



The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,100 REALTORS® and our mission includes promoting home ownership as well as protecting private property rights, which includes Zoning Information Reports (ZIR). Based upon issues brought to our attention by clients of members, a SBAOR ZIR Task Force was formed to work with the City of Santa Barbara to create solutions to the problems that plague ZIR's.

Attached are multiple anecdotes from REALTORS® and their clients describing the inaccuracies of ZIR's. This major outstanding issue revolves around property owners who purchased a home with a clean ZIR (no violations cited) from the city, yet when that same property owner (having made no modifications to the property) subsequently attempts to sell the home; the new ZIR cites and requires remediation of newly discovered violation(s). The violations cited in the new report were missed in the original inspection and not reported to the purchaser in the ZIR provided by the city. The property owner relied on the report they were given by the city when they purchased the property, yet they are now being forced by that same city to spend tens or even hundreds of thousands of dollars to correct problems they were not advised of in the original report.

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Anecdote #1

Dear Tom, Donna and Kelly,

Please excuse the informal nature of this communication. I would normally prepare a formal memo for your review, however, I am still without a computer. I know you are in need of this information due to the property being in escrow and the prospective buyer having concerns over the unpermitted status of the gate noted in the Zoning Information Report, so I am hoping this email update is helpful.

I reviewed the City's Zoning Ordinance and found no reference to permit requirements for gates. I went down to the Planning Counter last Wednesday and Betsy Teeter (the planner that completed your Zoning Information Report) happened to be working, so I asked her about it. She said gates fall under the "Fences, Screens, Walls and Hedges" section of the Zoning Ordinance and therefore, any gate over 3.5 feet requires a permit. I pointed out that it was confusing to me, as a planner, that a section that applies to gates wouldn't specifically call out a gate, and that it was no surprise that a property owner would not have known this. She admitted the language was confusing, but then pointed out that this was really "no big deal" as this only required a permit from Building and it could be done over the counter. It is interesting that she would call out something in a Zoning Information Report that didn't technically need a zoning permit, but that is a different issue.

I asked her what the process was for getting the Building Permit and she said we would just need plans and that it was typically an "over the counter" permit. While I was happy about the news, I felt like I wanted to confirm with someone else given the concern expressed by the prospective buyers. I waited until Friday when Betsy was not working the Planning Counter and went back and asked another planner. She confirmed that indeed this was "no big deal" and that the Building Department would likely issue the permit over the counter. She did say that we would need to have the Single Family Review Board (SFRB) Secretary, Michelle, do an admin approval of the gate and went on to say that potentially the gate would have to go to the Single Family Review Board on consent if Michelle didn't feel comfortable doing it administratively, but that she thought that would be unlikely given the 8 foot height and 20 foot setback from the street. She also said that Transportation would need to review it, but again this would likely be over the counter and unlikely to be a big issue given the nature of the gates. I then went over to the Building counter and spoke to the building tech there and she confirmed that they would just need the Planning Dept. and the Transportation Dept. to stamp the plans and assuming we came in with those, they would be able to approve the permit over the counter.

I took a quick look at the design review application and aside from plans detailing the location and height of the gate, the submittal requirements include photographs of the site and a letter from the homeowner's association. If the gate is approved administratively, the fee will be \$70. If it is taken in to be approved on the consent agenda, the fee will be \$160. The Building Dept. will take in a \$200 deposit and that is likely to cover the whole permit, but there may be more due prior to issuance. The Transportation Dept. will not charge a fee for their review. The Building Dept. will also need information on the electrical mechanism that powers the gate.

While I believe, based on all of this information, that permitting the gate would be relatively simple, one thing that all parties that I spoke to pointed out is that it is not necessary to do anything about the gate at this time. The Zoning Information Report is merely a way to ensure full disclosure and no zoning enforcement case has been (or will be) opened up as a result. If the prospective buyer wishes to make improvements to the house at a future time, the review and approval of the gate can be included in that process. This would be a much more efficient process as they would already have someone engaged to prepare the plans and help them with the permits and the gate could just be wrapped into that review and approval.

I hope this is helpful to you and the prospective buyer. Please do not hesitate to call me, or have the prospective buyer or their agent call me if they have any questions about any of this.

Sincerely,
Eva Turenchalk, AICP
Turenchalk Planning Services
451-5633

Anecdote #2

See message below from the seller of 120 Morada Lane. I asked him to explain what happened to them with regard to their zoning inspection as I did not want to misrepresent their situation. I have attached their zoning report.

I think in a discussion with the Zoning Department a critical part of that dialogue should include the Building Department. The garage conversion on Morada took place over thirty years ago (when the detached garage was permitted) and it was very clear in the paperwork at that time (in the street file) that the city knew the old garage would be used as living space. An "over the counter AS BUILT permit" by the building department should have been sufficient to correct the violation. Do a drawing, pay the fee for the permit - end of discussion. There is no reason to bring it to current standards. It is an old house and probably nothing in the house is to current standards. It just complicated the sale and the buyer was basically compensated because they have to take on the responsibility of making the changes to the old garage space and getting the permit when and if they do anything else to the property. If the building department had just issued the "As Built" the violation would have been corrected, and the issue resolved.

Another approach might to be "grandfather in" old violations that are now being sited. Or at the very least make the process easier to correct (and that is where the building department needs to get on board).

I hope this helps.

Gayle

Hi Gayle,

In our case, the zoning inspector cited a violation that had not been noted at the time of our purchase, but ten years later the same condition was called out as a violation. One which cost us a \$10,000 credit to the buyer and nearly \$2,000 in architect's and engineering fees.

It seems that a previous owner built a separate garage in 1979 and converted the attached garage space to a family room. The new, freestanding garage was permitted and granted an exception to the setback requirements. Correspondence in the street file confirm the owner's clearly stated intent to recapture the old garage space for "much needed additional living space and to improve the appearance from the street."

Issuing a permit for the garage in 1979, without issuing a permit to convert the original garage to habitable space, would have violated the city's own zoning restrictions with respect to parking.

Thirty years later, the converted family room was cited as a violation, even though the city had inspected the parcel several times in those years, without issue. It was our contention that the city must have permitted the conversion to habitable space (if required in 1979) but misplaced or misfiled the documentation. It seemed unlikely that the construction of a new garage could have received the city's approval without also approving of the requested conversion of the old attached garage to habitable space.

To remedy the situation, we provided architectural drawings to the building department with the hope

of getting an "AS BUILT" permit. The building department would not issue the permit without conditions that the room have additional upgrades to bring it to current standards.

The bottom line was that the city's inconsistent reporting or filing methods cost us \$12,000 plus many hours of meetings and file searches.

I hope our unfortunate experience can be of some help to you or your clients in the future. Let me know if I can provide any other backup.

Richard

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



**Zoning Information Report
120 MORADA LN**

Date: 1/5/2011
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2010-00538

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 January 4, 2011.
This Zoning Inspection Report expires on January 5, 2012.

The property's City Zoning Designation is **E-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:	E-1
Front Setback	30 feet
Interior Setback	10 feet
Rear Setback	10 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	15,000 sq. ft. x Slope Density Newly created lots must also conform to the General

Zoning Information Report
120 MORADA LN
A.P.N.: 055-120-051

ZIR2010-00538
Zoning: E-1
Page: 2

High Fire District

Hillside Design District

High Fire Area - See Notes

Foothill

Anecdote #3

Last summer (2010) a 3bd/2ba home I sold had a clear ZIR, but when my buyer went to ask about permitting a new roof, oops, it was really a 2bd/1ba home, not a 3/2 with family room. They had to take half the house down, get permits and start over. (This was a Ginny ZIR)

This year I had another sale where the zoning report was clean, and then during escrow the buyer discovered that an extra garage bay and a huge deck (the focus of the property) were actually not permitted.

In both instances, credits to the buyer were negotiated during escrow at a very large cost to the seller.

If these buyers hadn't discovered the discrepancies during escrow, it would have been law suits all around. –Sue

Anecdote #4

I was concerned that during the inspection I had most recently at 1713 Calle Cerro the inspector arbitrarily decided where the side yard lot line was and measured inaccurately from there to decide that the gazebo was several inches in the set back and called it out in the report. As we all know, without a survey you cannot tell where lot lines are.

This is a house that my Seller built in 1945 and there were permits for everything he had done, including a room addition to the kitchen and an enclosed patio room (that I was surprised was permitted). If this owner was getting permits for things even before we had zoning reports, I can't imagine that he would build this gazebo within a set back...the pattern doesn't fit.

Thank you and all your committee agents for going to bat for us. We appreciate all your hard work on this. Best ML

Anecdote #5

Hi, Here is my zoning experience that I told you about yesterday. My clients purchased 1718 Prospect, the escrow closed on 12/12/2006. In April of 2011 I represented them to sell the property. When they purchased it, there was a clean zoning report. When we had our zoning report done last June, it was completely different. They noted an illegal dwelling and bath in the basement, which was never mentioned in the 2006 report which my clients assumed was correct as the report was paid for by the seller at the time. I went to great lengths to try to figure out why my clients were now suppose to take out the bathroom at their expense when the bathroom was already there when they bought it. I went to the county files and found documentation that indeed that bathroom and basement had been there for many years - 30 or so. Zoning did not care, they had to remove the bathroom and pay double fines for the violation that they did not know existed. We felt and rightly so that zoning should have gone with the documentation proving they did not put it in, actually it was the person that owned it over 20 years ago and even his zoning report at the time of his sale, noted the basement and bath. Any other questions please call me, I would really like to help so that others do not go through the extra weeks of work to prove a point that zoning could care less about and of course the many thousands of dollars that innocent homeowners must pay due to faulty zoning reports Thank you.

--

Marilyn Moore

Village Properties

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805.689.0507

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License # 01255085

Anecdote #6

Case Study: How does the Zoning Information Report (Municipal Ordinance Section 28.87.220) apply in the situation described below

These are the salient facts:

1. Owner purchased the property in 1975. At the time of his purchase, the property had three occupied residential units. The property had a history of use as a triplex dating back more than five years from the 1975 date of purchase. Owner has continuously operated this property as a triplex, for the entire 38 years of his ownership.
2. At the time Owner acquired the property, Zoning Information Reports were not required under City Ordinances. Hence, Owner did not receive a ZIR at the time of his purchase, and had no knowledge as to any possible issues regarding the triplex usage.
3. The zoning for this property is R-O. Under this zoning, triplexes are permitted for parcels of 7,000 sq.ft or more. This parcel has in excess of 7,000 sq.ft., and would therefore be legal as a triplex.
4. This parcel has no on-site parking.
5. City Zoning relies upon a Sanborn Map dated circa 1940 showing two structures on the property, each marked with the letter "D". The City interprets this as a duplex designation for this parcel.
6. The Santa Barbara Polk Directory substantiates the use of the property as a residential triplex dating back at least as far as 1959
7. There are no permits on file for this property as

originally constructed, or for the property as it currently exists. The footprint of the structures has not changed since the property was originally built.

8. The City now takes the position that the property must be converted back to a duplex before the property can be sold. Zoning enforcement threatens to take enforcement action, should I attempt to see the property as a triplex.

It is my belief that the City cannot charge me for the alleged violations committed more than 50 years ago. It would seem to me that the City should recognize this as a legal three-unit property.

As a practical matter, the property is old in years but has been well-maintained, with oak flooring, safe and serviceable plumbing/electrical. The units are occupied by two young couples (one with an infant on the way), plus a lady County fireman. Should the property be downsized to two units, Santa Barbara will be losing a valuable part of the affordable housing inventory, and I will be forced to evict some model citizens. As a duplex, with one part of that duplex having 4 bedrooms, in all likelihood the property will be rented to a group of students, who will become a problem for me and for the neighborhood in terms of noise, parking and property maintenance.

Anecdote #7

I thought you might like a copy of this e-mail. Actually, I have two properties with enforcement letter re: zoning violations. What a nightmare! Everytime we turn around, the City has new policies, and I am now convinced that the people that work there are not fully aware of what is going on. Why else would Betsy say at the time of the inspection. "This will be easy, don't even worry about it." Everyone is getting blind-sighted! Please pass this onto the task force. I would be glad to provide them with more information as I have it. The seller budgeted a total of \$7500 for this. \$2500 to Mr. Kim, which he is sticking to, and \$5000 for the City. According to Mr. Kim, based on the Initial Review Corrections & Comments, it will go way over that.

Thanks,
Gay

> From: Gay Milligin <gm4re@yahoo.com>
> Subject: Initial Review Corrections & Comments-209 Santa
> Anita-ENF20-12-00966
> To: bteeter@SantaBarbaraCa.gov
> Cc: LAnderson@SantaBarbaraCA.gov, "Catherine Dougher"
> <cat.home@earthlink.com>, "Arthur Carlson" <ACARLSON.SBLAW@gmail.com>
> Date: Monday, December 17, 2012, 10:59 AM Hi Betsy,
>
> Attached was given to me by YS Kim. He has been hired by Catherine
> Dougher to obtain a permit for the non-permitted structures at 209
> Santa Anita. What was believed to be "no problem" as it relates to
> the sunroom, has turned into way more than expected. Lauren, I don't
> know who at the City has been assigned to this, but I felt that you,
> Betsy and I worked well together when we met to discuss 75 Chase. Is
> there anyway that you can also be involved in Santa Anita?
>
> I would like to set up an appointment to meet with whomever has been
> assigned to 209 Santa Anita (hopefully Lauren) at a time that Betsy
> would be available as well. If you think that Mr. Kim should be
> there, I will include him.
> Catherine Dougher's attorney may also want to attend so they he may
> advise her as to how to go forward. The expense is mounting after
> being assured by Mr. Kim, based on his experience, that the project
> would stay within the budget set up for abatement. Mr. Kim came
> highly recommended to me and to Catherine Dougher. He has obtained
> permits for zoning violations of over 50 properties of recent years.
> It seems that what was the case is no longer----Now, instead of
> As-Built permits being possible, the City of requiring that permits be
> obtained as if this was new construction.
> Therefore, what was code at the time the structure was built does not

> apply, but instead, today's codes have to be met.
> What is really frustrating, is that the contractor who built the
> sunroom at 209 Santa Anita told Catherine Dougher that he obtained a
> permit for the sunroom and finalized it with the City. Unfortunately,
> her contractor is deceased, and a copy of the finalized permit cannot
> be found.
>
> Please contact me at your earliest convenience for a scheduled
> meeting. Hopefully that can be this week, as I know that your offices
> will be closed from Dec. 20-January 2.
>
> I would also like to ask for an extension of time for
> abatement/obtaining permits, etc. This is not a simple project,
> decisions have to be made. A better choice for the sunroom may be to
> demolish it.
>
> Thank you,
> Gay Milligin
> 805-689-8090



Land Development Team
Initial Review Corrections & Comments

Permit Application # **BLD2012-02326**
 Project Address ___: **209 SANTA ANITA RD**
 Contact _____:

***** **Please Read** ***** **Please Read** *****

*******All resubmittals must be submitted at the Building & Safety counter*******

The resubmittal package MUST include the following items:

- a) This plan check correction list.
- b) A response for each item on the correction list (use separate sheet if necessary.). The response should indicate location of corrected item.
- c) All previously submitted tagged sets of plans, red-lined or not.
- d) **3 revised/corrected sets of plans**. If any of the original sheets have been inserted into the new sets, let us know when you submit.
- e) Prior to issuance of the permit, all sheets in the plans must be "wet" signed by the person responsible for the sheet. This includes architects, engineers, contractors or designers. Copies of signatures are not accepted

Each group of corrections will have the reviewer's initials, date of their review and a 2-4 letter disposition. Please see the last page of this correction list for a legend of the "Dispositions".

