



City of Santa Barbara
Community Development

Memorandum

DATE: January 23, 2017

TO: Building & Fire Code Board of Appeals

FROM: Andrew Stuffer, Chief Building Official AUS

SUBJECT: 3013 Paseo Tranquillo Staff Report

Code Enforcement Case ENF2016-00302

- On March 2, 2016, the City received a complaint that the art studio, above the garage, at this address was being used as a vacation rental. This complaint was assigned to a Building Inspector with a backlog of code enforcement complaints to investigate. No inspection was made for 7 months.
- On November 1, 2016, this code enforcement complaint was reassigned to another Building Inspector.
- On November 29, 2016, this property was inspected by the City Building Inspector and found to be in violation of the Building Code for construction work that was completed without a permit.
- On January 4, 2017, the above Building Code violations were officially documented in a Notice of Violation in accordance with the City's Property Maintenance Code regulations.

Zoning Information Report ZIR2016-00176

- On April 11, 2016, an application was made for a City Zoning Information Report.
- On April 26, 2016, a Zoning Information Report was completed, printed and picked up by the requesting party.

City Activity Overlap

These two separate activities are processed by different City staff in different City Divisions. The overlap of these two City activities however, could give the impression that the Zoning Information Report activity initiated the Code Enforcement activity. A close review of the activity dates above will show that this was not the case.

Conclusion

The January 4, 2017 Notice of Violation should be upheld and stand on its own due to the independent observations of the City Building Inspector on November 29, 2016.

Attached: Appellant's Request for Appeals Board Hearing form and attachments



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

REQUEST FOR APPEALS BOARD HEARING

Date 1/12/17

Property Address 3013 Paseo Tranquillo APN _____

Owner's Name Alexander Tate

Owner's Address 3013 Paseo Tranquillo (Phone) 860-817-0132

Owner's Email Address atate@protonmail.com

Decision Being Appealed

A brief statement specifying order or action protested:

Conflicting reports from building department, unfair to be penalized for complaint generated against previous owner. Request that inspection done at time of sale be honored.

Further explanation attached.

Copy of protested notice attached.

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

Previous owner had complaint about illegal apartment before sale of home. Subsequent inspection contradicts previous inspection. IF these issues had been raised as such at sale I would have had seller remedy

Within 30 days you will be given notice 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 [Handwritten Signature]

Questions

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

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

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

City of Santa Barbara
 Building and Safety Division

JAN 17 2017

RECEIVED



Note: This form was substantially amended in September 2015.

**Zoning Information Report
3013 PASEO TRANQUILLO
ZIR2016-00176**

Report Date: 04/26/2016
Expiration Date: 04/26/2017
Prepared by: ACP, ACPerez@SantaBarbaraCA.gov, (805) 564-5470 x4559

I. INTRODUCTION

A Zoning Information Report (ZIR) is required by the City of Santa Barbara on all sales of residential property, with a few exceptions (SBMC §28.87.220). If your property also contains non-residential uses, those uses and related improvements were not inspected as part of this ZIR. The purpose of the ZIR is to provide information to the buyer on residential zoning standards for this property and to identify violations of any City ordinance or law. The ZIR is a good faith effort to provide information based on a site inspection and review of available City records.

The ZIR is a report; it is not an entitlement document or a permit. If there are inconsistencies or errors in this report, or on previous reports or plans, the ZIR cannot be used to legalize any unpermitted construction. Only a building permit with valid city approvals can legalize construction. **The Zoning Inspector is neither a Building Inspector nor a licensed surveyor, and the ZIR will not include a review of compliance with the Building Codes nor confirm the exact location of property lines.** Property lines are an estimate and unless shown on archive plans, the interior or rear property lines are assumed to coincide with any interior or rear fence. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

II. SITE INSPECTION

On **April 21, 2016**, a site inspection was conducted and the following buildings and structures were observed on the property. Please note that the items described below include all buildings and structures on site at the time of the inspection and **this description is not a determination of the legal status of any buildings or structures on site:**

Single family residence with covered front entry. study, and a detached two-car garage with artist studio above accessed by an exterior staircase.

