CITY OF SANTA BARBARA
CITY COUNCIL

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Ariel Pierre Calonne
City Attorney

City Hall
735 Anacapa Street
http://www.SantaBarbaraCA.gov

FEBRUARY 10, 2015
AGENDA

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and http://www.SantaBarbaraCA.gov. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (http://www.SantaBarbaraCA.gov). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Records Destruction For Police Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Police Department.

2. Subject: Introduction Of Ordinance For Access License And Lease Agreement With High Sierra Grill Santa Barbara, Inc. And Rehabilitation Funding For 521 Norman Firestone Road (330.04)

Recommendation: That Council:

A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Access License and Ten-Year Lease Agreement, with Three Five-Year Options, with High Sierra Grill Santa Barbara, Inc., a California Corporation, for 79,752 Square Feet of Land, Including 8,695 Square Feet of Building 252, at 521 Norman Firestone Road, at the Santa Barbara Airport, Effective Upon the Earlier of the Completion of the "City Improvements" or Nine Months after the License Commencement Date, for a Monthly Rental of $12,694; and

B. Increase appropriations by $750,000 in the Airport's Capital Fund for Rehabilitation of 521 Norman Firestone Road to be funded from Airport Capital Fund reserves.

CONSENT CALENDAR (CONT'D)

3. Subject: Additional HOME Funds To Peoples' Self-Help Housing Corporation For A New Affordable Housing Project At 510-520 N. Salsipuedes And 601 E. Haley Street (660.04)

Recommendation: That Council approve a preliminary award of an additional $500,000 of the City's Home Investment Partnership Program (HOME) funds to Peoples' Self-Help Housing Corporation (PSHHC) for the development and construction of low income rental housing at 510-520 N. Salsipuedes Street and 601 E. Haley Street (Project) known as Jardin de las Rosas.

4. Subject: Contract For Civic Engagement Regarding District Elections (110.03)

Recommendation: That Council:

A. Authorize the Administrative Services Director to negotiate and execute, subject to approval by the City Attorney, an agreement with National Demographics Corporation, Inc. (NDC) in an amount not to exceed $65,000 for the development of public input tools related to by-district elections, and authorize up to $10,000 for extra services of NDC that may be necessary, for a total authorized amount not to exceed $75,000; and

B. Allocate $75,000 of General Fund appropriated reserves to the Fiscal Year 2015 Administrative Services Department, City Clerk's Office, budget to fund the contract with National Demographics Corporation and other expenses related to the public input process.

5. Subject: Resolution Accepting Findings For 511 Brosian Way Appeal (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Planning Commission to Grant a Coastal Development Permit and the Decision of the Single Family Design Board to Grant Project Design Approval for a Proposed Single Family Residence at 511 Brosian Way.

CONSENT CALENDAR (CONT'D)

6. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission's Approval Of The Conditional Use Permit Amendment For 2559 Puesta Del Sol (Santa Barbara Museum Of Natural History) (640.07)

Recommendation: That Council:

A. Set the date of March 24, 2015, at 2:00 p.m. for hearing the appeal filed by Mark and Lauren Carey of the Planning Commission's approval of the Conditional Use Permit Amendment for the Museum Master Plan and the associated environmental review for property owned by Santa Barbara Museum of Natural History located at 2559 Puesta Del Sol, Assessor's Parcel Nos.: 023-271-003 & 004; 023-250-039, 056, 066, & 068, County Zoning: 20-R-1 (Single Family Residential, 20,000 square feet Minimum Lot Size), City Zoning: E-1 (One Family Residence), County General Plan Designation: RES 1.8 (Residential, 1.8 Dwelling Units/Acre), City General Plan Designation: Low Density Residential (Max. Density 3 Dwelling Units/Acre). The Museum Master Plan anticipates various improvements over 10-15 years, and includes annexation of three parcels to the City of Santa Barbara. The applications required for the project include 1) Reorganization; 2) General Plan Amendment; 3) Zoning Map Amendment; 4) Conditional Use Permit Amendment; and 5) Parking Modification; and

B. Set the date of March 23, 2015, at 1:30 p.m. for a site visit to the property located at 2559 Puesta Del Sol.

NOTICES

7. The City Clerk has on Thursday, February 5, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

8. Receipt of communication advising of vacancy created on the Community Development and Human Services Committee with the resignation of Michael Just; the vacancy will be part of the next City Advisory Groups recruitment.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

9. Subject: Zoning Information Report (ZIR) Process Improvements (640.09)

Recommendation: That Council:

A. Hold a public hearing and review the Planning Commission recommendations on ZIR process improvements; and

B. Initiate an Ordinance to establish an Administrative Zoning Approval process.

FINANCE DEPARTMENT

10. Subject: Agreement With Milpas Community Association To Install Artwork On City-Owned Trash Containers (630.01)

Recommendation: That Council approve and authorize the City Administrator to execute the Agreement for Production and Installation of City Artwork between the City and Milpas Community Association to allow for the installation of artwork on City-owned trash containers along Milpas Street.

PUBLIC WORKS DEPARTMENT

11. Subject: Mission Park To Mission Canyon Multimodal Improvements Plan (670.08)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Making the Mission Park to Mission Canyon Multimodal Improvements Plan a Project in the City's Capital Improvement Program and Direct Public Works Staff to Work with the County of Santa Barbara to Seek Funding for Design and Construction

POLICE DEPARTMENT

12. Subject: Police Department Update (520.04)

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

PUBLIC HEARINGS

13. Subject: 2015 Housing Element Update (650.06)

Recommendation: That Council adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the 2015 General Plan Housing Element Update Incorporating Revisions Requested by the Planning Commission and California Department of Housing and Community Development and Making Environmental Findings Pursuant to the California Environmental Quality Act.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

14. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Frank Banales, Sebastian Aldana Jr., Jacqueline Inda, Cruzito Herrera Cruz, and Benjamin Cheverez, v. City of Santa Barbara, et al.,* SBSC Case No.1468167.

Scheduling: Duration, 15 minutes; anytime
Report: None anticipated

ADJOURNMENT

Agenda Item No. 1

File Code No. 160.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Administrative Services Division, Police Department

SUBJECT: Records Destruction For Police Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Police Department.

DISCUSSION:

The City Council adopted Resolution No. 14-006 on February 11, 2014, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Chief of Police submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Chief of Police requests the City Council to approve the destruction of the Police Department records listed on Exhibit A of the proposed Resolution, without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's sustainability program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

PREPARED BY: William Marazita, Police Administrative Services Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE POLICE DEPARTMENT

WHEREAS, the City Council adopted Resolution No. 14-006 on February 11, 2014, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Chief of Police submitted a request for the destruction of records held by the Police Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Chief of Police, or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

EXHIBIT A

POLICE DEPARTMENT

Records Series	Date(s)
Video Feed From Security Cameras	December 31, 2013, and earlier

Agenda Item No. 2

File Code No. 330.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Business & Property Division, Airport Department

SUBJECT: Introduction Of Ordinance For Access License And Lease Agreement With High Sierra Grill Santa Barbara, Inc. And Rehabilitation Funding For 521 Norman Firestone Road

RECOMMENDATION: That Council:

A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute An Access License and Ten-Year Lease Agreement, with Three Five-Year Options, with High Sierra Grill Santa Barbara, Inc., a California Corporation, for 79,752 Square-Feet of Land, Including 8,695 Square-Feet of Building 252, at 521 Norman Firestone Road, at the Santa Barbara Airport, Effective Upon the Earlier of the Completion of the "City Improvements" or Nine Months after the License Commencement Date, for a Monthly Rental of $12,694; and

B. Increase appropriations by $750,000 in the Airport's Capital Fund for Rehabilitation of 521 Norman Firestone Road to be funded from Airport Capital Fund reserves.

DISCUSSION:

Background

The subject Premises is located south of Hollister Avenue in an Airport Industrial (AI-2) zone. The use conforms to existing zoning.

The Premises was occupied by the Elephant Bar & Grill until September 2013. Several Elephant Bar locations, including Santa Barbara, were closed as part of a restructuring of the Santa Barbara Restaurant Company, Inc.

City Council approved an exclusive listing agreement with the Radius Group, Inc. in January 2014 for the Airport properties at 521 Norman Firestone Road and 6010 Hollister Avenue. A proposal from the High Sierra Grill Santa Barbara, Inc. was received and vetted by the Radius Group, and presented to the Airport. Subsequent negotiations

facilitated by the Radius Group resulting in the terms of this proposal submitted for Airport Commission approval.

Proposer's Qualifications

The High Sierra Grill Santa Barbara, Inc. (HSG) partners have extensive restaurant experience, operating five restaurants in Fresno, one in Merced and Mulligan's Café in Santa Barbara. HSG's financial statements have been reviewed by both the Radius Group and Airport Staff. A site visit to Fresno was conducted in September, one High Sierra Grill House restaurant and three Yosemite Falls Café locations were inspected. The quality of the food, presentation, and service were good and the ambiance was very warm and pleasant. Each location was busy and had developed a regular clientele.