<u>CORRECTIONS:</u>	<u>Date Review Completed</u>	<u>Initials</u>	<u>Disposition</u>
Initial Review - Zoning	12/12/12	BKB	INCO

Initial review zoning by Brenda Beltz bbeltz@santabarbaraca.gov

Per Building and Safety, more information is required to permit the sunroom. If the Scope of Work changes, additional zoning review is required.

1. Label the "existing" sunroom as a "proposed/as-built" sunroom on the plans, scope of work, and project data. Explain the "utility room" reference? If it is an unconditioned sunroom, please label as such, not a utility room.

no design review, setbacks ok.

Initial Review - Building	12/11/12	CMH	INCO
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December 11, 2012

Plan Review by: Curtis Harrison, Senior Plans Examiner/Floodplain Coordinator (805) 560-7512
 charrison@santabarbaraca.gov

NOTE: This is an Incomplete Plan Check. Please provide complete plans so that a more comprehensive plan review can be done. Please return this list with the original marked up set of plans and three new sets of plans. In the space below each item, please note where the correction was made. Thank you.

R-3/U-1 PLAN CHECK COMMENTS:

1) Code / Authority: Indicate on the Cover Sheet that all construction shall comply with the California Residential Code, 2010 Edition; The California Plumbing Code, 2010 Edition; The California Electrical

Code, 2010 Edition; The California Mechanical Code, 2010 Edition; The California Fire Code, 2010 Edition, The California Energy Code, 2010 Edition, and all Amendments as adopted in Santa Barbara City Ordinance 5536.

- 2) Drawing Index: Correct the page number for A-3 in the index.
- 3) Drawings: All drawings shall be drawn to scale on standard plan size paper, and shall of sufficient clarity to indicate the location, nature, and extent of the work proposed. Provide details to fully describe the work showing compliance with all applicable and relevant codes, laws, ordinances, rules and regulations. CRC R106.1.1. The plans submit are incomplete. Please provide complete plans showing everything that is not on a previous permit as new or as-built, not existing. Provide a foundation plan, roof framing plan, etc. Show how lateral is addressed for the new sunroom and the patio cover. Show what the glazing in the sunroom is. Show how the guards are attached to the stairs at the deck. The plans should be prepared like none of the work has not been done.
- 4) Scope of Work: Add "To abate violations in ENF2012-00966" to the beginning of the scope. →

FLOOR PLANS

- 5) Smoke Alarms: A smoke alarm (detector) shall be located in the following locations (show on plans):
 - in each sleeping room
 - in each corridor outside of bedrooms, and
 - on each floor and basement CRC R314.3
- 6) Carbon Monoxide Alarms: A CO alarm (detector) shall be located in the following locations (show on plans):
 - in each corridor outside of bedrooms, and
 - on each floor and basement CRC R315.3

BUILDING SECTIONS

- 7) Sections: Show on sections the following:
 - Roof Slope, Roof Materials, Roof Classification (Class 'A' non-combustible in high fire hazard area).Provide ICC ES report for specialized systems.
 - Detail reference for foundations, wall to floor framing and wall to roof framing
 - Exterior Finishes including required underlayment
 - Dimension required clearances from grade to wood framing.
 - Wood stud size and spacing, O.K. if detail referenced

STAIR AND GUARDRAIL COMMENTS

- 8) Guard (Guardrail) Heights: Guards shall be provided for all elevations over 30 inches above the floor or grade below within 36 inches horizontally. The top of guards shall be at least 42 inches in height. (The only exception is for R-3 stairways where the guard top rail is also a handrail, in which case it shall be 34"-38" above the stair nosing.) CRC R312.1 & R312.2
- 9) Guard Openings: Required guards shall not have openings from the walking surface to the required guard height which allow the passage of a sphere 4 inches in diameter. CRC R312.3
- 10) Guard Openings at Stairs: Open guards along stairs shall have intermediate rails or an ornamental pattern such that a sphere 4 3/8" inches in diameter cannot pass through. The triangular openings formed by the riser, tread and bottom element of a guardrail at the open side of a stairway may be of such size that a sphere 6 inches in diameter cannot pass through. CRC R312.3
- 11) Railing Design: Design for a 200 lb. point load in any direction. For one and two family dwellings, only the 200 lb. point load is required to be considered. Provide details and calculations. CBC Sec.

1607.7 (1/3 increase is allowed for allowable stress design per 1607.7.1.3)

12) Stairway Handrails: Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. CRC R311.7.7

13) Grip-size: All required handrails shall be of one of the following types or provide equivalent graspability: Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches and not greater than 2 inches. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches and not greater than 6¼ inches with a maximum cross section dimension of 2¼ inches; Type II. Handrails with a perimeter greater than 6¼ inches shall have a graspable finger recess on both sides of the profile. CRC R311.7.7.3

14) Handrail Height: Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches and not more than 38 inches. CRC R 311.7.7.1

FOUNDATION COMMENTS

15) Foundation Plan: Provide to scale a complete and dimensioned foundation plan including decks and porches. Note on plans referring to the architectural floor plans for dimensions is not acceptable.

16) Footings and Hardware: Show footing types & locate spread footings. Locate all major inserts such as hold-downs, post bases, & special loading conditions (point loads greater than 5000# shall be addressed).

17) Existing Footing to New Footing Connection: Show existing footing to new footing connection detail on plans and referenced on foundation plan.

FLOOR CONSTRUCTION

18) Under-Floor Clearance: Provide 18 inch minimum clearance between wood joists and exposed earth, and 12 inch minimum clearance between wood girders and exposed earth. CRC R317.1

ELECTRICAL COMMENTS

19) Provide an electrical plan for the new sunroom.

20) Service Panel: Indicate main service and sub panel location and amperage. Panels are not allowed in closets, bathrooms and/or garage firewalls. Panelboards shall be grounded. CEC 240.24 (D) (E)

21) Tamper resistant outlets: Please provide tamper resistant outlets in all remodeled and new areas. CEC 406.11.

22) Arc-Fault Circuit Interrupter: All branch circuits that supply 125-volt, single phase, 15 and 20 ampere outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by an arc-fault circuit interrupter(s). CEC 210.12(B).

FINAL REVIEW ITEMS

See the FIRE BLDG tagged set of plans for additional questions/comments. All marks made in ink on the plans if any, are made part of these corrections and shall be addressed as if they were written. Additional information may be required depending on the completeness of the responses to this request. If you have questions or do not understand the corrections, please contact the Plans Examiner shown at the top of this list.

Initial Review - PW Eng
no-work in ROW

11/27/12

AKB NA

Following is a legend describing the meaning of each disposition:

- PLCK** - The plans must be routed internally to the reviewer, no OTC review.
- CNTR** - A minor item may be checked at the appropriate counter (Zoning, Fire, etc)
- NEED** - A minor item or document may be handled at the Building & Safety counter.
- OK1** - The reviewer has reviewed and approved one set of plans.
- OK2** - The reviewer has reviewed and approved two set of plans.
- NA** - No review necessary by this Division.
- INC** - The submittal was incomplete as submitted and will require another Initial Review.

Contacts: For questions regarding each reviewers corrections, please call the number given by the reviewer (if provided.) Otherwise, call the appropriate number from the list below:

Zoning Plan Check 564-5470

Fire Dept. Review 564-5485 x1970 & 564-5702

PW Cross-Connection 564-5413

PW Engineering Review 564-5363

PW Transportation Review 564-5385

Building & Safety Review 564-5485

Anecdote #8

recap of events

Tue, Sep 11, 2012 at 10:04 PM

To whom it may concern,

My wife and I were in the home buying process during the latter part of 2011. In that time we found our current house, negotiated the price with the seller and started the buying process. During the escrow process we were required to get a ZIR from the city inspectors. The ZIR stated that we were in violation when it came to the garage door, more specifically that the door was not wide enough and therefore the garage could not accommodate two cars.

To my wife and I this seemed fairly petty since at the time we didn't even have to cars, plus the drive way is about 25 yards long so it can easily handle another car. On top of that we loved the way the current garage looked and didn't want to change a thing. But because we loved the house so much we decided to get a permit to change the door and go ahead with the home buying process. Our realtor took care of the permit which basically was a permit to take down the existing door and add a wider 14' door. It also had us cut down some hedges that were too high as well as trim a gate down to a shorter height. The permit gave us 6 months to complete the work.

We purchased the home in December and fully planned on doing the work. With a newborn arrival in February, life work and everything in between we did not get to the permit projects. Around 6 months after moving in I contacted the permit office to let them know that we still had not done any of the required work and if there was any way we could get an exception to the work since we really didn't want to have to pay to part with the garage that we liked. They of course said that we had to comply with the ZIR and the work stated on the permit. But they did ensure me that there would be no fines for the work not being completed and the inspector gave me a few weeks of extension.

My contractor had me go into the city permit office some time later to clarify some things with the permit. Most noticeably was the issue that even with a 14' wide door we would still not be in compliance for the minimum width door of 17' because the garage was simply not big enough. They said that there was not much we could do so go ahead with the 14' wide door and made the note to the permit. At this time I pleaded again to waive the whole thing because we did not want to part with the existing door. They said no again because we had to comply with what was in the ZIR. They did however take away the hedge cutting requirement as well as the gate trimming (even though we already did that part)

A thousand dollars and a cheap plastic wider garage door later I called the inspector to come out and sign off the work. When he got to my house he insisted on seeing the inside of the house to make sure my detectors were on and with in code, big surprise there that the CO2 detector was in the wrong place. He proceeded to tell me that he remembered doing the original ZIR on the house as we were walking out to the garage door. When he saw it he asked me why I hadn't called and asked for a waiver on the door because the one that was originally there looked so much better. I didn't want to be on the bad side of the inspector so I simply held my tongue. He later said that I should've done the escrow process out of the county that way I wouldn't have had to do a ZIR during the home buying process. Needless to say I was a little frustrated at this point and told him that I was going to change the door back to the original once he stepped off my property. He said that he would do the exact same thing. He didn't even bother looking at the hedges that before on the phone he was so adamant about having cut down and then signed off the inspection.

2 weeks later I put up the original door. After countless calls with the city permit office, the inspectors



office, \$1600 dollars, several hours away from work to handle all of this I am still left with an incredible bitter taste in my mouth with this whole thing. Here we had a beautiful door that was offset a considerable distance from the street behind a gate that did not need to be changed. At no point did common sense step in with the permit office and tell them that this is one of those construction projects that doesn't need to happen. The cheap plastic door that went up to be in compliance with the ridiculous code was such an eye sore that I dont care what happens down the road when we look into selling the home. In an economy where homes arent exactly jumping off the shelves and the door alone nearly deterred us from buying the house in the first place I cant believe that the city permit and inspectors office isn't concerning themselves more with safety and beauty issues than widths of garage doors. Thank you for your time.

V/R
Anonymous

Anecdote #9

Krista: Thank you for taking a look at this ZIR problem we are having with the City of Santa Barbara for 22 East Islay. For the City to make a 180 degree change in a period of 6 years re the status of habitable space seems unjust. It seems there should be some estoppel action against the City at the very least.

I will send you the current ZIR by a forwarded email from the City - I don't have is saved separately.
Thank you so much for your help.

--

Colleen Parent Beall
Broker-Agent

c: [\(805\) 895-5881](tel:(805)895-5881)
fax: [\(805\) 957-0043](tel:(805)957-0043)

Village Properties
1250 Coast Village Road
Montecito, Ca 93108

ColleenBeall.net

associate: Nicole Byrnes
c: [\(805\) 284-7548](tel:(805)284-7548)
nicolebyrnes@gmail.com

Village Properties

Susan Reardon
Senior Planner
City of Santa Barbara
Planning Division

Hand – delivered

June 20, 2012

Re: ZIR for 22 East Islay

Dear Ms. Reardon:

I am the listing agent for the owners of 22 East Islay Street, Kris and Eric Green and I ordered the ZIR on their behalf. We would like the Planning Department to reconsider their conclusion that there is illegally converted habitable space in the rear of the garage and the determination that there is a door, window, closet, heater and water heater in that room installed without permits, as well as other named violations.

As you are aware the ZIR when my clients bought the property, ZIR2005-00724, specifically stated that there was a detached garage "with an attached habitable room and a half bathroom". See Attachment One. See also the copy of the City's Parcel Lookup print-out for this property which calls it habitable room.— Attachment 2. Page 3 of that ZIR also states that the garage and attached room are legal nonconforming. My clients bought the property in reliance on that statement. They have made NO changes to that room except for removal of the loft, new flooring, and interior painting. In fact, the loft had been used by previous owners as a sleeping loft permitted by permits B3582 and B-3584 (see below) and its removal by the current owners make the property less usable as a sleeping room.

The zoning inspector told me this morning that a ZIR cannot be relied upon like a permit. But in determinations of what constitutes legal nonconforming, where no permits are involved, what else can a member of the public rely upon but the ZIR they get at time of purchase?