III. VIOLATIONS

MINOR VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY.

The violations described below have been identified for this property. For the purposes of this report, these violations are considered minor and are not required to be abated at this time and have not been referred for enforcement. However, the current or future property owner will accept full responsibility for all non-permitted work and will be required to abate all ZIR violations either prior to or concurrently with their next plan submittal for a building permit. If the violations are not abated prior to the next transfer of this property to a new property owner, they will be carried forward on the next ZIR prepared for this property.

BUILDING VIOLATIONS:

- 1. An exterior door has been added to the master bathroom without the required permits.*
- 2. The french doors and balcony were added to the artist studio without the required permits.*
- 3. The fence across the driveway has been installed without permits or review by the Transportation Department.*
- 4. The sink in the garage has been installed without the required permits.*

- Miscellaneous items are stored within the required parking or maneuvering areas and must be removed. Per SBMC§28.90.100.G, the required parking/maneuvering areas must be kept available for the parking of vehicles at all times.

All questions regarding abatement of the 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 permits or abatement of the building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485. For information on how to apply for a building permit to correct violations, please review the "As-Built Construction Plan Submittal Requirements" available at the Building and Safety Division Counter located at 630 Garden St. or online at: <http://santabarbaraca.gov/services/planning/forms/building.asp>.

IV. PROPERTY DESCRIPTION

Lot Size (*Per County Assessor Records*): 0.21 Acres; 8,949.00 sq. ft.
Zone (*See Attached Zone Req'ts.*): E-3
Slope (*Approximate*): 3.00 %

UNIT DESCRIPTION(S):

Unit #: This is a legal dwelling unit.

	<u>Legal</u>	<u>Non-Permitted</u>
Bedrooms:	3	0
Full Baths:	2	0
Half Baths:	0	0
Sinks (other than kitchen sinks):	0	1

PARKING:

	<u>Existing on Site</u>	<u>Shown in City Records</u>
Garage:	2	2

Note: All required parking spaces shall be available for parking at all times, and garages shall not be used for storage that prevents access to required parking spaces (SBMC §28.90.060 and §28.90.100.G)

V. PROPERTY ATTRIBUTES

NOTES AND APPROVALS:

City records show the following City discretionary approvals and important notes for this property: (If none, this area will be blank.)

None.

PARCEL TAGS:

The following special districts or other attributes of the property are on file for this property: (If none, this area will be blank.)

GMP Development Area
Upper State

VI. EXPIRATION DATE, AMENDMENTS TO THIS ZIR, AND APPEALS

EXPIRATION DATE:

This ZIR is valid until April 26, 2017, one year from the Report Date, or until the next transfer of title, whichever occurs first. A one year time extension of this ZIR can be applied for prior to the expiration date of this ZIR. The time extension requires an additional physical inspection and application fee.

AMENDING THE ZIR:

The City encourages property owners to provide any supplemental property information they may have to inform the conclusions of this report. Please contact the preparer of this report within 10 days of the date of this ZIR if you have general questions regarding the findings of this report or want to provide supplemental information to inform the conclusion of this report. Questions related to the abatement of violations can be directed to the appropriate staff noted under the "Violations" section above.

Once violations are corrected on the property, it is not necessary to amend the current ZIR. Either the final approval of the issued building permit will serve as documentation, or when the property is for sale again the subsequent ZIR will show that the violations no longer exist. The new property owner is not required to contact City Staff to amend this report once the violations have been abated.

APPEALS:

If you want to appeal the findings of this ZIR, you must do so within 10 days of the date of this ZIR. To file an appeal, submit a written letter or email to the preparer of this ZIR stating the grounds claimed

for the appeal and any supporting documentation on the specific improvement or content in the ZIR that is in dispute. No fee is required for this appeal if it is filed within 10 days of the date of this ZIR. Staff time to research and resolve any appeals filed after the 10-day appeal period may be subject to the hourly rate fee as established by the City Council.

