



City of Santa Barbara  
Community Development

**Memorandum**

DATE: September 22, 2015  
TO: Building & Fire Code Appeals Board  
FROM: Lonnie Cassidy, Building Plan Check Supervisor  
SUBJECT: Ratification of Hardship — 36 W. Valerio St.

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**RATIFICATION OF HARDSHIPS**

Pursuant to the 2013 State Building Code, Section 11B-202.4 Exception 8, whenever the Building Official determines that application of all of the accessibility provisions of the code create an unreasonable hardship, the Building Official's determination must be ratified by the local Appeals Board. "Ratification" is a review and approval (by vote) of the basis for the granting of the hardship. The Appeals Board may choose to not ratify the Building Official's decision and then must give the Building Official additional direction relative to the extent of accessibility that the Board feels is reasonable.

According to the 2013 State Building Code definition of "Unreasonable Hardship", the question before the Appeals Board during any accessibility hardship ratification is this:

Is the extent of accessibility being required by the Building Official reasonable after considering the following?

- *The cost of providing access as prescribed by the Code*
- *The cost of all construction contemplated*
- *The impact of Code mandated access improvements on the financial feasibility of the project*
- *The nature of accessibility which would be gained or lost by granting a hardship*
- *The nature of the use of the facility under construction and its availability to persons with disabilities*

**PROJECT:**

In this particular situation, an existing Bed & Breakfast Inn has built a trash enclosure in their back/side yard. The City requires the garbage dumpsters to be within an enclosure and be covered (for wind-blown trash and storm water compliance). The required enclosure is estimated to cost \$5,180.00. The 2013 CBC defines the trash enclosure as an employee work area subject to the requirements of CBC 11B-206.2.4 (accessible features including an accessible route and accessible entry). The cost of the construction of an accessible route is estimated at \$14,840.00.

State access regulations require that a minimum of 20% of the project valuation be invested in bringing the existing buildings into compliance with recent design standards. The building owner has spent \$115,000.00 on barrier removal which includes a stair lift and an accessible suite which exceeds the minimum 20% improvement requirement. Additionally, the building owner has agreed to provide a satellite trash location for trash and recycling purposes on an accessible route. This will provide equal facilitation.

#### RECOMMENDATION

In light of the above, the City Building Official recommends ratification of the building owner's request for a hardship and eliminating the installation of a \$14,840.00 accessible route to the "as-built" trash enclosure. A copy of the project's Access Compliance, Construction Valuation and Hardship forms have been attached in order to help clarify the costs associated with this recommendation.



City of Santa Barbara  
 Building and Safety  
[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

## REQUEST FOR APPEALS BOARD HEARING

Date 9/22/15

### Applicant

Property Address 36 WEST VALERIO APM 027-101-022

Owner CHRISTINE DUNSTAN

Address 36 WEST VALERIO (Phone) 805-569-1610

Email Address <christine@cheshirecat.com>

### Decision Being Appealed

A brief statement specifying order or action protested:  
 PROVIDE ACCESSIBLE ROUTE TO NEW TRASH ENCLOSURE.

Further explanation attached.

Copy of protested notice attached.

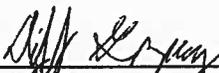
A brief statement of the reason the protested order of action should be reversed, modified or otherwise set aside:

COST OF THE NEW TRASH ENCLOSURE IS \$5180.00. COST OF THE ACCESSIBLE ROUTE IS \$14,840.

You will be notified within 10-30 days of the date of your hearing.

### Signature

I certify under penalty or perjury that the foregoing, to the best of my knowledge, is true and correct

Signature   
 Dwight Gregory, AIA

### 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

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





City of Santa Barbara  
 Building & Safety Division  
**CONSTRUCTION VALUATION**

Community Development  
 630 Garden Street  
 805-564-5485

The Applicant is mandated by State law to provide an estimated value of work proposed on each application for a building permit. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. 2013 California Building Code Section [A] 109.3.

\*\*\*\*\* PLEASE COMPLETE THE FOLLOWING \*\*\*\*\*

Site Address: 36 W VALERIO ST. Permit #: BLD2014-01761

Area of New STRUCTURE \_\_\_\_\_ 100 Sq. Ft.

Area of Addition: \_\_\_\_\_ Sq. Ft.

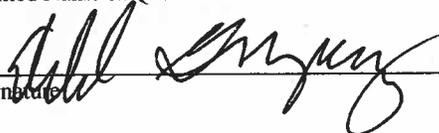
Area of Remodel: \_\_\_\_\_ Sq. Ft.