The structure itself is very old, predating any permits the City has on file. It has consistently been considered legal non-conforming as to setbacks. At the time my clients purchased the home in 2005-06, the zoning inspector saw the room with the doors, windows, heater, wall heater, half bath, and closet just as it is today – except that a loft has been removed and flooring put down. The zoning inspector called it legal nonconforming and habitable space based on the same street file available to you and me and based on the permit history which shows both that the room has had a very long use for habitation and that the previous owner cleaned up and improved the room and obtained permits which the City issued WITHOUT a modification – even refunding the fees for modifications back to the owner.

The known permit history as shown in the somewhat incomplete street files is as follows: There is no evidence of the permit for the original garage but on 1/28/30 by permit A-5230 an addition was permitted to the existing garage of 5' by 18'. See Attachment 3.

Susan Reardon
22 East Islay ZIR
Page 2

In 1934 another addition to the garage of 11'4" by 17 was permitted by permit A-8145. Attachment 4. The garage was expanded forward toward the street with the garage use in front and the room behind it. You can tell that by looking at the flooring in the garage.

A permit C.294 for the second story bathroom in 1944 by Soule & Murphy architects shows the property owner was the Trinity Church Rectory and the existing buildings at that time were the 2 story home and "2 car garage rear detached". We think the reference to "rear detached" referred to the room at the rear of the detached garage which, rumor has it, was used as a sleeping room for the rectory. Attachment 5.

From May 1975 through September 1975 there seems to have been a neighbor complaint that there were a large number of people living in the room at the rear of the garage, as well as two families in the main home. The City sent a letter to the then property owner stating that the existing garage was converted to an additional sleeping room and requiring building permits be obtained for the conversion (Attachment 6). Subsequently several permits were applied for and issued: B3582-2 and B35824 (Attachments 7 and 8) permitted a storage rack and wall covering for the garage. As the parking portion of the garage still to this day has open stud walls, the wall covering referred to in the permit must be the drywalled rear room. The permit also has electrical sign-offs and zoning sign-offs on that same permit.

In 1999 the then owner of the property hired architect Tom Meaney to draw plans and make an application to remodel the garage conversion area. The bathroom was made into a half bath. The plans I was shown at the counter today seem to be the plans submitted in association with BLD98-2591. (Attachment 9) Application 99-0048 (Attachment 10) describes the project request as "windows & French doors to exist. garage w/in setback" and the existing conditions were described on the permit as "2071 SFD w 2 car garage w/half bath (under separate permit)". The application stated that a modification was being requested for the windows and doors w/in setback to garage". A notation at the bottom of the application dated 1/21/99 states "project does not require a mod- refund forms sent." And a refund was sent on 1/29/99. See Attachment 11.

We believe the door and the window on the patio side of the house were permitted by BLD989-2591 and companion permits. The window on the east side of the room is very very old. I have taken pictures which show that beneath the paint, there is considerable wood rot. The windows do not open any longer. The glass in the windows is the fragile single-paned type found in old homes. We believe this window is legal non-conforming. We believe the wall heater and the water heater were added in 1999 in conjunction with the permitting of the half bath.

Based on the long history that the garage had converted space that was used as habitable space and the 1999 remodeling done with permit, we would ask you to please make corrections to the ZIR to be consistent with the City's earlier findings. We know that the City currently is making a strong push to abate illegal habitable space. In my real estate transactions, I have encouraged my clients to cooperate

Susan Reardon
22 East Islay ZIR
Page 3

fully and quickly when I believe the space has been used illegally. But in this case, I feel the findings of this ZIR are inaccurate without a proper review of the entire street file and the referral to enforcement is unjust. It seems inconsistent and arbitrary to grant permits for the room and make findings that the room is habitable space, then reverse that position 6 years later – especially when none of the so-called violations in the room were made by my clients and all predate the last ZIR which found them legal. My clients bought the property at a price that relied upon the correct well-supported ZIR finding that the back room was habitable space. The City's arbitrary and unjustifiable change of position may have a large monetary impact on my clients.

There are other errors in the report as well which we would ask be addressed. The hedges are called out as violations in the report although the hedges have been shown as legal nonconforming since the very first zoning inspection report in 1979 and again in 1985 (ZIR 11654) and in 1988, 1989 (ZIR 7154), 1997 (ZIR97-0325), and 1998 (ZIR98-0853).

The fountain was constructed at the same time that BLD2008-00196 was issued for the concrete driveway and patio. The inspector who signed off on that permit must have seen the fountain – the plumbing for it is in the slab of the patio and it sits directly on the patio. If the current owners had known they needed a different permit for the fountain, it seems that during the construction and permitting for the driveway and patio the City could have informed them of that before they went to the considerable expense of constructing it.

With regard to the other violations: the composter is basically an unattached plastic garbage can. We would like to seek a permit for the air conditioner in place without a modification as has been permitted elsewhere in the City recently.

We thank you working with us to reach a fair and equitable result on these matters for all concerned.

Very truly yours,



Colleen Beall
Village Properties
(805) 895-5881

**The Fine Print
was changed on
5/12/04. Please
read it.**



**Zoning Information Report
22 E ISLAY ST**

Date: 9/29/2005
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2005-00724

Thank you for ordering a City 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 September 23, 2005.
This Zoning Inspection Report expires on September 23, 2006.

The property's City Zoning Designation is E-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:

Front Yard Setback
Interior Yard Setback
Rear Yard Setback
Required Open Yard Area
Maximum Height Limit
Required Off-street Parking Spaces
Distance Between Main Buildings
Minimum Lot Area for Newly Created Lots

E-1

30 feet
10 feet
10 feet
1,250 s.f. + 20 foot minimum dimensions
30 feet
2 covered
20 feet
15,000 s.f. x Slope Density

Newly created lots must also conform to the General Plan density requirements.

Required Lot Frontage for Newly Created Lots

90 feet



Zoning Information Report
22 E ISLAY ST
A.P.N.: 027-102-004

ZIR2005-00724
Zoning: E-1
Page: 2

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 zoning 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.

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

PROPERTY DESCRIPTION

**Two story one family dwelling with attached upper rear deck (approximately 4 feet by 6 feet).
Detached two car garage with attached habitable room and a half bathroom.**

Lot Size (From County Assessor Records): 0.13 Acres

Unit #:	This is a legal dwelling unit.	Legal	Illegal
		3	0
Bedrooms		2	0
Full Baths		1	0
Half Baths		0	0
Sinks			

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

Smoke detectors are required in each sleeping room and each hallway 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. For more information regarding fire alarm system requirements, please call 564-5702.

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

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

None.



Zoning Information Report
22 E ISLAY ST
A.P.N.: 027-102-004

The property is legally nonconforming with respect to either density, yards and/or wall, fences and hedges. Details regarding the properties nonconformity are detailed below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, yards or walls, fences and hedges exist legally, and their uses may be continued; however, there are restrictions on alterations, additions, or replacement of nonconforming structures.

The property contains structures that are located in the required front yard. Therefore, the front yard is nonconforming. The structures that encroach into the required front yard are:
Dwelling.

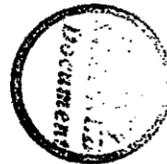
The property contains structures that are located in the required interior (side or rear) yards. Therefore, the interior yards are nonconforming. The structures that encroach into the required interior yards are:
Garage and attached room.

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

ZONING VIOLATIONS:

1. The two car garage was inaccessible for the parking of two vehicles due to the storage of items in the garage. By City Zoning ordinance, two covered parking spaces are required and must be maintained at all times.
2. The hedges along the front lot line and the driveway exceed the maximum allowable height of three and one half feet.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter, located at 630 Garden Street (805) 564-5485.



Zoning Information Report
22 E ISLAY ST
A.P.N.: 027-102-004

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 constructed without permits.
- c) The current ZIR is based on the most recent information, and supersedes previous ZIRs.
 - i) 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) The 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 (such as illegal wiring, illegal plumbing, substandard structural assemblies, etc.). The ZIRs identify zoning violations and unpermitted construction.
 - e) Fences, walls, screens, hedges (See SBMC § 28.87.170)
 - i) The zoning regulations for fence, wall, screen, and hedge height became effective in 1957. Permitted fences, walls, screens, and hedges that pre-date 1957 are nonconforming as to height.
 - ii) Permits are required for fences, walls and screens that are over 3.5 feet tall from the ground to the highest point of the fence. 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, walls, screens, 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 4 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). See the Building and Safety Division Counter for more information, at 564-5485.
 - iv) Hedges that existed prior to 1957 are nonconforming to the height limit. In order to determine whether a hedge is nonconforming, reports by three separate arborists are required, each stating that such hedge was in existence in 1957. If the three arborists' reports are not on file, such hedge is considered overheight and thus illegal.
 - f) This ZIR does not include 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 Ordinance on specific structures should be addressed to the Planning and Zoning Counter, located at 630 Garden Street, (805) 564-5578.
 - g) If you are selling a home, you must disclose any known earthquake weaknesses that your house has to the buyer. 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 Architectural Board of Review, the Historic Landmarks Commission, the Modification 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 turned over 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 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 require that



Zoning Information Report
22 E ISLAY ST
A.P.N.: 027-102-004

- overheight fences, walls, screens and hedges be reduced in height at this time.
- 3) Validity Period and Extensions
 - a) This ZIR is valid for a period of twelve months after the date of issuance or until one transfer of title occurs, whichever occurs first.
 - b) A ZIR may be extended for a period of one year for 1/2 the price of a current ZIR, if the application for the extension is received while the ZIR is still valid. A re-inspection is not required.
 - 4) Disputes regarding the content of this ZIR
 - a) You have 30 days to dispute any items in this ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the ZIR, and any attempt to dispute such items in the future will be denied. Please contact the preparer of this Zoning Information Report.

Zoning Information Report #ZIR2005-00724 was prepared by:

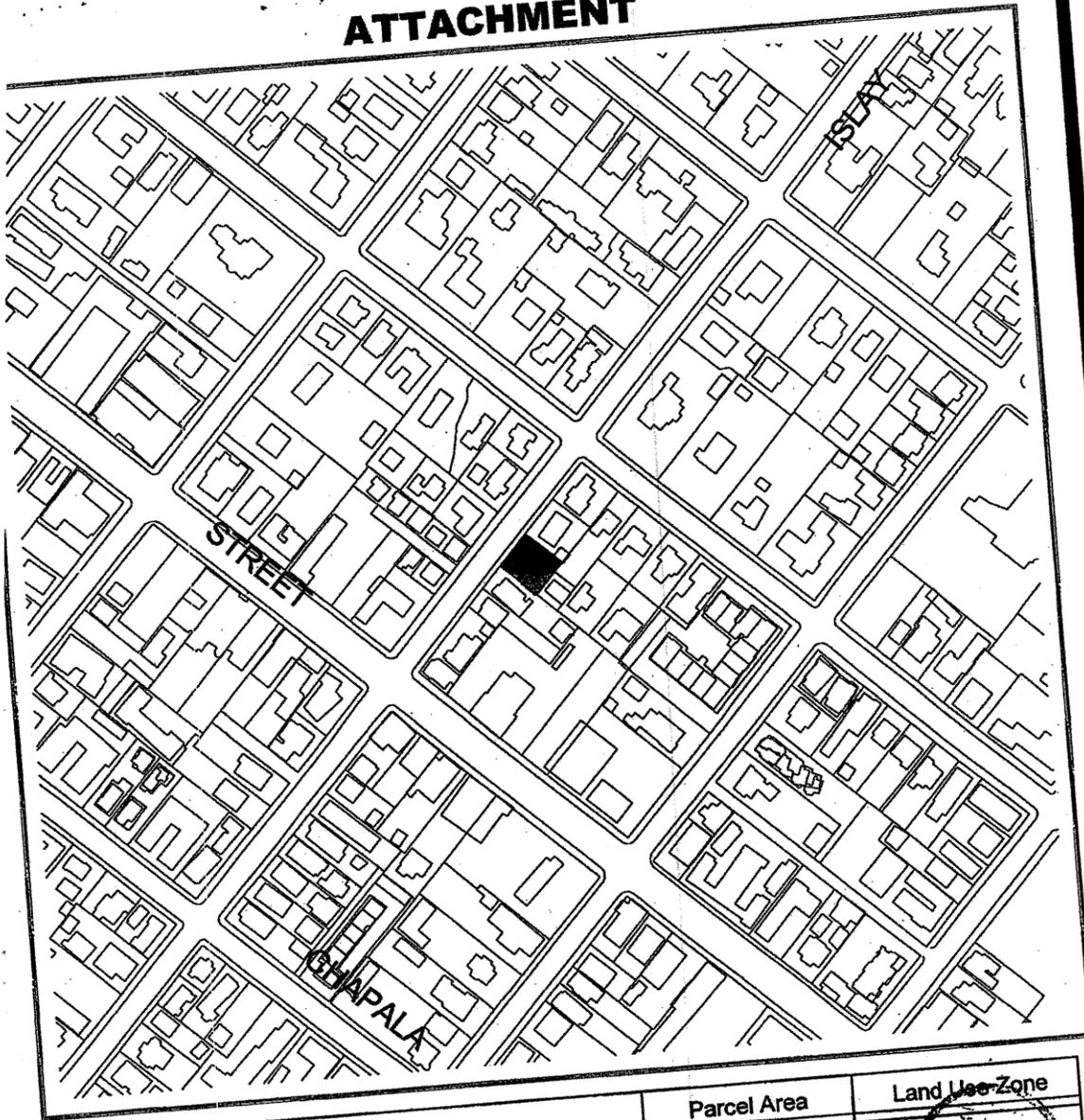
Ginny Howard, Zoning Enforcement Officer

Ginny Howard
Signature

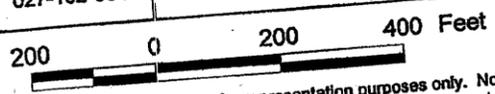
September 29, 2005



SITE MAP ATTACHMENT



APN	Address	Parcel Area	Land Use Zone
027-102-004	22 E ISLAY ST	5622.35	E- RESIDENTIAL



PLEASE NOTE: This map is for representation purposes only. No determination is made or implied regarding the legality of structures outlined on this map (rooflines are shown), the location of those structures or the location of the parcel lines.

