



City of Santa Barbara
Community Development

Memorandum

DATE: March 22, 2016
TO: Building & Fire Code Appeals Board
FROM: Andrew Stuffer, Chief Building Official *AUS*
SUBJECT: 31 El Cielito Rd, Santa Barbara, CA – Pool Fence Modification

On February 16, 2016, City Senior Building inspector, Lauren Anderson, completed the final inspection of an interior remodel at the subject address. During the course of her inspections, she observed that a portion of the fence surrounding an existing, 1981, swimming pool was lower than 48" (1981 City pool fence minimum height) and that a new, equally low, pool gate had been replaced within the last several weeks. This gate was now in violation of the State Swimming Pool Safety Act regulations found in the State Residential Code, Appendix G. Consequently, Inspector Anderson, approved the final inspection of the interior remodel permit and made a pool fencing note on the permit job card. Her note gave the property owners 30 days to obtain a pool fence modification permit and 60 days to complete all of the pool fence work. Later, she opened an enforcement case to monitor the progress made towards abatement of this State Code violation.

Facts:

- In 1981, City Ordinance 4064 required at least a 48" high pool fence barrier around new pools.
- The existing fence appears unaltered and has a height of 32" to 42+"
- Our region experienced a child's drowning in a pool in 2005
- The wood pool gate was replaced within the past several months
- The replaced pool gate and 32" to 42" high pool fence area is separated from the public right-of-way by a series of 42" to 72" high perimeter fences and a pair of 60" high or taller, solid driveway gates.
- Today, the 2013 State Residential Code, Appendix G "Swimming Pools, Spa, and Hot Tubs", requires at least a 60" barrier gate and fence around new swimming pools.
- Today's State codes are not retroactive and do not apply to unaltered, existing private swimming pools or pool fences.
- The current City Municipal Code requires a building permit for any fence modifications that result in a free-standing, residential fence of 42" or more in height.

It is my interpretation that replacement of the pool gate without a City permit, is technically a violation of the State Residential Code and Appendix G. Additionally, maintaining the pool barrier fence at a height of less than 48" is a violation of the 1981 pool permit regulations. Planning approvals and a building permit to restore the pool fence to a height of 48" and replace the gate at a height of 60" is the minimum required code compliance. A compliance term of 60 days for these modifications is appropriate.

I encourage the owners to consider increasing the 48" high fence to 60" voluntarily.

Copy: Street File
31 El Cielito Rd, Property Owner
Lauren Anderson, Senior Building Inspector – Code Enforcement

Attached: Appellant's letter and documentation
City Ordinance 4064, 1979 UBC, Appendix Chapter 81 Swimming Pools
2013 State Residential Code, Appendix G



City of Santa Barbara
Building and Safety Division
www.SantaBarbaraCA.gov

REQUEST FOR APPEALS BOARD HEARING

Subject Property Address 31 El Cielito Rd. Santa Barbara, CA 93105 Date February 18, 2016
APN 019-360-07
Owner's Name Jeffrey S. Miller and Kimberly M. Natzel
Owner's Address 646 Lola Ln., Mountain View, CA 94040 (Phone) 415-518-4804
Owner's Email Address lemondjeff@gmail.com

Decision Being Appealed

A brief statement specifying order or action protested:

Pool and spa upgrades to conform to the Swimming Pool Safety Act (Section 115920-115929 of the CA Health and Safety Code).

- Further explanation attached.
- Copy of protested notice attached.

A brief statement of the reason the protested order or action should be reversed, modified or otherwise set aside:

See attached letter.

You will be notified within 30 days of the date of your hearing.

Signature

I certify under penalty of perjury that the foregoing, to the best of my knowledge, is true and correct. I also acknowledge that the Board cannot waive any Code requirements and will only determine the proper application of the code.

Signature

Questions

For further information contact the Building & Safety Division at (805) 564-5485

Hours: Monday-Friday *
8:30 a.m. to 4:30 p.m.
*Closed Alternate Fridays
www.SantaBarbaraCA.gov

Address: 630 Garden St, Santa Barbara, CA 93101
Phone: (805) 564-5485

646 Lola Ln
Mountain View, CA 94040
415-518-4804
Email: lemondjeff@gmail.com

February 18, 2016

City of Santa Barbara, Building and Safety Division
630 Garden St.
Santa Barbara, CA 93101

