

**Documents Received at the  
Building and Fire Code Board of Appeals Meeting  
On Thursday, August 04, 2016**

# **Speaker Slips & Documents Received**

**“Items Not on the Agenda”**

DATE: 04 July 2016

OPPOSE

SUPPORT

STAFF USE ONLY:

Entered into Advantage:

Entered into People  Entered into Parcel/People

date completed \_\_\_\_\_

initials \_\_\_\_\_

BUILDING AND FIRE CODE BOARD OF APPEALS  
REQUEST TO SPEAK / INTERESTED PARTY

ITEM ADDRESS: Public Comment AGENDA ITEM NUMBER: none

YOUR FULL NAME: Trevor J. Martinson, Architect

YOUR ADDRESS: 1849 Mission Ridge Rd.

CITY/STATE/ZIP: Santa Barbara CA PHONE NUMBER: ( ) \_\_\_\_\_

Organization represented (if applicable): \_\_\_\_\_

Written material also submitted: Yes  No \_\_\_\_\_ Please use other side of this form for written comments. ⇨

EMAIL ADDRESS \_\_\_\_\_

COMMENTS:

Re: 510 N. Salsipuedes - Jardin de las Rosas  
Retaining Wall @ prop line w/ Catholic Charities



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

01 August 2016

Krystal M. Vaughn, Commission Secretary  
Building and Fire Code Board of Appeals  
City of Santa Barbara Community  
Development Department  
630 Garden Street  
P. O. Box 1990  
Santa Barbara, CA. 93102-1990

**Re:** Jardin de las Rosas 510 N. Salsipuedes  
BLD 2014-00906

**RECEIVED**  
AUG 01 2016

**Subject:** Violation of Approved City Building  
Permit On Retaining Walls "A" & "B"

Dear Ms. Vaughn and Board Members:

As you will recall, your determinations made at the 14<sup>th</sup> June meeting, the board decided the building permit approved retaining walls A & B shown on Sheets C1.1, C1.4 and C1.5 adjacent to the Catholic Charities property be reexamined by a licensed structural engineer and a report be made to the City and the Building and Fire Code Board of Appeals.

A visit with my client Arthur Posch, on 26 July, to the Catholic Charities site discovered the above referenced retaining wall had been built, completed and clearly was not according to the approved plans. Pictures were taken and we requested a meeting with Andrew Stuffer, CBO, and met with him on Thursday, 28 July. A copy of my FAX to Mr. Stuffer, of 26 July is enclosed as **Attachment "A"** which documents our concerns and request for information on this clear violation of the building permit.

The original approved wall was designed to provide privacy to the Catholic Charities offices and to reduce noise from the playground area and to avoid intrusion and trespass from the tenants and their children when Catholic Charities was closed. This wall does nothing to mitigate the above issues.

01 August 2016

Krystal M. Vaughn, Commission Secretary  
Building and Fire Code Board of Appeals  
Page 2

As you will recall, our primary concern in our appeal to you was that the building permit approved walls, as designed, would fail in a severe earthquake and kill any person adjacent to either side of the wall.

Dr. Posch and myself, after our meeting with Andrew Stuffer CBO, went back to the Catholic Charities site on Friday, 29 July and measured the wall. It was 160 lineal feet long and not conforming to the approved Grading Construction Note 12 on Sheet C1.1 and the details shown on Sheets C1.4 and C1.5 including the CMU Wall Stem Expansion Joints shown on Detail A/C1.4 which requires these joints to not exceed 24 lineal feet. No expansion joints were constructed on this 160-foot long wall.

It would appear, the engineer of record, Wayne Fitch, C.E. #60864 of Penfield & Smith, now part of the Stantec Corporation, be held accountable and furnish drawings, details and calculations of this unpermitted wall.

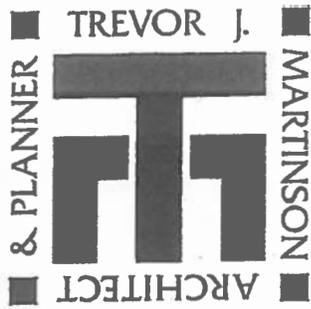
Looking forward to seeing you all on next Thursday, the 4<sup>th</sup> of August to discuss this matter and answer any questions you may have.

Respectfully Submitted,

A handwritten signature in black ink that reads "T. Martinson". The signature is stylized and includes a long horizontal line extending to the right.

Trevor J. Martinson  
Architect, Planner & Forensic

XC: Arthur J. Posch, DVM  
Brian Clarke, Catholic Charities  
Stanley Mendes, S.E.  
Santa Barbara News-Press  
The Independent



1849 Mission Ridge  
Santa Barbara  
California 93103  
(805) 965-2385  
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26 July 2016

Mr. Andrew Stuffer, CFPM  
and Chief Building Official  
Building and Safety Division  
City of Santa Barbara Community  
Development Department

City of Santa Barbara  
Building and Safety Division

JUL 28 2016

RECEIVED

630 Garden Street  
P. O. Box 1990  
Santa Barbara, CA. 93102-1990

(805) 564-5553

**Sent Via FAX 564-5476**

**Re:** Our meeting scheduled for this coming  
Thursday at 9am

**Subject:** Building & Fire Code Board of  
Appeals for 510 N. Salsipuedes-Decisions made  
by the Board on Tuesday, 14 June 2016

Dear Mr. Stuffer:

Today, I visited the Catholic Charities property adjacent to the above subject project and was surprised to see the new concrete block property line wall, which had been appealed to you and the Building & Fire Code Board of Appeals, completely constructed.