JUN-09-2006(FRI) 10:19
MAX.08'2006 14:44

Lawyers Title Company

(FAX)805 695 0140

P.001/001

#7391 P.008/006

Zoning Information Report
22 E ISLAY ST
A.P.N.: 027-102-004

ZIR2005-00724
Zoning: E-1
Page: 6

RECEIVED

Receipt of Zoning Information Report JUN 12 2006
CITY OF SANTA BARBARA
PLANNING DIVISION

ZIR2005-00724

This is to certify that I/We Bernard Girard Adrienne Girard 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. If there is an attached Letter
of Notice, an enforcement case will be created, and follow-up enforcement will begin immediately.

Executed at Santa Monica, CA on 5-18-06 Date
City

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

Buyer's Name Bernard Girard Adrienne Girard
Print
B. Girard Adrienne Girard
Signature of Buyer or Authorized Agent

723 21st Place Santa Monica, CA 90402
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.

THIS RECEIPT MUST BE DETACHED AND RETURNED TO

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

PRIOR TO THE DATE OF TRANSFER OF TITLE



[Translate](#)

City of Santa Barbara

Parcel Lookup Results - Details

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Parcel Details

Parcel Address:	22 E ISLAY ST
Parcel Number:	027-102-004
Zone District:	E-1
General Plan Neighborhood:	Downtown: Upper East
Lot Size (from County Assessor's Rolls):	0.13 Acres
Lot Size (Estimate from City's GIS System):	5,622.34 Square Feet
Slope (Estimate from City's GIS System):	5%
High Fire Area:	No

Parcel Tags

Description	Notes
Demolition Review Study Area:	All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

Cases Associated with this Parcel Record

Case Number	Description	Status
BLD2002-01276	Replace (e) sewer line with new & install back water valve.	Certificate of Occupancy Issued or Final Inspection Passed
		Certificate of Occupancy Issued or

<u>BLD2003-00358</u>	Replacement of the (e) FAU in the hallway in the same location.	Final Inspection Passed
<u>BLD2006-01581</u>	Relocate meter location and upgrade service to 200 amp. Meter order # 575447	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD2006-01676</u>	Replace (e) electrical outlets and switches at interior with (n) outlets and switches; no exterior changes or lighting changes. Subject to filed inspection.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD2008-00196</u>	Abate violation as noted in ENF2008-00089 to replace (e) concrete driveway with new concrete driveway with brick edge border - approx. 1200 sq. ft. same size and configuration.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD93-00856</u>	Relocate existing water heater from first floor to basement. SUBJECT TO FIELD INSPECTOR APPROVAL.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD94-00947</u>	pre seismic inspection	Pre-Seismic Inspection
<u>BLD96-00595</u>	Installing 11 SQ. of class A comp. Did not indicate a tear-off.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD98-02591</u>	Constr fam rm addtn to (e) 2 story sfr. Remod portion of detached garage conv area within to pwdr rm.	Certificate of Occupancy Issued or Final Inspection Passed
<u>ZIR2005-00724</u>	Two story one family dwelling with attached upper rear deck (approximately 4 feet by 6 feet). Detached two car garage with attached habitable room and a half bathroom.	Zoning Information Report Issued
<u>ZIR2012-00270</u>	Two story one family dwelling with attached upper rear deck (approximately 4 feet by 6 feet). Detached two car garage with attached habitable room and a half bathroom.	Inspection Pending or to be

ZIR97-00325	One family dwelling, 2-story, with a covered front entry, covered rear balcony, approx. 4x7, and an attached sun porch, approx. 8x12, at the rear. Two-car garage.	Scheduled Zoning Information Report Issued
ZIR98-00853	Two story one family dwelling with attached: covered front entry, side porch (approximately 3 feet by 4 feet), rear covered upper deck (approximately 4 feet by 7 feet), rear covered porch and rear greenhouse (approximately 8 feet by 12 feet). Detached two car garage.	Zoning Information Report Issued

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City of Santa Barbara

Parcel Lookup Results - Details

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Parcel Details

Parcel Address:	22 E ISLAY ST
Parcel Number:	027-102-004
Zone District:	E-1
General Plan Neighborhood:	Downtown: Upper East
Lot Size (from County Assessor's Rolls):	0.13 Acres
Lot Size (Estimate from City's GIS System):	5,622.34 Square Feet
Slope (Estimate from City's GIS System):	5%
High Fire Area:	No

Parcel Tags

Description	Notes
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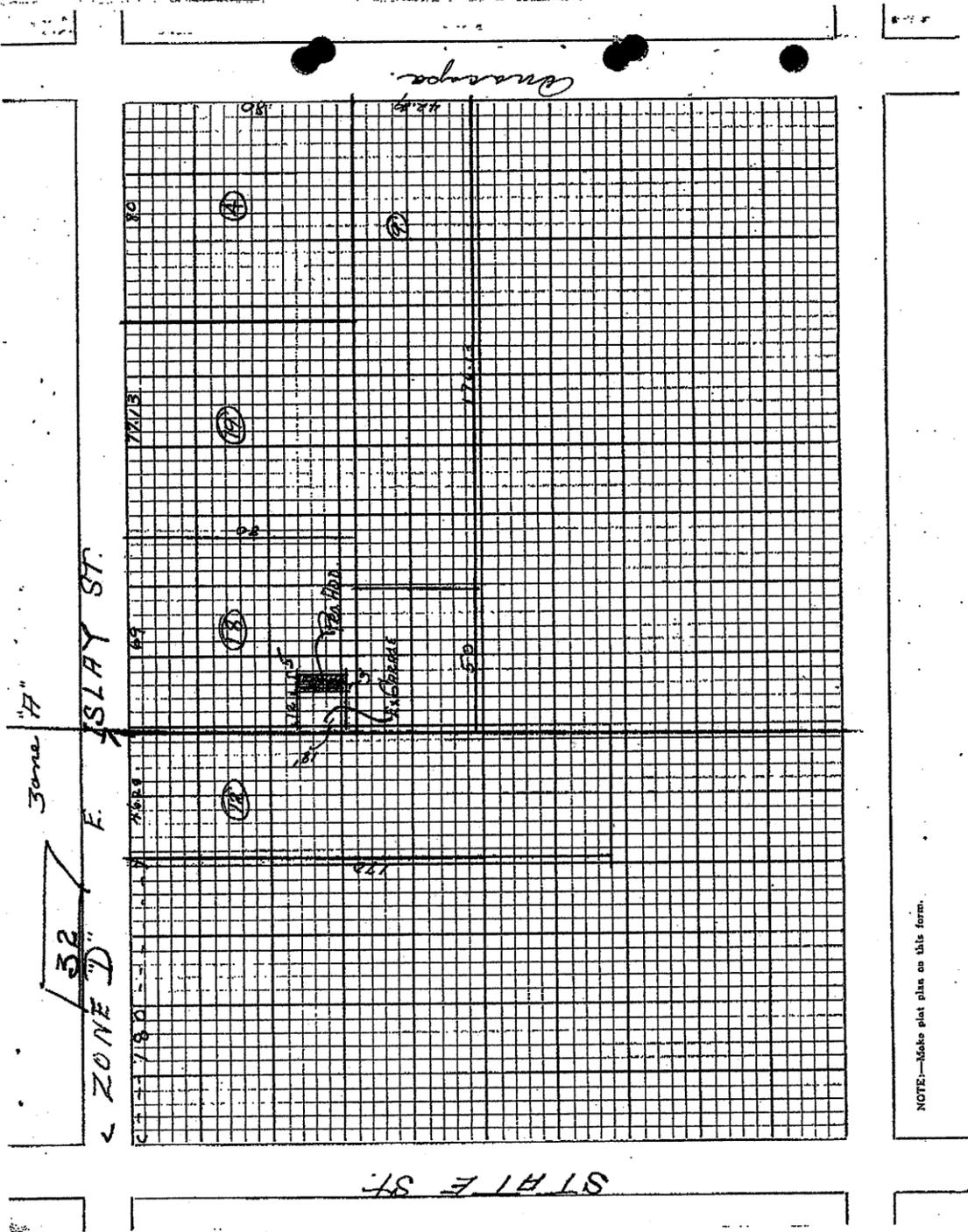
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Case Number	Description	Status
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		Certificate of Occupancy Issued or

<u>BLD2003-00358</u>	Replacement of the (e) FAU in the hallway in the same location.	Final Inspection Passed
<u>BLD2006-01581</u>	Relocate meter location and upgrade service to 200 amp. Meter order # 575447	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD2006-01676</u>	Replace (e) electrical outlets and switches at interior with (n) outlets and switches; no exterior changes or lighting changes. Subject to filed inspection.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD2008-00196</u>	Abate violation as noted in ENF2008-00089 to replace (e) concrete driveway with new concrete driveway with brick edge border - approx. 1200 sq. ft. same size and configuration.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD93-00856</u>	Relocate existing water heater from first floor to basement. SUBJECT TO FIELD INSPECTOR APPROVAL.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD94-00947</u>	pre seismic inspection	Pre-Seismic Inspection
<u>BLD96-00595</u>	Installing 11 SQ. of class A comp. Did not indicate a tear-off.	Certificate of Occupancy Issued or Final Inspection Passed
<u>BLD98-02591</u>	Constr fam rm addtn to (e) 2 story sfr. Remod portion of detached garage conv area within to pwdr rm.	Certificate of Occupancy Issued or Final Inspection Passed
<u>ZIR2005-00724</u>	Two story one family dwelling with attached upper rear deck (approximately 4 feet by 6 feet). Detached two car garage with attached habitable room and a half bathroom.	Zoning Information Report Issued
<u>ZIR2012-00270</u>	Two story one family dwelling with attached upper rear deck (approximately 4 feet by 6 feet). Detached two car garage with attached habitable room and a half bathroom.	Inspection Pending or to be

ZIR97-00325	One family dwelling, 2-story, with a covered front entry, covered rear balcony, approx. 4x7, and an attached sun porch, approx. 8x12, at the rear. Two-car garage.	Scheduled Zoning Information Report Issued
ZIR98-00853	Two story one family dwelling with attached: covered front entry, side porch (approximately 3 feet by 4 feet), rear covered upper deck (approximately 4 feet by 7 feet), rear covered porch and rear greenhouse (approximately 8 feet by 12 feet). Detached two car garage.	Zoning Information Report Issued

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NOTE—Make plot plan on this form.

FORM B-30

THIS APPLICATION SHALL BE FILLED OUT IN INK BY THE APPLICANT. DRAW LINES THRU ALL ITEMS BELOW THAT DO NOT APPLY TO YOUR APPLICATION. MARK "X" IN ALL SQUARES THAT DO APPLY.

APPLICATION FOR A BUILDING OR STRUCTURE PERMIT

IS HEREBY MADE TO THE BUILDING INSPECTOR OF THE CITY OF SANTA BARBARA IN ACCORDANCE WITH THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

HOUSE NO. 22 E. Delroy St LOT NO. 18 BLOCK NO. 32 ADDRESS above PHONE
 STREET SUBDIVISION
 PROPERTY OWNER G. F. Majors
 LESSOR
 ARCHITECT OR ENGINEER
 DESIGNER
 CONTRACTOR Karlen & S. O. Ferguson Golts
 DESCRIPTION OF WORK

TYPE OF STRUCTURE	PERMIT NUMBER
FIREPROOF	
HEAVY TIMBER	
SEMI-FIREPROOF	
WOOD STUD FRAME	
WOOD STUD FRAME WITH BRACE	
FRAME BUILDING SPECIFICATIONS	
FOUNDATION	
PIERCE	
MATERIAL	
THICKNESS	
FT. ABOVE GRADE	
DEPTH IN GROUND	
SUBSTRUCTURE	
SIZE	
D. C.	
E. V. PLATE	
SIZE	
D. C.	
R. W. PLATES	
SIZE	
D. C.	
GIRDERS	
SIZE	
D. C.	
FLOOR JOIST	
SIZE	
D. C.	
FLOOR JOIST	
SIZE	
D. C.	
FLOOR JOIST	
SIZE	
D. C.	
BEARING WALLS	
SIZE	
D. C.	
BEARING WALLS	
SIZE	
D. C.	
CEILING JOIST	
SIZE	
D. C.	
CEILING JOIST	
SIZE	
D. C.	
ROOF RAFTERS	
SIZE	
D. C.	
ROOF RAFTERS	
SIZE	
D. C.	

USE	WIDTH	LENGTH	HEIGHT	STORIES	NUMBER OF		AREA	TOTAL COST	PER
					ROOMS	FAMILIES			
MAIN BUILDING									
DETACHED BUILDING									
ACCESSORY BUILDING									
ADDITION									
OTHER STRUCTURE									
TOTAL									

I HAVE CAREFULLY EXAMINED AND READ THE ABOVE APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT, AND THAT ALL PROVISIONS OF THE ORDINANCES AND LAWS GOVERNING BUILDING'S CONSTRUCTION WILL BE COMPLIED WITH, WHETHER HEREIN SPECIFIED OR NOT.

RECEIVED BY [Signature] DATE 6-10-34
 RECEIVED BY [Signature] DATE 6-12-34
 RECEIVED BY [Signature] DATE 6-12-34
 RECEIVED BY [Signature] DATE 6-12-34

OWNER OR AUTHORIZED AGENT: E. O. Ferguson

PERMIT ISSUED: a.c. DATE: 6-12-34

STRUCTURAL CHECKED BY: [Signature] DATE: 6-12-34

FIRE DIST. CHECKED BY: [Signature] DATE: 6-12-34

SHOW PLOT PLAN ON OTHER SIDE

FILE

COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL DE LA GUERRA PLAZA · SANTA BARBARA · CALIFORNIA 93102 · TEL. (805) 965-0611

REDEVELOPMENT · ENVIRONMENTAL REVIEW
PLANNING · ZONING · BUILDING · HOUSING

September 3, 1975

James D. Crawford
1405 Chapala Street
Santa Barbara, CA.

Dear Sir:

Re: 22 E. Islay

Last May I wrote to you regarding a continuing violation of City Zoning Ordinance of the above owned by you.

Another inspection September 2, 1975 disclosed the following violations still existing:

1. Two or more families residing unlawfully in a single family dwelling.
2. Six or more persons residing unlawfully in the detached garage building.
3. Failure to provide covered off street parking for two or more vehicles.

Please be advised that unless the above violations are resolved with in 10 days, the City will have no alternative but to take legal action to obtain compliance.

Trusting you will give this matter your urgent attention, I am

Very truly yours,
DIVISION OF LAND USE CONTROL

Leonard P. Prewett
Zoning Inspector



LPP:sp
c/c:City Atty.