Proposed Services

HSG plans to serve breakfast, lunch, and dinner and provide live music on Friday and Saturday nights. In addition, they will pursue catering and event opportunities and actively pursue hosting local civic organization's regular monthly meetings and functions. The menu features a variety of appetizers, burgers, pizza, sandwiches, wood-smoked barbeque, salads, seafood, steaks, ribs, and specially themed "Gaucho" entrees and desserts. HSG will have a full bar. They also feature a full breakfast menu, including a Sunday buffet.

HSG also plans an aggressive marketing campaign, including giving discount coupons to local businesses during their "soft" opening.

Tenant Improvements

HSG plans a modest remodel of the interior and exterior to freshen up the building and bring it in to conformance with the High Sierra's theme prevalent at its other locations. Improvements include:

- Re-upholstery of dining booths
- Demolish exterior storage closet and repair wall
- Paint interior and exterior
- Remove existing carpet and replace with new carpet or tile
- Provide new French door to existing patio
- Install new gas fire pit on existing patio
- Existing wood columns to be stone veneered
- Existing non-native plants to be removed and replaced by drought tolerant varieties

Airport Improvements

During the tenure of the previous tenant, interior and exterior maintenance was the responsibility of the tenant. When the building was returned to the Airport, an inspection of the structure and all building systems was conducted. The following code updates and repairs were determined to be needed to get the space into rentable condition:

- Roof replacement
- Electrical code upgrades
- Sewer – new waste lines for the kitchen and employee restroom
- HVAC – replacement of the air-conditioning system and all roof top heating duct work, registers and connections
- Replacement of exterior termite damaged woodwork, including perimeter and screen walls
- Termite Tenting
- ADA upgrades as required
- Fire sprinkler system (if required). Tenant will pay for replacement of kitchen suppression equipment
- Repair of existing irrigation and building exterior where soil/irrigation has caused water damage, including removal of one Saga palm
- Roof lighting and parking lot lights will be delivered in good working order
- Mold and lead inspections, including mitigation if required
- Leveling of floor as required

Staff estimates the cost of improvements at $750,000. Staff will conduct bidding processes for the repairs and improvements. Funds in the amount of $750,000 are available in the Airport's Capital Fund reserves for Fiscal Year 2015 for this work.

Rental

The proposed monthly rental is scheduled for the first ten years of the lease as follows:

Year 1-3 $1.46 per square foot per month or $12,694
Year 4-5 $1.61 per square foot per month or $13,999
Year 6-8 $1.71 per square foot per month or $14,868
Year 9-10 $1.81 per square foot per month or $15,738

At the beginning of each five-year option period, there will be an adjustment to "Fair Market Rent". The Fair Market Rent will be determined by mutual agreement or appraisal. At no time will the Fair Market Rent so determined be less than that of the previous year.

The Access License allows HSG onto the Premises to begin work on the tenant improvements during the time that the City is also undertaking the City Improvements. Lease Term and rental payments do not commence until after completion of the City Improvements.

Brokerage Fees

The Airport will pay to the Radius Group fees for services rendered as follows:

521 Firestone Road: Commission Payable					
Year	Base Rent/SF	Monthly Base Rent	Base Rent for Period	Total Base Rent	Brokerage Fee
Years 1-3	$1.46	$12,695	$457,009		
Years 4-5	$1.61	$13,999	$335,975		
Total Years 1-5				$792,984	
Commission Percentage (Years 1-5):			6%		$47,579
Years 6-8	$1.71	$14,868	$535,264		
Years 9-10	$1.81	$15,738	$377,711		
Total Years 6-10				$912,975	
Total Commission Percentage (Years 6-10):			3%		$27,389
Total Base Rent Received:				$1,705,959	
Commission Payable to Lessee's Broker:				$37,484	
Commission Payable to Lessor's Broker:				$37,484	
Total Commission Payable to Lessee's and Lessor's Broker:					$74,968

Fees will be paid upon execution of the lease. Funding for the brokerage fees is included in the Airport Operating Fund.

The proposed Access License and Lease Agreement has been reviewed and determined to be exempt from environmental review. Airport Commission recommended approval January 21, 2015.

PREPARED BY: Rebecca Fribley, Sr. Property Management Specialist

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE AN ACCESS LICENSE AND TEN-YEAR LEASE AGREEMENT, WITH THREE FIVE-YEAR OPTIONS, WITH HIGH SIERRA GRILL SANTA BARBARA, INC., A CALIFORNIA CORPORATION, FOR 79,752 SQUARE-FEET OF LAND, INCLUDING 8,695 SQUARE-FEET OF BUILDING 252, AT 521 NORMAN FIRESTONE ROAD, AT THE SANTA BARBARA AIRPORT, EFFECTIVE UPON THE EARLIER OF THE COMPLETION OF THE "CITY IMPROVEMENTS" OR NINE MONTHS AFTER THE LICENSE COMMENCEMENT DATE, FOR A MONTHLY RENTAL OF $12,694

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain access license and lease between the City of Santa Barbara and High Sierra Grill Santa Barbara, Inc. which provides for the lease of 79,752 square feet of land including 8,695 square feet of Building 252, for operation of a bar and restaurant, at 251 Norman Firestone Road, at the Santa Barbara Airport, for a period of 10 years, with three five-year options, beginning upon the earlier of the completion of City improvements or nine months after the License Commencement Date, is hereby approved.

Agenda Item No. 3

File Code No. 660.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services Division, Community Development Department

SUBJECT: Additional HOME Funds To Peoples' Self-Help Housing Corporation For A New Affordable Housing Project At 510-520 N. Salsipuedes And 601 E. Haley Street

RECOMMENDATION:

That Council approve a preliminary award of an additional $500,000 of the City's Home Investment Partnership Program (HOME) funds to Peoples' Self-Help Housing Corporation (PSHHC) for the development and construction of low income rental housing at 510-520 N. Salsipuedes Street and 601 E. Haley Street (Project) known as Jardin de las Rosas.

DISCUSSION:

Background

The City of Santa Barbara receives federal HOME funds annually that are used to promote affordable housing through activities such as acquisition, rehabilitation, new construction and tenant-based rental assistance. A Request for Proposals (RFP) was released by the City's Housing Division in October. PSHHC's application meets the affordable housing priorities outlined in the City's five-year Consolidated Plan; the Housing Element, and the following RFP criteria:

- Developer's expertise with HOME funded projects and compliance with HOME regulations and funding guidelines
- Cost, financial feasibility and timing of the project
- Energy efficiency and conservation

Effective August 23, 2014, the HOME Final Rule was amended to provide that a participating jurisdiction may preliminarily award HOME funds for a proposed project but may not commit funds through a binding, a written agreement until all other financing for the project is secured. PSHHC is seeking Low Income Housing Tax Credits to complete its project financing and City Council preliminary award of the HOME funds will assist in that effort.

Project Description & Financing

The Project consists of 40 rental units for very low and low-income households and one manager's unit. There will be five (5) one-bedroom, twenty-one (21) two-bedroom and fourteen (14) three-bedroom units, community space and an on-site laundry facility. Eight of the units will have project based section 8 vouchers. Through sustainable design and building methods, the Project will promote energy efficiency and conservation. The Project will exceed the Title 24 Energy Standards by 9.5% by utilizing florescent and LED lights, Energy Star rated appliances, water saving fixtures in kitchens and bathrooms, and low emissions VOC paint.

PSSHC acquired the Property with financial assistance from the City's former Redevelopment Agency Housing Setaside Funds in the form of a $2,000,000 acquisition loan. In 2013, the City provided a $900,000 HOME loan for pre-development and construction costs.

The Project received final ABR approval on April 7, 2014 and construction will commence immediately if additional funding from the March 2015 9% Low Income Housing Tax Credits (LIHTC) application is secured.

Reserving this preliminary award will increase PSHHC's Low Income Housing Tax Credit (LIHTC) application score and significantly enhance PSHHC's chance of being awarded tax credits.

Project Costs

Site Acquisition/Prep:	$ 2,065,000
Building Materials:	3,287,996
Professional Labor:	5,836,084
Architect/Eng/Permits/Fees:	4,283,973
Contingency:	501,128
Total:	$15,974,181

Project Financing

Housing Setaside Loan:	$2,000,000
HOME Loan:	1,400,000
Other Funding Sources:	2,138,180
Low Income Tax Credits:	10,436,001
Total:	$15,974,181

HOME Funds

If the requested preliminary award of $500,000 HOME funds is approved, PSHHC will be provided a letter to include with their application for LIHTC. If LIHTC are allocated to the Project, staff will return to Council to seek approval to formally commit the additional HOME Funds in the form of a loan.

