



City of Santa Barbara

BUILDING AND FIRE CODE

BOARD OF APPEALS

MINUTES

MAY 2, 2024

2:30 P.M.

David Gebhard Public Meeting Room
630 Garden Street
SantaBarbaraCA.gov

BOARD MEMBERS:

Elizabeth Sorgman, *Chair*
Paul Spieler, *Vice Chair*
Nick Koonce
James Langhorne
John Maloney
Jim Marston

STAFF:

Christina Dye, Chief Building Official
Jose Barajas, Building and Safety Supervisor
Ryan DiGuillio, Fire Prevention Division Chief
John Doimas, Assistant City Attorney
Kira Esparza, Administrative Assistant

CALL TO ORDER

The Board meeting was called to order at 1:31 p.m. by Chair Sorgman.

ATTENDANCE

Members present: Sorgman, Spieler, Koonce, Langhorne, Maloney, and Marston
Members absent: Langhorne
Staff present: Dye, Doimas, Barajas; Emil Dilanian, Code Compliance Supervisor; and Esparza

GENERAL BUSINESS

A. Public Comment:

No public comment.

B. Approval of Minutes:

Motion: Approve the minutes of the Building and Fire Code Board of Appeals meeting of **January 11, 2024**, as submitted.

Action: Spieler/Marston, 5/0/0. (Langhorne absent.) Motion carried.

C. Announcements, requests by appellants for continuances and withdrawals, future agenda items, and appeals.

*** The item was heard out of order. ***

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

Mr. Barajas provided the following updates that were requested by the Board at the last hearing:

1. Regarding the Montecito Country Club project, after plan check comments from Inspections staff, the Applicant has updated their detail sheets to include 1/4-inch transition on the walkway, and the discrepancies with the restroom clearances were also addressed and revised.
2. Previously the Board requested that Staff look into the possibility of updating the construction valuation policy and reviewing the City's current policy to confirm if the 70% reduction of cost per square foot for alterations is appropriate. Apart from the previous comparisons that were given to the Board, Staff has not done further research due to staffing levels, but Staff is finding that most applicants are meeting compliance when they are walked through the process by Staff.

SUBJECT ITEM

1. APPEAL: 1811 Castillo Street

Appeal of Notice of Violation for development along Mission Creek without permits.

Actual time: 2:38 p.m.

Staff Present: Tina Dye, Chief Building Official, City of Santa Barbara; and Emil Dilanian, Code Compliance Supervisor, City of Santa Barbara

Present: Mark Carney, Attorney for the Appellant; and Richard Handler, Appellant,

Mr. Carney stated that he has concerns regarding the validity of the hearing and any potential decision made by the Board. His first concern is that the Building and Fire Code Board of Appeals' decisions are not appealable to City Council, as most other Boards and Commission decisions are. Mr. Carney's second concern is the quorum of the Board. Mr. Carney stated that according to his interpretation of the City Charter, the Building and Fire Code Board of Appeals quorum for appeal items is 7 members, and by not having 7 appointment members on the Board, it could call into question the validity of the Board's decisions; currently, the Board only has 6 appointed members.

John Doimas, Assistant City Attorney, stated that quorum is established and satisfactory according to City Charter, and advises that the appeal item should go forward.

Public comment opened at 3:27 p.m., and as no one wished to speak, it closed.

Written correspondence from Mark Carney was acknowledged.

*** THE BOARD RECESSED FROM 3:33 TO 3:53 P.M. ***

After a brief recess, Mr. Doimas announced that both parties have come to an agreement, and the City is expunging the Notice of Violation dated March 28, 2024. Both parties agree that what makes the most sense is for the Appellant to pursue an emergency permit that will cover the work that needs to be done as well rectify all issues in the Notice of Violation.

ADJOURNMENT

Chair Sorgman adjourned the meeting at 3:56 p.m.

DRAFT