DIVISION OF LAND USE CONTROLS · 620 LAGUNA STREET

FILE

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LPP:sp
c/c:City Atty.

DIVISION OF LAND USE CONTROLS · 620 LAGUNA STREET

BUILDING APPLICATION

OK 7/6
8/15/75

DIVISION OF LAND USE CONTROLS CITY OF SANTA BARBARA

APPLICANT — PLEASE FILL IN THE FOLLOWING SPACES. <small>USE BALL POINT PEN PRESS FIRMLY.</small>				DO NOT ISSUE THIS PERMIT UNTIL ALL SPACES ARE FILLED.			
BUILDING ADDRESS 22 E. Islay		DATE RECEIVED 8/18/75		BY 8		P.C. No. PERMIT No. B35824	
PARCEL NO. 27-102-04		DATE ISSUED 8/18/75		BY 8		PERMIT No. B35824	
OWNER Casey Crawford		USE ZONE C-2		FIRE ZONE 2		TYPE CONST. V	
ADDRESS 1404 Dela Vina S.B.		AREA SQ. FT.		BSMT.		1st FL.	
ARCHITECT Consulting only		OCC. LOAD		2nd FL.		3rd FL.	
ENGINEER Bill Mahan		EXITS REQD.		4th FL.		GROUP OCC.	
DESIGNER David Murphy		LIVE LOAD		PARKING SPACES REQ'D.		ON SITE SPACES	
CONTRACTOR		LIC.		OFF SITE SPACES		AREA PAVING	
CONSTRUCTION LENDER		TEL.		HAVE STREET WIDENING SET BACKS BEEN CHECKED?		IS SEWER AVAILABLE?	
ADDRESS				5-21-75 PLAN APPROVALS			
WORK DESCRIPTION — CHECK APPLICABLE BOX AND OTHERWISE DESCRIBE WORK.				DATE		DATE	
NEW		ALTERATION		ZONING L.P. 8/12/75		FIRE	
REPAIR		DEMOLITION		A.B.R. FINAL		PUBLIC WORKS	
TOTAL AREA INCLUDING BASEMT, PORCHES AND GARAGE OR CARPORT.*				COLOR		TRAFFIC	
NO. OF BLDGS. NOW ON LOT 2		USE OF BLDG. TO BE DEMOLISHED 404 Sq. Ft.		PLANTING		HEALTH	
USE OF BLDG. TO REMAIN				INSPECTION RECORD			
HOUSE SEWER WILL CONNECT TO <input type="checkbox"/> CITY SEWER <input type="checkbox"/> SEPTIC TANK <input type="checkbox"/>				DATE		CORRECTIONS	
DESCRIPTION OF ALTS OR REPAIRS Storage rack, wall covering for garage also insulation				INSPECTOR			
PLEASE NOTE 1. SEPARATE PERMITS ARE REQUIRED FOR EACH BUILDING. 2. SEPARATE PERMITS ARE REQUIRED FOR WIRING, PLUMBING AND MECHANICAL WORK. 3. BUILDING PERMITS WILL NOT BE ISSUED UNTIL WIRING, PLUMBING & MECHANICAL PLANS ARE APPROVED. 4. THIS PERMIT DOES NOT INCLUDE WORK IN A PUBLIC WAY. 5. THIS PERMIT DOES NOT INCLUDE GRADING WORK. 6. WORKING DRAWINGS MUST BE COMPLETE ENOUGH TO SHOW CODE REQUIREMENTS WILL BE MET. ALL CORRECTIONS MUST BE MADE BEFORE PERMIT IS ISSUED. 7. OCCUPANCY WILL NOT BE PERMITTED UNTIL ALL REQUIRED WORK IS COMPLETED AND APPROVED. 8. THE ISSUANCE OF THIS PERMIT DOES NOT WAIVE ANY REQUIREMENTS OF ANY APPLICABLE LAWS OR ORDINANCES NOR DOES IT PREVENT THE BUILDING OFFICIAL FROM HEREAFTER REQUIRING CORRECTIONS TO ERRORS IN PLANS AND SPECIFICATIONS. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION GIVEN IS CORRECT. I AGREE TO COMPLY WITH ALL CITY AND STATE LAWS REGULATING BUILDINGS.				EXPIRED 2-2-77			
				APPROVALS		DATE	
SIGNATURE OF OWNER OR AGENT [Signature]				SETBACKS			
VALUATION \$ 200.00		P.C. FEE 0		SLAB			
		PERMIT FEE 10.00		TRENCHES - FORMS			
		scribble fee		MASONRY WALLS			
				FIREPLACE			
				JOISTS & GIRDERS			
				FRAMING STUDS			
				DRYWALL			
				PLASTER			
				PARKING			
				PLANTING DRAINAGE			
				FINAL			
				REMARKS			



CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION

APPLICATION FOR
ELECTRIC PERMIT

PERMIT NO. 3582-2	DATE ISSUED 8/18/75	GROUP	AREA
FOR APPLICANT TO FILL IN			
ITEM	NUMBER	TECH.	PER.
OUTLETS			5
LIGHTING FIXTURES			
SPACE HEAT	K.W.		
WATER HEATER	K.W.		
DRYER	K.W.		
ELECTRIC RANGE	K.W.		
DISHWASHER			
DISPOSAL			
DISTRIBUTION PANELS			
MOTORS - H.P.			
CEILING HEAT	K.W.		
SERVICE	10-H./U.G.		
AMPERES	VOLTS		
TEMPORARY POWER			
POLE-UNDERGROUND			
FIXTURE PERMIT			
SQUARE FEET	464		2.32
WIRING PERMIT			3.00
PERMIT FEE TOTAL	Double fee		10.64
PLAN CHECK FEE			2.66
TOTAL FEE			13.30

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEVE TO BE INCLUDING ELECTRICAL WIRING. I CERTIFY THAT I POSSESS THE ABOVE VALID CITY OF SANTA BARBARA LICENSE, OR I AM THE LEGAL OWNER OF THE RESIDENTIAL PROPERTY DESCRIBED ABOVE AND WILL OCCUPY SAME.

SIGNATURE OF PERMITTEE
[Signature]

BUILDING ADDRESS: 22 E. Islay
OWNER: Casey Crawford
MAIL ADDRESS: 1404 Delta Drive
CITY: Santa Barbara
ELECTRICIAN: David Hayden
ADDRESS: 5 E. Arrell Ave
CITY: Santa Barbara
TELEPHONE: 963-9407
STATE LICENSE: CITY LICENSE

INSPECTION RECORD
*Work done as permit
Route fee*

PRESUMED THAT NO INSPECTION REQUESTED

APPROVALS

CONDUIT	DATE	INSPECTOR'S SIGNATURE
WIRING		
SPACE HEAT		
FIXTURES		
TEMP. POWER		
TEMP. POWER POLE		
UTILITY NOTIFIED		
BUILDING INSPECTOR		
APPROVAL FOR POWER		



VALIDATION
CK. M.O. CASH
ORIGINAL

CITY OF SANTA BARBARA
 Division of Land Use Controls
 630 Garden Street

General inquiries or inspection requests: 564-5492

BUILDING PERMIT NO: BLD98-2591 Issued: 01/12/99
 Expires: 07/11/99

5D
 Validation on
 Issued by
 ZONE: 07-00
 SNIP: \$1.87
 P/PL: \$200.80
 BLDG: \$308.82
 P/PO: \$31.40
 ELEC: \$63.11
 MECH: \$53.00
 PLBG: \$70.72
 P/C: \$75.00
 STAT: \$41.75
 P/S: \$180.54

NAME: FREEDMAN J.F.
SITE ADDRESS: 22 E ISLAY ST

Owner: FREEDMAN J.F.
 22 E. ISLAY
 SANTA BARBARA CA 93101
 PH#1:
 PH#2:

Contractor: DAVID LEWIS
 11 S. QUARANTINA
 SANTA BARBARA CA 9301
 PH#1: 568-1970
 LIC#: 84582E-1338/1:14 PM
 CLS: B RPT#:02-14827

Engineer:
 PH#1:
 LIC#:

Architect/Designer: TOM MEANEY
 903 STATE ST
 SANTA BARBARA CA 93101
 PH#1: 966-7668
 LIC#:

PROJECT NAME: R-ADDTN **PARCEL: 27-102-04** **ZONE: E-1**

PROJECT DESCRIPTION:
 Constr fam rm addn to (e) 2 story sfr. Remod portion of detached garage conv area within to pwdr rm.

CLASS OF WORK...:ADD	NEW FLR AREA: 156sf	NO. PLAN SHEETS: 5
TYPE OF USE...:SFR	CONVERSION...: 0sf	GRADING...: 0cy
TYPE OF CONSTR...:5N	TENANT IMPR...: 0sf	VALUATION:\$ 16700
OCCUPANCY GROUP...:R3	REMOD/FINISH: 36sf	FLOOD ZONE:.....
OCCUPANCY LOAD...: 0	ACCESS, BLDG: 0sf	LAND USE ZONE:.....E-1
FIRE SPRK REQD?...:N	GARAGE/CARPT: 0sf	
STORIES...: 2	DECKS...: 0sf	CONTACT PERSON: BD
EXIST. RES.UNITS...: 0	PAVING...: 63sf	
BEDROOMS...: 0	ALT TO GAR...: 0sf	

THIS PERMIT BECOMES NULL AND VOID if work or construction authorized is not commenced within 180 days from date of issuance, or work is suspended or abandoned for a period of 180 days any time after work is commenced.

- (1a) I certify that I am licensed under the State Contractor's License Law and my contractor's license is in full force and effect; or
- (1b) I certify that I am exempt from Business and Professions Code #7031.5 under () #7044-Owner/builder () #7048-Price of labor and materials less than \$300, or () Other _____
- (2a) I certify that I have a certificate of workers' compensation insurance: Insurer: STATE FUND, Policy #: 1482371-98, Expiration date: 04/01/99, or a Certificate of Consent to self-insure by the Director of Industrial Relations; or
- (2b) I certify that I am exempt under Labor Code #3800 because () the permit is for work of \$100 or less, or () that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California.
- (3) Will building occupant need to comply with H.S.C. Sections 25505, 25533 and 25534 ? () yes () no
- (4) Does the project involve any of the following: removal of a load bearing wall and/or demolition of a commercial building; demolition of five or more units on the same parcel ? () yes () no (if yes, please complete the supplemental declaration for such projects)
- (5) This project is funded by a construction lending agency () yes () no
 I hereby affirm under the penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ C.)

Lender's Name _____ Lender's Address _____ AND
 I certify that I have read this application and declare under penalty of perjury that the information contained herein is true, correct and complete. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes. I am the owner of the structure listed on this permit or I, as a licensed contractor, am acting with the owner's full knowledge and consent.

Executed at City of Santa Barbara on 1-12-99 Owner or Contractor [Signature]

bld_prmt, rev: 07/01/97:ghb





CITY OF SANTA BARBARA MASTER APPLICATION

ST. File
APPLICATION NO. MS 99-048

5.25 \$90.00
5.11 \$30.00
1/21 2007 \$220.00
1/21 2007 \$240.00
1/21 2007 \$410.00
1/21 2007 \$410.00
1/21 2007 \$410.00

PROJECT STREET ADDRESS 22 E. Islay ^{SB} LAND USE ZONE E-1
 PARCEL NO. 21-102-04
 OWNER OF PROPERTY Jerem Freedman
 ADDRESS 22 E. Islay OWNER _____ PHONE: _____
 BUSINESS NAME _____
 PERSON TO CONTACT REGARDING THIS APPLICATION
 NAME Tom Neamen (CIRCLE ONE: OWNER, ARCHITECT, TENANT, CONTRACTOR, AGENT)
 ADDRESS 629 State #240 PHONE 466 1668

REC'D BY: CAF

PROJECT DESCRIPTION:

<input type="checkbox"/> New	RESIDENTIAL	<input type="checkbox"/> Commercial	Lot <u>80 x 70</u> SIZE <u>5600</u>	<input type="checkbox"/> El Pueblo Viejo
<input type="checkbox"/> Addition	#Bldgs. <u>2</u>	#Bldgs. _____	Bldg. <u>SPD</u> #sq.ft. <u>2071</u>	<input type="checkbox"/> Brinkerhoff
<input checked="" type="checkbox"/> Remodel/Alter.	#Stories <u>1</u>	#Stories _____	Bldg. <u>2 CAR</u> #sq.ft. <u>443</u>	<input type="checkbox"/> High Fire Area
<input type="checkbox"/> Repair	#Units _____	Use or occupancy _____	Addition #sq.ft. _____	<input type="checkbox"/> 20% Slope
<input type="checkbox"/> Demolition	#Bdrms _____	Hrs. of Operation _____	Remd/Alter. area #sq.ft. <u>36</u>	<input type="checkbox"/> Flood Zone
<input type="checkbox"/> Chg. of Use	OTHER	_____	Amt. Paving #sq.ft. _____	<input type="checkbox"/> Coastal Zone/SD3
<input type="checkbox"/> Grading	_____	_____	Amt. Grading #cu.yd. _____	<input type="checkbox"/> Outer State St/SD2
<input type="checkbox"/> Other	_____	_____	Fence Ht. _____ Length _____	<input type="checkbox"/> Near Creek
			Other _____ Size _____	<input type="checkbox"/> Near St. Hwy
				<input type="checkbox"/> Special Sldy Area

DESCRIBE SPECIFIC REQUEST, PROPOSAL and/or SCOPE OF WORK (written explanation of what application is for).
(N) windows & french doors to exist. garage w/in setback

EXISTING CONDITION: (give number, size, use of any existing bldgs, no. existing parking spaces on site).
(E) 2071 SPD w/ 2 car garage w/ half bath (under separate permit)

ENVIRONMENTAL ASSESSMENT

GENERAL PLAN USE DESIGNATION: _____ AVERAGE SLOPE OF PARCEL _____
 SURROUNDING LAND USES: SLOPE OF BLDG. AREA _____
 NORTH _____ SOUTH _____ IF FILL OR EXCAVATION SITE: _____
 EAST _____ WEST _____ EXISTING PARCEL ELEV. _____
 FINISHED PARCEL ELEV. _____

Proposed site Use:	EXISTING	NEW PROPOSED	REMOVED USE
a. Net building square footage	_____	_____	_____
b. Building foot print	_____	_____	_____
c. Paving square footage	_____	_____	_____
d. Open space/landscaping	_____	_____	_____
e. Number of parking spaces (covered/uncovered)	_____	_____	_____

