



City of Santa Barbara
Community Development

Memorandum

DATE: May 9, 2019

TO: Building & Fire Code Appeals Board

FROM: Andrew Stuffer, Chief Building Official

SUBJECT: Building & Fire Code Board of Appeals – History, Composition and Duties

HISTORY & SCOPE

The City’s Building and Fire Code Board of Appeals has existed for 64 years. This Board has served as the appellate body to hear and decide on decisions of the City’s Building Official and/or Fire Marshall relative to the interpretation of the Construction and Fire Codes.

Santa Barbara Ordinance 2530 established this Board in accordance with the Uniform Building Code’s standard Board of Appeals provisions. The appeal hearing duties of this Board have changed little, while the scope of Codes adjudicated by this Board have grown. The original 1955 Ordinance assigned this Board the duty to hear appeals of the application of only the Uniform Building Code. Today, this Board hears appeals of the following Codes:

- State Building Code – including Accessibility ratifications
- State Plumbing Code
- State Mechanical Code
- State Electrical Code
- State Energy Code
- State Green Building Code
- City’s adoption of the International Property Maintenance Code

COMPOSITION

Currently, the Santa Barbara Municipal Code 22.04.020, Section 113 establishes this Board as a Board with unlimited members, all of which must be appointed by City Council. There are no limits on the years of service for an appointed Board member. Prior to City Council appointment, each Board member (other than those members representing the disabled community) must demonstrate technical knowledge and experience in architectural, engineering, fire protection, contracting, or related legal work.

Pursuant to State Health & Safety Code Section 19957.5, this Board must consist of a maximum of 5 members, at least 2 of which must be physically disabled, when hearing an item that involves Chapters 11A or 11B (Accessibility) of the State Building Code.

DUTIES

- To hear appeals of the decision of the Fire Marshall or Building Official (2016 CBC, Section 113)
- To ratify Unreasonable Hardship requests (2016 CBC, Section 1.9.1.5 via 11B-202.4, Item 8)

While fulfilling the above duties, the Board:

- Cannot have members that are City employees
- Cannot waive Code requirements
- Must adopt and conduct meetings within specific procedural rules
- Can consider and approve alternate methods of compliance
- Looks to the Chief Building Official or Fire Marshal as a non-voting, secretarial member of the Board
- Must render a decision either in favor of the appellant, in favor of the City Code Official, in favor of neither the appellant or Code Official, or continue the hearing for each item heard
- All decisions must be accompanied by the Boards basis for making their finding

OPTIONS UNDER CONSIDERATION FOR THE 2019 CODE CYCLE

The following ideas are being considered for adoption in the 2019 State Building Code:

- Setting the maximum number of Board members at 7
- Requiring all Board members at each hearing
 - 5 members to sit on the hearing board, and
 - 2 members to be immediately available as alternates
- Including the Chair of the City's Access Advisory Committee as a standing Board member
- Limiting Board member terms

RECOMMENDATION

Staff recommends that this Board and community members provide written input to the Chief Building Official on this topic between now and August of 2019.