



City of Santa Barbara

BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES MARCH 4, 2021

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

BOARD MEMBERS:

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

STAFF:

Jose Barajas, Interim Secretary of The Board
Christina Dye, Interim Chief Building Official
Joe Poire, Fire Prevention Division Chief
Maria F Sanchez, Administrative Specialist
Greta Walters, Executive Assistant
John Doimas, Assistant City Attorney

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 2:31 p.m. by Chair Spieler.

ATTENDANCE

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

Members absent: Langhorne

Staff present: Interim Chief Building Official, Christina Dye
Interim Secretary of the Board, Jose Barajas
Assistant City Attorney, John Doimas
Administrative Specialist, Maria F. Sanchez
Executive Assistant, Greta Walters

GENERAL BUSINESS

1. Public Comment:

The meeting opened for public comment at 2:32 p.m. No one chose to speak, so the chair closed the public comment portion of the meeting.
Public comment closed at 2:32 p.m.

2. Approval of Minutes:

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

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **February 4, 2021**, as submitted.

Action: Maloney/ Spieler 5/0/-1. Motion carried.

3. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals
 - a. Interim Secretary of the Board Jose Barajas, confirmed there were the necessary Board Members to meet the quorum of at least 5 members with 2 of these being physically handicapped to hear any accessibility items on the Agenda.
 - b. Barajas announced a typo on page 2 of the staff report paragraph 4 that references exhibits 2 and 3, which should only reference exhibit 5. He also announced that the item heard in the previous Board of Appeals Meeting regarding "Adjusting Construction Valuation Cost", will be brought back to the Board as requested on a later date.
 - c. Board Member Hornbuckle disclosed having a telephone conversation with the applicant Steve Welton before this appeal but assured items on the Agenda were not discussed. He explained the conversation was merely regarding the format of the meeting.

4. 2130 Mission Ridge Rd.

a. Ratification of Hardship approval issued by the City Building Official for the accessible route to swing set/Playground (item dismissed)

Speakers:

- Staff: Interim Secretary of the Board Jose Barajas
- Staff: Senior Plans Examiner Christy Foreman
- Steve Welton, Marymount of Santa Barbara

Discussion: Senior Plans Examiner Christy Foreman presented the City's report to the Board. She explained the hardship was not necessary.

Board Members and Assistant City Attorney determined that there was no action for this item.

Item was dismissed.

b. Appeal of a decision to deny the ratification of hardship by the city building official for the accessible Path of Travel Exemption from the public way at Mission Ridge Road

Before item hearing, Assistant Attorney John Doimas asked Board Member Hornbuckle to clarify the type of interaction he had with the applicant Steve Welton prior to the this meeting.

Board Member Hornbuckle explained he answered procedural questions the applicant had such as if presentations were allowed and confirmed the project in question was not discussed.

Speakers:

- Staff: Interim Secretary of the Board Jose Barajas
- Staff: Senior Plans Examiner Christy Foreman
- Steve Welton, Christina Broderick, Linda Price of Marymount of Santa Barbara, Sam Maphis of Earthform design and Janis Kent FAIA (CASp)

Discussion: Interim Secretary of the Board Jose Barajas presented the City's report to the Board. He explained that the City's Building and Safety staff recommends the denial of the ratification request for path of travel hardship exemption based on the following:

- 1) Path of Travel compliance was part of the original scope of work
- 2) The construction cost increase for existing restroom improvements and path of travel from Mission Ridge Road have not been properly justified
- 3) It is unclear how the project's construction budget increased at competition.
- 4) Support documentation has not been provided to justify Construction Valuation reduction by \$125,743

Interim Secretary of the Board Jose Barajas responded to questions from the Board Members.

Steve Welton, Christina Broderick, Linda Price of Marymount of Santa Barbara, Sam Maphis of Earthform design and Janis Kent FAIA (CASp) presented their case for ratification of hardship. They responded to questions from the Board Members.

Public comment opened at 3:01 p.m.

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

Public comment closed at 3:02 p.m.

Assistant City Attorney John Doimas and Interim Chief Building Official, also responded to questions from the Board.

A straw vote took place on whether to support upholding the standing motion of the decision of the City Building Official to deny the ratification of hardship. Board Members Koonce and Marston voted in favor and Board Members Hornbuckle, Maloney and Chair Spieler voted against.

Findings:

1. Insufficient supporting documentation on behalf of the applicant to justify the Construction Valuation reduction
2. Inconsistent information given on behalf of city staff and applicant.

Motion: The Board recommends a continuance of the standing motion to deny ratification of hardship and have the Chief Building Official review if a hardship is applicable for this project since the valuation is over the threshold. If so, applicant and city staff will come back to the board upon reviewing and providing the following:

- Address items *b-d* on the Staff Report under section B
- Adding item *e* to provide a schematic drawing for the sidewalk scope of work with enough detail to show elevation to justify the construction cost

Action: Spieler/ Hornbuckle 5/0/-1. Motion carried

3. Adjourn Meeting

Motion: Adjourn the meeting.

Action: Hornbuckle/ Marston 5/0/-1. Motion carried.

The meeting adjourned at 4:41 p.m.