PLANNING COMMISSION REVIEW

REVIEW REQUESTED:
 Site Plan Approval Conditional Use Permit Appeal
 Dev. Plan Approval Gen. Plan Amendment Annexation
 Rezoning Plan-Specific Lot Line Adjustment
 Variance OTHER _____ Tentative Sub-Div. Map

JUSTIFICATION: _____

LETTER ATTACHED: YES NO

Environmental Assessment: Started Date _____ Completed Date _____

SUB-DIVISION REVIEW COMMITTEE

REVIEW REQUESTED:
 Concept Tentative Map # _____ Existing Lots
 Preliminary Map Lot Line Adjustment # _____ Proposed Lots
 OTHER _____

MODIFICATION

REQUEST:
(N) windows & doors w/in setback to (E) garage
Reason (A letter may be attached to describe in detail):
to accessory portion of garage storage area
lander room added

HEARING BODY: Modification Hearing Officer Planning Commission

LANDMARKS COMMITTEE REVIEW

REVIEW REQUESTED:
 Consent Concept Preliminary Final
 In Progress Extension Chg. After Final Appeal
 Other _____

COMMENTS _____

SIGN COMMITTEE REVIEW

SIGN DESCRIPTION:
 Wall Hanging Window Awning Projecting Ground
 OTHER _____ Existing _____
 SIZE (sq.ft.) New _____
 Color (s) _____
 Material _____
 COPY - Size & Wording _____
 LINEAL BLDG. FRONTAGE (width) AT MAIN ENTRANCE _____
 ILLUMINATED? _____
 EXEMPTION REQUEST? YES NO COST of Materials & Labor _____

Project shed not require a mod
typical shed type
1/21/09

RETURN TO: FINANCE DEPARTMENT - ACCOUNTING DIVISION, P.O. BOX 1990, SANTA BARBARA, CALIF. 93102

VENDOR NO.	BUDGET ACCOUNT	ACCOUNT NO.	AMOUNT
	Community Development BLDG/Planning	See Below	\$340.00

CITY OF SANTA BARBARA
STANDARD CLAIM FORM

VENDOR OR CLAIMANT

Tom Meaney
629 State ST
Santa Barbara CA 93101

P. O.

CONTRACT NO.

DATE 03/10/99

QUANTITY	UNIT	DESCRIPTION	COST	
			UNIT	AMOUNT
		Modification approval not required for proposed modifications. 100% refund per ROX of Zoning. Site address: 22 E ISLAY ST		
		Refund from the following ACCTS:		
		001-2132-46220-0000	\$220.00	\$220.00
		001-2132-46325-0000	\$90.00	\$90.00
		001-2132-46270-0000	\$30.00	\$30.00


Andrew Stuffer, Building Counter Supervisor

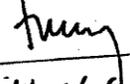
NOTICE

Section 72 of the Penal Code provides: "Every person who, with intent to defraud, presents for or for payment to a state board or officer, or to any county, town, city, district, ward or village board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony."

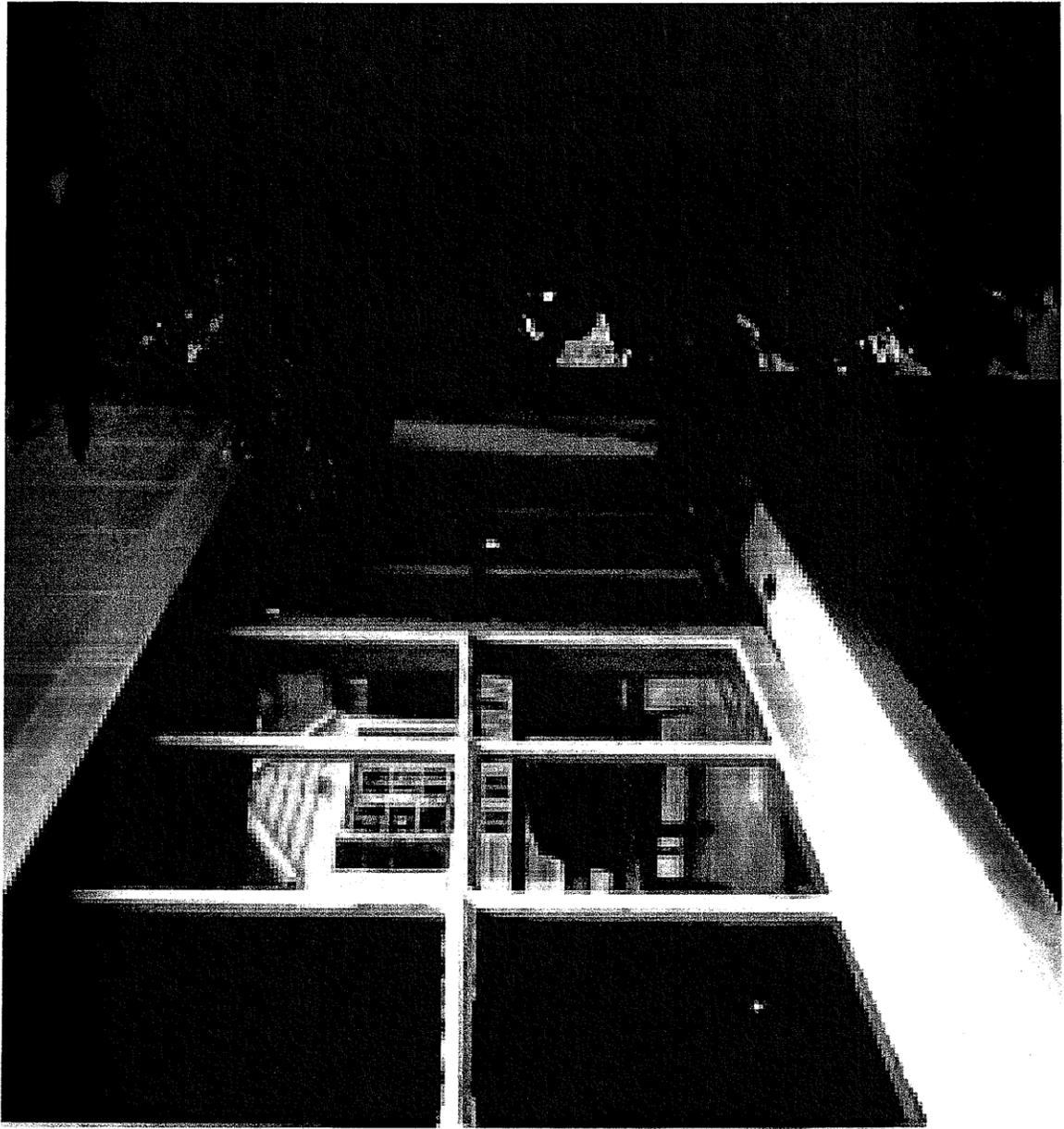
APPROVED BY DIRECTOR OF FINANCE _____ DATE _____

APPROVED BY CITY ADMINISTRATOR _____ DATE _____

THE UNDERSIGNED, UNDER PENALTY OF PERJURY, STATES THAT THE ABOVE CLAIM AND THE ITEMS THEREIN SET FORTH ARE TRUE AND CORRECT, THAT NO PART THEREOF HAS BEEN PAID, AND THAT THE AMOUNT THEREIN IS JUSTLY DUE.

SIGNED  _____
DATE: 1/24/99 _____ 19__







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



**Zoning Information Report
22 E ISLAY ST**

Date: 6/19/2012
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2012-00270

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 June 15, 2012.
This Zoning Information Report expires on June 19, 2013.

The property's City Zoning Designation is **E-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:	E-1
Front Setback	30 feet
Interior Setback	10 feet
Rear Setback	10 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	15,000 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	90 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.

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

PROPERTY DESCRIPTION

**Two-story, one family dwelling, with a covered front entry, covered rear balcony, (approx. 4 ft. x 7ft), a family room and an attached laundry room with washer/dryer hookups.
Detached two-car garage with attached room with a half bathroom.**

Lot Size (From County Assessor Records): 0.13 Acres

Unit #: **This is a legal dwelling unit with ILLEGALLY CONVERTED habitable space**

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	2	0
Sinks	0	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 **1** parking spaces in garages, **0** parking spaces in carports and **0** 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).

The property is legally nonconforming with respect to either density, setbacks, yards and/or wall, fences and hedges. Details regarding the property's nonconformity are provided below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, setbacks, yards or walls, fences and hedges exist legally; however, there are restrictions on alterations, additions, or replacement of nonconforming structures.

The property contains structures that are located in the required front setback. Therefore, the front setback is nonconforming. The structures that encroach into the required front setback are:

Dwelling

The property contains structures that are located in the required interior (side or rear) setbacks. Therefore, the interior setbacks are nonconforming. The structures that encroach into the required interior setbacks are:

Garage and attached room.

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

ZONING VIOLATIONS:

1. The room attached to the rear of the garage has been expanded into the garage area including a new closet that encroaches into the garage area eliminating one of the required parking spaces.
2. A window and door have been installed in the room attached to the garage that encroaches into the required rear setback.
3. The hedges along the front lot line and the driveway exceed the maximum allowable height of three and one half feet.
4. The gate at the front of the property exceeds the maximum allowable height of three and one half feet.
3. An air conditioning unit has been installed that is located in the required interior setback.
4. A composting bin is located in the required interior setback.
5. A fountain has been installed that is located in the required rear setback

BUILDING VIOLATIONS:

1. The room behind the garage has been converted to habitable space with the addition of a heater, a new window, a new door and a closet; the alterations were done without the required permits.
2. An on-demand water heater has been installed in the room attached to the garage without the required permit.
3. An airconditioning unit has been installed without the required permits.
4. The fountain and electrical panel for the fountain has been constructed without the required permits.

SEE ATTACHED NOTICE OF ENFORCEMENT.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485.

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 #ZIR2012-00270 was prepared by:

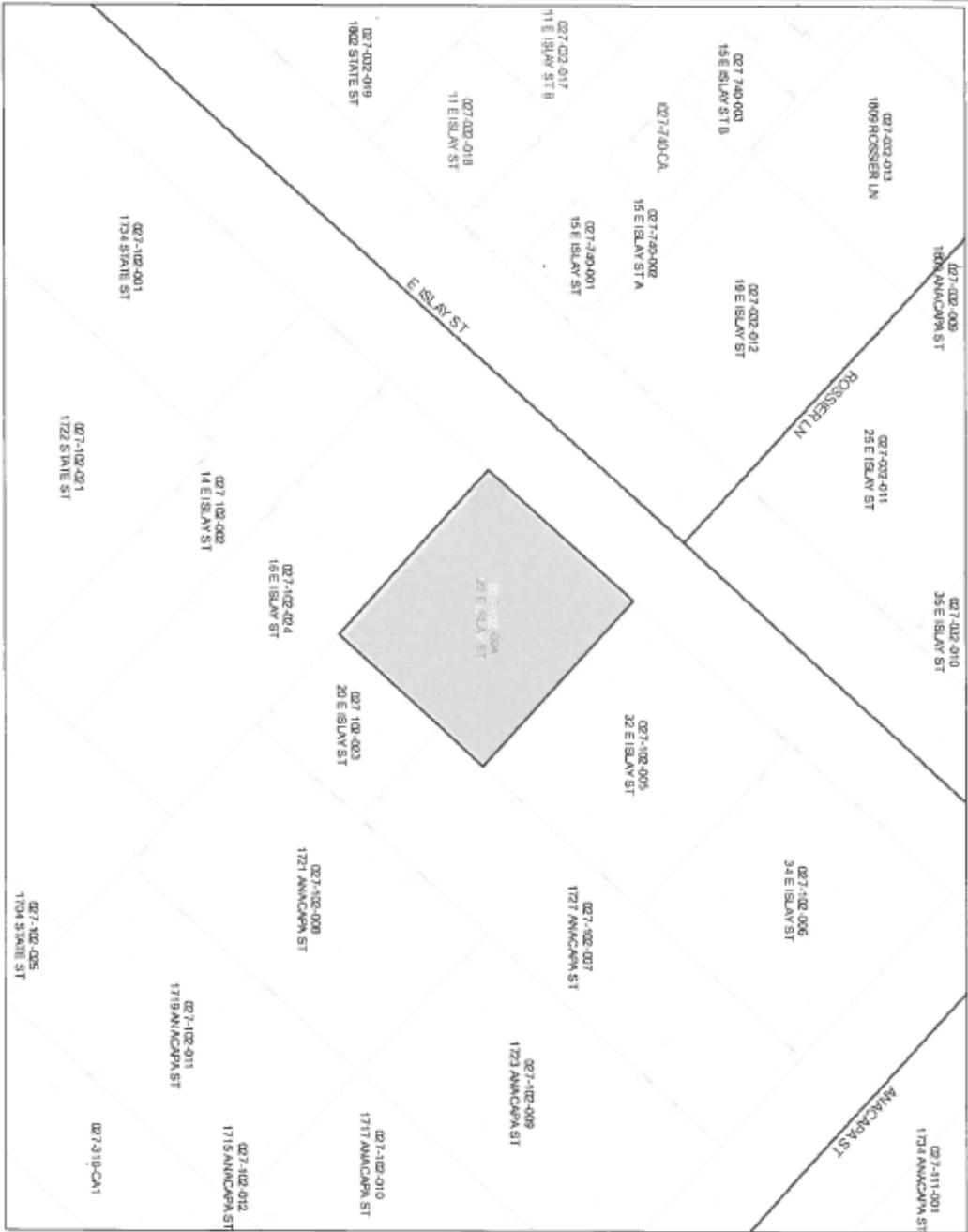
Jo Anne LaConte, Assistant Planner


Signature

June 19, 2012



22 East Islay



0.0 0 0.01 0.0 Miles
 City of Santa Barbara
 Reported on 09/14/2012 12:47 PM

MAP DISCLAIMER
 This service has been provided to allow a visual display of City information. Every effort has been made to ensure the accuracy of the map and data. The City of Santa Barbara assumes no responsibility arising from the use of this information. THE USER AND USER'S CLIENTS SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ANY DATA. This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.