The existing HOME loan agreement would be amended to reflect the total balance of $1,400,000. The total principal amount shall bear 3 percent (3%) interest for a term of 55 years, maturing in 2070. Payments will be due on the loan on the “residual receipts” basis. No payments are due until the net income of the project, after payment of necessary operating expenses, is sufficient to support such payments. Any unpaid balance remaining at the end of the term is due and payable in full. These terms are typical of affordable housing loans. HOME regulations require that the project must be completed by July 30, 2017.

Community Housing Development Organizations

PSHHC is a qualified Community Housing Development Organizations (CHDO) meeting HOME regulations pertaining to experience, capacity and board representation. HOME regulations require that 15 percent (15%) of each year's HOME allocation be used on affordable housing projects developed by CHDOs. This proposal satisfies the HOME CHDO requirement.

Long-term Affordability

In consideration of the additional funding, the existing Affordability Control Covenant Imposed on Real Property (Covenant) will be amended to provide for additional HOME designated units from eight (8) to eleven (11). The HOME units will be designated as "floating units" and distributed proportionally by bedroom count throughout the project. A floating designation provides PSHHC flexibility to maintain the HOME-assisted units throughout the affordability period, although the specific unit(s) designated may vary with availability. The Covenant requires that the property remain affordable to low-income residents until the year 2105.

Closing Summary

High rents combined with a low supply of affordable housing opportunities make this project ideal for the City of Santa Barbara. Staff supports the proposed preliminary award and requests that City Council approve the $500,000 HOME preliminary award to PSHHC.

BUDGET/FINANCIAL INFORMATION:

To adhere to the 2013 HOME Final Rule this request will be a two-step process. The first step is for Council to consider approval of a preliminary award. If the preliminary award is approved by Council and the Project is awarded the necessary LIHTC funding, staff will return to Council and request approval to convert the preliminary award to a loan commitment.

FINANCE COMMITTEE RECOMMENDATION:

On February 3, 2015, Council's Finance Committee reviewed and approved the recommendations of this report and forwarded them to the full Council with a recommendation for approval.

PREPARED BY: David Rowell, Housing Project Planner/DER/SG

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

Agenda Item No. 4

File Code No. 110.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: City Clerk Division, Administrative Services Department

SUBJECT: Contract For Civic Engagement Regarding District Elections

RECOMMENDATION: That Council:

A. Authorize the Administrative Services Director to negotiate and execute, subject to approval by the City Attorney, an agreement with National Demographics Corporation, Inc. (NDC) in an amount not to exceed $65,000 for the development of public input tools related to by-district elections, and authorize up to $10,000 for extra services of NDC that may be necessary, for a total authorized amount not to exceed $75,000; and

B. Allocate $75,000 of General Fund appropriated reserves to the Fiscal Year 2015 Administrative Services Department, City Clerk's Office, budget to fund the contract with National Demographics Corporation and other expenses related to the public input process.

DISCUSSION:

Background

On February 3, 2015, Council approved a civic engagement plan to collect input from City residents regarding the possibility of moving to by-district elections (hereinafter "district elections".)

The City's civic engagement plan has two distinct goals:

- Goal 1 (Pre-trial): To quickly collect as much public input as practical to inform the City's positions in litigation (Banales, et al. v. City of Santa Barbara), set for an April 2015 trial date, and in potential settlement discussions.
- Goal 2 (Ballot Measure): To move forward with gathering input necessary to place the question of whether to implement district elections on the November 2015 ballot, as originally planned, should the plaintiffs be unsuccessful in getting an order for district elections without the approval of the voters.

Question for Public Input

The public will have an opportunity to weigh in on the full range of issues related to how district elections should be implemented, if they are implemented. Examples of questions for public input include the following:

- *Preliminary District Input:* What district boundaries should the City advocate for in litigation and potential settlement discussions, should district elections begin in November 2015?
- *Ballot Language on Independent Districting Commission:* If district elections are not imposed through court proceedings, what will the November 2015 ballot measure say about who will be eligible to serve on the districting commission, how they will be appointed, and what their duties will be?
- *Implementation of District Elections:* Given staggered Council terms of office, how will the ballot measure address the implementation or phase-in of district elections (i.e., which districts would be first to fill positions on the Council)?

As indicated above, the input related to district boundaries would initially be used by the City to inform its positions in litigation and potential settlement discussions. Should the City not be ordered to implement district elections in November 2015, the input collected from the public would later be available to the City Attorney in drafting a ballot measure. Should district elections ultimately be approved by the voters, it would also be available to the independent districting commission established by the voters.

Public Input Tools

Staff recommends engaging Douglas Johnson of the National Demographics Corporation (NDC) to design public input tools. National Demographics already has collected a large amount of data about the City's boundaries and demographics for the City in its consideration of district elections, and is in the best position to respond quickly.

NDC will develop a public input website, including a geographic computer model from a company named ESRI that would allow the user to draw and test various district boundaries against demographic data. The public would be given the opportunity to go online to answer questions about a proposed ballot measure, consider various example district maps developed by a demographics consultant, and/or to propose alternate district maps that best reflect the public interest. A pen-and-paper option will be available for those who prefer to use more traditional input tools.

Input Schedule

The following schedule has been developed to work around the reflected deadlines, though the details are still under negotiation and may be subject to change:

DATE	MILESTONE	DESCRIPTION
February 28 (Saturday)	**Community Workshop #1**	Introduce members of the public to the issue of district elections, the input process, and how they can use available input tools and opportunities. Members of the public will also be able to provide comment
February 28 through March 13	**Public Input Period**	Public may provide input online or to the City Clerk's Office
March 18 (Wed. Eve)	**Community Workshop #2**	Introduce the results and conclusions gathered through public input. Members of the public will also be able to provide additional comment
March 24	**Council Consideration of Public Input Results**	Council will receive a report on the results of the public input process
April 6	**Trial Date**	
TBD	**County Deadline**	District boundary map submitted to County (If district elections ordered for 2015)
TBD	**Community Workshop #3**	Public to review the draft ballot measure proposed by the City Attorney
TBD	**Council Consideration of Draft Ballot Measure**	Council consideration of City Attorney draft ballot measure (If question permitted to go to voters)
June 9	**Deadline for Council Adoption of Ballot Measure Language**	Last day for Council to adopt Resolution for ballot measure

The window to receive input is not ideal, of course, but this schedule is necessary to allow the public a meaningful input in time for consideration prior to trial. Staff will put considerable effort input publicizing the input opportunities to maximize participation.

BUDGET/FINANCIAL INFORMATION:

The contract with National Demographics Corporation will cost an estimated $65,000. Staff is requesting authority for up to an additional $10,000 in extra services that may be needed, and/or other costs related to the process that may arise, for a total amount not to exceed $75,000. Funds are available in the General Fund appropriated reserve to

cover the cost; and staff is recommending allocating $75,000 to the City Clerk's Office for this purpose.

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO GRANT A COASTAL DEVELOPMENT PERMIT AND THE DECISION OF THE SINGLE FAMILY DESIGN BOARD TO GRANT PROJECT DESIGN APPROVAL FOR A PROPOSED SINGLE FAMILY RESIDENCE AT 511 BROSIAN WAY

WHEREAS, on April 2, 2014 John and Grace Park applied for a new single-family residence to be located at 511 Brosian Way, a 2.2 acre vacant lot located within the City of Santa Barbara.

WHEREAS, the project received its initial concept review by the Single Family Design Board (SFDB) on April 7, 2014 at which time the Park's architect, Brian Cearnal, explained the primary goals of the project were to provide a residence with an ocean view and to have an accessible floor plan on a single level in order to enable the Parks' extended family to age in place.

WHEREAS, the SFDB further reviewed the project on June 16, 2014 and October 20, 2014. During the October 20, 2014 hearing, the SFDB granted an indefinite continuance with positive comments for the project to proceed to the Planning Commission for an action upon the project's application for a Coastal Development Permit.

WHEREAS, on November 6, 2014, the project was presented to the Planning Commission for consideration of the project's application for a Coastal Development Permit. As presented to the Planning Commission, the project consisted of a 5,886 square foot, two-story, single-family residence with an attached three-car garage, pool, spa and landscaping. This iteration of the project proposed 3,870 cubic yards of fill grading and 510 yards of cut grading.

WHEREAS, the Planning Commission voted unanimously (6-0, with Commissioner Bartlett absent) to find the project exempt from further environmental review pursuant to CEQA Guideline 15183 as a project consistent with the policies of a general plan for which an EIR was previously certified.

WHEREAS, the Planning Commission voted unanimously (6-0, with Commissioner Bartlett absent) to approve the Coastal Development Permit finding: 1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views and public access as described in Section VI.B of the Staff Report dated October 30, 2014, and 2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Santa Barbara Municipal Code because the project will not increase hazards related to sea cliff retreat or

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fire services, will not affect lateral access across the beach, will not impact public views, and is compatible with the neighborhood as described in Sections VI.B and VIII of the Staff Report dated October 30, 2014.

