



City of Santa Barbara
Community Development

Memorandum

DATE: September 19, 2018

TO: Building & Fire Code Board of Appeals

FROM: Andrew Stuffer, Chief Building Official

SUBJECT: 836 De La Guerra Terrace — Second Appeal of Decision to Issue a Building Permit

On June 7, 2018, at the regular, monthly hearing of the City's Building & Fire Code Board of Appeals meeting this item was first heard. The Board facilitated discussions the following topics that were raised by appellants as the basis for overturning the Chief Building Official's decision to issue the permit:

- Fire Code Compliance Violations
- Grading of Earth at the Site Exceeded 50 Cubic Yards

The Board discussed but dismissed the Fire Code compliance violations concerns after hearing testimony from the City's Fire Marshal. By means of a motion and vote, the Board made the finding that the grading of the earth on 836 De La Guerra Terrace, that had been witnessed by those who testified at the hearing, could be in excess of the maximum 50 cubic yards of grading allowed without a grading permit and Single Family Design Board building design approval. Upon making that finding, the Board moved and approved a vote to overturn the decision of the Chief Building Official to issue the accessory dwelling unit (ADU) permit for the subject site based on the amount of grading that was reported by the witnesses at the hearing.

Consequently, the Chief Building Official notified the subject property owner of both the change in status of their ADU building permit to "inactive," and the need to provide either:

1. Proof that the grading done was under 50 cubic yards, or
2. An amendment to their ADU building permit application to show grading in excess of 50 cubic yards and seek the additional approvals mentioned in paragraph one above.

By August 13, 2018, City staff had received the attached documents and made contact with the hauling business that had transported all of the earth and rubble from the subject site during the period in which the June 7th hearing witnesses had claimed that grading in excess of 50 cubic yards occurred. Upon receiving this information, the Chief Building Official reviewed the documents and found that sufficient proof had been provided to confirm that less than 50 cubic yards of grading had occurred during the period that the June 7 hearing witnesses claimed

excessive grading occurred. In light of this information, the Chief Building Official changed the status of the subject ADU building permit to “Issued” and allowed work to re-commence. Upon changing the subject ADU building permit to an “Issued” status, the Chief Building Official notified the prior appellants of this change and the basis for the change.

On August 22 and 23, 2018, the City received the attached second Request for Board of Appeals Hearing forms for the subject property. One form was from the group Mara Hochman, William Curran, and Olga Illini, and the other form was from Miles Barrett.

The Chief Building Official stands behind his decision to allow the subject ADU building permit to resume work based on the professional engineering, survey, and hauling information that was submitted to support a determination that the 50-cubic-yard grading exemption was met.

ATTACHMENT – MARBORG HAULING OF SOIL AND RUBBLE RECORDS

From: Andrew Stuffer
Sent: Monday, June 11, 2018 3:46 PM
To: Lauren Anderson <landerson@SantaBarbaraCA.gov>; Peter Mikelson <PMikelson@SantaBarbaraCA.gov>
Subject: FW: 836 De La Guerra Terrace

Lauren and Pete,

I cannot add this info to the BLD case due to it's being locked from changes until the grading assessment is completed.

For your records, I called Marborg today and learned that 12 loads of material were removed from this property between 4/17/18 and 5/24/18. 6 of the 12 loads were concrete. The other 6 were dirt totaling 61.69 tons. These were in 11 yard containers that could only be filled to 75% of their capacity.

Generally, dry soil weighs 1 ton per CY. Dry stone and sand can weigh up to 1.5 tons per CY.

With this in mind, the following are my calculations:

By Container: $6 \times (11 \times 75\%) = 49.5$ CYs

By Tonnage (dry soil): $61.69 \text{ tons} / 1 \text{ CY per ton} = 61.69$ CYs
By Tonnage (Stone & Sand): $61.69 \text{ tons} / 1.5 \text{ CY per ton} = 41.12$ CYs

I have asked for a professional survey and a civil engineer's estimate of the yardage moved to date and the yardage to be moved in order to complete the project (excluding the footing excavation yardage). Once we have those estimates, we can re-evaluate the situation.

