



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES APRIL 4, 2019

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

BOARD MEMBERS:

Paul Spieler, *Chair*
Jeff Hornbuckle
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 2:32 p.m. by Chair Spieler

ATTENDANCE

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

Members absent: None

Staff present: Foreman, Stuffer, and Walters

GENERAL BUSINESS

A. Public Comment:

Roy Harthorn reported that the 2019 California code has been approved by the Building Standards Commission and will be enforced by local municipalities starting in January 2020. He encouraged the Board to consider revitalizing a brace and bolts program while they're reviewing the new standards, in order to educate contractors and homeowners on earthquake preparedness. He reported that the state has expanded grants to the Santa Barbara area and insurance breaks are available to homeowners who follow bracing and bolting specifications. Public comment closed at 2:37 PM.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of appeals meeting of **January 15, 2019**, 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. Mr. Stuffer announced the following:
 - a. The appellants of 310 E. Figueroa have requested postponing this item until May, so it will not be heard at this meeting.
 2. Board Member Maloney announced that although he worked as an electrical engineer on the 414 E. Haley project, he will maintain objectivity.

414 E. Haley Street: Appeal of Decision to Require Revisions and Withhold Occupancy

Actual time: 2:38 PM

Present: Christy Foreman, Certified Access Specialist, Senior Plans Examiner, Licensed Architect; and Shaun Lynch, Designer, and Roy Harthorn, Consulting Building Official

Staff comments: The Chief Building Official introduced staff member Christy Foreman and stated that the final inspection showed that the primary entrance is not accessible as drawn and approved. The entry ramp slope from the Haley sidewalk to the entry door exceeded both standard building code and historical building code specifications contrary to the presented and approved plans. In order to achieve ADA compliance, the City noted that the primary entrance could be changed to the rear entry, with entry hardware removed from the Haley Street entrance and signage clearly marking the rear entrance as primary. Another option proposed by the City was to change the Haley Street gradient and make architectural and sidewalk changes. Either option would result in accessibility compliance.

Shaun Lynch and Roy Harthorn, representing the tenant whose business would occupy the space, contended that the building code requires only one primary accessible entrance, and that the courtyard across the drive aisle fulfills the code requirement for accessible parking and public restrooms. They added that upgrading the street-facing entrance for accessibility would not be financially feasible. The business owner expressed concern that not allowing entry through the street-facing entrance would be detrimental to business, and was opposed to removing the entry hardware from the Haley Street door and making it an exit only.

Public comment: Public comment opened at 3:35 PM. Will Rehling stated to the Board that not making the front entry accessible was discriminatory to disabled individuals, and suggested that the path of travel to the proposed primary entry at the rear exceeds 500 feet. Jim Marston argued that the front entrance should serve as the primary entrance and should be accessible.

Christy Foreman, Certified Access Specialist, stated that Code dictates that access to buildings cannot be reduced for individuals who are mobility impaired and that accessibility to the site would be decreased according to the appellant's proposal.

Motion: Nick Koonce seconded the standing motion to uphold the Chief Building Official's decision to prohibit occupancy at 414 E. Haley and require a revision, utilizing one of the options provided by the CBO or an option of the appellant's devising.

Discussion: Board Member Jeff Hornbuckle noted that the Mill courtyard was designed to be the primary point of entry. Chair Paul Spieler stated that the primary entrance should be the one of highest-use, which could arguably be the courtyard. He added that having both entrances available was a benefit to the entire public, whether able-bodied or disabled.

Action: Koonce, 1/4/0. The motion did not carry.

New Motion: To allow two entrances on the project, as shown in current plans, because the courtyard entrance has the highest volume of traffic and could be considered to be the primary entrance, and to add code-compliant signage to the Haley Street entrance stating that the accessible entrance is on Laguna Street/courtyard side.

Discussion: Nick Koonce stated that this is not a building code issue but a civil rights issue.

Action: Spieler/Maloney, 4/1/0. Motion carried.

Motion: To ask appellant to proceed to the best of their ability to change the address to Laguna Street.

Action: Koonce/Wood. 4/1/0. Motion carried.

Board Composition and Duties

Actual time: 4:25 PM

Present: Andrew Stuffer, Chief Building Official

Staff comments: The Chief Building Official asked the Board if they would like a brief staff report on the duties and composition of the Building & Fire Code Board of Appeals. He suggested that if the Board desired this, then the Board would need to approve a motion stating such.

Motion: To have staff bring a presentation to the Board at the next meeting about the membership composition and how it might change in the next cycle.

Discussion: Board Member Nick Koonce expressed some concern about a lack of term limits and perceived ambiguity with respect to rotating membership and approving minutes.

Action: Koonce/Spieler, 5/0/0

Adjournment

Motion to adjourn: Maloney/Wood, 5/0/0

The meeting adjourned at 4:15 PM.