



**City of Santa Barbara**  
Community Development

**Memorandum**

DATE: March 17, 2016  
TO: Building & Fire Code Appeals Board  
FROM: Andrew Stuffer, Chief Building Official *AS*  
SUBJECT: Ratification of Hardship – 3771 State St Route of Travel

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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, small restaurant building is undergoing an interior tenant improvement. Because the estimated construction valuation is more than \$150,244, the State Building Code requires full compliance with the Path of Travel requirements in the State Building Code – provided that total compliance does not create an unreasonable hardship. Projects that are below \$150,244 are required to invest at least 20% of the project cost towards Path of Travel improvements. 20% of the project cost for this project would be \$36,700. The applicant has committed to \$41,500 of accessibility improvements to the parking, restrooms and

portions of the Path of Travel.

Full compliance with the Path of Travel requirements for this project would necessitate the replacement of stairs at the rear of the building with a ramp to provide access to the existing garbage dumpster area. The removal of the stairs and installation of a new ramp (and multiple utility relocations required) is estimated to cost \$56,600 alone. Requiring full Path of Travel compliance, including this ramp improvement, would bring the total cost of accessibility improvement to more than \$98,000 for the project that is estimated to cost a total of \$183,500. The \$98,000 of accessibility improvements represents 53% of the total project cost while the total project cost is only \$33,256 over the \$150,244 total project valuation threshold.

As an alternative, the applicant has provided a written procedure that administratively allows all employees to bring the trash to the rear of the building where janitorial employees will transport the garbage to the existing dumpster.

#### RECOMMENDATION

In light of the above, the City Building Official recommends ratification of the building owner's request for a hardship and eliminating the requirement to install the \$56,600 ramp. 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 & Safety Division

Community Development  
 630 Garden Street  
 805-564-5485

**Request For Relief From  
 Unreasonable Hardship**

(Above Valuation Threshold)  
 2013 California Building Code, 11B-202.4, Exception 8.

1. Address of building or tenant space involved: 3771 STATE STREET
2. BLD2015-0 2382
3. Occupancy Classification: B
4. Expected or potential use by persons with accessibility needs: ACCESS BY PATRONS OF PROPOSED DUNKIN DONUTS AS WELL AS EMPLOYEES.
5. Reason for Hardship Request: SEEKING RELIEF FROM PROVIDING ACCESSIBLE ROUTE FROM BACK OF HOUSE TO TRASH ENCLOSURE. FINISH FLOOR OF THE BUILDING IS 24" + HIGHER THAN PARKING DRIVE AISLE TO THE SOUTH. WITHOUT THE DEMOLITION + RECONSTRUCTION OF MANY BUILDING APPURTENANCES INCLUSIVE OF UTILITIES/UTILITY COLLECTIONS CLEARANCES TO BUILD A RAMP ARE INFEASIBLE. WHILE THE INITIAL VALUATION IS ABOVE THE THRESHOLD THE COST TO DO THIS WORK IS STILL FINANCIALLY INFEASIBLE. SEE ATTACHED EXHIBITS.
6. Total adjusted cost of project (less accessibility requirements): \$ 183,500 (A)  
 20% of total cost of project: \$ 36,700 (20% A)

7. Path of Travel features to be constructed:

FEATURE	REMARKS	COST
Accessible entrance	<u>COMPLIES</u>	\$ _____
Accessible route to altered area	<u>COMPLIES.</u>	\$ _____
Parking	<u>CORRECTING EXISTING</u>	\$ <u>7,500.</u>
At least one accessible restroom for each sex	<u>RECONSTRUCTING 2 RESTROOM</u>	\$ <u>25,000</u>
Accessible telephones	<u>NA</u>	\$ _____
Drinking fountain	<u>NA.</u>	\$ _____
When possible, additional accessible elements	<u>NEW TRUNCATED DUMPS</u>	\$ <u>9,000.</u>

Total: \$ 41,500 (B)

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 (Continued from page 1)

Address: 3771 STATE STREET

BLD2015-0 2382

8. Accessibility features subject to unreasonable hardship:

FEATURE	REMARKS	COST
Accessible entrance	_____	\$ _____
Accessible route to altered area	_____	\$ _____
Parking	_____	\$ _____
At least one accessible restroom for each sex	_____	\$ _____
Accessible telephones	_____	\$ _____
Drinking fountain	_____	\$ _____
When possible, additional accessible elements	ACCESSIBLE PATH OF TRAVEL FROM ENTR. SERVICE DOOR TO TRASH	\$ 56,600 (SEE ATTACH) Total: \$ 56,600(C)

9. The accessibility features, that will be constructed, increase construction by

22.6 %. (B divided by A) Must be greater than 20% of A.

