



Public Comment Received for:
APPEAL: 931 CALLE CORTITA
(ENF2017-01224)

Name of Sender	Distributed prior to hearing	Distributed after the hearing
1. William Rehling, Accessible Santa Barbara	X	
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From: [Accessible Santa Barbara](#)
To: [BOA Secretary](#)
Cc: [Krystal Vaughn](#)
Subject: Written comment for Building & Fire Code Board of Appeal Jan. 13, 2022
Date: Thursday, January 13, 2022 9:00:39 AM

EXTERNAL

Re: Agenda Item 2, BFCBA

The following written comment is submitted prior to 9:00 a.m. on January 13, 2022, therefore we request that it be posted to the BFCBA web page pursuant to the notice on the Agenda for the January 13, 2022, meeting.

The applicant apparently has raised a claim that California Health & Safety Code section 17958.12 somehow authorizes its deck to be constructed under building code standards from the 1960s. This is incorrect.

The legislature enacted S.B. 1226 in 2018 (creating Health & Safety Code section 17958.12) in order to facilitate the legalization of dwelling units which have been constructed without building permits.

First, it is clearly inapplicable to this case because here, the dwelling unit was constructed under a building permit.

Second, the operative clause of the section only directs the State to propose an amendment to the building codes, and that has not yet happened.

Third, the prefatory clauses in the legislation merely confirm existing state law, under which a building official may authorize the use of obsolete building standards, only when the official is able to make a finding that the alternative means or method of construction is at least equivalent to the current standard. That is rarely true after a code has been updated to improve the standard.

Our concern is that much construction has been done in the city without permits, and these locations are required to obtain building permits for their past work which complies with CURRENT accessibility standards.

Thank you.

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