

1 **DECLARATION OF HADI TABATABAEE**

2 I, Hadi Tabatabaee, declare that if sworn as a witness I could competently testify on
3 my own personal knowledge as follows:

4 1. I am currently the Building Official for the County of Orange, employed by OC
5 Public Works. I have been the County Building Official for approximately 8 years. In this
6 position, I am responsible for managing the day-to-day operations for the Building and
7 Safety Division, which includes the code enforcement program and activities. I manage
8 approximately 20 staff, including consulting staff. The Building and Safety Division covers
9 grading and building plan check services, geotechnical and water quality document reviews,
10 and code enforcement processing. In addition, my role and duties as the Building Official is
11 to enforce the provisions of the California Building Code and the County’s Building
12 Regulations. Furthermore, I have the authority (Section 104, Part 2 of California Building
13 Standards Code) to render interpretations of the codes, approve alternative materials, design
14 and method of construction and equipment and to adopt policies and procedures in order to
15 clarify the application of building code provisions.

16 2. I have a master’s of science degree in civil engineering from California State
17 University of Long Beach and am a State Certified Professional Engineer. Additionally I am
18 a Certified Building Official (by the International Code Counsel) and Certified Access
19 Specialist (CASp) (by California Division of the State Architect). I have 36 years of
20 experience in the building industry, including 18 years working as a plan check engineer and
21 16 years as the Building Official for the City of Fullerton and the County of Orange.

22 3. The County of Orange is the owner of the property located at 400 W. Santa Ana Blvd,
23 Santa Ana, California. This property includes a former bus depot, the Santa Ana Transit
24 Terminal (“SATT”), on the ground floor. The County Chief Real Estate Officer has
25 executed a rent-free license agreement with The Midnight Mission, a non-profit entity, which
26 has a separate contract with the County to provide homeless shelter and coordination
27 services. The homeless shelter operated within the former SATT is commonly referred to as
28 the “Courtyard.”

1 4. As the Building Official for the County, the property located at 400 W. Santa Ana
2 Blvd., including the Courtyard, is under my jurisdiction.

3 5. One of my duties as Building Official is to designate or determine an appropriate use
4 and occupancy classification for buildings, structures, and uses within my jurisdiction. The
5 Courtyard homeless shelter and the space in which it operates is unique and does not easily
6 fit in any use or occupancy classification normally referenced in chapter 3 of the California
7 Building Code. Nevertheless, in approximately November 2017, I determined that the best
8 and most appropriate use classification for the area occupied and operated as a homeless
9 shelter is a "Group C" occupancy, an "organized camp," governed by the provisions of
10 Section 450 of the California Building Code. Subsequently, plans were submitted for a
11 building permit. Plans were approved and a permit issued on January 26, 2018.

12 6. I determined this temporary homeless shelter use of the property is generally
13 consistent with the description of "organized camp" provided in the first paragraph of
14 Section 450.1.1.1 of the Building Code. (See attached as Exhibit A, a true and correct copy
15 of California Building Code section 450, *et seq.*) Although the space occupied is covered,
16 the area is open; it is not enclosed on most sides, thereby providing a partially sheltered but
17 still outdoor living experience. Social, spiritual, educational, medical, and recreational
18 services are also available to the occupants. In addition, my conclusion is predicated on my
19 determination the shelter is not one of the expressly excluded uses identified in the second
20 paragraph of Section 450.1.1.1.

21 7. The Building Code provides a formula for the calculation of "occupant load," which
22 is the maximum number of persons who can occupancy of the building or space. In the case
23 of "Group C" occupancies pursuant to Section 450.3.2 of the Building Code, the load is
24 based on the number of persons per square foot of space, depending on whether the beds are
25 single-tier beds or two-tier (also called "bunk") beds. In the case of the Courtyard, which
26 provides only single-tier beds, the formula is therefore one person for 30 square feet of
27 space. The total area of the Courtyard space is 21,306 square feet. Thus, the maximum
28 occupancy can be 710 persons. In consultation with the Fire Marshal, I have established the

1 maximum occupancy load of 450 for the Courtyard.

2 I declare the foregoing is true and correct under penalty of perjury under the laws of
3 the State of California. Executed by me this 30th day of August in the City of Santa Ana.

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6 HADI TABATABAEE

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& SMART
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