



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES NOVEMBER 5, 2020

2:30 P.M.
GoToWebinar
[SantaBarbaraCA.gov](https://www.santabarbaraca.gov)

BOARD MEMBERS:

Paul Spieler, Chair
Jose Barajas - Abstained
Jeff Hornbuckle
Nick Koonce
James Langhorne
John Maloney
James Marston

STAFF:

Andrew Stuffer, Chief Building Official
Joe Poire, Fire Prevention Division Chief
Maria F. Sanchez, Administrative Specialist
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 2:34 p.m. by Chair Spieler.

ATTENDANCE

Members present: Hornbuckle, Koonce, Langhorne, Marston, Maloney, and Spieler

Members absent: Barajas

Staff present: Chief Building Official, Andrew Stuffer
Administrative Specialist, Maria F. Sanchez
Executive Assistant, Greta Walters

GENERAL BUSINESS

A. Public Comment:

The meeting opened for public comment at 2:35 p.m. No one chose to speak, so the chair closed the public comment portion of the meeting.

Public comment closed at 2:36 p.m.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **August 6, 2020**, as submitted.

Action: Spieler/ Maloney 6/0/-1. 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. Chief Building Official Stuffer announced the following:
 - a. CBO Stuffer announced that Board Member Jose Barajas had secluded himself for this meeting and will be present in the next scheduled meeting.
 - b. CBO Stuffer announced that in order to hear Item 1 on the Agenda regarding the ratification of hardship, the Board needed a ratio of two to five, with two out of five members representing the disabled community. Board Member Jeff Hornbuckle volunteered to not participate as a voting member.

1. 7 W. Figueroa - Ratification of Hardship - Elevator & Chair Lift Exemption

Speakers:

- Staff: Chief Building Official Andrew Stuffer
- Staff: Senior Plans Examiner Elizabeth Sorgman
- Channah Morris and Lewis Rayburn, Nelson Worldwide

Discussion: Senior Plans Examiner Elizabeth Sorgman presented the City's report to the Board. She explained that the City's Building and Safety staff recommend ratifying the request for hardship due to 3 main factors:

- 1) The non-traditional use of the office space where the suites available are sub-leased to different clients, in which they have implemented an ADA compliance training for their employees to assist anyone who enters the building to gain access to the majority of the suites.
- 2) The Tennant/Applicant has not come to an agreement with the property owner regarding the Board's decision to install a chair lift to the offices on the 2nd floor.
- 3) A reasonable priced chair lift was found, however the installation cost presented is mainly associated with structural elements. Modification of structural elements creates a "Technical Infeasibility" and increases installation costs substantially.

Senior Plans Examiner Sorgman responded to questions from the Board Members.

Channah Morris of Nelson Worldwide presented her case for ratification of hardship. She responded to questions from the Board Members.

Public comment opened at 3:09 p.m.

No one chose to speak, so public comment was closed.

Public comment closed at 3:10 p.m.

- Findings:**
1. Eighty-three percent of the building suites are ADA compliant and accessible.
 2. There has been a genuine effort by the applicant to comply and the applicant has taken reasonable measures to make other portions of the building accessible and compliant with the State Accessibility Building Standards
 3. The three-year comprehensive approach to evaluating the 20% "Path of Travel" improvement requirement has been provided.

Motion: To approve the decision of the Chief Building Official to grant the unreasonable hardship for the elevator exemption and the chair lift.

Action: Maloney/ Spieler 3/2/-2. Motion carried.

2. Discussion and Recommendations- Discuss how the City should confirm the building permit applicant's "Adjusted Construction Cost."

Description: Validating the Adjusted Construction Cost defined in the State Building Code.

CBO Stuffer explained, as the Board directed in the meeting of August 6th, the Board would endorse what was proposed, if CBO Stuffer would return to the Board to further discuss how the permit applicant's adjusted construction cost is validated. As previously noted, the adjusted construction cost plays a key role in determining the extent of accessibility that's brought to an existing building when it's undergoing an alteration relative to its path of travel improvements.

CBO Stuffer presented his research on other RS Means and concluded that nothing matches completely and that every other city has a way a determining construction cost, making the direction that has been taken in the past policy that the Board endorsed, a simple way to validate construction cost.

CBO Stuffer responded to questions from the Board Members.

Public comment opened at 3:37 p.m.

No public comment.

Public comment closed at 3:37 p.m.

Board members discussed different ways to validate construction costs and estimates on projects and accessibility issues.

Board Member Koonce, asked for one of the members of the Board that is not physically disabled to step down for a vote on a motion. Board Member John Maloney volunteered to not participate as a voting member.

Motion: The Board recommends having staff look at the cities of San Diego and Oakland construction valuation schedule and examine their construction valuation process for remodeling projects versus new construction projects. Additionally, the City CBO should contact the Certified Access Specialist Institute (CASI) to see if CASI has a construction valuation estimate verification policy recommendation.

Action: Koonce/ Marston 5/0/-2. Motion carried.

3. Adjourn Meeting

Motion: Adjourn the meeting.

Action: Koonce/ Maloney 6/0/-1. Motion carried.

The meeting adjourned at 4:35 p.m.