10. The accessibility features, subject to unreasonable hardship, would increase construction by

30.8 %. (C divided by A)

11. Additionally, barrier removal is ongoing obligation for the Americans with Disabilities Act and the granting of an unreasonable hardship does not exempt the obligation of removing barriers in a reasonable time frame. By signing this document, you acknowledge that the project will be in reasonable compliance with Chapter 11B of the California Building Code, but will not necessarily fully comply with the Americans With Disabilities Act.

12. Name of Owner: B. KIM.

Signature: [Signature]

Telephone number: 310 869-6152

(office use only)	
Building Division Approved by: <u>ANDREW STOFFLER *</u>	Title: <u>EBO</u>
Signature: <u>[Signature]</u>	Date: <u>2/26/16</u>

**\* SUBJECT TO APPEALS BOARD RATIFICATION**



City of Santa Barbara
OWNER/AGENT AUTHORIZATION FORM

DATE: 6-11-2015

I, THE UNDERSIGNED, HEREBY AUTHORIZE BJ Kim (The Tasty Group) TO ACT AS MY AGENT IN MY BEHALF ON ALL MATTERS BEFORE THE CITY OF SANTA BARBARA COMMUNITY DEVELOPMENT DEPARTMENT PERTAINING TO DEVELOPMENT ON THE PROPERTY LISTED BELOW.

PROJECT ADDRESS:

3771 State St., Santa Barbara, CA.

PROPERTY OWNER:

NAME: YUN PEI YEH (PRINT)

(SIGNATURE)

ADDRESS: 5306 ORCHARD PARK LANE Santa Barbara CA 93111 (CITY, STATE ZIP CODE)

EMAIL: YUNPEI YEH@YAHOO.COM

PHONE NO: (805) 683 5759

AGENT:

NAME: BJ Kim (The Tasty Group) (PRINT)

ADDRESS: 14500 Roscoe Blvd., 4th Floor Panorama City, CA. 91402 (CITY, STATE ZIP CODE)

EMAIL: bjkim@dmiregroup.com

PHONE NO: (310) 869-6152

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Original: 3/16/2012 3:45:07 PM Revised: 5/19/2014 6:04:00 PM



**ADN Architects**  
Armet Davis Newlove & Associates

Hardship Cost Breakdown

Demolition and grading:	\$6,000
250 square feet of concrete:	\$4,750
40 linear feet of handrails:	\$4,000
Reconstruction of 40 linear feet of 7' high walls at rear of building:	\$4,600
Remove and replace / reset existing grease interceptor:	\$15,000
Reconfigure gas line for resetting of gas meter:	\$4,750
Reconfiguration of electrical secondaries to existing switchgear:	\$7,500 min.
35 feet of 3 foot wide truncated domes from ramp to trash enclosure:	\$10,000
<u>(This is in addition to truncated domes already added to project)</u>	
 Total cost of work:	 \$56,600 min.

STATE ST.

22 EXTERIOR SEATS EXISTING  
16 EXTERIOR SEATS PROPOSED

= LANDSCAPING PLANS FOR ADDITIONAL PRUNING / REFINISHING AS REQ. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION

= NEW LANDSCAPING. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION

= LANDSCAPING TO REMAIN AND BE PRUNED / REFINISHED AS REQ. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION

REPLACE DAMAGED EXISTING UNAUTHORIZED PARKING SIGN

EXISTING PROPERTY LINE

NEW BAR HEIGHT TABLE WITH GLASS ABOVE-SHOULDER TO SHIELD GAS FIRE ELEMENT

G.C. TO DEMO (E) LANDSCAPE AND INSTALL NEW CONCRETE P.O.T. TO PUBLIC WAY. G.C. TO INSTALL NEW BACK FLOW PREVENTER AT EXISTING DOMESTIC COMBO METER AT IRRIGATION POINT OF CONNECTION. VERIFY INSTALLATION ON PRIVATE PROPERTY AS CLOSE TO THE METER AS FEASIBLE.

