



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES SEPTEMBER 5, 2019

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

BOARD MEMBERS:

Paul Spieler, *Chair*
Patrick C. Carroll
Jeff Hornbuckle
Nick Koonce
James Marston

STAFF:

Andrew Stuffer, Chief Building Official
Joe Poire, Fire Prevention Division Chief
Greta Walters, Executive Assistant

Note: These minutes are a summary of the meeting; an audio recording of this meeting is available at <https://www.santabarbaraca.gov/gov/brdcomm/ac/bfcba/audio.asp>

CALL TO ORDER

The Full Board meeting was called to order at 2:32 p.m. by Chair Choose an item.

ATTENDANCE

Members present: Koonce, McLellan, Spieler, Wood, and Zilles

Members absent: None

Staff present: Sorgman, Stuffer, and Walters

GENERAL BUSINESS

A. Public Comment:

The meeting opened for public comment at 2:32. There were no comments, so the chair closed the public comment portion at 2:32.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **August 1, 2019**, as submitted.

Action: Koonce/Marston, 5/0/0. 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 the following:
 - a. The Arbolado Road – Appeal of Notice of Violation must be continued to the next meeting because supervising and senior building inspectors are ill.

2015 Green Lane – Appeal of Notice of Violation

Description: Request to Overturn Notice of Violation ENF2019-00156

Actual time: 2:33 p.m.

Present: Randy Fox, Attorney for the Owners; Post/Hazeltine Associates, Architectural Historians; Neal Graffy, Santa Barbara City Historian; Vanessa and Ryan Shotwell, Owners; Ray Harthorn, Consulting Building Official

Staff comments: Chief Building Official (CBO) Andrew Stuffer stated that the Board might consider postponing their decision in order to consider new information presented by the owners' attorney at the beginning of the hearing; however, he noted that the City bases its decision on information present when the staff report is created. Mr. Stuffer affirmed that he stood by the decision and the staff report.

Public comment: Public comment opened at 2:38 p.m. Will Rehling of Accessible Santa Barbara stated that, as an accessibility advocate, he appreciated how diligent staff had been in checking plan archives. Public comment was closed at 2:40 p.m.

Appellants' comments: Mr. Fox, the Shotwells' attorney, the Santa Barbara city historian, and architectural historians testified that three small structures at the subject address had been used as residential units long before the Shotwells purchased the property. They provided evidence, including aerial views, parcel maps, and tax records, showing that the units existed as early as 1925, prior to the City's Zoning Ordinance. Mr. Fox asked the board to grant the appeal and rescind the Notice of Violation.

Board discussion: After hearing testimony from the appellants' representatives regarding the dwelling unit count, the Chief Building Official recommended striking the unit count from the Notice of Violation. The Board also discussed the possibility of memorializing a three-unit count on the site with official documentation. The CBO explained that the Board of Appeals cannot make zoning decisions, but he confirmed that there was sufficient testimony to show the units existed before the Zoning Ordinance was adopted.

Chair Paul Spieler noted that recent remodels had still taken place and that alterations need to be permitted to ensure compliance with current environmental and code requirements.

Standing Motion: Uphold the decision of the Chief Building Official.

Action: There were no seconds; the motion did not carry.

Motion: Overturn the violation in its entirety. The motion was seconded. (Hornbuckle/Koonce)

Action: Vote 2/3/0. (Carroll, Marston, Spieler opposed.) Motion did not carry.

- Motion:** To require permits for remodeling work done in the last ten years that pertain only to life-safety issues, and that the benefit of the ten-year period be in favor of the applicant, as determined by the Chief Building Official.
- Action:** Spieler / Marston, 5/0/0. Motion carried.

3:52 p.m. The Board took a brief recess.

21 E. Canon Perdido – Ratification of Hardship

Description: Elevator Exemption for BLD2017-02748

Present: Jessi Finicum-Schwartz, Project Manager, Architect

Staff comments: Elizabeth Sorgman, Senior Plans Examiner, stated that she appreciated the due diligence of the design team, which exceeded the typical elevator-exemption application in working with a structural engineer and a historian and in providing detailed construction costs. Ms. Sorgman noted that the building renovation cost estimate was \$748,000, and the elevator expansion was expected to cost \$1,000,000—an expense that was disproportionate to the amount spent on the project. She acknowledged that a large scooter would have an issue with the existing elevator; however, equivalent facilitation is in place on the ground floor. Ms. Sorgman stated that she supports ratification of the elevator exemption.

Appellants' comments: Jessi Finicum-Schwartz of Anacapa Architecture showed videos of wheelchair users accessing the existing elevator, noted that structural cost of building a new elevator would be more than double the cost of project construction, and explained that all services on the upper floor are offered on the ground floor as well. She asked the Board of Appeals to ratify the hardship request.

Public comment: Public comment opened at 4:10 p.m. Will Rehling said that he appreciated the thoroughness of the report and stated that he believed it was okay to support relief from the hardship request, adding that request for hardship is not permanent and must be revised each time the scope of work changes. Maureen McFadden observed that as a former tenant, she found the elevator to be slow and was concerned about its not being accessible for everyone, even with proposed updates. Public comment closed at 4:18 p.m.

Board discussion: The board members discussed accessibility of the elevator to users of large wheelchairs and scooters; equivalent facilitation offered on the ground floor; the cost of construction relative to the hardship threshold allowed by building code; and financial feasibility for the owner of retrofitting the elevator. A representative from Skyline Construction responded to questions about the expense and complications involved in remodeling the elevator. Member Nick Koonce expressed concern that ratifying a hardship now might result in the fully accessible elevator not getting built in the future.

Chair Spieler noted that there is a designated conference room on the main floor for use by individuals with accessibility challenges, and that the cost of the upgrade would exceed code requirements. Ms. Finicum-Schwartz confirmed that, with the exception of the elevator, all other aspects of the project will be code compliant. The owner stated that if the ratification were not granted, the project would not move forward. Jeff Hornbuckle observed that with additional accessibility upgrades made to the second and third floors, the building's overall accessibility would be improved, despite an elevator exemption.

Motion: For 21 E. Canon Perdido, to ratify hardship for elevator exemption of BLD2017-02748.

Action: Spieler / Hornbuckle, 3/2/0. (Marston, Koonce opposed.) Motion carried.

Motion: To adjourn the meeting.

Action: Koonce / Carroll 5/0/0. Motion carried.

Meeting adjourned at 5:08 p.m.