



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES JUNE 7, 2018

2:30 P.M.
David Gebhard Public Meeting Room
630 Garden Street
SantaBarbaraCA.gov

BOARD MEMBERS:

John Maloney, *Chair*
Bonnie Elliot
James D. Langhorne
Ken McLellan
Marsha Zilles

STAFF:

Andrew Stuffer, Chief Building Official
Joe Poire, Fire Prevention Division Chief
Krystal M. Vaughn, Commission Secretary
~~John Doimas, Assistant City Attorney~~

CALL TO ORDER

The Full Board meeting was called to order at 2:33 P.M. by Andrew Stuffer, serving as meeting secretary.

John Maloney was voted by the board to act as the interim chair.

ATTENDANCE

Members present: Elliot, Langhorne, Maloney, McLellan, and Zilles (Zilles joined at 2:38 P.M.)

Members absent: None

Staff present: John Doimas, Joe Poire, Andrew Stuffer, and Greta Walters

GENERAL BUSINESS

A. Public Comment:

The meeting opened for public comment at 2:34 P.M.

No public comment.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of appeals meeting of **May 3, 2018**, and **May 17, 2018**, as submitted.

Action: Elliot/Langhorne, 4/0/0. Motion carried.

C. Announcements, requests by applicants for continuances and withdrawals, future agenda

NOTE: Agenda schedule is subject to change as cancellations occur.

items, and appeals:

1. Mr. Stuffer announced that items #2 and #4 of the agenda would be tabled for a future meeting: 15 Chapala Street – Appealing Decision to Placard as “Unsafe,” and 930 Miramonte Drive – Appealing Notice of Order.

Item #1: 836 De La Guerra Terrace - Appealing Decision to Issue a Permit

Present: William Curran, Appellant, and Abraham Cohen, Owner of 836 De La Guerra Terrace

Staff comments: Andrew Stuffer stated that he stood by the findings presented in the staff report and the May 30, 2018, memo.

Appellant’s Statement: William Curran stated that he was appealing the decision to issue a permit because the property is in a single-family-home neighborhood on a narrow cul-de-sac in the high-fire zone. Property Owner Abraham Cohen stated that he was working with an architect and a civil engineer to construct a solidly built, high-quality ADU and felt he had been willing to work with the other property owners.

Public comment opened at 3:10 P.M.

Neighbor Miles Barrett observed that, by his count, the project had pulled around ten dumpsters, over 1,100 yards of soil from the property—more than the grading stated in the application. Neighbor Kyle Butterwick voiced concern that the neighborhood was in a high-fire-hazard-designated area with a poor road system and challenging access to fire-fighting equipment. Lindsey Baker noted that she had evacuated several times over 40 years of residency, and encouraged storm water mitigation due to past flooding. Maureen Duris, attorney for the appellants, asked the record to reflect that Mr. Cohen did not address or refute fire code violations in the past. She asked the Board to revoke the permit to protect the neighborhood.

Correspondence from Megan Sharma, Joan Kent, Brett Warner, and Sarah Semegen was acknowledged.

Public comment closed at 3:27 P.M.

Board comments:

1. Board Member James Langhorne stated that there needed to be additional clarity about the amount of grading. Andrew Stuffer explained that if the amount of grading exceeded 50 cubic yards, it would trigger a review by the Single Family Design Board.
2. Board Member John Maloney asked if the city’s ADU ordinance could be applied retroactively to this case. John Doimas replied that because the application date fell before the ordinance date, state law applied, not the city ordinance.

Motion: Standing Motion: Uphold the decision of the Chief Building Official to issue the building permit.

Action: Vote: 0/0/5. Motion did not carry.

Findings: James Langhorne expressed concern about emergency access in case of fire as well as concern about the amount of grading done on the site. Bonnie Elliot stated

that she thought no more building should be done in the neighborhood because of potential debris flows. Ken McLellan agreed that extensive grading is potentially hazardous.

Motion: Overturn the decision of the Chief Building Official to issue the building permit and to require confirmation of the quantity of grading and the number of cubic yards of soil removed from the site.

Action: Maloney / Zilles; Vote: 5/0/0

Item #3: 1332 Kenwood Road - Appealing Decision to Issue a Notice

Present: No appellant or representative was present; however, the Board was in receipt of the appellant's statement.

Staff Comments: Andrew Stuffer stated that he stood by the findings presented in the staff report. Senior Inspector Lauren Anderson stated that she reviewed the archive plans and street file as well as comments from plan-check in the historical file.

Public Comment opened at 4:20. No public comments were made.

Motion: Standing Motion: Uphold the decision of the Chief Building Official to issue the building permit.

Action: Vote: 5/0/0. Motion carried.

An audio recording of this June 7, 2018, Board of Appeals meeting is available, in its entirety, at <https://www.santabarbaraca.gov/gov/brdcomm/ac/bfcba/audio.asp>