NEW MONUMENT SIGN LOCATION. SIGN UNDER SEPARATE PERMIT.

ALL TRELLIS ELEMENTS SHALL BE IN THE SAME LOCATION, HEIGHT, WIDTH, AND LENGTH AS PREVIOUSLY EXISTING TRELLIS. SEE SHEET A.0 FOR ENLARGED TRELLIS PLAN (ALL MEMBERS NOT SHOWN FOR CLARITY). ALL EXISTING COLUMNS TO REMAIN AS IS.

NEW EELP LIGHTS

G.C. TO DEMO (E) CURB & LANDSCAPING AT ADA STALLS TO ALLOW FOR RE-STRIPE

NEW ADA SIGN PER CBC 118-502.2 TYP. BOTH STALLS

(E) BIKE PARKING

(E) ADJACENT COMMERCIAL STRUCTURE

EXISTING TRANSFORMER

EXISTING LANDSCAPE

(E) ADJACENT COMMERCIAL PARKING LOT

PROPOSED FIRE SPRINKLER BACKFLOW DEVICE LOCATION. G.C. TO SCREEN WITH (E) BRONZE NEW ZEALAND FLAX PLANTS AND PAINT DARK "MALAGA GREEN". UTILITY VALVE STEMS, ALARM BOX, IDENTIFICATION TAG, AND STAINLESS STEEL UNPAINTED.

NEW DETECTABLE WARNINGS

(E) ADJACENT COMMERCIAL PARKING LOT

EXISTING CHAIN LINK FENCE SHROUDED BY (E) SHRUBS. 6'-0" A.F.F.

EXISTING TRASH ENCLOSURE 8'-0" A.F.F. G.C. TO REMOVE (E) WOOD GATES TO INSTALL METAL GATES. PAINT ENTIRE ENCLOSURE TO MATCH BLDG.

4 CUBIC YARD RECYCLING DUMPSTER

(2) 32 GAL. FOOD SCRAP CARTS

NEW 3'-0" WIDE PEDESTRIAN DOOR AT (E) TRASH ENCLOSURE. G.C. TO PROVIDE PULL HARDWARE & CLOSER. NO LATCH. MAX 5 LBS OF FORCE SHALL BE REQUIRED TO OPEN DOOR.

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PROPOSED DUNKIN' DONUTS 2,040 S.F. (EXISTING BUILDING)

LANDSCAPE SPRINKLER CONTROL DEVICE

EXISTING GREASE INTERCEPTOR

EXISTING GAS METER

EXISTING ELECTRICAL SWITCHBOARD

8 (0) STALLS 8'-0" x 12'-0"

NO AVAILABLE ACCESS FROM KITCHEN ON EAST OR WEST SIDE OF BUILDING

FIRE RISER LOCATION

FLORIDA SEATING LOUNGE SEATING

SHADED PORTION OF COUNTER AT MAX 34" A.F.F. WITH RECD 30"x48" KNEE CLEARANCE

HATCHED AREAS DENOTE (E) REMAINS TO REMAIN AS IS.

REMOVE (E) MONUMENT SIGN AND REFINISH (E) LANDSCAPE AS REQUIRED.

TROPICANE VALORA SEATING

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14500 Roscoe Blvd. Suite 400  
Panorama City, CA 91402  
818-714-2096

To Whom It May Concern:

Due to the site constraints identified with the hardship application, it would be infeasible to provide direct accessible access from the rear kitchen door to the trash enclosure.

In order to achieve equivalent facilitation to the greatest extent possible, our Company will have and maintain a process in which any disabled employee will take the trash to the rear kitchen door and hand off the bag to another employee, who would then carry the trash to the enclosure at the southeast corner of the site.

Please let me know if you need to provide more information regarding our process.

Regards,

A handwritten signature in black ink, appearing to be 'DA Ahn', written in a cursive style.

David Ahn

Manager, The Tasty Group, LLC