WHEREAS, on November 14, 2014, Patricia Foley, a neighbor to the project, timely filed an appeal regarding the Planning Commission approval of the Coastal Development Permit. Ms. Foley's appeal requested that the City Council require the applicant to: reduce the scope of the project, reduce the size of the proposed residence, design a house that is sympathetic to the neighborhood, lower the height of the building pad, and respect the City's hillside design guidelines. Ms. Foley enumerated 14 grounds supporting her requests:

1. The proposed grading of 3,870 cubic yards of fill exceeds the recommended limit of 500 cubic yards found in the City's Single Family Residence Design Guidelines.

2. The applicant failed to hand deliver notices to neighbors.

3. Portions of the lot within the recommended creek setback should not be included in the lot area calculation for purposes of calculating the floor to lot area ratio (FAR).

4. The size of the proposed residence is not compatible with the neighborhood.

5. Using fill to raise the building pad for the residence is not compatible with the neighborhood.

6. The project does not respect the Hillside Design District.

7. This is a flatland house being placed on an artificially created building pad.

8. The modern architectural style of the proposed residence is not compatible with the rural nature of the neighborhood.

9. The applicant's desire for an ocean view does not justify artificially raising the building pad 10 feet with fill grading.

10. The large walls of glass will be another series of lights lighting up the night sky.

11. The appellant rejected the comments of some Planning Commissioners that described the neighborhood as being in transition.

12. The project must comply with the City's Hillside Design Guidelines.

13. Allowing this proposal will create a negative precedent for other projects within the City.

14. The testimony of two persons who spoke in favor of the project should be discounted for self interest.

WHEREAS, on December 15, 2014, the project was presented to the Single Family Design Board for consideration of Project Design Approval. As presented to the Single Family Design Board, the project consisted of a 5,387 square foot, one-story, single-family residence with an attached two-car garage, one-car carport, pool, spa and landscaping. This iteration of the project proposed 3,560 cubic yards of fill grading and 600 yards of cut grading The Single Family Design Board voted 5/0/1 (Bernstein abstaining) to grant Project Design Approval as submitted, finding that the Neighborhood Preservation Ordinance criteria were met with the following comments:

1. The Board finds the FAR appropriate for the neighborhood given that the project is on a 2.2 acre lot.

2. The NPO findings can be made as follows: the project provides consistency and appearance, it is in an eclectic neighborhood and there are other modern homes in the neighborhood; it is compatible in its size, bulk, and scale since there are many other homes above 4,000 square feet; the quality of architecture and materials is exemplary.

3. The Board made the grading findings that the proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and the proposed grading will not cause a substantial loss of southern oak woodland habitat.

WHEREAS, on January 5, 2015, Patricia Foley, a neighbor to the project, timely filed an appeal regarding the Single Family Design Board decision to grant Project Design Approval. Ms. Foley's appeal enumerated 14 grounds for her appeal:

1. The proposed grading of approximately 3000 cubic yards of fill exceeds the recommended limit of 500 cubic yards found in the City's Single Family Residence Design Guidelines.

2. The applicant failed to hand deliver notices to neighbors.

3. The applicant had not posted the City's notice of pending development on the project site.

4. The applicant's architect erroneously stated that the property is not located within the Hillside Design District.

5. City staff omitted two comment letters in opposition to the project from the materials submitted to the SFDB members at the December 15, 2014 meeting.

6. The comments of some of the SFDB members during the December 15, 2014 hearing indicated that they did not think it important to follow the Hillside Design District Guidelines and rather they were basing their decision on the needs of the applicant.

7. The project does not respect the Hillside Design District.

8. Using fill to raise the building pad for the residence is not compatible with the neighborhood.

9. The project must follow the Hillside Design District Guidelines.

10. Allowing the house to be built on a building pad raised 10 feet with fill grading will start a trend that is of concern to many areas of the City.

11. Allowing the house to be built as designed will encourage other designers to flaunt City guidelines.

12. The applicant's desire for an ocean view does not justify artificially raising the building pad 10 feet with fill grading.

13. The modern architectural style of the proposed residence is not compatible with the rural nature of the neighborhood.

14. The large walls of glass will be another series of lights lighting up the night sky.

WHEREAS, on January 26, 2015, the City Council conducted a duly noticed site visit during which it conducted an inquiry into the physical aspects of the issues presented on appeal, including the site planning, the scope of the proposed grading, and the proposed floor elevation; and

WHEREAS, on January 27, 2014, the City Council conducted a duly noticed public hearing on the appeal. The project design presented to the City Council on appeal was the project design approved by the Single Family Design Board on December 15, 2014. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues, and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings);

2. A PowerPoint presentation by the appellant detailing the grounds of her appeals;

3. A PowerPoint presentation by the Parks' architect, Brian Cearnal, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.

4. Public comments from the chairs of the Single Family Design Board and the Planning Commission explaining their views on the Project design and the appeal issues.

5. Public comment from members of public, some of whom spoke in favor of the proposed project and some of whom spoke in opposition to the project.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted unanimously to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal of the Project and to uphold the decisions of the Planning Commission and the Single Family Design Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the, Planning Commission, the Single Family Design Board and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the January 27, 2015 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged incompatibility of the project with its neighborhood, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellant and her witnesses were not credible.

SECTION 4. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

A. Coastal Development Permit Findings. The Council makes the following findings pursuant to the Coastal Zone Ordinance, Santa Barbara Municipal Code section 28.44.150 A - B:

State Coastal Act Consistency. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views and public access as described in Section VI.B of the Planning Commission Staff Report dated October 30, 2014.

Local Coastal Plan Consistency. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Santa Barbara Municipal Code because the project will not increase hazards related to sea cliff retreat or fire services, will not affect lateral access across the beach, will not impact public views, and is compatible with the neighborhood as described in Sections VI.B and VIII of the Planning Commission Staff Report dated October 30, 2014.

B. Neighborhood Preservation Findings. The Council makes the following findings pursuant to the Neighborhood Preservation Ordinance, Santa Barbara Municipal Code section 22.69.050 A. 1-7:

Consistency and Appearance. The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an architectural style consistent with modern styles located in residential zones within the City. The proposed project is located within a neighborhood of varying architectural styles and the size of the proposed residence is consistent with the size of its immediate neighbors.

Compatibility. The proposed single family residence is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The Campanil Neighborhood and the Braemar Ranch sub-neighborhood have a variety of architectural styles, house sizes, and lot sizes. At approximately 95% of the maximum guideline FAR, the size of the proposed residence is within the city's adopted FAR guidelines. The proposed high-quality materials are appropriate for the neighborhood. While the amount of grading exceeds the general recommendation of 500 cubic yards found in the Single Family Residence Design Guidelines, the size of the lot and the manner of placement of the proposed fill is compatible with the neighborhood. The fact that finished height the proposed residence is less than the allowed building height within the zone, even when including the height of the fill under the building pad, factored significantly in the Council's decision.

Quality Architecture and Materials. The proposed building is designed with quality architectural details and quality materials.

Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed landscaping plan preserves the existing oak trees on the property and will add several new trees to the project site.

Health, Safety, and Welfare. The public health, safety, and welfare are appropriately protected and preserved in that the neighborhood will be enhanced in value and design by the proposed additions.

Good Neighbor Guidelines. The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. The

applicant had meetings with surrounding neighbors to inform them of the project and to seek their comments and suggestions. The applicant's voluntary willingness to consider the private views of the adjacent neighbors demonstrated the applicant's desire to be a good neighbor and was appreciated by the Council.

Public Views. The development, including proposed structures and grading, will preserve any significant public scenic views of and from the hillside. The project is located on a private street and will not be readily or inappropriately visible from public locations.

C. Hillside Design District Findings. The Council makes the following findings pursuant to Santa Barbara Municipal Code section 22.69.050 B. 1-2:

Natural Topography Protection. The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside because the fill grading merely continues topographical form of adjacent properties and the fact that the subject property is approximately 2.2 acres in size enables the amount of grading to be contoured on the building site in a natural manner.

Building Scale. The development maintains a scale and form that blends with the hillside by minimizing the appearance of structures and the overall height of structures. The proposed residence is of a single story design with a maximum building height of 23.5 feet including the height of the fill grading. This design minimizes the visual appearance and overall height of the structure when measured against the maximum building height allowed in the zone of 30 feet. The structure is located on a portion of the property that is level with adjacent residences.

D. Grading Findings. The Council makes the following findings pursuant to Santa Barbara Municipal Code section 22.69.050 C. 1-2:

1. The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains due to the fact that the actual grading will be conducted in accordance with the City's erosion control best management practices and the final design of the grading and slopes will be subject to the highest level of erosion and siltation control measures under the City's Storm Water Management Program. In fact, some members of the Council opined that the post-project condition of the project will actually be more protective of the adjacent seasonal watercourse due to the implementation of the identified measures as compared to the current undeveloped condition of the property.