Andrew Stuffer
Chief Building Official
CITY OF SANTA BARBARA, Community Development
(805) 564-5553 | astuffer@SantaBarbaraCA.gov



City of Santa Barbara
Community Development

Memorandum

DATE: August 13, 2018

TO: Building & Fire Code Appeals Board

FROM: Andrew Stuffer, Chief Building Official *AS*

SUBJECT: 836 De La Guerra Terrace – Permit Reinstatement

On June 7, 2018, this Board found in favor of the appellant and directed our office to place a hold on the subject building permit for an Accessory Dwelling Unit (ADU). In order to render that decision, this Board made a finding that the amount of grading for the proposed ADU should be more accurately estimated in order to confirm that the ADU permit process was appropriate and discretionary review was not required. This is because residential projects that necessitate grading of more than 50 CY must have a discretionary review approval and the proposed ADU claimed that grading for the project would be less than 50 CY.

After interviewing the Marborg hauling service staff and reviewing a topographical survey prepared by a licensed surveyor and a licensed civil engineer's estimate of the grading needed for the construction of the ADU, I concur with the attached conclusions of the licensed civil engineer and find that the grading needed for the ADU does not exceed 50 CY, and therefore, was permitted properly. I further find that the grading that was observed by the neighbors included loads of construction demolition and footing excavation soils that both are specifically exempt from a grading permit.

With these findings documented, I am ordering the restoration of the subject ADU building permit effective today, August 13, 2018.

This decision is subject to appeal pursuant to the City Municipal Code, Section 22.04.020, Section 113.

O'Brien & Wall



P.O. Box 80431
Goleta, CA 93118

Phone: (805) 563-6323
Email: cwall.civil@gmail.com
www.obrienwall.com

August 1st, 2018

Mr. Andrew Stuffer
Chief Building Official
City of Santa Barbara

I Christopher T. Wall, P.E. a California licensed Civil Engineer (C 72015) have inspected the ADU construction site located at 836 De La Guerra Terrace in Santa Barbara California on several occasions between June 19th and July 27th, 2018. I have also reviewed the topography mapping prepared by Dodson Land Surveying Inc., the plans prepared by Ted Meeder along with the City of Santa Barbara's Aerial topography mapping revised in 1997 and prepared by Penfield & Smith Engineers & Surveyors.

Based on my professional opinion, I estimate that approximately 48 cubic yards of grading has been performed between 1994 and September 2007. I am also estimating that 15 cubic yards of grading has taken place outside of the ADU building foot print and an additional 34 cubic yards will be required to complete the project per the permit plan set. This will bring the total estimated grading to 49 cubic yards for this ADU project.

Should the City staff have any questions or need additional information, I can be contacted at cwall.civil@gmail.com or at (805) 708-4081.