Legend
 Streets
 Parcels

1:633



Notes
 Enter Map Description

Letter of Notice

One or more Illegal Dwelling Units or Illegal Habitable Space were identified on the Property. An enforcement case has been created and forwarded to the Building and Safety Division. A building enforcement officer will be assigned to the case for enforcement of the violations described in this report. These violations:

- a) May be permitted, if found to comply with all City Codes and Ordinances;
- b) Must be demolished with a building permit; or
- c) A combination of a) and b), above.

Please call and schedule a follow-up inspection to determine the type of permits required. Contact the Building & Safety Division at (805) 564-5485 to speak to the inspector assigned to enforcement case number: ENF2012-00468.

The property owner (seller) is responsible for abating these violations in a timely manner. If the violations have not been abated by the time escrow closes, the new owner (buyer) becomes responsible for the abatement of the violations.

Failure of the past, present or future owner to abate these violations may result in the refusal to issue building permits, referral to the City Attorney's Office, and ultimately, Superior Court action.

Receipt of Zoning Information Report

ZIR2012-00270

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

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: 22 E ISLAY ST

(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.

Anecdote #10

Hi Stuart and Barbara -

Firstly, I am sorry that your planner, Nathan, had trouble with the City of SB Planning and Development Department. As you know with any governmental agency, the building process can be daunting. You have a foot up in this process because you have already built a home in Arizona, so you know what kind of obstacles you might encounter during the process. I am also sorry this glitch in your remodel process gave you an overnight worry.

After a full day of work on this matter, and calling in all my experts and fellow professionals to assist me, I attach pages 543-1 and 543-2 as revised on 12/31/10 from the City of Santa Barbara Planning Department. Please see item 28.87.220, G. Exemptions Item 4 wherein it states that the sale of a condominium unit is not applicable to the Zoning Information Report (ZIR). This reference "condominium unit" includes Planned Unit Developments (PUD) and has been clarified and agreed upon by City Planners, Zoning Enforcement, and negotiated, and in cooperation with, the Santa Barbara Association of Realtors and City of Santa Barbara.

Your property at 136 Eucalyptus Hill Circle is zoned as a PUD and a ZIR was not required during your purchase. Additionally, the sellers were not required to provide the buyers with a ZIR.

If your property had been classified and zoned as a Planned Residential Development (PRD) then it would have, in fact, been subject to ZIR requirements and the sale would have required the standard ZIR.

It is further my understanding that a ZIR is never required to pull a permit with the City of Santa Barbara Planning Department.

Double fees are never assessed on a ZIR after a sale is complete, only modifications are charged double fees. The city person who Nathan spoke with may have been encouraging Nathan to pay for an "expedited fee" to get the ZIR done quickly, those fees are double. Your property does not require a ZIR and there was no ZIR required at the time of your purchase, so the fee schedule is moot.

Adrienne and I spoke with a zoning counter person (a man) who was not aware of the above cite. Adrienne was instrumental in getting this ZIR language changed and clarified as the representative for Santa Barbara Association of Realtors, Governmental Affairs, so she informed him at the time of our visit. The Building and Community Development desk, Public Works, Archives are all permanent employees who man the same counters day in and day out, they are usually very knowledgeable and extremely helpful. The Zoning counter is manned primarily by "floaters" employees who work part time and float

from department to department, so you or Nathan may encounter this again during your building remodel process. Please keep the attached in your files for future reference.

If you have any further problems with this, please feel comfortable contacting:

Betsy Teeter, (Zoning Goddess) at the City Zoning counter. Please also feel comfortable talking with Nicole Moore, Building Inspector, Building and Safety counter. Both Betsy and Nicole would like to know to whom Nathan spoke and what time of the day it was so that they can inform that particular Zoning person of the ZIR requirements so that this does not happen to another person. Nicole's number is 564-5485.

After digesting all of this, I believe that Nathan encountered a part time Zoning staff who did not know what was going on and Nathan had no idea of the ZIR requirements either. If you think you might want to interview another entitlement professional/consultant, I would be happy to give you several recommendations, just let me know.

OK, good luck with the remodel, it will be worth it and beautiful when you are done.

All the best,

Susan

Susan J. Pate

Village Properties

805-895-9385

www.MontecitoLifestyle.com

b. Where such lot abuts property other than that used or zoned for residential purposes there shall be provided individual planting areas no less than five feet (5') square along and adjacent to such property, such planting areas to be planted with trees.

c. Along and abutting all street rights-of-way, except in those areas encompassed within the driveway exits and entrances, there shall be provided planted planter areas three (3) or more feet wide.

d. No part of any building or structure or any part of a parked vehicle shall be permitted to protrude or intrude into any required planting areas from ground level up. Parking spaces shall be provided with approved tire stops, bumper stops or other barriers for this purpose.

e. Except where buildings abut planting areas, all planting areas shall be separated from adjoining unplanted areas by a curb that is no less than four inches (4") above pavement level.

f. All planting areas shall be maintained in a manner that will sustain normal growth.

2. Prior to the issuance of a building permit for an automobile service station, a planting plan showing above required planting areas, showing that the requirements of this section have been met, and showing compliance with the following additional matters shall be submitted to the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, for a determination that all of such requirements and matters have been met and upon such determination, approved:

a. The plan shall show the botanical and common names of the plants to be used, their number, and proposed spacing and location.

b. The plan shall show combinations of trees and shrubs or ground cover. Ground covers or shrubs alone are not acceptable as a separation from adjoining residential property, but will be sufficient for areas abutting streets.

c. The plan shall show all parking spaces, paved areas and driveways.

d. The plan shall show an adequate method of irrigating all planted areas. Irrigation may be by a permanent watering system or by hose.

3. Approval upon final inspection under a building permit shall not be given until the approved planting has been completed to the satisfaction of the Chief of Building and Zoning or his delegate.

4. Compliance with Section 28.87.205 shall not be required for automobile service stations and automobile service station/mini-markets that have a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code. (Ord. 5380, 2005; Ord. 4851, 1994; Ord. 4033 §7, 1980; Ord. 3710, 1974; Ord. 3034, 1965.)

28.87.210 Substandard Lots Created by Action of Public Agency.

Where any existing parcel of land is reduced in size or lot dimensions below those required by this title by reason of the acquisition of a portion thereof along any perimeter of such parcel for any public purpose by any public agency, such parcel as so reduced shall be considered as conforming to the provisions of this title as a legal lot. In such case, minimum lot area and lot dimensions required by this title shall not apply. Lot area per dwelling unit requirements and all other provisions of this title shall apply. This section shall not apply to property acquired by a public agency as part of subdivision or lot split proceedings. (Ord. 3710, 1974; Ord. 3040, 1965.)

28.87.220 Zoning Information Report.

A. STATEMENT OF LEGISLATIVE INTENT.

These regulations are intended to require a Zoning Information Report for purchasers of residential property, setting forth matters of City record pertaining to the authorized use, occupancy, zoning and the results of a physical inspection of the property. Primary purpose of the report is to provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.

B. DEFINITIONS.

1. "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

2. "Residential property" shall mean any improved real property, designed or permitted to be used for any residential purpose, situated in the City and shall include the building or structures located on said improved real property.

3. "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred for consideration from one (1) owner to another owner.

C. REPORT REQUIRED.

1. **Application.** Except where a sale is exempt from the requirements of this section pursuant to Subsection G below, no later than five (5) days after entering into an "agreement of sale" of any residential property, the owner or owner's authorized representative shall make application to the City for a Zoning Information Report to the Community Development Director on a form provided, and pay a fee as established by resolution of the City Council.

Under normal circumstances the report will be available no later than fifteen (15) working days after the application is received by the Community Development Director.

2. **Copy to Buyer.** Said owner or owner's authorized representative shall provide a copy of the report to the buyer or buyer's authorized representative no later than three (3) days prior to consummation of the transfer of title. The buyer or buyer's authorized representative may waive in writing the requirement for delivery three (3) days prior to consummation of the transfer of title but in any event the report shall be provided to the buyer or buyer's authorized representative prior to the consummation of the transfer of title.

3. **Proof of Receipt.** Proof of receipt of a copy of the report shall be obtained by the owner or owner's authorized representative prior to consummation of the transfer of title. Said proof shall consist of a statement signed by the buyer or buyer's authorized representative stating that the report has been received, the date of the report and the date it was received. City shall provide a receipt form with each zoning information report. The original of the signed proof of receipt shall be mailed or delivered to the Community Development Director of the City no later than the consummation of the transfer of title.

D. CONTENTS OF ZONING INFORMATION REPORT.

The Community Development Director shall review the applicable City records and provide the applicant the following information on the Zoning Information Report:

1. Street address and parcel number of the property.
2. The zone classification and permitted uses as set forth in the Zoning Ordinance of the City of Santa Barbara.
3. Occupancy and use permitted as indicated and established by records.
4. Variance, special use permits, conditional use permits, modifications and other administrative acts of record.
5. Any special restrictions in use or development which are recorded in City records and may apply to the property.
6. Any known nonconformities or violations of any ordinances or law.
7. The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46 of this Code.
8. A statement of whether the real property has had a Building Sewer Lateral Report prepared for the real property pursuant to the requirements of Santa Barbara Municipal Code Chapter 14.46 within the five (5) year period prior to the preparation of the Zoning Information Report and, if so, that a copy of the Building Sewer Lateral Report is available from the City for the buyer's inspection. All Zoning Information Reports shall also contain an advisory statement (in bold not less than 10 point typeface) prepared by the Public Works Director which advises a purchaser of residential real property regarding the potential problems and concerns caused by an inadequate, failing, or poorly-maintained Building Sewer Lateral. In addition, the standard required advisory statement shall indicate the advisability of a purchaser obtaining a recently-prepared Building Sewer Lateral Inspection Report.

E. VIOLATION OF LAW NOT PERMITTED.

Any report issued pursuant to this section shall not constitute authorization to violate any ordinance or law, regardless of whether the report issued pursuant to this section purports to authorize such violation or not.

F. EXPIRATION OF REPORT.

Each report shall be valid for a period of twelve (12) months after date of issue or until a transfer of title occurs, whichever is sooner.

G. EXEMPTIONS.

- The provisions of this section shall not apply to the following sales:
1. The first sale of each separate residential building located in a subdivision where the final subdivision or parcel map has been approved and recorded in accordance with the Subdivision Map Act not more than two (2) years prior to the first sale.
 2. The sale of any residential property on which a new home is under construction pursuant to a valid building permit; or
 3. The sale of any residential property where the final building permit inspection on a new home was issued within three (3) months of the date on which the owner entered into the agreement for the sale of a home to the buyer.
 4. The sale of a condominium unit.

H. EFFECT OF NONCOMPLIANCE.

It shall be unlawful for any owner to consummate the transfer of title to any residential property without providing the transferee with a Zoning Information Report as required in this Section 28.87.220. The failure to comply with the provisions of this Section shall not invalidate the transfer or conveyance of real property to a bona fide purchaser or encumbrancer for value. (Ord. 5537, 2010; Ord. 5396, 2006; Ord. 4932, 1995; Ord. 4106, 1981; Ord. 3986, 1979; Ord. 3843, 1976; Ord. 3826, 1976.)

28.87.230 Zoning Plan Check - Fee.

Prior to issuance of a building permit, the development and construction plans shall be reviewed to determine consistency with the Zoning Ordinance. Application for a zoning plan check shall be accompanied by the fee in the amount established by resolution of the City Council. (Ord. 3955 §4, 1978.)

28.87.240 Drive-Through Facility.

No new or expanded drive-through facility shall be permitted in any zone of the City. Existing financial institution drive-through facilities may be replaced in kind with automated teller machines as long as the number of drive-through lanes does not increase. (Ord. 4837, 1993; Ord. 4001, 1979.)

Anecdote #11

Hi Kyle,

Not sure this is what you need but here are a couple of zoning oddities I've come across this year:

CASE #1 2451 Borton is a 4bd/2ba with multiple zoning infractions for illegal patio cover, spa, outdoor BBQ, front fence too high.

To add salt to the wounds, the zoning report came out as a 3bd/1bath!

(The report has since been amended to a 4/1 and it will be changed again to a 4/2, see below)

There are no original plans on file, and nothing official stating how many bedrooms and bathrooms in the home. Past ZIR from the '80s didn't call out how many bedrooms and baths were in the home.

The only thing the city has in the file alluding to number of bedrooms is a drawing for a 1961 (?) living room addition that doesn't even show the bedrooms but has the words "3 bedroom" off to the side. That is what the inspector went by. Whoever made the drawing wrote down the wrong number of bedrooms.

After looking at the home's footprint on maps with the inspector, she changed the report to calling it a 4bd, but she couldn't go with the 2nd bath.

So... Today I asked a neighbor if he knew anything about the neighborhood floorplans. Turns out I asked the right person: He is an original 1957 owner who just happens to own the original plans for the whole tract. It shows 2451 Borton was built as a 4/2. (Tax assessor also says 4/2.) Now I am asking the inspector to go see the roll of plans at the neighbor home to verify the 2nd bath.

This inspector, Renee Brooke, has been very pleasant to deal with, and she emailed me immediately when she finished the report. But the city records were not correct and the tendency was to assume illegal if they had nothing to go by.

Scheduling: This was a problem. It took about 3 weeks to get the inspection scheduled and report in hand, and it's a contentious point in this escrow that is supposed to close 6 days after the report was issued.

CASE #2

645 Sea Ranch, Kalia's listing that I sold.

Original ZIR mentioned a swimming pool and (I think) an extra bedroom, neither of which exist. Also an attached garage, and it was detached. Kalia had to go back and get the report amended twice before it was correct. This report was probably done in February or early March.

I believe this was a Ginny Howard inspection/report.

--

Sue Irwin, Realtor -- Prudential California Realty
Certified Residential Specialist & Certified Ecobroker
Board of Directors, SB Assoc. of Realtors
cell: (805) 705-6973 fax: (805) 687-6217
www.sboceanviews.com
www.sbforeclosureinfo.com

Anecdote #12

Furthermore, Betsy, the Sellers of this property in, good faith, as well as myself, represented this property to the public as 3 units. The property is in escrow. The monies for this property were being put forth on another property. There is more at stake here than whether someone at the city may have misplaced some paperwork, or an item is missing in a street file, or not entered here correctly on a computer. What is the Seller's remedy for the loss of this sale and the other more expensive 1? Multiple Millions in Lost Sale. (4,375,000 to be exact). What about the family exited to be buying the property based on the numbers of 3 units of income, based on the property's history in the public record - the City's & Assessor's Records! What's their remedy? The Buyer spent real money and their time investigating the property, spent money getting an appraisal. Everyone waited for 3 weeks for the ZIR to even be done, then another 5 days before the report was issued. I've worked in this town for 20 years and worked hard and diligently with countless inconsistencies in personnel, records, paperwork with the City. Have advised countless owners to work with the City to bring properties into compliance - have shared in this Goal with The City! This owner has always worked hard to provide, safe, clean, fair priced housing to the public. Every property this couple have bought they've made better for the neighborhood. Better for the tenants at considerable time, cost and maintenance to themselves. In short, a Landlord, like myself, who's always worked to do the right thing by everyone involved.