VII. RESOURCES USED FOR THE PREPARATION OF THIS ZIR

- Archive Plans
- Street and/or Planning File
- Sanborn Maps
- Aerial Photographs
- Historic Photographs
- City of Santa Barbara Architectural & Historic Resource Survey
- County of Santa Barbara Residential Building Record (Supplied by Property Owner)

The above items can be reviewed at the City's Planning and Zoning Counter located at 630 Garden Street. In addition, the entire contents of the City street and planning files can be viewed online at www.SantaBarbaraCA.gov/PlanningCentral.

For additional information regarding regulations that pertain to properties within the City of Santa Barbara, environmental constraints that may pertain to the property, and the City's review process, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit the City's Planning Central webpage at www.SantaBarbaraCA.gov/PlanningCentral.

Zoning Information Report #ZIR2016-00176 was prepared by:

ACP, ACPerez@SantaBarbaraCA.gov, (805) 564-5470 x4559



Signature

April 26, 2016



City of Santa Barbara

Community Development Department

www.SantaBarbaraCA.gov

Building & Safety Division

Notice of Violation

Director's Office

Tel: 805.564.5502

Fax: 805.564.5506

Administration, Housing & Human Services

Tel: 805.564.5461

Fax: 805.564.5477

Building & Safety

Tel: 805.564.5485

Fax: 805.564.5476

Planning

Tel: 805.564.5470

Fax: 805.564.5477

Rental Housing

Mediation Task Force

Tel: 805.564.5420

Fax: 805.564.5477

630 Garden Street

PO Box 1990

Santa Barbara, CA

93102-1990

JANUARY 4, 2017

TATE, ALEXANDER W AND TATE, RITA C
3013 PASEO TRANQUILLO
SANTA BARBARA, CA 93105

APN: 053-201-004

Case Number: ENF2016-00302

Subject Property: 3013 PASEO TRANQUILLO

Dear TATE, ALEXANDER W AND TATE, RITA C:

Due to a recent concern filed with the Building & Safety Division, an inspection at the Subject Property was performed on APRIL 21, 2016. As a result of our investigation, we have found the Property to be in violation of Santa Barbara Municipal Code Section 22.04.010 as follows:

VIOLATION: Work without permit

- 1. An Exterior door has been added to the master bedroom without the required permits.**
- 2. The French doors and balcony were added to the artist studio without required permits.**
- 3. The fence across the driveway has been installed without permits or review by transportation department.**
- 4. A closet was added in artist studio without required permits.**
- 5. The sink in the garage has been installed without required permits.**

CODE SECTION: 2013 California Residential Code, Section R105.1 PERMITS

Any owner, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Tax Implications

Pursuant to California Revenue and Taxation Code sections 17274 and 24436.5, the City may forward information regarding you and any other owners of the above-referenced property to the State Franchise Tax Board for violations of State and City laws related to health, safety, and building if the above listed property constitutes substandard housing. This action will prevent you, any other owners, or subsequent owners from deducting interest, taxes, depreciation, or amortization for the above-referenced property on state income taxes. In order to prevent this, you must immediately comply with all State and City laws to abate all violations.

Appeal Rights

Any party aggrieved by this decision of the City's Chief Building Official including but not limited to decisions or determinations made relative to the application and interpretations of the technical codes, and the refusal, suspension, voiding, or revocation of a license or permit, may appeal such decision to the Building and Fire Code Board of Appeals by obtaining an appeal form on the internet at <http://www.santabarbaraca.gov/services/planning/forms/building.asp> or from the City Building & Safety office. You are required to submit the appeal form within twenty (20) days from the date of this notice in order for your appeal to be heard by the Building and Fire Code Board of Appeals. The completed appeal form must be delivered to the City's Building & Safety office located at 630 Garden St., Santa Barbara, CA 93101.

