



**City of Santa Barbara**  
Community Development

**Memorandum**

DATE: August 24, 2015  
TO: Building & Fire Code Appeals Board  
FROM: Andrew Stuffer, Chief Building Official  
SUBJECT: 714 Castillo – Appeal of Decision to Issue Building Permit

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The City Building & Safety Division is required by law to issue building permits to permit applicants that demonstrate compliance with the City Municipal Code (includes the State Building Standards Codes). Private property easements and other private agreements that do not establish or adjust the real property parcel geometry, as depicted by the County Assessor, cannot be considered when determining compliance with the City's Municipal Code.

It is for this reason that the City was required to issue the ministerial fence permit that is the subject of this appeal.

Staff recommends that the Board uphold the decision of the City Building Official or make a recommendation for staff to obtain a written City Attorney review of the City's ability to enforce private easements.

Copy: 714 Castillo, Street File  
718 Castillo, Street File  
714 Castillo, Property Owner  
718 Castillo, Property Owner

Attachments: Subject Fence Permit

Andrew Stuffer



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

### REQUEST FOR APPEALS BOARD HEARING

Subject Property Address CASTILLO 714/718 CASTILLO ST. APN 037-073-019 Date 8-24-2015  
Owner's Name Joana Rodriguez → JOHN R. CLINTON  
Owner's Address 714 Castillo SB, CA 9301 (Phone) ~~805-284-4720~~  
Owner's Email Address \_\_\_\_\_

#### Decision Being Appealed

A brief statement specifying order or action protested: BLD 2015-01457

A CHAIN LINK FENCE DOWN THE Parcel  
Lot line that would impact access to  
718 Castillo's off street parking

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

A brief statement of the reason the protested order or action should be reversed, modified or otherwise set aside:  
1988 zoning Report, 718 Street file, both clearly  
show historical Right of Way over the "Common"  
sub standard driveway. Existing structures make  
it impossible to re-route or create a driveway to  
718 Castillo St.

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

#### Signature

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

Signature   
805-284-4720

#### Questions

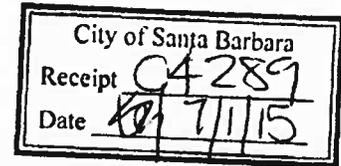
For further information contact the Building & Safety Division at (805) 564-5485

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

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



City of Santa Barbara  
 Building & Safety Division  
 Permit Record



Building Permit # **BLD2015-01457**  
 Site Address: **714 CASTILLO ST**

Issued: **7/1/2015**  
 Initial Expiration: **12/28/2015**

People Associated With Project:

OWN rodriguez, juana 714 CASTILLO ST SANTA BARBARA CA 93101  
 CON R I DESIGN & CONSTRUCTION 2328 EAGLE CREEK LANE OXNARD CA 93030

**PROJECT NAME:** R/OTC-SITE WORK **PARCEL:**037-073-019 **ZONE:** R-4  
**PROJECT DESCRIPTION:**  
 Install 60 lf of 6' high chain link fencing at west side of the property.

CLASS OF WORK ..	SITE	NEW FLOOR AREA:	sf	NO. PLAN SHEETS.:	1
TYPE OF USE ..		CONVERSION:	sf	GRADING.....:	cy
TYPE OF CONSTR :		TENANT IMPR:	sf	VALUATION.....:	0.00
OCCUPANCY GRP ..		REMOD./FINISH :	sf	FLOOD ZONE.....:	AH
OCCUPANT LOAD :		ACCESS. BLDG:	sf	LAND USE ZONE...:	R-4
FIRE SPRK REQD?:		GARAGE/CARPT :	sf	APPLICANT'S VALUATION:	1,200
STORIES. .... :		FENCING	60 sf	CONTACT PERSON..:	LJO
DWELLING UNITS:		PAVING:	sf		
BEDROOMS ... :		SCHOOL FEE:	sf		

THIS PERMIT BECOMES NULL AND VOID IF work or construction authorized is not commenced within 180 days from the 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 is less than \$300, or ( ) Other \_\_\_\_\_
  - (2a) I certify that I have a certificate of worker's compensation insurance. Insurer: \_\_\_\_\_  
 Policy #: \_\_\_\_\_, Expiration date: / / , 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, ( ) that in the performance of the work for which this permit is issued, I shall not employ any person so as to become subject to the worker's compensation laws of Calif.
  - (3) Will building occupant need to comply with H.S.C. Section 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 7/1/15 Print Name Here PUBEN A CARMONA  
 Sign Name Here \_\_\_\_\_