To whom it may concern,

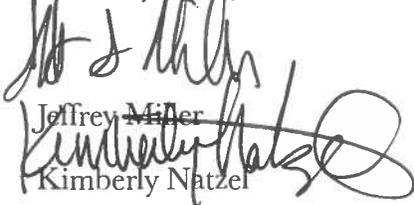
We are writing to protest the city's notice to correct our existing pool and spa to make it conform to Section 115920-115929 of the CA Health and Safety Code on the following grounds:

1. We were only notified of this during the final inspection after a major and expensive remodeling project. The city had almost a year from when the first permits were pulled for this project to notify us of the issue, and never said anything until the final inspection (see Attachment 1). Had it been noted up front, we could have addressed it as part of the permitted plans.
2. The section of the Health and Safety Code in question became effective on January 1, 1998, long after the existing pool and spa were built. Also, it specifically applies when a permit for a pool or spa is issued, and no such permit (nor work on the existing pool and spa) was done as part of our remodel.
3. The Zoning Information Report (Attachment 2) we received when we purchased the house in 2013 made no mention of this issue. Had we been aware of this at the time, we could have negotiated a resolution with the sellers.
4. Given all of the above, we feel the city's requirement that a permit be acquired within 30 days and the work completed in 60 days is especially unfair.

We have tried to work with the city in good faith, even installing a key box for the fire department at the front gate, another issue that never came up until final inspection, even though the gate was also not part of the remodeling project. But we feel that replacing an large section of existing fence on such short notice is not only unfair, but would be financially burdensome for us after the expense of the remodel we just completed. We also disagree that it's required at this time since no pool or spa work was performed.

We request that this decision be overturned, or if not, that we be granted a substantial extension in the amount of time to comply.

Sincerely yours,


Jeffrey Miller
Kimberly Natzel



CITY OF SANTA BARBARA BUILDING INSPECTION RECORD
 FOR BUILDING INSPECTION REQUESTS CALL (805)564-5492 ONE DAY IN ADVANCE
 Fire Department Inspections: 564-5702 Public Works/Transportation Inspections: 564-5388
 Reinspection fees may be assessed if the plans or inspection records are not available
 On the job site or if the work for which the inspection has been called is not completed.
THIS PERMIT IS VALID FOR 180 DAYS FROM THE DATE OF THE LAST INSPECTION

INSPECTION TYPE	Date	Inspector Approval
Pre-Demolition		
Erosion Control		
Pre-Seismic - RSVP		
Setbacks, Bld. Location, Floor Survey		
Elevation FEMA Certificate - Foundation		
Reinforcing Steel, Forms, Embedments	5/13/15	LA
Grounding Electrode (UFER)		
Temporary Power - OK to Release		
Special Inspection (Deputy) Interim Report		
OK to Pour Concrete	Slabs 5/13/15	LA
DO NOT POUR CONCRETE UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED		
Water Piping Groundwork, TEST		
Gas Piping Groundwork, TEST		
Sewer Lateral, TEST		
Sewer Backwater Device		
Electrical Groundwork		
Floor Framing, Hold Downs		
Underground / Underfloor Plumbing	topow 5/13/15	LA
OK to Pour Concrete Slab		
ROUGH INSPECTIONS		
Pre-Roof Sheathing	7/14/15	LA
Roof Nailing	7/14/15	LA
Roof Insulation		
Floor Nailing	7/14/15	LA
Shear Panel Nailing / Load Path		
Rough Fire Alarm Wiring / Devices Locations		
Rough Drain-Waste-Vent (TEST)	7/13/15	LA
Special Inspection / Structural Observation		
Rough Water / Gas Piping		
Rough Mechanical		
Rough Electrical		
Rough Framing / Windows / Egress		
DO NOT INSULATE OR COVER FRAMING UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED		

INSPECTION TYPE	Date	Inspector Approval
Exterior Lathing / Underlayment	8/21/15	LA
Insulation - Floors / Walls / Ceilings	8/17/15	LA
Exterior Design Review Requirements	8/19/15	LA
Drywall Nailing		
T- Bar Ceiling Framing - OK to Place Tile		
DO NOT TAPE OR PLASTER UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED		
POOLS AND SPAS, FENCES		
Pool Reinforcing Steel / Location		
Pool Bonding - Grid, Equipment, Fixture, Deck		
Pool Plumbing Lines / Gas, TEST		
OK to Shotcrete		
Special Inspection - Shotcrete, TEST, Report		
Pool Fencing / Gates / Door Alarms / Cover		
OK to Plaster		
BLOCKWALLS, FENCES, RETAINING WALLS		
Block Wall Foundation - OK to Pour Concrete		
Block Wall Reinforcing - OK to Grout 1 2 3 4		
FINAL Block Wall / Fence		
FINAL INSPECTIONS		
FINAL Demolition		
FINAL Erosion Control		
FEMA Elevation / Floodproof Certificate		
FINAL Mechanical / Plumbing		
FINAL Gas, TEST - OK to Set Meter	10-26-15	LA
FINAL Electrical - OK to Set Meter		
FINAL County Health Department		
FINAL Fire Alarm / Sprinkler System		
FINAL Fire Department	2/16/16	LA
FINAL Landscaping - Certificate		
FINAL Design Review Requirements		
FINAL Public Works Department		
FINAL Disabled Access		
FINAL Special Inspection Reports		
Temporary Occupancy Allowed - Conditions		
FINAL Building	2/16/16	LA
DO NOT OCCUPY OR USE THE AREA UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED		

