significant part of the overall structure.

Based on the above, I found that the elements of CFC 104.8 were met. The site made strict adherence impractical, the intent and purpose of the fire code was met and the result will not lessen health, life or fire safety requirements.

Staff Recommendation

This variance is not unusual or extraordinary in any way. It is a routine part of the Fire Marshal's duties to evaluate requests of this nature and make reasonable and timely decisions based on code knowledge and experience. After decades of such evaluations, I'm comfortable with the decision and remain confident that the fire and life safety concerns are satisfied. The appellant misrepresents the code when he states "No exceptions may be granted" (such a code section does not exist) and when he intimates that terrain alone governs code modifications. In fact, Section 503.1.1 of the code expressly authorizes the Fire Marshal to extend the 150 foot distance when the building has sprinklers, as is the case in this application.

I recommend you deny the appeal and uphold the variance.



Respectfully Submitted,

Joseph Poiré
Fire Marshal.

Attachments:

1. CFC 104.8 Modifications
2. CFC 8.04 903.2.20.1 New Buildings, Generally
3. CBC Section 312
4. Annotated site plan, 1215 E Cota

the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

[A] 104.3.1 Warrant. When the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

[A] 104.4 Identification. The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.5 Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

[A] 104.6 Official records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals. A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections. The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

[A] 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

[A] 104.7 Approved materials and equipment. All materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

[A] 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

[A] 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of 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 quality, strength, effectiveness, fire resistance, durability and safety.

M. Section 903.2 "Where required" is amended to add Section 903.2.20 to read as follows:
903.2.20 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.20, whichever is more protective.

903.2.20.1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.20.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City's designated High Fire Hazard Area.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.20.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.20.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.20.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification.

903.2.20.6 Computation of Square Footage. For the purposes of Section 903.2.19, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.20.7 Existing Use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

N. Section 907 "Fire Alarm and Detection Systems" is amended to add Section 907.2.30 to read as follows:

907.2.30 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the Fire Code Official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030.B.

O. Section 4901 "General" is amended to read as follows:

Section 4901.1 Scope. The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter. In addition, this section is intended to prevent the occurrence of fires and to provide adequate fire protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas as defined by the City of Santa Barbara Wildland Fire Plan.

Section 4901.2 Purpose. The purpose of this code is to provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contribute to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements. In addition, the purpose of this code is to prevent the occurrence of fires and to provide adequate fire protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas.

Section 4901.3 Policy. The policy direction for the City of Santa Barbara Wildland Urban Interface Area is established by the City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004.

P. Section 4902 "Definitions" is amended to add the definitions of "Spark Arrester", "Tracer", and "Tracer Charge" and to amend the definition of "Wildland-Urban Interface Fire Area", to read as follows:

Spark Arrester is defined as a device constructed of non-flammable materials specifically for removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine operated by hydrocarbons.

Tracer is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which result in fire or heat.

Tracer Charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

**SECTION 312
UTILITY AND MISCELLANEOUS GROUP U**

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers

Attachment # 4: Highlighted site plan to show extent of the variance

