



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES JANUARY 15, 2019

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

BOARD MEMBERS:

Paul Spieler, *Chair*
Patrick C. Carroll
Nick Koonce
John Maloney
Vincent E. Wood

STAFF:

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

CALL TO ORDER

The Full Board meeting was called to order at 2:30 PM by Chair Spieler.

ATTENDANCE

Members present: Carroll, Koonce, Maloney, Spieler, and Wood

Members absent: None

Staff present: Senior Building Inspector Lauren Anderson, Senior Plans Examiner and Certified Access Specialist (CASp) Elizabeth Sorgman, Chief Building Official Andrew Stuffer, and Executive Assistant Greta Walters

GENERAL BUSINESS

A. Public Comment:

The meeting opened for public comment at 2:31 PM. Jim Marston, Chair of the Access Advisory Committee, thanked the Board for its work and reminded the group that the ADA-related matters that the Board addresses concern the civil rights of people with disabilities to equal access. Public comment closed at 2:32 PM.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **November 1, 2018**, as submitted.

Action: Maloney/Wood, 5/0/0. Motion carried.

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

- C. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals:
1. John Maloney recused himself from hearing the 533 State Street item, noting that he had worked on the project at the subject property.

533 State Street — Ratification of Hardship

Description: Elevator Exemption

Actual time: 2:33 PM

Present: Senior Plans Examiner and Certified Access Specialist (CASp) Elizabeth Sorgman, Architect Dawn Sherry, Certified Access Specialist David Carlson (CASp), Senior Project Manager Lauren Deason, Hotel Owner Tamara Erickson

Staff comments: Elizabeth Sorgman briefed the board members and explained the City's Staff Report. She also repeated that the CBO's recommendation only included ratification of the building owner's request for a hardship to eliminate the elevator upgrade.

Board member Wood asked if the elevator functioned. Mrs. Sorgman stated that it does, and added that although a wheelchair user can wheel into the elevator, the elevator gate would be difficult to close. The appellant's Architect stated that an employee will be available to provide assistance.

Board member Koonce asked the Mrs. Sorgman if she agreed with the CASp report prepared by the Architect's CASp, David Carlson, which states that wrapping the handrails through the landing opening would potentially cause a greater accessibility condition. She said that she agreed with the report on this matter. After seeking a better understanding of the hotel bathroom accessibility deficiencies, board member Koonce commented that the role of the CASp was to evaluate compliance, not act as an advocate for avoiding compliance.

Appellant's comments: Architect Dawn Sherry explained that the project began as a cosmetic upgrade to the bathrooms, and the owner is working to meet ADA requirements. She stated that the owner is open to alternative modifications proposed by the Board.

The Board discussed counter height with respect to the men's restroom entry door clearance, and the possible use of an offset flange to modify the men's toilet compartment. After discussion, the Board concluded that options that would require retiling of the bathrooms was problematic.

Public comment: Jim Marston stated that the Board should have a broader picture of the business's financial viability—not just cost of construction—when making decisions about the affordability of accessibility upgrades.

Motion: Uphold the decision of the Chief Building Official with respect to the unreasonable hardship determination as stated in the Staff Report and grant acceptance of requests for #2 (Men's Restroom Entry Door Clearance) and #3 (Men's Restroom Toilet Bowl Side Wall Offset). Item #4 (Women's Restroom Accessible Toilet Side Grab Bar) should be extended an inch and a half.

Action: Spieler/Wood 4/0/0. Motion carried.

711 De La Vina Street — Appeal of Notice of Violation

Actual Time: 3:17 PM

Present: Senior Building Inspector Lauren Anderson; Senior Planner Trish Allen, Suzanne Elledge Planning and Permitting; Owner John Whitehurst

Announcements: John Maloney rejoined the meeting.

Staff comments: Lauren Anderson briefed the Board and explained the City's Staff Report. She clarified the perspective of the construction that was done without a permit.

Appellant's comments: Senior Project Planner Trish Allen acknowledged that although the property's configuration had changed, the reconfiguration had been done before the current owner, Mr. Whitehurst, purchased the property. She provided copies of City-issued Zoning Information Reports (ZIR) describing the property as a two-bedroom, one-bathroom property when he purchased it in 1996. She also showed 1995 aerial footage that appeared to show the same footprint as today. The CBO reminded the Board that a zoning information report cannot take the place of a building permit from the City, and there was no record in the street files of a building permit since 1978.

Public comment opened at 3:38 PM

Members of the public, including the current parcel owner Mark Whitehurst, and members of the public Calvin Marble, Dennis Merritt, and Steve Gulis, told the Board that the property footprint was the same today as it was in 1996, the year Mr. Whitehurst purchased it. Public comment closed at 3:41 PM.

Board Member Paul Spieler commented that as a practicing engineer, he has reviewed plans in the City's archives and found that plans are missing on occasion. He stated that some of the permitting paperwork might have been lost, and he was inclined to give the benefit of the doubt to Mr. Whitehurst. Paul Spieler noted that any new work would need to be permitted. The owner stated that he would be tearing down the shed and removing the washing facilities under a City issued building permit.

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

Action: No second; motion did not carry.

New Motion: To find that the 1996 ZIR and 1995 baseline density reports provide reason to doubt some of the alleged violations. The city should revise the Notice of Violation by removing issues 2–4 from enforcement case ENF2018-01111, leaving on the unpermitted laundry structure as an enforceable violation.

Action: NK/VW 5/0/0. Motion carried.

Motion: Adjourn the meeting at 4:01 PM.

Action: Spieler/Carroll, 4/0/0. Motion carried.