Notes:
 8/12/15 DW in Kitchen OK LA
 2/11/16 Kitchen OK A MAX

2/18/16 (1) Pool + Spa require automatic covers, perimeter 5' fencing or floating alarms.
 (2) Pool area requires 5' fencing + gates.
 Permit required within 30 days. Work completed with 60 days - LA

Attachment #1

The Fine Print was changed on 7/6/09. Please read it.



9
5
9

**Zoning Information Report
31 EL CIELITO RD**

Date: 3/27/2012
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2012-00116

Thank you for ordering a City of Santa Barbara Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on March 26, 2012.
This Zoning Information Report expires on March 27, 2013.

The property's City Zoning Designation is A-1. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	A-1
Front Setback	35 feet
Interior Setback	15 feet
Rear Setback	15 feet
Required Open Yard Area	1,250 sq. ft. (20 foot minimum dimensions)
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	43,560 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	100 feet

If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

Zoning Information Report
31 EL CIELITO RD
APN 019-360-007

ZIR2012-00116
Zoning: A-1
Page: 2

High Fire District

Hillside Design District

High Fire Area - See Notes

Foothill

PROPERTY DESCRIPTION

One story single family dwelling with attached arbors and a two-car garage (with storage area). Laundry room adjacent to the kitchen. Bar sink in the dining room.

Storage shed/trash enclosure (approx. 4x6).

Swimming pool and spa. Pool equipment enclosure. Solar heating for pool.

Air conditioning units and enclosure.

Outdoor kitchen with built-in barbeque and sink.

Outdoor shower.

Fountain in center of courtyard/ guest parking area.

Two electric across both driveways

Lot Size (From County Assessor Records): 1.58 Acres

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	0	0
Sinks	1	0

Smoke Detectors in: All Bedrooms? **Yes** All Hallways? **Yes**

Smoke detectors are required in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more except when equipped throughout with an approved automatic fire sprinkler system. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains 2 parking spaces in garages, 0 parking spaces in carports and 2 uncovered parking spaces.

If this box is checked, the items stored within the required parking or maneuvering areas must be removed.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Coastal Development Permits, or Variances (if none, this area will be blank).

None

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

BUILDING VIOLATIONS:

1. The air conditioning units and enclosure were added at the rear of the dwelling without the required permit.
2. The outdoor kitchen with built-in barbeque and sink was added without the required permit.
3. The outdoor shower was added without the required permit.
4. The fountain in the center of the courtyard/guest parking area was added without the required permit.
5. The two electric across both driveways were added without the required permit.