Not hearing from you or the Board I assumed the appeal issues of the structural design of this wall had not yet been reviewed and verified by a structural engineer as was determined by the Board at our appeal hearing.

My brief inspection today was disappointing and I did take pictures of this situation and will bring these to our meeting on Thursday.

**Attachment "A"**

Tjmletter01aug2016 BFCBA

26 July 2016

Mr. Andrew Stuffer

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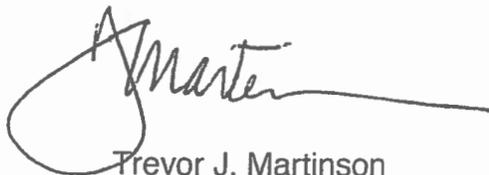
As you know, I represented Dr. Arthur J. Posch dvm, in the appeal hearing and we, of course, expected to be notified of the determinations of the Board. Why did this not happen?

The following information is requested for discussion at our meeting:

- 1.** Did the Building & Fire Code Board of Appeals get to receive and investigate their requested review of this wall by a structural engineer? If so, when did this happen and who was the structural engineer? Is this engineers review in writing and signed?
- 2.** Did your office notify the developer and builder of the appeal being approved for investigation by the Building & Fire Code Board of Appeals?
- 3.** Did you put a hold on the property line wall construction, described in the appeal, and notify the developer and builder?
- 4.** Who is the City building inspector assigned to this project?
- 5.** Did the City or your building inspector take photographs of this wall during its construction?

Please feel free to call me if you have any questions on the above requests and looking forward to our meeting on Thursday.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Martinson", with a large, stylized initial "T" that loops around the first part of the name.

Trevor J. Martinson  
Architect, Planner and Forensic



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

03 August 2016

Mr. Andrew Stuffer, CFPM  
and Chief Building Official  
Building and Safety Division  
City of Santa Barbara Community  
Development Department  
630 Garden Street  
P. O. Box 1990  
Santa Barbara, CA. 93102-1990

(805) 564-5553

**Sent Via FAX 564-5476**

**Re:** BFCBA meeting scheduled for this  
coming Thursday, 04 August, at 2:30 pm

**Subject:** Building & Fire Code Board of  
Appeals issues for 510 N. Salsipuedes

Dear Mr. Stuffer:

This is a follow-up on my telephone message left this morning on your cell phone. I'm sorry that you were unable to see Dr. Posch and myself when Krystal Vaughn, your Building & Fire Code Board of Appeals Commission Secretary, directed us to contact you regarding our concerns.

Once again this morning, Dr. Posch and I visited the Catholic Charities property adjacent to the above subject project and, of course, construction still continues on this unpermitted CMU wall and now the backfilling of the foundation and retaining wall areas has been completed. I have taken site photographs for the record.

It appears to me that you and the City, by not issuing a stop work order, are ignoring my notice of this violation of the building permit issued, under BLD 2014-00906, and allowing construction to continue for over 2 months.

03 August 2016

Mr. Andrew Stuffer

Page 2

This situation, with both the owner, Peoples Self Help Housing and the engineer of record, Wayne Fitch, C.E. #60864 of Penfield & Smith, now part of the Stantec Corporation, are responsible for this problem and must be held accountable.

I will be requesting answers to this situation at the meeting tomorrow.

Respectfully Submitted,

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

Trevor J. Martinson  
Architect, Planner & Forensic

XC: Members of the Building and Fire Code Board of Appeals  
Arthur J. Posch DVM & The Haley-Salsipuedes Shareholders  
Stanley H. Mendes, Structural Engineer  
The Santa Barbara News-press  
The Independent

**Documents Received at the  
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# **Speaker Slips & Documents Received For Item# 1**

**Discussion Item – Board Member Communication During Meetings**

**Documents Received at the  
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On Thursday, August 04, 2016**

# **Speaker Slips & Documents Received For Item# 2**

**Staff Response – Advanced Noticing of Access Compliance Agenda Items**

# Giving Notice to the Public on Access Related Agenda Items

I submit that there are two aspects to the Board's direction to staff:

1. Avoid Having to Deal Quickly with Complex Access Compliance Issues
2. Desire for Accessibility Expert/Users Input and Insight, and

## Dealing with Complex Issues

1. Brown Act – 72 Hrs minimum
  - a. Agendas can change up to that point
  - b. Equitable access to agenda information
2. How We Post
  - a. Outside of Conference Room
  - b. On the Web
    - i. Sign-up for Auto Notification
    - ii. ADA Compliant website and PDF's
3. How to Respond to Lengthy Documents Submitted at Hearings
  - a. Seek a Verbal Summary of the Reason for Submitting the Document
  - b. Scan Documents and Weigh: "Thoroughness of Understanding vs. Timeliness of Decision"
    - i. Move to Continue the Item
    - ii. Determine that the Information Will Not Change Your Position
4. Over-Arching Duty: "Assure that the Decisions of the Building Official & Fire Marshal are in the Best Interest of the Community"
  - a. Study Agenda Packet
    - i. List Your Questions
    - ii. Write Down Preliminary Opinions
  - b. Listen Actively
  - c. Seek Expert Advice
    - i. City Staff
    - ii. Local Professionals
    - iii. Board Members
  - d. Do Not Feel Pressured to Make a Decision Prematurely

## Desire for Accessibility Expert/User Input

Consider Including the Access Advisory Committee Chair in the Building & Fire Code Board of Appeals Agenda Email List