For information regarding the appeals process, please refer to Santa Barbara Municipal Code Section 22.04.020 or contact the Community Development Department at (805) 564-5502. For information on Building and Fire Code Board of Appeals the please visit the following website <http://www.santabarbaraca.gov/gov/brdcomm/ac/bfcba/default.asp>

 Tenant Relocation Required (Residential Uses Only)

Only when the above box is checked, pursuant to Health and Safety Code section 17975, you are hereby notified as the owner of the subject property that any tenant on the subject property who is displaced or subject to displacement from a residential rental unit at the subject property as a result of this order requiring the vacation of a residential unit by the City of Santa Barbara Building & Safety Department as a result of the violation(s) noted above being so extensive and of such a nature that the immediate health and safety of the residents is endangered, that the tenant(s) shall be entitled to receive relocation benefits from you, the property owner.

Pursuant to Health and Safety Code section 17975.1, the relocation benefits shall be paid by you, the owner or designated agent, to the tenant within 10 days after the date of this notice to vacate which has been posted on the premises, or at least 20 days prior to the vacation date set forth in this notice to vacate, whichever occurs later. If there are fewer than 10 days between the date of this notice to vacate and the vacation date, the relocation benefits shall be paid by you, the owner or designated agent, to the tenant within 24 hours of the date of this notice.

REMEDY: A building permit will be required to demolish or permit these changes

Remove all or part of the illegal configurations and/or obtain city approval for the remaining configuration that was installed illegally. **Plans Required.** Bring this Notice to the Building Permit Counter at 630 Garden Street. While there, choose one of the following options; 1. Submit a site plan to obtain a demolition permit to remove the illegal construction and to restore the area to its legally permitted configuration and use. Or 2. Ask for an explanation of the plan submittal that will be required for as-built permit application and issuance. Be aware that permit issuance must be obtained by the prescribed in this Notice. If permits are not obtained within the prescribed time frames, you will be ordered to obtain a demolition permit immediately.

The Building Official has determined that the violations on the Property must be abated in an expeditious manner.

- **A permit must be obtained and work commenced within 30 days of the date of this Notice of Violation.**
- **Work must be completed and all violations abated within 30 days of the date of permit issuance.**

If either of these dates are not met, further legal action may be necessary.

This Notice of Violation identifies the concerns of the Building and Safety Division of the City of Santa Barbara. Other departments or divisions of this City and other governmental agencies may have additional concerns or requirements.

This notice has also been given to the tenant in possession of the property. You cannot retaliate against the tenant pursuant to Civil Code section 1942.5. The relocation payment shall be made available by you, the owner or designated agent, to the tenant pursuant to Health and Safety Code section 17975.2.

Contact information

My direct office phone number is (805) 897-2505. Our offices are closed every other Friday please call 564-5485 to find out the Friday we will be closed. Inspector office hours are 7:30-8:30 a.m. and 3:00-4:00 p.m. Monday through Friday except for Thursday afternoon and our "off" Friday. You may also contact our office for plan submittal and permit issuance requirements at (805) 564-5485 between the hours of 7:30 and 4:30 p.m., Monday through Friday. The Community Development public counters are located at 630 Garden Street. Additional information is available online at www.SantaBarbaraCa.gov

Your prompt attention to this matter is appreciated.