Sincerely,
Christopher Wall, P.E.
Civil Engineer
California License No. C 72015



TOPOGRAPHIC SURVEY EXHIBIT

836 DE LA GUERRA TERRACE

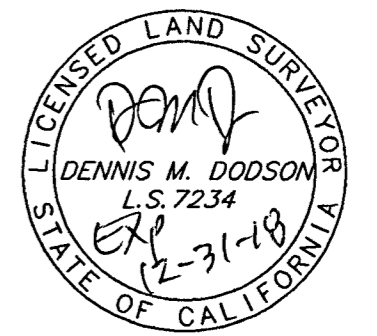
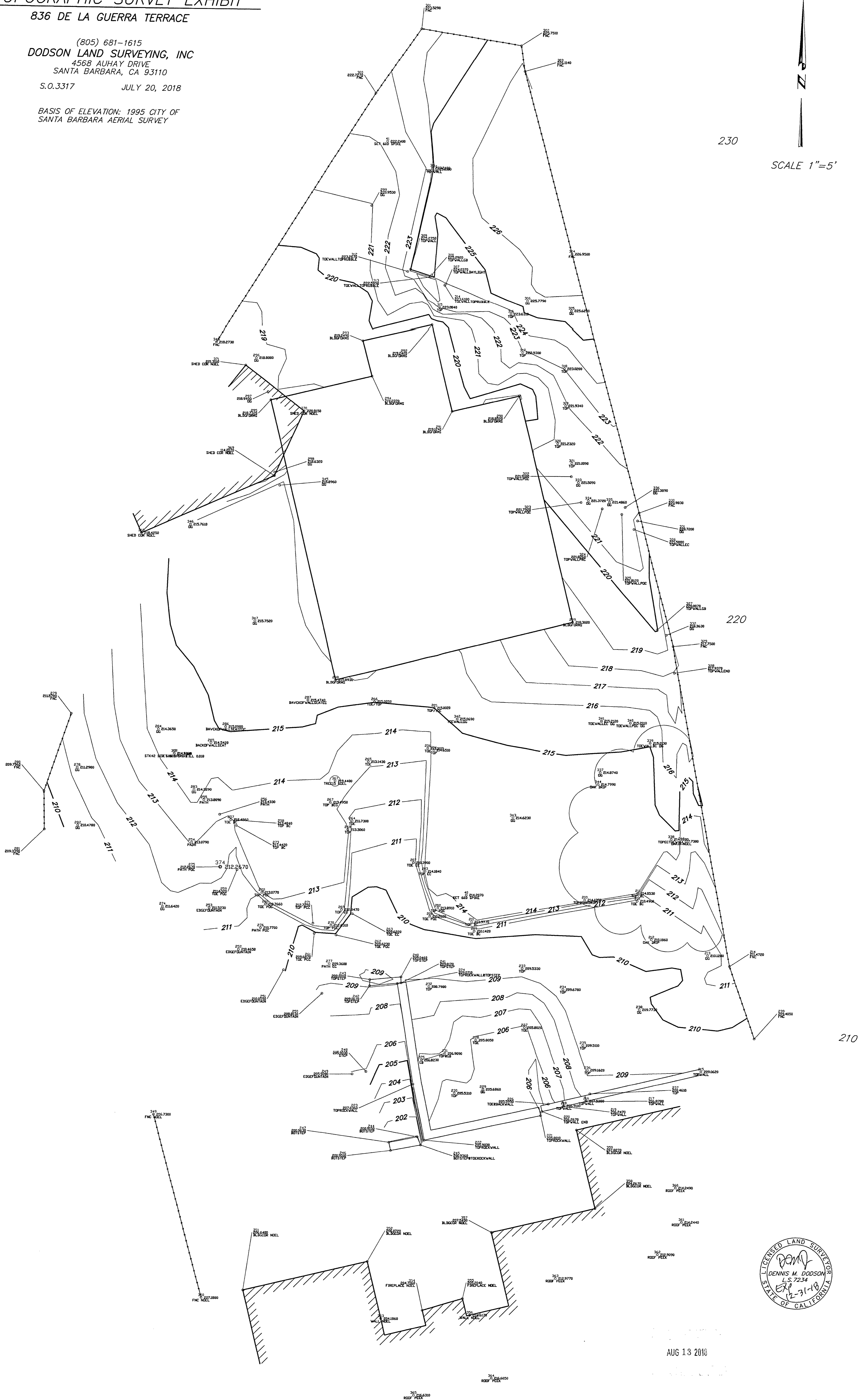
(805) 681-1615
DODSON LAND SURVEYING, INC
4568 AUHAY DRIVE
SANTA BARBARA, CA 93110
S.O.3317 JULY 20, 2018

BASIS OF ELEVATION: 1995 CITY OF
SANTA BARBARA AERIAL SURVEY



230

SCALE 1"=5'



AUG 13 2018



City of Santa Barbara
Building and Safety
www.SantaBarbaraCA.gov

City of Santa Barbara
Building and Safety Division

**REQUEST FOR
APPEALS BOARD HEARING** AUG 22 2018

RECEIVED

Date August 22, 2018

Property Address 836 de la Guerra Terrace APN 031-071-014

Owner's Name Abraham and Selli Cohen

Owner's Address 836 de la Guerra Terrace (Phone) _____

Owner's Email Address _____

Decision Being Appealed

A brief statement specifying order or action protested:

lifting of the suspension of the issuance of the permit for the ADU at 836 de la Guerra Terrace

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:

Please see attached Protest Notice.

