



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES MAY 9, 2019

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

BOARD MEMBERS:

Paul Spieler, *Chair*
Jeff Hornbuckle
Nick Koonce
Ken McLellan
Marsha Zilles

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 2:33 p.m. by Chair Spieler.

ATTENDANCE

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

Members absent: None

Staff present: Stuffer, Foreman, and Walters

GENERAL BUSINESS

A. Public Comment:

The meeting opened for public comment at 2:34 p.m. No one chose to speak, so the chair closed the public comment portion at 2:34.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **April 4, 2019**, as submitted.

Action: Koonce/McLellan, 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 414 E. Haley rehearing was postponed to June, as requested by the appellant.
 - b. The 310 Figueroa item was resolved, so it does not need to be heard by the Board of Appeals.
2. Board Member Koonce announced that although he was acquainted with the appellant, they had not been involved in any business dealings.
3. Board Member Spieler announced that he and Mr. Koonce had met to discuss the 20 percent valuation threshold and accessibility in general but did not discuss any specific appeals.

634 Santa Barbara Street

Actual time: 2:38 p.m.

Present: Jarrett Gorin, Planner, and Steve Nipper, Appellant and Business Owner

Staff comments: CBO Andrew Stuffer introduced Senior Plans Examiner Christy Foreman, the staff member who issued plan check corrections referred to in the subject item. He clarified that this was not an appeal of the notice of violation but rather of the plan check corrections related to the notice of violation. The CBO acknowledged that the definitions of "building" and "structure" are broad in the California building code but stated that he stood by the staff report (which states that the shipping container used for a storage facility meets the definition of a building, per 2016 California Building Code). He also reminded the Board that it is not allowed to waive code requirements.

Appellant's presentation:

The appellant's agent, Planner Jarrett Gorin of Vanguard Planning, Inc., argued that the City was applying code too literally. He contended that the shipping containers were not buildings, so California Building Code does not apply. He added that many residences and businesses, including the City's own property, use shipping containers that aren't permitted.

The Board discussed the use of the shipping containers for storage at the appellant's business, the definitions of a building and a structure, and the need for permanent structures to meet code in order to ensure public safety and accessibility. The members also discussed the enforcement and perceptions of fairness, with members noting that the City uses shipping containers that the appellant described as unpermitted. Member Marsha Zilles suggested adding a temporary permit structure to the next code adoption.

Public comment:

Public comment opened at 3:34 p.m. Access Advisory Committee Chair Jim Marston observed that the city has used these structures and stated that it should enforce the same guidelines for its own property. He did not feel that enforcement was being applied fairly. Public comment was closed.

Board Discussion:

Chair Paul Spieler stated that the Board is charged with applying the code when required and felt that the appellant's shipping container met the definition of a building (a permanent structure); therefore, it should meet California Building Code requirements.

Standing Motion: Uphold the decision of the Chief Building Official that the shipping container is a building/structure and must comply with 2016 California Building code chapters identified during plan check.

Action: 2/3/0. The motion did not carry.

New motion: Because shipping containers are not specifically addressed in the building code as buildings, the Building Division and the appellant will sit down and look at practical standards that are alternatives that meet code requirements, and that there is a temporary aspect to the permit that is issued.

Action: Zilles/Hornbuckle, 5/0/0. The motion carried.

Motion: Postpone the final agenda item discussing the Board of Appeals' history and composition to a future meeting to allow sufficient time to address the matter fully.

Action: Koonce/Hornbuckle, 5/0/0. The motion carried.

Motion: Adjourn the meeting.

Action: Koonce/Zilles, MZ, 5/0/0. The motion carried.

The meeting adjourned at 4:07 p.m.