Sincerely,

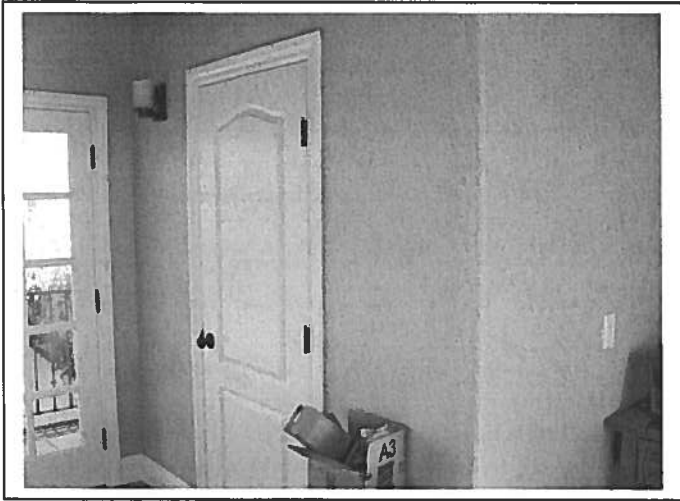


Pete Mikelson
Building Inspector

Attachment: Field Investigation Images

Cc: File

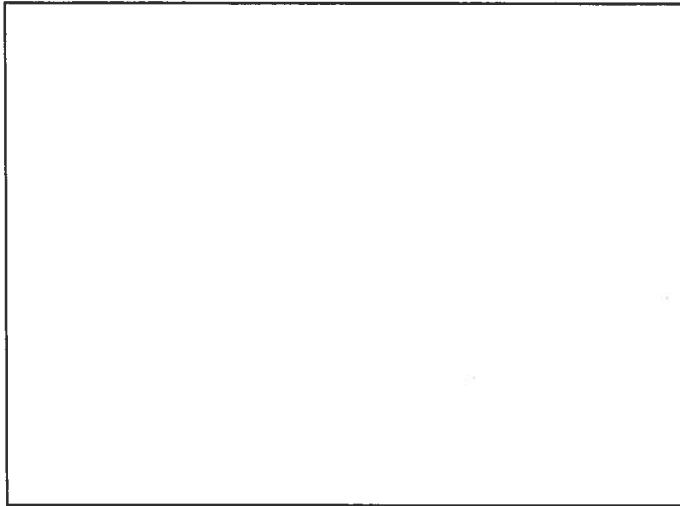
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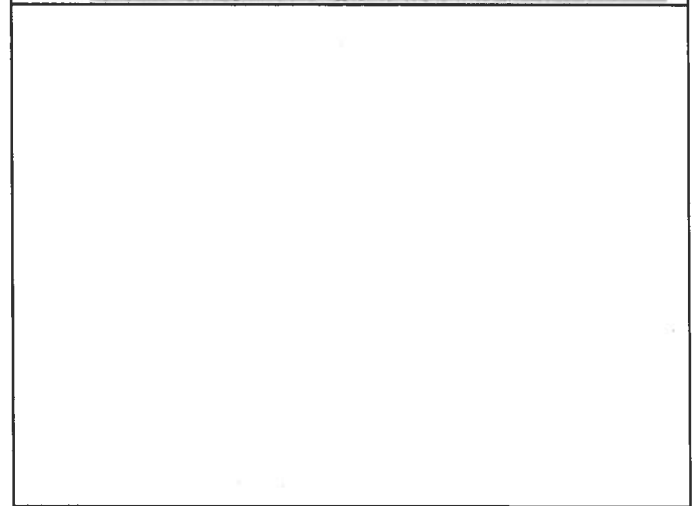
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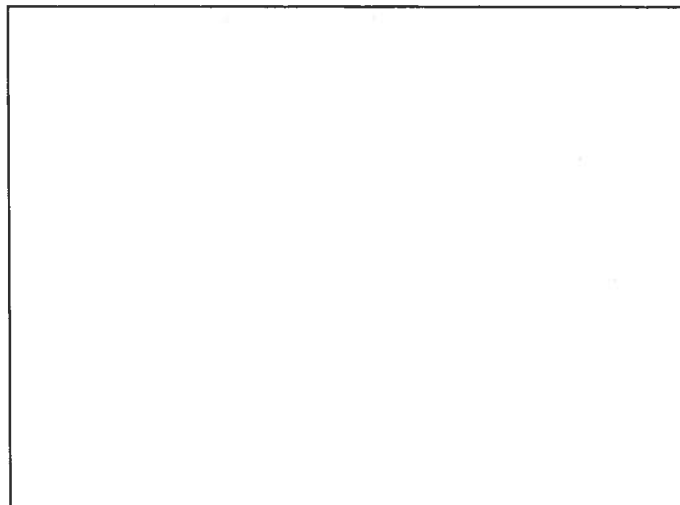
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