2. The proposed grading will not cause a substantial loss of southern oak woodland habitat. The project's landscape plan shows that the oak trees located on the property are to remain and will be protected during construction as required in the Planning Commission's conditions of approval.

E. California Environmental Quality Act Determination. The project involves the construction of a single family residence within an existing single family zone. The development of a residence on this existing vacant parcel is consistent with the policies of the City's 2011 General Plan Update for which an Environmental Impact Report was certified. City staff examined the proposed residence and determined there are no project-specific significant effects that are peculiar to this project. Therefore, pursuant to State CEQA Guidelines section 15183, the Council determines that no further environmental review is necessary and no unusual circumstances are presented by the location or nature of the project because of the careful design.

SECTION 5. The City Council hereby grants Project Design Approval for the project as depicted on the set of architectural plans received by the Community Development Department on December 10, 2014 and the set of Landscape Plans received by the Community Development Department on December 11, 2014, as presented to the City Council on January 27, 2015.

SECTION 6. The City Council hereby grants the Coastal Development Permit for the project subject to the conditions of approval recorded in Planning Commission Resolution No. 027-14.

Agenda Item No. 9

File Code No. 640.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Information Report (ZIR) Process Improvements

RECOMMENDATION: That Council:

A. Hold a public hearing and review the Planning Commission recommendations on ZIR process improvements; and,
B. Initiate an Ordinance to establish an Administrative Zoning Approval process.

EXECUTIVE SUMMARY:

Over the last year, staff has worked with the Santa Barbara Association of Realtors (SBAOR) and the Planning Commission on improvements to the ZIR process in response to concerns with timeliness, consistency, reliability, understandability, problem solving, and violation identification. A ZIR Working Group was formed and developed recommendations to clarify and streamline the ZIR process including: revisions to the ZIR template, categorization of violations, clarification of ZIR appeal period, deferral of compliance deadlines in certain situations, proposed establishment of a Administrative Zoning Approval process, and creation of new public handouts. The Planning Commission reviewed and concurred with the recommendations of the ZIR Working Group and recommends the Council initiate an Ordinance to establish the Administrative Zoning Approval process and direct staff to implement the other changes recommended by the ZIR Working Group.

DISCUSSION:

Background

On August 13, 2013, Council considered a request of Mayor Schneider and Councilmember Francisco regarding the requirement for ZIRs at the time of sale of residential property and potential amendments to the Zoning Ordinance to change the requirement and/or processing of ZIRs. Council was supportive of the requirement for a ZIR but expressed concerns regarding the timeliness of the completion of ZIRs and the

accuracy and accountability of ZIRs. Council directed staff to explore a process for resolution of discrepancy issues.

In September and October of 2013, the Planning Commission held public hearings to hear from staff and the public on issues that arise during the ZIR preparation process. At the conclusion of those hearings, the Planning Commission recommended that a working group be formed to work through the issues and help the Planning Commission formulate recommendations to the City Council on improvements to the ZIR process.

On November 13, 2014 the Planning Commission reviewed and concurred with the recommendations of the ZIR Working Group. The Planning Commission recommended the City Council initiate an amendment to the Zoning Ordinance for the Administrative Zoning Approval process and direct staff to implement the revised ZIR template and identified changes to the ZIR process (Attachments 1 & 2).

ZIR Working Group Outcomes and Planning Commission Recommendations

The ZIR Working Group met nine times from January through October 2014 (see Exhibit F of Attachment 1 for meeting minutes). The ZIR Working Group worked on clarifying and streamlining the ZIR process and on formulating recommendations for changes to the ZIR process and Zoning Ordinance. The ZIR Working Group worked through changes in a number of important areas. Please see the attached Planning Commission Staff Report dated November 6, 2014 for a full discussion of these areas.

Identification and Categorization of Major and Minor Violations

It is very common for staff to identify violations on residential properties during the inspection and record review done while preparing ZIRs. For the purpose of determining which violations are referred for immediate enforcement, violations are classified as either major or minor (Attachment 3). Due to limited staff resources for code enforcement, not all violations can be pursued to abatement immediately upon discovery. Over the years, staff developed this classification system as a means to triage which violations need to be abated immediately given available staff resources. Major violations are referred for immediate enforcement and follow-up. Minor violations are kept on file and are required to be abated with the next building permit sought for the property. If the minor violation is not abated prior to the next transfer of the residential property, the minor violation is carried forward in the next ZIR.

One of the sticking points between the Staff and SBAOR members on the ZIR Working Group was the use of the term “habitable space.” Staff considers the addition of new habitable space to be a major violation subject to immediate enforcement. The identification of new habitable space caused concern for the ZIR Working Group because the term is not defined in the Zoning Ordinance. As part of the process improvements, staff has changed the term used from “new habitable space” to

"unpermitted floor area or conditioned space[1]". Floor area is currently defined in SBMC §28.04.315. If a violation involves the addition of unpermitted floor area or new conditioned space, it will be considered a major violation and will be referred for enforcement. With this change, the ZIR Working Group and Planning Commission confirmed staff's categorization of major and minor violations for the purposes of referring violations identified in a ZIR for enforcement.

Changes to the ZIR template

The ZIR Working Group suggested and reviewed major editing of the ZIR template to make it more useful and understandable (Exhibit C of Attachment 1). The ZIR Working Group and Planning Commission were in consensus that the revised ZIR template was a vast improvement over the existing ZIR template.

Appeal of ZIR findings

The ZIR Working Group and Planning Commission confirmed that the current 10-day appeal period was appropriate to dispute violations noted in a ZIR. The ZIR Working Group discussed establishing a more formal appeal process but concerns were expressed regarding the amount of additional time and costs associated with that process and agreed to maintain the existing 10-day appeal period. It is important to note that when an agent or property owner brings a concern regarding a ZIR to staff after the 10-day appeal period passed, staff still looks into their concerns. The 10-day appeal period is given as an incentive to property owners to bring concerns to staff's attention in a timely manner. No fee is required for this appeal if it is filed within 10 days of the date of the ZIR. Staff time to research and work to resolve any appeals filed after the 10-day appeal period may be subject to the hourly rate fee.

Additional Improvements to the ZIR process

The ZIR Working Group made a number of suggestions for further improvements including updating and standardizing the procedures for preparing ZIRs and identifying violations; creation of a ZIR inspection checklist to give to property owners; creation of a frequently asked questions handout; and creation of a handout that explains how to address identified violations. The Planning Commission concurred with the work program identified in the Planning Commission Staff Report and recommended staff continues to work on the additional ZIR process improvements. Staff is working on these items.

[1] Conditioned space is area in a building that is provided with heating or cooling.

Discrepancies between ZIRs and Reliability and Accountability

The ZIR Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. Exhibit D of Attachment 1 contains a paper based on the discussions of the ZIR Working Group.

Although the ZIR Working Group had consensus that the paper was a move in the right direction and proposed improvements to the ZIR process are positive and responsive to many of the issues that were raised, a major criticism of the ZIR process by the SBAOR ZIR Working Group members continues to be that in their perspective the City is not accountable or liable for inaccurate reports. The SBAOR members in the ZIR Working Group felt that it is unfair for the City to seek abatement of violations when a prior ZIR did not disclose the violation to the current owner/seller. The SBAOR ZIR Working Group members still maintain that all improvements missed in previous ZIRs should be "grandfathered" or automatically legalized.

Staff has made improvements over the years to increase the reliability of the ZIR. Staff performs more in-depth research and regularly consults the archive plans when preparing a ZIR. Staff believes that the increase in reliability of today's ZIRs have led to some of the issues SBAOR is bringing up now.

Staff is currently updating and standardizing the procedures for preparing ZIRs and identifying violations. The updated procedures give staff clear and consistent direction on not only how to prepare a ZIR but also how to conduct the site inspection, what violations are to be identified in the ZIR, and how violations are referred for enforcement. Planning staff has also increased its early collaboration with property owners and Building Division staff when discrepancies arise before the ZIR is finalized.

Staff is currently developing a ZIR inspection checklist and a Frequently Asked Question handout for property owners so they will be more informed on what to expect during a ZIR site inspection and to answer common questions that the inspector receives while on the site.

In regards to discrepancies between prior ZIRs, staff and the ZIR Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. On average, 45 ZIRs are prepared per month. Of this number, approximately 2-4 ZIRs have some type of inconsistency or discrepancy between the current ZIR and a previous ZIR. This is a small percentage of the total number of ZIRs that are prepared. The vast majority of the discrepancies involve improvements that fall in the minor violation category and are not referred for immediate enforcement.

The City does attempt to minimize the impacts of discrepancies between ZIRs. Staff currently expedites and simplifies the discretionary review process as much as possible and waives the planning fees in cases of discrepancies between ZIRs. Planning staff

also involves Building Division staff earlier in the process to identify information that may be necessary for the building permit.