The Fine Print

1) Disclosures

- a) The ZIR is a good faith effort at full disclosure to a potential buyer of authorized uses and occupancy, including zoning violations, and improvements constructed without City permits or approvals.
- b) Improvements without permits are illegal. Previous plans showing these improvements as "existing", previous ZIRs describing improvements as legal, previous ZIRs that omit an improvement, or previous ZIRs that describe an improvement as nonconforming do not legalize illegal improvements, including structures. Only City approvals and permits legalize improvements previously constructed without permits.
- c) The current ZIR is based on the most recent information, and supersedes previous ZIRs. Improvements that existed at the time of a previous ZIR, but which were not listed on the previous ZIR or were shown as nonconforming, but which are in fact unpermitted and therefore illegal, will be subject to current standards. For example, if a 1987 ZIR did not list an accessory building in a setback, and the current ZIR shows it as a violation, the current determination supersedes the previous determination.
- d) Zoning inspectors are not building inspectors, and are not versed in the requirements of the Uniform Codes. Therefore, this ZIR does not document violations of the Uniform Codes (e.g., illegal wiring, illegal plumbing, substandard structural assemblies). ZIRs identify zoning violations and unpermitted construction.
- e) Fences, Screens, Walls and Hedges (See SBMC §28.87.170)
 - i) The zoning regulations for fence, screen, wall and hedge height became effective in 1957. Fences, screens, walls and hedges permitted prior to 1957 may be nonconforming as to height.
 - ii) Permits are required for fences, screens and walls over 3.5 feet tall from the ground to the highest point of the structure. If such permits do not exist in City records, they are considered illegal, and must be permitted and may require other City approvals. If such fences, screens, walls and hedges are taller than allowed by the Zoning Ordinance, they must be reduced in height when required by the City. Plans in City records that show such items as "existing" do not legalize such items.
 - iii) Permits are required for retaining walls that are more than four feet tall, measured from the bottom of the footing to the highest point on the retaining wall (permits can be required for shorter retaining walls). Contact the Building and Safety Division Counter at (805) 564-5485 for more information.
 - iv) Over-height hedges that existed prior to 1957 are nonconforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is nonconforming.
- f) This ZIR does not include an analysis of the Solar Access Ordinance (Santa Barbara Municipal Code Chapter 28.11) as it applies to this property. Questions concerning the impact of the Solar Access Ordinance on specific structures should be directed to the Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578.
- g) If you are selling a home, you must disclose to the buyer any known earthquake weaknesses of your house. The State's Seismic Safety Commission has published a booklet "The Homeowner's Guide to Environmental Hazards and Earthquake Safety," which includes detailed information regarding earthquake hazard disclosure. This booklet should be available from your real estate agent/broker.
- h) Please be advised that any alterations, additions, construction, improvements or new development may be subject to the review of the Single Family Design Board, the Architectural Board of Review, the Historic Landmarks Commission, the Staff Hearing Officer, or the Planning Commission, depending on a number of factors. If review by one of the bodies is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding the environmental review process.

- 2) The enforcement process, as of April 19, 2004.
- a) The following major violations will be referred to enforcement staff immediately:
 - i) Illegal dwelling units.
 - ii) Illegal conversion of non-habitable space to habitable space.
 - iii) Unpermitted construction of new floor area (habitable or nonhabitable).
 - iv) Elimination of required parking.
 - b) Minor violations are kept on file and are required to be abated prior to, or simultaneously with, the first building permit that is obtained by the new property owner. HOWEVER, please be advised that all minor violations will be required to be abated in conjunction with any major violations on the property. City Staff will also require that overheight fences, walls, screens and hedges be reduced in height at that time.
- 3) Validity Period and Extensions
- a) This ZIR is valid for a period of twelve months after the date of issuance or until a transfer of title occurs, whichever is sooner.
 - b) A ZIR may be extended for a period of one year for half the price of a current ZIR, if the application for the extension is received while the ZIR is still valid. A re-inspection is required.
- 4) Disputes regarding the content of this ZIR.
- You have 30 days from receipt to dispute any items in this ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the content of the ZIR, and any attempt to dispute such items in the future will be denied. Please contact the preparer of this Zoning Information Report.
- 5) Tenant Displacement Assistance Ordinance
- Please be advised that any application to the City for a demolition, alteration, or change of use that will result in the elimination of a residential unit requires compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89). The Ordinance requires notice to the tenants about your intent to file an application 60 days prior to the actual filing, and provide monetary displacement assistance.

Zoning Information Report #ZIR2012-00116 was prepared by:

Betsy Teeter, Planning Technician II



Signature

March 27, 2012

Receipt of Zoning Information Report

ZIR2012-00116

This is to certify that I/We _____
the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there will be follow-up enforcement of these violations, and that such enforcement may take place at any time. Failure to abate these violations may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we am/are responsible for the abatement of the violations. If there is an attached Letter of Notice, an enforcement case will be created, and follow-up enforcement will begin immediately.

Executed at _____ on _____.
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name _____
Print

Signature of Buyer or Authorized Agent

Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

**PRIOR TO THE DATE OF TRANSFER OF TITLE
THIS RECEIPT MUST BE SIGNED, DETACHED AND RETURNED TO:**

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904

Zoning Information Report
31 EL CIELITO RD
APN 019-360-007

ZIR2012-00116
Zoning: A-1
Page: 7

Sewer Lateral Inspection Program Disclosure

The City of Santa Barbara has enacted a program to improve the condition of the private sewer laterals connected to the City's sewer system. Poorly maintained laterals allow rainwater and/or roots into the City's system, causing sewage spills.