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 _____

Please pay \$230 fee to Cashier.

Within 30 days you will be given notice of the date of your hearing.

*ATTORNEY FOR APPELLANTS
MARK HOCHMAN &
WILLIAM CURRAN
& OLGA ILLINI*

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

PROTEST NOTICE

Mara Hochman and William Curran (and attached list of neighbors) appeal the lifting of the suspension of the permit issued for 836 de la Guerra Terrace for the construction of an ADU, BLD 2017-02717 as follows:

1. The conditions for lifting the suspension of the permit were not adhered to. That is, while a Topographical survey was conducted by Dodson Land Surveying, it was based on an aerial survey from 1995 and is inadequate. The survey is only partial and does not depict the entire property. Likewise, the setbacks, allowable building area, property line, and distance from the street are not established by the Dodson survey, and remain in violation of the existing Santa Barbara Fire Code., Section 503.11, since the northern most portions of the building exceed 150 feet from the street. Thus, the project must be sent through the A.B.R.

2. The procedure for “lifting the suspension of the permit “ is itself flawed. The permit could not be deemed complete as additional requirements were imposed, by vote of the Fire and Appeals Board on June 7th, 2018. Thus, a new permit must be issued, and all current regulations applicable to ADU construction imposed by the City of Santa Barbara must be met.

3. The issues raised at the prior Appeal remain:

Title 8, CA Fire Code Sections 503.1, 503.2.1, 503.2.4, 503.2.5.

SBMC Title 22.04.200, J103.1, J103.2(b).

The ADU slated for construction at 836 de la Guerra Terrace is located on a narrow one lane street which is also a cul de sac. Cars are necessarily parked on the southern side of the street, further narrowing the roadway. The roadway therefore provides inadequate ingress and egress to emergency and fire vehicles in contravention to the above cited sections of the Fire Code. The Code requires Fire apparatus access roads have an unobstructed width of at least 20 feet, turning radius no less than 70 feet in diameter, and Dead-end fire apparatus roads in excess of 300 feet must allow for turn around of fire apparatus.

Likewise, the Fire Apparatus roads shall extend to within 150 feet of all portions of the exterior walls. Here, all portions of the ADU are NOT within 150 feet. The northern wall is approximately 165 feet from the road, and approximately 15 northernmost feet of the west and east walls exceed 150 feet. Further, the Exception does not apply, since fire sprinklers are not slated for the ADU project.

SBMC 22.04.200, J103.1, J103.2(b) requires grading in excess of 50 cubic yards to have a grading permit. Here, the project will exceed that requirement, and a grading permit must therefore be required. Documentation from Marborg appears to be a rough estimate and must be verified. Extensive grading has been performed by prior owners and must also be considered. (ZIR2013-002143)

Concerned Neighbors:

Joe Copley
943 Alameda Padre Serra
Santa Barbara, CA 93103

Richard and Vera Scheeff
1131 Los Pueblos Road
Santa Barbara, CA 93101

City of Santa Barbara
Building and Safety Division

AUG 23 2018



City of Santa Barbara
Building and Safety Division
www.SantaBarbaraCA.gov

RECEIVED

REQUEST FOR
APPEALS BOARD HEARING

Subject Property Address 836 DeLaGuerra Terr APN _____ Date 6/23/18
Owner's Name Abraham Cohen
Owner's Address 836 DeLaGuerra Terr (Phone) _____
Owner's Email Address _____

Decision Being Appealed

A brief statement specifying order or action protested:

Restoration of subject property ADU permit.

- 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:

Permit was issued w/out review by SFDB or SWMP requirements as requested by City staff.
Grading exceeds 50 yd. threshold requiring both.

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 Miles E. Barrett
845 DeLaGuerra Terr.

Questions

For further information contact the Building & Safety Division at (805) 564-5485 T60-861-4513

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8:30 a.m. to 4:30 p.m.
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