The ZIR Working Group discussed several changes to the ZIR process to address discrepancies. These changes include a proposal for the establishment of an Administrative Zoning Approval process (requires a Zoning Ordinance amendment) and to only refer violations for enforcement that involve the creation of an illegal dwelling unit or the physical loss of parking. Violations that involve the creation of new floor area or conditioned space would only be referred for enforcement if it appears to create an immediate health or safety risk.

Staff does not support SBAORs request to automatically "grandfather" or legalize improvements that were missed in a previous ZIR when the improvement was done without the required permits or approvals. The City has a duty to enforce its adopted Codes. The as-built improvements may not meet City codes and could pose a health or safety risk. Additionally, if the violation were to be legalized without the proper City approvals that may be seen as a benefit for the property owner but the neighbors have the potential to suffer negative consequences and have legitimate concerns as to fairness and consistency.

Administrative Zoning Approvals

Currently staff does not have the authority to waive zoning standards if the improvement in question conflicts with adopted zoning standards. Therefore, discretionary approval of a modification of the standard is necessary. As part of the ZIR process improvements, the ZIR Working Group recommends the establishment of a new Administrative Zoning Approval process. The Administrative Zoning Approval process would expedite the resolution of discrepancies found during the preparation of a ZIR by giving staff the authority to grant zoning clearance for improvements that do not conform to the zoning requirement in instances where there are unclear City records, discrepancies in the record (including discrepancies in ZIRs) and it is evident the improvement was on the site prior to 1974[2]. No planning fees would be charged for this Administrative Zoning Approval review.

The ZIR Working Group reviewed and refined the types of improvements proposed to be eligible for Administrative Zoning Approval (Exhibit E of Attachment 1). The Planning Commission recommends the Council initiate an Ordinance to establish this new process.

It is important to note that not all discrepancies will be solved by this amendment. Additional time and expense could still be required to resolve the more major violations, such as larger as-built encroachments into required setbacks. If a property owner

[2] Year of the adoption of the Ordinance establishing ZIRs.

wishes to maintain an unpermitted improvement, the property owner may proceed through the existing modification process.

Cost of ZIRs

There was some discussion on the cost of ZIRs. The ZIR Working Group suggested incentives be established to encourage property owners to obtain a ZIR prior to the property being listed for sale. The SBAOR ZIR Working Group members cited cost as a deterrent to obtaining ZIRs early in the sale process. Some SBAOR ZIR Working Group members suggested breaking up the payment into two installments, one payable at the time of ZIR application submittal and one at the time escrow closes. The down side of that option is that if escrow does not close, the City would not be paid for the work completed. Another option proposed by SBAOR was that the fee be reduced if a property owner applies for a ZIR within a certain number of days of signing a listing agreement as an incentive for property owners to obtain the ZIR earlier.

Since the last ZIR Working Group meeting, the SBAOR ZIR Working Group members have stated to staff that the cost of the ZIR continues to be an issue for them. They request that the cost of the ZIR be reduced rather than pursuing the other options discussed by the ZIR Working Group.

ZIRs are one of the few Planning Division programs that the City Council has designated as being full cost recovery. The cost of a ZIR has not increased since 2011; it has actually been reduced for larger multi-unit properties. The Council has stated in the past that it is not appropriate for the tax payer to subsidize private transactions. However, Council may decide to subsidize the cost if they determine it to be appropriate.

Public Outreach

The ZIR Working Group discussed ways to encourage property owners to voluntarily abate violations on their property. This would help reduce the number of violations identified in ZIRs and relieve some of the stress that occurs during the escrow period. The ZIR Working Group also suggested the City establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR in addition to just when residential property is being sold. The ZIR contains useful and important information in regards to the zoning, permitted uses, and non-conforming elements of the property as well as violations that may be on the property. The ZIR is a mechanism for property owners to work with the City to understand City Codes and the requirements to clean up a property. The Planning Commission agreed with the ZIR Working Group on establishing a public relations effort. As part of the Fiscal Year 2016 budget discussions, staff will be requesting that additional funds be allocated to the Planning Division for this public outreach effort.

BUDGET/FINANCIAL INFORMATION:

Since the initial discussion on improvements to the ZIR process began in 2013, staff added a new P3 goal to complete 80 percent of the ZIRs within 10 working days of application submittal. As of December 2014, the completion rate is 83 percent. Staff anticipates that continued implementation of this new P3 goal can be handled by existing staff given the increased funding Council previously approved for additional staff in the Zoning and Enforcement section.

If the Council should make significant changes in the fee structure for ZIRs, such as reducing the cost of the ZIR per SBAORs request, that would affect Planning Division revenues. The average amount annually is approximately $240,000.

Establishing the Administrative Zoning Approval process for dealing with discrepancies between ZIRs will not represent an increase in workload in the Planning Division, as Planning staff would currently process a Modification request for those improvements if the Administrative Zoning Approval process were not adopted.

In regards to the new Public Outreach/Education component of the ZIR process improvements, as part of the upcoming budget process, staff will request funding (approximately $7,000) to hire a consultant.

ATTACHMENTS:
1. Planning Commission Staff Report, November 6, 2014
2. Planning Commission Minutes, November 13, 2014
3. Classification of Major and Minor Violations Cited in ZIRs

PREPARED BY: Susan Reardon, Senior Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: November 6, 2014

AGENDA DATE: November 13, 2014

PROJECT ADDRESS: Zoning Information Report Process Improvements

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4555
Bettie Weiss, City Planner BW
Susan Reardon, Senior Planer SR

I. RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing to review and confirm the outcomes of the Zoning Information Report (ZIR) Working Group and forward recommendations to City Council on potential ZIR process improvements and Zoning Ordinance amendments.

II. BACKGROUND

In November 1974, the City Council established the provision for a ZIR. At that time the report was optional and based solely on a review of City records. A physical inspection of the site was made if requested. The Ordinance recognized "a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection." In March 1976, an amendment to the Zoning Ordinance was adopted that made the requirement for a ZIR mandatory prior to entering into an agreement of sale and also made the physical inspection required. Shortly thereafter, an amendment was made to change the requirement that an application for ZIR shall be applied for within five days of entering into an agreement of sale. Since that time several other amendments have been adopted including changing the expiration date from 6 months to 12 months in 1995 and making ZIRs optional for new homes and condominium units in 2010 (See Exhibit A).

In September and October of last year, the Planning Commission held public hearings on concerns raised by the Santa Barbara Association of Realtors (SBAOR) regarding the City's ZIR process. At the conclusion of those hearings, the Planning Commission recommended that a working group be formed to work through the issues and help the Planning Commission formulate recommendations to the City Council on improvements to the ZIR process.

III. DISCUSSION

A ZIR Working Group (see Exhibit F for members and meeting minutes) was formed and has met nine times since January 2014. The Working Group worked on clarifying and streamlining the ZIR process and formulating recommendations for changes to the ZIR process

and Zoning Ordinance. The first several meetings focused on gaining common ground and understanding of the issues, information sources used for preparing a ZIR, the process of preparing a ZIR, how staff classifies and identifies major and minor violations, and the abatement process when violations are identified in a ZIR.

The subsequent meetings focused on the definition of major and minor violations, improvements to the ZIR template, dealing with discrepancies between ZIRs, administrative zoning approval process, the abatement of violations identified in ZIRs, and a potential Zoning Violation Abatement Pilot Program.

As discussed in the following sections, the Working Group worked through changes in a number of areas. These areas include:

- Identification and Categorization of Major and Minor Violations – The Working Group confirmed staff's categorization of major and minor violations for the purposes of referring violations identified in a ZIR for enforcement.
- Changes to the ZIR template and appeal of ZIR findings – The Working Group reviewed major editing of the ZIR template to make it more useful and understandable.
- Appeal Period - The Working Group confirmed that the current 10 day appeal period was appropriate to challenge violations noted in a ZIR.
- Violations overlooked in previous ZIRs- The Working Group discussed and agreed on delayed enforcement for some violations overlooked in previous ZIRs.
- Administrative Zoning Approvals – The Working Group reviewed and refined the types of improvements eligible for Administrative Zoning Approval.
- Changes to the ZIR process – The Working Group made a number of suggestions for further improvement (Section IV.C).

Although the Working Group had consensus that the proposed improvements to the ZIR process are positive, SBOAR Working Group members and Staff continue to have a difference of opinion on the need, usefulness, and appropriate follow-up on the ZIR. Staff understands that discrepancies in ZIRs cause real, and sometimes significant, impacts to people and has recommended improvements to the process to address these issues. A major criticism of the ZIR process by the SBAOR Working Group members continues to be that the City is not accountable or liable for inaccurate reports. The SBAOR members in the Working Group felt that it is unfair for the City to seek abatement of violations, when a prior ZIR did not disclose the violation to the current owner/seller.