(This section to be completed by City Staff)

SITUS ADDRESS: 31 EL CIELITO RD

(please print)

Sewer Lateral Condition Disclosure (please check appropriate box)

- The sewer lateral has an inspection report in the Street File.
 There is no sewer lateral inspection report on file.

Advisory – Lateral Repair Required

Sewer laterals extend from buildings or dwellings to the City's sewer main (commonly in the street). The entire length of the pipe sewer lateral to the point where it connects to the City's sewer main is private property, and it is the responsibility of the property owner to maintain the lateral in properly functioning condition at all times. The City of Santa Barbara has enacted a proactive program to identify laterals that are defective, and requires property owners to repair or replace defective laterals.

Advisory – Lateral Inspection Recommended

Prospective buyers of real property served by the City's sewer system are strongly advised to have the sewer lateral inspected by a qualified individual prior to the close of escrow.

Acknowledgement of Advisories

I, _____ the Buyer(s) or my/our authorized agent acknowledge that I have read the above advisories and understand that it is the property owner's responsibility, at his/her sole cost, to maintain the sewer lateral in good condition.

Executed on: _____ (Date).

THIS FORM MUST BE SIGNED, DETACHED AND RETURNED TO:

Wastewater Collection System Project Coordinator
City of Santa Barbara, Public Works Department
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 568-1021

Please call (805) 568-1010 if you have any further questions regarding the Private Sewer Lateral Inspection Program.

cc: Street File

Revised 06-01-07

UNIFORM BUILDING CODE - APPENDIX SECTION

UBC Appendix Chapters 51 and 53 are hereby deleted in their entirety.

UBC Appendix Chapter 70 is hereby amended to delete all reference to fees. Tables 70A and 70B are deleted in their entirety. Grading plan check and permit fees shall be set by resolution of the City Council.

UBC Appendix is hereby amended to add Chapter 81 to read as follows:

UBC Chapter 81 SWIMMING POOLS

Sec. 8101 GENERAL. The purpose of this Chapter is to provide minimum standards to protect life, limb, health, property and public welfare by regulating and controlling the design, construction, quality and materials and fencing of swimming pools. The Building Official is designated as the administrator of this Chapter.

Sec. 8102 DEFINITIONS. For the purpose of this section, the following definition shall apply:

POOL - Any body of water created by artificial means which is designated or used for swimming or immersion purposes and any portion of which is capable of containing water 18" deep or deeper, also called swimming pool, spa or hot tub. Plumbing fixtures such as bathtubs are exempt.

Sec. 8103 PLANS.

(a) All applications for permits for construction of pools shall be accompanied by plans, in duplicate, for the approval of the Building Official. The plans shall include the following: Plot plan to scale with relative elevations, property lines, existing structures, fencing, retaining walls, and other relevant characteristics adjacent to pool area; proposed pool shape, dimensioned, and located to show setbacks, side yards, and clearance from overhead or underground utilities, existing structures, and graded slopes adjacent to pool area; proposed mechanical equipment pad, dimensions and location; proposed deck work configuration showing its anticipated drainage, anticipated overall drainage of pool site, pool depth, and volume in gallons, structural details of walls and floor; and waste disposal system. If grading is required, the plans will be required to conform to the requirements of the Uniform Building Code.

Plans to construct a public swimming pool, bath house or related appurtenances shall have the County Health Department approval stamped thereon.

(b) STANDARD PLANS. To receive consideration for standard plans, the applicant must first furnish the Building and Safety Section with two copies of each plan which is requested to be classified as a "standard plan", and the payment of a full plan checking fee. The Building Official shall issue a standard plan number for such plan and when approved, one copy of such plan shall be kept on file.

Subsequent applications for permits for construction of pools which have been granted a standard plan number will require the submission of an application and one copy of a plan, which will then be compared with the plan on file. If the plans are found to be identical, the permit may be issued and the plan check fee charged may be only one-half of a regular plan check. In case of any deviation whatsoever from this standard plan, complete plans together with a full plan checking fee shall be submitted for the proposed work.

Sec. 8104 PERMITS. Where new fencing is required because of a pool installation, the permit for that fencing shall be obtained prior to, or concurrently with, the pool permit. Pool permits shall not be issued without compliance with this section.