I spent hours, weeks on this sale. It was advertised. What's the remedy with the City for this with me? I don't have the luxury of a safe, secure City Job with guaranteed pay, guaranteed time off, guaranteed retirement. A lot of people don't.

Is there some kind of bonus system with the city; whereby, if you find/create problems enhancing revenue into City coffers, it leads to greater compensation to you?

Before any legal action is sought, I'm seeking a viable solution, here, one that is good for all concerned. Let me know yours or your supervisor's ideas.

Thanks

Dan

* I can be reached at 805-895-1709

Zoning Information Report
1135 CHINO ST
A.P.N.: 039-191-005

ZIR2003-00251
Zoning: R-2
Page: 3

Unit #: A This is a legal dwelling unit.

	Legal	Illegal
Bedrooms	2	0
Full Baths	1	0
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? No	All Hallways? Yes

Unit #: B This is a legal dwelling unit.

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? No	All Hallways? No

Unit #: C This is a legal dwelling unit.

	Legal	Illegal
Bedrooms	1	0
Full Baths	1	0
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? No	All Hallways? No

Smoke detectors are required in each sleeping room and each hallway 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. For more information regarding fire alarm system requirements, please call 564-5702.

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

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

See attached modification letter, dated September 10, 1980



B. SITE INSPECTION

1. NUMBER AND USE OF BUILDINGS, INCLUDE ALL ACCESSORY BUILDINGS AND THEIR USE AND SIZE:

*one family dwelling converted to duplex
and parking dwelling
detached four-car carport*

2. NUMBER OF DWELLING UNITS EXISTING: 3

3. PARKING SPACES PROVIDED: COVERED (GARAGE/CARPORT) 4 UNCOVERED 0

4. WALLS, FENCES OR HEDGES THAT DO NOT MEET CURRENT ZONING REQUIREMENTS BUT ARE NON-CONFORMING (Note type, location and height)

5. *NON-CONFORMING YARDS: (Indicate for which structure)
FRONT _____ INTERIOR _____ OPEN YARD _____

6. IS A SMOKE DETECTOR INSTALLED IN EACH DWELLING UNIT? *no - not in rear unit of 1135 over 1135B.*
(City of Santa Barbara Smoke Detector Ordinance, effective 7-16-81, requires a smoke detector be provided by the owner in every existing single and multiple family dwelling. The Fire Department is notified of noncompliance. The absence of a smoke detector is a violation of the ordinance which can be corrected by installation of a smoke detector).

7. REMARKS: *as stated in a previous zoning report dated 12/1/78 and 8/12/82, no building permits can be found to indicate when the one-family dwelling was converted to a duplex. The rear unit does not meet current minimum size requirements of 600 sq. ft. but in the absence of permits, it cannot be determined whether this*

8. ZONING VIOLATIONS: *unit met requirements at the time it was created.*
None

*NOTE: THE TERM "NONCONFORMING" MEANS THAT THE BUILDING OR STRUCTURE SATISFIED THE ZONING ORDINANCE REQUIREMENTS AT THE TIME OF CONSTRUCTION; HOWEVER, BECAUSE OF SUBSEQUENT CHANGES IN THE ZONING ORDINANCE OR THE ZONING MAP, THE BUILDING OR STRUCTURE DOES NOT MEET THE CURRENT REQUIREMENTS. NONCONFORMING MEANS THAT THE BUILDING OR STRUCTURE EXISTS LEGALLY AND ITS USE MAY BE CONTINUED.

A VIOLATION OF THE ZONING ORDINANCE, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF SANTA BARBARA, IS A CRIMINAL MISDEMEANOR.

ADDRESS: 1135 Chino Street Marianne Rice
(Zoning Inspector) 0

November 18, 1983
(Date)



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



**Zoning Information Report
1135 CHINO ST**

Date: 4/23/2013
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2013-00160

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 April 18, 2013.
This Zoning Information Report expires on April 23, 2014.

The property's City Zoning Designation is **R-2**. 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:	R-2
Lot Area Requirements for Residential Units:	6,000 sq.ft. - 6,999 sq. ft.: 2 units allowed 7,000+ sq. ft.: 3,500 s.f. lot area per unit
Front Setback	One story portion of a building: 15 feet Garage facing the street: 20 feet Two story portion of a building: 20 feet
Interior Setback	6 feet 3 feet if the building is used exclusively for parking purposes
Rear Setback	6 feet 3 feet if the building is used exclusively for parking purposes
Required Open Yard Area	1,250 sq.ft. (20 foot minimum dimensions)
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	One House on the property: 2 covered spaces Duplex: 1 covered & 1 uncovered per unit Multiple houses or duplexes: 1 covered & 1 uncovered per unit
Distance Between Main Buildings	One story building to One story building: 10 feet One story building to Two story building: 15 feet Two story building to Two story building: 15 feet
Minimum Lot Area for Newly Created Lots	7,500 sq.ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	60 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.

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

GMP Development Area

Mesa

Sewer Lateral Report on File

PROPERTY DESCRIPTION

Duplex:

Unit A: One story with a covered front porch (approx. 8 x 9) , rear deck (approx. 8 x 18 x 12"). Laundry room at the rear of the unit. Portable Spa.

Unit C: One story rear unit of the duplex with a covered front entry.

Unit B: One story single family dwelling with deck (approx. 5 x 10) and rear porch (approx. 2 x 3).Laundry room at the rear.

Detached four car garage

Lot Size (From County Assessor Records): 0.26 Acres

Unit #: A This is a legal dwelling unit.

	Legal	Illegal
Bedrooms	2	0
Full Baths	1	0
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? Yes	All Hallways? Yes

Unit #: B This is a legal dwelling unit.

	Legal	Illegal
Bedrooms	3	0
Full Baths	1	1
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? No	All Hallways? Yes

Unit #: C This is an ILLEGAL dwelling unit.

	Legal	Illegal
Bedrooms	1	0
Full Baths	1	0
Half Baths	0	0
Sinks	0	1
Smoke Detectors in:	All Bedrooms? Yes	All Hallways? No Hallways

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 4 parking spaces in garages, 0 parking spaces in carports and 0 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).

A Modification was granted on September 10, 1980 to allow for a reduction in the required open yard area. This Modification was granted when the second single family dwelling was moved onto the site. At that time, the front dwelling was recognized as a single family dwelling. Assessor records indicate that the front dwelling was converted to a duplex in 1950, however, there are no permits on record for this conversion. A permit was issued in 1952 to add an addition to the rear of the single family dwelling. Floor plans show an addition to the kitchen, a new bathroom and a bedroom. There are no floor plans or permits on file for the original portion of the front dwelling. City records and the Sanborn Fire Map show the front dwelling as a single family residence.

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

ZONING VIOLATIONS:

1. The spa encroaches into the required interior setback.
2. The wooden fence behind Unit B (on Anapamu street) and the front hedge exceeds the maximum allowable height of three and one half feet within 10 feet of a front lot line and within 10 feet of either side of a driveway for a distance of 20 feet back from the front lot line.
3. One of the bays in the four car garage was inaccessible for the parking of a vehicle due to the built-in shelf which encroaches into the required parking area. By City Zoning Ordinance, covered parking is required and must be maintained at all times.

BUILDING VIOLATIONS:

1. The front single family dwelling has been converted illegally to a duplex without the required permit.
2. The carport has been converted to a garage without the required permit. The conversion must be approved by Transportation Planning.
3. The second bathroom was added in Unit B without the required permit.

SEE ATTACHED NOTICE OF ENFORCEMENT.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485.

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 #ZIR2013-00160 was prepared by:

Betsy Teeter, Planning Technician II



Signature

April 23, 2013



1135 Chino

- Legend**
- City Limits
 - Parks
 - ▨ Assessor's Parcels - City
 - ▤ Parcel Address Labels
 - ▥ Pacific Ocean
 - Street Centerlines

1: 1,827



Notes

MAP DISCLAIMER
 This service has been provided to allow a visual display of City information. Every effort has been made to assure the accuracy of the map and data. THE CITY OF CHINO AND ITS EMPLOYEES MAKE NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THIS INFORMATION.
 This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.

0.1 0.03 0.1 Miles
 NAD_1983_StatePlane_California_V_FIPS_0405_Feet
 © City of Santa Barbara
 Reported on 04/18/2013 11:24 AM

Letter of Notice

One or more Illegal Dwelling Units or Illegal Habitable Space were identified on the Property. An enforcement case has been created and forwarded to the Building and Safety Division. A building enforcement officer will be assigned to the case for enforcement of the violations described in this report. These violations:

- a) May be permitted, if found to comply with all City Codes and Ordinances;
- b) Must be demolished with a building permit; or
- c) A combination of a) and b), above.

Please call and schedule a follow-up inspection to determine the type of permits required. Contact the Building & Safety Division at (805) 564-5485 to speak to the inspector assigned to enforcement case number: ENF20 12-00513.

The property owner (seller) is responsible for abating these violations in a timely manner. If the violations have not been abated by the time escrow closes, the new owner (buyer) becomes responsible for the abatement of the violations.

Failure of the past, present or future owner to abate these violations may result in the refusal to issue building permits, referral to the City Attorney's Office, and ultimately, Superior Court action.

Receipt of Zoning Information Report

ZIR2013-00160

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

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: 1135 CHINO ST
(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

Anecdote #13

INSPECTION & ZONING ISSUES IN SANTA BARBARA

This is provided to outline the problems and issues encountered in the latter part of 2011 with an Owner (who happened to be a retired real estate broker, with over 15 years experience in the Santa Barbara residential real estate market) when trying to sell his own house. He had listed his home for sale with two other realtors in the MLS, and as part of having it ready for a sale, had ordered a Zoning Inspection Report (ZIR) from the City, just to have that done and ready for a buyer when, and if he got it into escrow.

He and his wife had purchased the house a few years earlier (5 years) and had done a major renovation to it with the idea of living there in retirement. At the time they had purchased the home, they had made a detailed search and review of the "street files" so that they would have a full record of the property's history – the house was almost 50 years old at this point. Everything was fine, they got the requisite Zoning Inspection Report – which was clean for their purchase, with a notation for a hedge along the street that was over 4 feet and a garage fire door that needed installed (but no zoning violation, and something the new owners agreed to accept (the hedge) and planned to replace the door with a fire rated door) – and they closed escrow and proceeded with the renovation.

They made this choice as buyers, relying on the City of Santa Barbara records, and Zoning Inspection Reports dating back over 15 years, wherein there were no violations cited for the living space and characteristics of the house (this period included a number of building permits issued and approved for some different modifications of the house – none of which cited any zoning violations – other than a side yard setback at some point, but nothing to do with any illegally converted inhabitable living space). The new buyers were assured that they had made the purchase they saw when they made the offer, and ultimately closed escrow.

It wasn't until over 4 years later that they ordered another zoning inspection in preparation for the sale of this house. They then found themselves facing a Zoning Violation and Enforcement Action. This zoning violation stemmed from a finding in the new Zoning Inspection Report that a former breezeway, an uninhabitable space, had sometime in the past been enclosed and converted into an inhabitable space - without the necessary permit(s). This was nothing that these owners had done, they were selling the property in the same form (but in a much renovated condition - with permits) from what they had purchased when they bought it over 4 years earlier - again with a "clean bill of health" at the time of their purchase.

What apparently had occurred is that a "breezeway" between the house and the garage had been enclosed some time in the past - without the necessary permits, and that this had gone through a number of sales (and zoning inspections) without this violation coming to light (3 ZIR's and more than 15 years at last count). This situation was only noted at this time, because the City had a new inspector, who diligently researched each property file, and cited violations wherever and whenever she apparently could not find documentation for the physical features of the property she was inspecting - no matter how many times it had passed such inspections previously, and had been approved by the City in its present state.

In this process (that the City of Santa Barbara requires), buyers rely on this approval by the City as a basis for their purchase, and their agreement on the price they will pay for the property. In this case, the space at issue represented about 5 percent of the habitable space, and thus accounted for near to 10 percent of the sales price, more than \$150,000 in this market! But I'm told by professionals in the field that, by State statute, the City is not liable for such errors, and in fact will charge extra fees and impose fines on anyone trying to correct the matter.

So, the owner/sellers had no choice but to take it off the market and make the upgrades necessary to get it approved as a habitable space - all according to today's

building codes, with "as-built" permits. The additional difficulty in this case was that the house was located in a hillside district of Santa Barbara, and a "high fire hazard" area (most of the City is so designated).

To "correct" this situation entailed obtaining an architect's services, obtaining new drawings for the entire property, and basically the installation of additional insulation in the vaulted roof, and new glazed glass windows and a door for this area. To do this involved almost two months of time and effort – with the property off the market – and substantial costs (the cost for the City of Santa Barbara fees and permits alone were in excess of \$2,500, which represented only a small fraction of the overall cost to bring it into compliance).

The sellers then were relieved to finally get the property back on the market, actively for sale, knowing that this wouldn't/shouldn't (who knows?) be a stumbling block with a buyer when they finally got it into escrow.

An aside here is that all this occurred in a down market and so each month that it was on the market, and then pulled off and then back on, cost the sellers time, and therefore \$\$ in terms of lower prices at the time of a sale. Fortunately, in their case, these owners/sellers were able to meet the cost and time penalties, and completed a sale.

However, many other sellers in this market may not be able to do this, through no fault of their own, and in some cases I've heard about, owners have literally lost their homes because of the City of Santa Barbara actions (or inactions, depending on your time of reference).

THIS DOES NOT SEEM RIGHT OR FAIR TO THE HOME OWNERS INVOLVED AND IS AN ECONOMIC HARDSHIP THAT SHOULD NOT BE FOISTED ON THE CITIZENS OF SANTA BARBARA!