The Working Group discussed the pros and cons of removing the requirement of a ZIR at the time a residential property is sold. Some of the SBAOR Working Group members suggested that the ZIR be required at the time a building permit is sought on a property. The primary benefit of eliminating the ZIR requirement altogether or requiring ZIRs at the time a building permit is sought (as opposed to during the sales transaction) is to reduce some of the stress during the residential sale transaction; have less fees associated with a sale; and, eliminate enforcement of violations on the property unless a complaint is filed with the City. The timing of the requirement for a ZIR could be viewed as a benefit or a negative depending on whether you are the buyer or seller.

In Staff's opinion, not requiring ZIRs at the time of sale only pushes the issues down the road. An improvement constructed without the required City approvals/permits is a violation whether or not it is identified in a ZIR. Violations, whether or not they were identified in a previous ZIR, will continue to be required to be abated at the time the next building permit is sought or when a complaint is received. At that time, the current property owner would be required to abate the violation(s), but it would be difficult, if not impossible, to hold the previous property owner responsible. This could lead to more property owners being upset and wishing they knew about the violations when they bought the property.

Many members of the public are not familiar with how to research the legality of structures. The ZIR provides a potential buyer with the City's perspective of the zoning and permitted uses and structures on the property. Providing the ZIR at the time of sale of a residential property gives the seller and buyer the same information on the status of improvements on the property and the opportunity to decide how to resolve any violations. Also, the fact that there are unpermitted improvements on a property could be a disincentive for property owners to obtain a building permit for an improvement in the future and could lead to substandard construction and safety issues to the occupants. Therefore, in Staff's estimation, eliminating the ZIR requirement does not resolve the underlying problem – the property has zoning violations or unpermitted construction.

Additionally, staff believes that ZIRs are a strong incentive for property owners to seek the required City approvals/permits. Most property owners know ZIRs are required when they sell the property and that a site inspection and records check are performed at that time. The elimination of the requirement of ZIRs could directly result in fewer property owners obtaining the proper approvals/permits which would lead to an increase in illegal dwelling units, substandard construction, adverse impacts to neighborhoods, and increased need for enforcement.

A. Identification and Categorization of Major and Minor Violations

For the purposes of determining which violations identified in ZIRs are referred for immediate enforcement, the violations are classified as either major or minor (Exhibit B). Over the years, Staff developed this classification system as a means to triage which violations need to be abated immediately given available staff resources. Major violations are referred for immediate enforcement and follow-up. Minor violations are kept on file and are required to be abated with the next building permit sought for the property. If the minor violation is not abated prior to the next transfer of the residential property, the minor violation is carried forward on the next ZIR. Although the City's enforcement timelines are not tied to the sale, lenders and other parties to the transaction sometimes require the abatement of the violations prior to the close of escrow.

The Working Group spent a lot of time discussing this classification system. The Working Group is in agreement on what violations should be considered as major, and that they should be referred to enforcement immediately. The Working Group also agreed that when major violations are identified on a property, it is appropriate that the minor violations also be referred and abated at the same time.

One of the sticking points the Working Group had was regarding the use of the term "habitable space." Staff would refer the addition of new habitable space for immediate

enforcement. Staff originally started to use the term habitable space because the provisions in the Zoning Ordinance prohibit the change of use of a non-conforming building. Changing an area from residential storage to residential living space has historically been considered a change of use and, therefore, not allowed in non-conforming portions of a building without approval of a Modification.

The identification of new habitable space caused concern for the SBAOR because the term is not defined in the Zoning Ordinance. In response, Staff developed guidelines to describe the elements that make an area considered "habitable." The guidance caused additional concern to SBAOR because they were afraid that if an area had any of the identified elements, staff would automatically determine the space habitable.

Staff has considered SBAOR's concern and proposes to change the term we use from "new habitable space" to "unpermitted floor area or conditioned space[1]". Floor area is currently defined in SBMC §28.04.315. If a violation involves the addition of unpermitted floor area or new conditioned space, it will be considered a major violation and will be referred for enforcement. The non-permitted change of use will continue to be considered a violation; however, it will be classified as a minor violation.

B. <u>Changes to the ZIR Template and Appeal of ZIR Findings</u>

The Working Group reviewed major edits to the ZIR template to make it more understandable and useable for the public (Exhibit C). Some of the more significant changes include:

- Better define the purpose and scope of the ZIR
- Reorganize the information presented with violations listed near the beginning of the report
- Clearly indicate the inspector and their contact information on the front page
- Clarify the language regarding major and minor violations
- Provide information regarding violation abatement timelines
- Clarify the language regarding nonconforming property attributes
- Include the zoning standards as an attachment instead of in the body of the ZIR
- Integrate the "fine print" into relevant sections of the ZIR
- Include a generic list of information sources
- Clearly indicate the procedures for appealing and amending the ZIR
- Encourage property owners to provide information they may have, or have access to, to inform the findings of the report

The Working Group discussed a proposed 5-day review period during which agents could review an e-mailed draft of the ZIR, before the draft ZIR becomes final. After exploring the process, it was agreed that it would be better to maintain the existing policy of the 10-day appeal period rather than interjecting an automatic five-day delay into the process for all ZIRs. The Working Group also discussed establishing a more formal appeal process but concerns were expressed regarding the amount of additional time and fees associated with

[1] Conditioned space is space in a building that is provided with heating or cooling.

that process. The Working Group decided it was best to follow the existing 10-day appeal period.

C. Dealing with Discrepancies between ZIRs

The Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. Exhibit D contains a paper based on the discussions of the Working Group. For the most part, the Working Group agreed that the paper was a move in the right direction, however, the SBAOR still maintains that all improvements missed in previous ZIRs be "grandfathered" or legalized.

Staff understands the hardships faced by sellers and buyers when new information is identified in a ZIR, and Staff works diligently to resolve issues and facilitate the approval/permitting process. However, Staff cannot support an automatic legalization of unpermitted improvements or zoning violations, simply because they were not noted on a prior ZIR. Some "as-built" improvements are not constructed to Code and are a true fire or life safety threat. Additionally, grandfathering illegal construction could be seen as an incentive to do improvements without the required City approvals/permits. The City has the responsibility to enforce its Codes to ensure the health, safety, and welfare of the community. At the same time, City Staff is committed to streamlining and simplifying the permitting process as much a possible when a discrepancy between ZIRs is discovered.

A recent example of such a discrepancy involved a second story stairway that did not meet building code requirements and an unpermitted addition/remodel to the first story. In 1974, a Modification was approved to allow a garage and second story addition to encroach into the required front setback. A permit for that addition was issued and upon final inspection for that permit, the City building inspector noted that the permit could not be finaled due to the fact that the interior stairway did not comply with the Code and that the room over the garage was not one-hour protected. Unfortunately, corrections were not made to the stairway, no follow-up inspections were made, and the previous owner allowed this permit to expire.

A ZIR that was prepared in 1998 when that property sold the home did not note any violations with regard to the prior expired permit and yard encroachments. A subsequent ZIR prepared in 2013 noted that additions and alterations made to the dwelling were not reflected on the approved plans and occurred without the necessary additional City approvals/permits. The previous property owner had done a significant remodel of the interior and expanded the kitchen by extending the roof so that it was connected to an existing retaining wall that straddled the neighbor's property line. Other portions of the house had been expanded as well. Because the 1998 ZIR did not disclose the additions and alterations, a decision was made not to require immediate enforcement as would normally be required under City policy.

Given the extent of the violations and difficulties in selling the property "as-is," the property owner pursued permitting the as-built improvements. City staff assisted the owner in processing a Modification to allow the addition to encroach into the setback. Modification fees were not charged and one of the City's Building Plans Examiners, a licensed architect, prepared plans for the applicant at no charge. A substantial interior setback modification was approved by the Staff Hearing Officer.

In this example it would not have been appropriate for the City to grandfather in the violations that were missed in the previous ZIR. The Building Official indicated that the stairway was an immediate safety hazard and needed to be altered to meet minimum Code requirements. The Building Official also had concerns with whether the retaining wall was adequate support for the exterior wall of the residence. In addition, the illegal addition to the residence spanned the neighbor's property line and the neighbor did not approve of the encroachment onto their property.

In regards to major violations that were missed in a prior ZIR, the Working Group agreed that only certain violations would be referred for immediate enforcement: a potential fire or life safety risk; the creation of an illegal dwelling unit; or, the physical loss of required parking. Violations that involve the addition of unpermitted floor area or conditioned space, but that do not create an illegal dwelling unit, would only be referred to enforcement if they appear to cause a potential fire or life safety risk. That determination would be made in consultation with a City building inspector. Given the low incidence of those situations, Staff does not expect the consultation to significantly impact the City building inspectors' workload. There was consensus in the Working Group for delayed enforcement for unpermitted floor area or conditioned space that did not pose a fire or life safety risk. It is important to note that if a complaint is received regarding the addition of unpermitted floor area, the City will begin enforcement on it regardless if it was missed in a previous ZIR.