Sec. 8105 FENCING, GATES, AND LOCKS

(a) Fencing
No person owning, controlling, or in possession of land within the City upon which is situated a swimming pool or other artificial outside body of water designed or used for swimming, dipping, or immersion by men, women, or children, and having a water depth exceeding eighteen inches, shall fail to maintain on the lot or premises upon which such pool or body of water is located, a fence or wall not less than four (4) feet in height constructed of durable material and designed to withstand a horizontal force of twenty pounds per lineal foot at the top of the fence or top of the railing. Openings, holes, or gaps therein shall be no larger than four inches wide except for openings closed by doors or gates. The fence or wall shall completely enclose such pool or body of water provided however, that a dwelling house or accessory building may be used as a part of such enclosure.

(b) Gates
All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use.

Latching devices shall be at least four feet above ground level, or otherwise made inaccessible from the outside to small children; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. All such gates or doors shall be kept closed and latched when the pool or body of water is not in use, or under construction, maintenance or repair.

- (c) Filling Pool - No water shall be placed in any swimming pool prior to the installation of all safeguards specified by this Section and the approval of all associated electrical and mechanical work.
- (d) Exemption - Natural or man-made lakes, marinas, or reservoirs used primarily for water conservation or irrigation shall not be deemed to be a swimming pool or body of water requiring fencing by this section.

Sec. 8106 CLARITY OF WATER AND CLEANLINESS OF POOL. The recirculation and purification system shall be operated and maintained so as to keep the pool water clean and clear. Floating scum and debris shall not be allowed to accumulate in the pool. The sides and bottom of pools, and other surfaces, shall be kept free of slime and algae.

Sec. 8107 DISPOSAL OF WATER

(a) Surface Water - The pool deck and all portions of the lot shall drain to the street or to an approved drainage course. When a pool deck extends to within three feet of an adjacent property, means shall be provided to conduct splash water to a satisfactory point of disposal.

(b) Waste Water - Pool waste water shall be disposed of as specified in of the Uniform Plumbing Code, Appendix G.

Sec. 8108 HYDROSTATIC UPLIFT. Any pool to be constructed in an area in which residual ground water creates hydrostatic head against the pool structure shall have a suitable underdrain relief to which a pump can be properly attached, sufficient mass weight to prevent floatation, or hydrostatic relief valves.

Sec. 8109 LIGHTING. All lighting of pool area shall be so hooded that the light does not shine towards abutting private properties and public right-of-ways.

Sec. 8110 INLETS AND OUTLETS. Facilities for introducing water to the pool shall be provided and arranged to facilitate uniform circulation of the water and the maintenance of a uniform disinfectant residual throughout the pool. Every pool shall be provided with a bottom drain or outlet by which the pool can be emptied.

UBC Appendix is hereby amended to add Chapter 82 to read as follows:

**CALIFORNIA RESIDENTIAL CODE – MATRIX ADOPTION TABLE
APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS**

(Matrix Adoption Tables are non-regulatory, intended only as an aid to the user.
See Chapter 1 for state agency authority and building applications.)

Adopting agency	BSC	SFM	HCD			DSA		OSHPD				BSCC	DHS	AGR	DWR	CEC	CA	SL	SLC
			1	2	1/AC	AC	SS	1	2	3	4								
Adopt entire chapter																			
Adopt entire chapter as amended (amended sections listed below)																			
Adopt only those sections that are listed below																			
[California Code of Regulations, Title 19, Division 1]																			
Chapter / Section																			

* The California Code of Regulations (CCR), Title 19, Division 1 provisions that are found in the *California Fire Code* are a reprint from the current CCR, Title 19, Division 1 text for the code user's convenience only. The scope, applicability and appeals procedures of CCR, Title 19, Division 1 remain the same.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

*(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.
Note: See Chapter 31, Section 3109 of the California Building Code, Title 24, Part 2.)*

**SECTION AG100
SWIMMING POOL SAFETY ACT**

AG100 Private swimming pools (statewide). These regulations are subject to local government modification. The applicable local government requirements at the time of application for a building permit should be verified. These standards become applicable commencing January 1, 1998, to a private, single-family home for which a construction permit for a new swimming pool has been issued on or after January 1, 1998.

AG100.1 Definitions. As used in this division, the following terms have the following meanings:

ANSI/APSP PERFORMANCE STANDARD means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).

APPROVED SAFETY POOL COVER means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with Standard F 1346-91.

ENCLOSURE means a fence, wall or other barrier that isolates a swimming pool from access to the home.

EXIT ALARMS means devices that make audible, continuous alarm sounds when any door or window that permits access from the residence to the pool area, that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

PUBLIC SWIMMING POOL means a swimming pool operated for the use of the general public with or without charge,

or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

SUCTION OUTLET means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.

