



# City of Santa Barbara

## BUILDING AND FIRE CODE BOARD OF APPEALS MINUTES JULY 8, 2021

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

### BOARD MEMBERS:

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

### STAFF:

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

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**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 2:30 p.m. by Chair Spieler.

### ATTENDANCE

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

Members absent: None

Staff present: Chief Building Official, Christina Dye  
Interim Secretary of the Board, Jose Barajas  
Building Inspector and Plan Check Supervisor, Tim Dunn  
Administrative Specialist, Maria F. Sanchez  
Assistant City Attorney, John Doimas  
Building Inspector/Certified Code Enforcement Officer, Timo Rodriguez

### GENERAL BUSINESS

#### 1. Nomination of Vice Chair

Jeff Hornbuckle was nominated for Vice Chair

**Motion:** Approve the nomination of Board Member Jeff Hornbuckle as Vice Chair of the Board

**Action:** Maloney/ Langhorne 5/1/0. Motion carried.

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

## 2. Public Comment:

The meeting opened for public comment at 2:35 p.m.

No public comment.

Public comment closed at 2:35 p.m.

## 3. Approval of Minutes:

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

**Action:** Marston/ Maloney 5/0/-1. Motion carried.

## 4. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals:

- a. Board Member Nick Koonce expressed his concerns about the current composition of the Board and how it lacks a neutral body creating an unfair bias against the disabled. Assistant City Attorney John Doimas explained and confirmed that a recruitment is already in process to add an additional Board member that meets the requirements.
- b. Chair Paul Spieler explained the standard procedure on how the meeting is to be conducted to remind Board Members on when they could comment to keep things in proper order.
- c. Interim Secretary of the Board Jose Barajas had a couple announcements for the Board:
  - i. For Subject Item #2, 2001 Gillespie Street applicant withdrew his appeal
  - ii. The Marymount school appeal that was previously heard, was also withdrawn by the applicant. They will pursue a code compliant accessible path of travel.
  - iii. The Construction Valuation Cost Staff Report will be presented to the Board on the October 7<sup>th</sup> meeting.
- d. Board member Jim Marston, addressed Jose Barajas regarding the Marymount School Appeal and Jose responded to his questions

## **SUBJECT ITEMS**

### **1. 1415 Castillo Street- Appeal of Notice of Violation ENF2020-00175**

- a. *Request to overturn the Notice of Violation for the second story addition to the primary residence.*

#### Speakers:

- Staff: Chief Building Official Christina Dye, Interim Secretary of the Board Jose Barajas, Building Inspector/ Certified Code Enforcement Officer Timo Rodriguez
- Nancy Hamilton Owner and Brooke VanDuyne w/ Sherry and Associates, Architects

**Discussion:**

Staff member Timo Rodriguez presented his staff report and described and provided photos of work done at the subject property without approvals, permits, or inspections. He responded to questions from the Board Members.

Owner Nancy Hamilton noted that she is happy to cooperate and work on abatements to comply with code except for items 2 & 5 on the Notice of Violation:

*2. According to the City of Santa Barbara Records and Archives, in 1997 Permit Application BLD97-01511 was applied to construct a new second-story addition. No permit was ever approved and Permit Application BLD97-01511 was expired, but a new second-story addition was constructed without any of the approvals or permits.*

*5. The unpermitted second floor consists of one (1) bedroom and one (1) bathroom.*

She explained that proper documentation is missing from the City files and provided other documentation that the second story addition was approved by the Chief Building Official of that time, Charles Dreier, and inspected by a housing inspector from the house rehabilitation program. Nancy responded to questions from the Board Members.

Public comment opened at 3:16 p.m.

No public comment

Public comment closed at 3:17 p.m.

**Motion:** After reviewing the submitted documentation by the City and the appellant, listening to testimony, and considering the arguments presented at the hearing, the Board voted to not uphold the decision of the City's Building Official and propose a new motion.

**Action:** Maloney/ Koonce 6/0/0. Motion carried.

**Motion:** The Board proposed and voted to amend the Notice of Violation to strike items 2&5 (below) based on the following findings:

**Findings:**

- The Tax Assessor's Report
- The loan report and inspection done by the housing inspector from the house rehabilitation program
- The certificate of final inspection signed by the Chief Building Official of the time Charles Dreier
- The opinion of Chair Spieler as a structural engineer as support that this work was done with permit

**Action:** Koonce/ Marston 6/0/0. Motion carried.

**2. 2001 Gillespie Street- Appeal of Notice of Violation ENF2021-00131- Withdrawn**

- a. Request to overturn the Notice of Violation for unpermitted construction on the increase of height of carport and electrical attached to carport.*

Applicant withdrew application prior to hearing.

**3. Adjourn Meeting**

**Motion:** Adjourn the meeting.

**Action:** Koonce/ Marston 6/0/0. Motion carried.

The meeting adjourned at 4:31 p.m.