Valuation is based on:  RS Means  Marshall Swift  Engineering News & Review  
 ACTUAL COST OF CONSTRUCTION  
 CONTRACTOR'S ESTIMATE

I certify the value of all proposed construction work covered by the permit application including: all structural work, finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, labor costs and all permanent equipment is:

\$5180.00 Building Construction Cost \$14,840.00 Site Work Cost

DWIGHT GREGORY  
 Printed Name of Qualified Professional

  
 Signature

9/21/15  
 Date

ARCHITECT  
 Title / Role

**630 Garden Street, Santa Barbara, California 93101, (805) 564-5485**



## Project Cost Equal To or Less Than Valuation Threshold

36 W VALERIO ST.  
 Project Address

2015  
 Year Built

BLD2014-01761

### CALIFORNIA BUILDING CODE SECTION 11B-202.4 Accessibility for Existing Buildings & Facilities.

All existing buildings and facilities - When alterations, structural repairs or additions are made to such buildings or facilities, an accessible path of travel<sup>19</sup> to the specific area of alteration or addition shall be added.

Exception 8: When the total cost of the project is equal to or less than the current valuation threshold (\$147,863.00) the cost of compliance shall be limited to 20% of the project valuation. When the cost of full compliance exceeds 20%, compliance shall be provided to the maximum extent possible without exceeding 20% of project cost. Accessibility features should be completed in the order listed below until this requirement is met.

**INSTRUCTIONS:** Complete, Sign and Reproduce this document onto the plans. See page 5 for additional instructions.

- |     |   |                     |
|-----|---|---------------------|
| 1a. | Adjusted Cost of Construction for this Project (based on Marshall & Swift Cost Estimator or similar)                            | \$ <u>5180.00</u>   |
| 2a. | Cost of Construction over the last 3 years for this building or tenant space only where no accessibility upgrades were included | \$ <u>0.00</u>      |
| 3a. | Total Cost of Construction: (Add items 1a + 2a)   | \$ <u>5180.00</u>   |
| 4a. | 20% of Total Cost of Construction (Multiply Item 3a by 0.2)   | \$ <u>1036.00</u> * |

\*This is the maximum amount required to upgrade existing Path of Travel items on this project.

### PROVIDE "COSTS TO UPGRADE" THE ACCESSIBLE "PATH OF TRAVEL" PER CBC 11B-202.4 EXCEPTION 8

<i>Please provide amounts for both columns and check the appropriate boxes for the items below:</i>		Already Compliant	Cost to Make Fully Compliant	Cost of Work On This Project (max. 20%)
1b.	An accessible entrance to & into the structure (including travel from ROW and parking)	<input checked="" type="checkbox"/>	\$ _____	\$ _____
2b.	An accessible route to the altered area (elevators, ramps, stairs, hallways, etc.)	<input type="checkbox"/>	\$ <u>14,840.00</u>	\$ <u>1036.00</u>
3b.	At least one accessible restroom for each sex (unless single use restroom allowed by plumbing code)	<input checked="" type="checkbox"/>	\$ _____	\$ _____
4b.	Accessible public telephone(s) (if provided)	<input type="checkbox"/> N/A	\$ _____	\$ _____
5b.	Accessible drinking fountains (if provided)	<input type="checkbox"/> N/A	\$ _____	\$ _____
6b.	Additional accessible parking, storage/alarms (if possible) (This refers to items that are above and beyond the minimum listed above)	<input type="checkbox"/> N/A	\$ _____	\$ _____
7b.	The total cost of providing accessible features		\$ <u>14,840.00</u>	\$ <u>1036.00</u>

I certify that the above costs are based upon a valid estimate by a qualified person or firm and existing compliance is based upon a site investigation by me or my authorized representative.

Applicant Printed Name DWIGHT GREGORY Title/License # C 18,250

Applicant Signature [Signature] Date 9/21/15

(State Licensed Architect, or person knowledgeable with the current State and Federal Accessibility Codes)  
 Applicant completing this form is responsible for providing accurate information determined from a site investigation.  
 Please reproduce this form onto the plans. (See Detailed Instructions on page 5)

**Subject:** Enclosure cost

**Date:** Monday, August 31, 2015 10:49 AM

**From:** Dwight Gregory <dgregoryaia@verizon.net>

**To:** "Dwight Gregory, AIA" <dgregoryaia@verizon.net>

**Conversation:** Enclosure cost

Hi Dwight,

The total amount for the trash enclosure was \$4,430 including demolition, grading, installing truncated domes, fence posts and to form and pour the concrete slab.

To add and paint new grape stakes ~\$750 for a total of ~\$5180.

Arthur Ablingis  
Contractor for 36 W. Valerio