SWIMMING POOL or POOL means any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep. Swimming pool includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas and nonportable wading pools.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115921
Ab 3305, (Statutes 1996, C.925); Ab 2697, (Statutes 2012, c. 770)

AG100.2 Construction permit; safety features required. Commencing January 1, 2007, except as provided in Section AG100.5, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section AG100.3.
2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F 2286 standards in

APPENDIX G

conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

3. The pool shall be equipped with an approved safety pool cover that meets all requirements of ASTM Specifications F 1346.
4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.
6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 "Standards Specification for Pool Alarms," which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1–4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASME).

Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act, and if no violations are found shall give final approval.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115922
AB 3305 (Statutes 1996, c.925); AB 2977
(Statutes 2006, c.926); AB 382 (Statutes 2007, c.596); AB 2697 (Statutes 2012, c. 770)

AG100.3 Enclosure; required characteristics. An enclosure shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.
2. A minimum height of 60 inches (1524 mm).
3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).
4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.
5. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115923
Ab 3305, Statutes 1996, C.925

AG100.4 Agreements to build; notice of provisions. Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this article.

Pursuant to existing law, the Department of Health Services shall have available on the department's web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children's Safety & Health, Safe Kids Worldwide, Association of Pool and Spa Professionals, or the American Academy of Pediatrics.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115924
AB 3305 (Statutes 1996, c.925); AB 2977 (Statutes 2006, c.926); AB 382 (Statutes 2007, c.596); AB 2697, (Statutes 2012, c. 770)

AG100.5 Exempt facilities. The requirements of this article shall not apply to any of the following:

1. Public swimming pools.
2. Hot tubs or spas with locking safety covers that comply with the American Society for Testing Materials Emergency Performance Specification (ASTM E13-89).
3. Any pool within the jurisdiction of any political subdivision that adopts an ordinance for swimming pool safety that includes requirements that are at least as stringent as this division.
4. An apartment complex or any residential setting other than a single-family home.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115925
Ab 3305, (Statutes 1996, c.925); AB 2977
(Statutes 2006, c.926); AB 382 (Statutes 2007,c.596); AB 2697, (Statutes 2012, c. 770)

AG100.6 Application to facilities regulated by Department of Social Services. This division does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as a private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the State Department of Social Services.

Authority: Health and Safety Code Section 18942(b)
Reference: Health and Safety Code Section 115926
Ab 3305, Statutes 1996, c.925); AB 2977
(Statutes 2006 c.926); AB 382 (Statutes 2007, c.596); AB 2697, (Statutes 2012, c. 770)

AG100.7 Modification and interpretation of division. Notwithstanding any other provision of law, this article shall not be subject to further modification or interpretation by any regulatory agency of the state, this authority being reserved exclusively to local jurisdictions, as provided for in Item 5 of AG100.2 and Item 3 of AG100.5.

Authority: Health and Safety Code Section 18942(b)

Reference: Health and Safety Code Section 115927 AB 3305 (Statutes 1996, c.925); AB 2977 (Statutes 2006, c.926); AB 382 (Statutes 2007, c.596); AB 2697, (Statutes 2012, c. 770)

AG100.8 Construction requirements for building a pool or spa. Whenever a building permit is issued for the construction a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

1. The suction outlets of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in Paragraphs 2 and 3.
2. The swimming pool or spa shall either have at least two circulation suction outlets per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump.
3. The circulation system shall have the capacity to provide a complete turnover of pool water, as specified in Section 3124B of Chapter 31B of the California Building Standards Code (Title 24 of the California Code of Regulations).
4. Suction outlets shall be covered with anti-entrapment grates, as specified in the ANSI/APSP-16 performance standard or successor standard designated by the federal Consumer Product Safety Commission, that cannot be removed except with the use of tools. Slots of openings in the grates or similar protective devices shall be of a shape, area and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.
5. Any backup safety system that an owner of a new swimming pools or spa may choose to install in addition to the requirements set forth in subdivisions (1) through (4) above shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Products Safety Commission.
6. Whenever a building permit is for the remodel or modification of any existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet or suction outlets of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with anti-entrapment grates, as specified in the ANSI/APSP-16 performance standard or a successor stan-

ard designated by the federal Consumer Product Safety Commission.

Authority: Health and Safety Code Section 18942(b)

Reference: Health and Safety Code Section 115928 AB 3305 (Statutes 1996, c.925); AB 2977 (Statutes 2006, c.926); AB 382 (Statutes 2007, c.596); AB 2697, (Statutes 2012, c. 770)

AG100.9 Informative documents.

1. The legislature encourages a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch of the department, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.
2. The legislature encourages the private entity to use existing documents from the United States Consumer Product Safety Commission on pool safety.
3. If a private entity produces the document described in Subdivisions 1 and 2 and donates it to the department, the department shall review and approve the brochure or booklet.
4. Upon approval of the document by the department, the document shall become the property of the state and a part of the public domain. The department shall place the document on its website in a format that is readily available for downloading and for publication. The department shall review the document in a timely and prudent fashion and shall complete the review within 18 months of receipt of the document from a private entity.

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

AG101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AG101.2.1 or AG101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AG101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

AG101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase

APPENDIX G

the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AG103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1³/₄ inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 8.2. The gate and barrier shall have no opening larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
 - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AG105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AG105.2.

AG105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

**SECTION AG106
ENTRAPMENT PROTECTION FOR SWIMMING
POOL AND SPA SUCTION OUTLETS**

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

**SECTION AG107
ABBREVIATIONS**

AG107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

**SECTION AG108
REFERENCED STANDARDS**

AG108.1 General.

ANSI/NSP

ANSI/NSPI-3—99 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4—99 Standard for Above-ground/ On-ground Residential Swimming Pools AG103.2

ANSI/NSPI-5—03 Standard for Residential In-ground Swimming Pools . AG103.1

ANSI/NSPI-6—99 Standard for Residential Portable Spas AG104.2

ANSI/APSP

ANSI/APSP-7—06 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins AG106.1

ASCE

ASCE/SEI-24—05 Flood-resistant Design and Construction AG103.3

APPENDIX G

ASTM

**ASTM F 1346—91 Performance Specification
(2003) for Safety Covers and Labeling
Requirements for All Covers
for Swimming Pools Spas and
Hot Tubs AG105.2, AG105.5**

UL

**UL 2017—2000 Standard for General-purpose
Signaling Devices and
Systems—with revisions
through June 2004 AG105.2**

Stuffer, Andrew

From: Stuffer, Andrew
Sent: Wednesday, March 23, 2016 10:08 AM
To: 'Jeff Miller'
Cc: 'john@lambeconstruction.com'; Anderson, Lauren; Cassidy, Larry
Subject: RE: Appeals board hearing
Attachments: 2012 IPMC SEC 303.pdf

Good morning Mr. Miller,

Thank you for reaching out and advising us of your availability. I have reviewed the 1981 codes, our current codes and made a site visit to observe the pool fencing at your 31 El Cielito property.

In short, it appears that the 1981 pool had a 48" (or taller) fence installed around it. Over time, the fence has settled, the adjacent grade has risen, the fence was lowered, or any combination of these has occurred.

Our current City Property Maintenance Code requires pool fences to be maintain at least to a height of 48" or to the height required at the time of construction of the pool. Senior Inspector, Lauren Anderson, will be amending her notice to you such that a 48" fence and gate must be maintained in accordance with the attached swimming pool fence requirements from in our Property Maintenance Code. A City building permit is required to be obtained for these modifications to this fence. City Planning approval will be required before the fence permit can be issued. We recommend that someone consult with City Planning as soon as possible to understand what your Planning approval options are.

As a life-safety professional, I encourage you to consider voluntarily raising the height of the pool fence and gate to 60" (the current "new pool" standard). Raising the fence and gate height to 60" is only a recommendation and not an order or directive.

Given that this property is not in a densely populated neighborhood and that there is an additional 42" – 72" fence and solid gate system at the perimeter of the property, we can grant up to 60 days for you to obtain a new fence or fence alteration permit and an additional 30 days for final inspection of that permit.

You have until April 25, 2016 to let us know if you want to withdraw your appeal. Otherwise, your appeal hearing will be set for May 5, 2016.

Sincerely,

Andrew Stuffer
Chief Building Official
City of Santa Barbara
805-564-5553

From: Jeff Miller [mailto:lemondjeff@gmail.com]
Sent: Tuesday, March 22, 2016 8:08 PM
To: Stuffer, Andrew
Cc: john@lambeconstruction.com
Subject: Appeals board hearing

Andrew,

Thanks again for meeting with John Lambe at 31 El Cielito today. I'm sorry that I wasn't able to attend.

John tells me that the appeals board meets on the first Thursday of the month. I was hoping we could resolve this without a hearing, but if not, I wanted you to know that my wife and I will be out of the state on the first Thurs. of April, but we would be available on May 5. If there's any way to delay scheduling our appeal until then, we'd appreciate it.

Thanks.

Jeff Miller