Staff believes that there are often many responsible parties involved in the construction of unpermitted improvements and with the sale of the property, bringing issues to the City's attention that are not addressed in a ZIR or not categorized the same way as the property owner states would be helpful to all parties. If the disclosure statement the seller provides indicates that a particular improvement was constructed without the required City approvals or permits and the ZIR doesn't state it is a violation, then Staff would hope someone would question the City on whether the particular improvement has a permit. If that were to occur, it would help prevent future problems for subsequent property owners.

D. Administrative Zoning Approval

The Working Group reviewed and refined the types of improvements proposed to be eligible for Administrative Zoning Approval (Exhibit E). The Administrative Zoning Approval process would expedite the resolution of discrepancies found during the preparation of a ZIR by giving Staff the authority to grant zoning clearance for improvements that do not conform to the zoning requirement in instances where there are unclear City records, discrepancies in the record (including discrepancies in ZIRs) and it is evident the improvement was on the site prior to 1974[2].

The Working Group is supportive of the Administrative Zoning Approval process and types of improvements proposed to qualify for Administrative Zoning Approval. There was interest in expanding the applicability of the approvals to all violations found on the property, not just ones that were missed in a prior ZIR, but it was agreed that would be better addressed as part of the New Zoning Ordinance (NZO) process given that expanding staff administrative approvals is part of the work program for that effort.

[2] Year of the adoption of the Ordinance establishing ZIRs.

SBAOR Working Group representatives asked Building and Safety staff if they could have a similar administrative approval process for building permits. Although there is only one type of building permit, there is discretion on what information is required for the permit and the level of review required. Building and Safety staff is committed to streamlining the permit process as much as possible to address ZIR discrepancies as they arise.

E. Encouraging Early Violation Abatement and Application for ZIRs

The ZIR Working Group discussed ways to encourage property owners to voluntarily abate violations on their property. This would help reduce the number of violations identified in ZIRs and relieve some of the stress that occurs during the escrow period. After discussion of some of the potential elements of an abatement program, there was agreement in the Working Group that instead of establishing a separate abatement program, elements of the abatement program could be incorporated into the ZIR process improvements. The Working Group also suggested the City establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR in addition to just when residential property is being sold.

The Working Group also suggested incentives be established to encourage property owners to obtain a ZIR prior to the property being listed for sale. The SBAOR Working Group members cited cost as a deterrent to obtaining ZIRs early in the sale process. Some SBAOR Working Group members suggested breaking up the payment into two installments, one payable at the time of ZIR application submittal and one at the time escrow closes. The down side of that option is that if escrow does not close, the City would not be paid for the wok completed. Another option proposed by SBAOR was that the fee be reduced if a property owner applies for a ZIR within a certain number of days of signing a listing agreement as an incentive for property owners to obtain the ZIR earlier.

ZIRs are one of the few Planning Division programs that the City Council has designated as being full cost recovery. The Council has stated in the past that it is not appropriate for the tax payer to subsidize private transactions. However, Council has the ability to decide to subsidize the cost if they determine it to be appropriate.

Planning Staff will work further with SBAOR to brainstorm ideas to encourage property owners to obtain ZIRs earlier.

IV. CHANGES TO THE ZIR PROCESS

A. Short-Term

Since the initial discussions on improvements to the ZIR process in August 2013, Staff has made a number of improvements to the ZIR process. These include:

- The new goal to complete 80 percent of ZIRs within 10 working days of application submittal; we are at 81 percent so far this fiscal year
- More collaboration with property owners when discrepancies arise
- Increased early consultation with Building staff during the ZIR preparation process on violations that require permits to identify the information that may be necessary for the building permit

- Increased involvement of the ZIR inspectors in the discretionary review and plan check processes
- Expediting the discretionary review process and waiving planning fees in cases of discrepancies between ZIRs
- The assignment of two Building and Safety plan check positions to handle questions and issues related to ZIR violations as part of their duties

B. <u>In-Progress</u>

As part of the discussions of the Working Group, a number of additional suggestions were made to improve the ZIR process. Planning Staff is currently working on the following additional items:

- Update and standardize procedures for preparing ZIRs and identifying violations (what is called out, omitted, or noted as information only and what is referred for enforcement)
- Create a checklist of items zoning inspectors look for during a site inspection
- Create a frequently asked questions sheet
- Create a handout that explains how to address the identified violation(s)
- Explore a process to retain site inspection photos

C. <u>Longer-Term: Requiring Ordinance Amendments</u>

The proposed Administrative Zoning Approval process requires a Zoning Ordinance Amendment approved by five members of City Council. Once an Ordinance Amendment is adopted by City Council, staff will implement the Administrative Zoning Approval process. In addition, subsequent to City Council review Staff will begin implementation of the improved ZIR template.

V. <u>CONCLUSION:</u>

Over the years, City staff and SBAOR have worked together to resolve issues with the ZIR process. This working relationship has worked well and has been beneficial to everyone. This recent collaborative effort to improve the ZIR process is a work in progress that can be revisited for further refinement and reconsideration in the future. A number of suggested improvements have been made and additional improvements will be made upon direction and adoption of ordinance amendments by the City Council. The SBAOR Working Group members suggested a mandatory check-in with the Planning Commission or City Council after a certain period of time to see how the proposed process improvements are working. Staff supports this idea and will suggest to the City Council that Staff return with a status report on the process improvements a year after the adoption of related Zoning Ordinance amendments.

Therefore, the Working Group recommends the Planning Commission review and confirm the outcomes of the ZIR Working Group and make recommendations to the City Council on ZIR process improvements including:

1. Initiation of an amendment to the Zoning Ordinance to establish an Administrative Zoning Approval process

2. Implementation of proposed improvements to the ZIR template
3. The changes to the ZIR process described above and in Exhibit D, including:
   a. Delayed enforcement of some improvements in the instances of discrepancies between ZIRs
   b. Updating and standardizing procedures for preparing ZIRs and identifying violations
   c. Creating a checklist of items zoning inspectors look for during a site inspection, a Frequently Ask Question sheet, and a handout explaining how to abate zoning violations
   d. Exploring a process to retain site inspection photos

Exhibits:

A. ZIR Ordinance Chronology and 1974 Council minutes
~~B. Classification of Major and Minor Violations Cited in ZIRs~~ Not included. List has been updated.
C. Revised ZIR templates
D. Dealing with Discrepancies and Abatement of Violations
E. List of Administrative Zoning Approvals
F. Working Group Minutes

Ordinances pertaining to Zoning Information Reports Chronology

Ordinance 3702; adopted November 19, 1974

- Added Section 22.23, Zoning Information Report to the Zoning Ordinance
  - Report was optional
  - Information based on City records
  - Physical inspection made if requested
  - Primary purpose was to provide information to potential buyer of residentially used property concerning the zoning and permitted use of the property
  - Cost: $20; an additional $35 if physical inspection plus $10 each additional unit
  - Under normal circumstances report available no later than 5 working days after application received
  - Contents: basic parcel/zoning information; any discretionary or administrative acts of record; any special use/development restrictions; known non-conformities or violations; information on building permits issued; required parking and type; and, if physical inspection, results included in report
  - Ordinance recognized *"a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection"* and *"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"* (§22.23.F)

Ordinance 3826, amended 28.87.220; adopted March 23, 1976

- Made ZIRs required prior to the entering into an agreement of sale
- Made physical inspection required
- Cost: $25. Removed $35 for physical inspection
- Contents of the report:
  - Changed "information on building permits issued for the property" to "the results of a physical inspection for compliance with the Zoning Ordinance"
  - Removed required parking & type from required contents
- Removed §22.23.F, "a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection" since a physical inspection was now required
- Added expiration of report of 6 months
- Added exemption for newly constructed houses

Ordinance 3843, adopted June 9, 1976

- Changed requirement to get a ZIR prior to entering into an agreement of sale to "no later than five days after entering into an agreement." Required report to be given to buyer no later

than three days prior to consummation of the transfer of title. Buyer may waive the three day prior requirement but in any event the report shall be provided prior to the consummation of the transfer of title.

Ordinance 3986, adopted March 13, 1979

- Added "under normal circumstances the report will be available no later than five working days after the application is received by the City"
- Added proof of receipt of ZIR required prior to consummation of transfer of title.
- Added affect of non-compliance

Ordinance 4106, adopted June 23, 1981

- Removed reference to the fee being $25 and stated "pay a fee as established by resolution of the City Council."

Ordinance 4932, adopted December 12, 1995

- Changed "under normal circumstances the report will be available no later than five working days after the application is received by the City" to no later than 15 working days
- Changed reference from "Chief of Building and Safety" to "Community Development Director"
- Changed the expiration date of a ZIR from six month to 12 months

Ordinance 5396, adopted September 26, 2006

- Required a statement of whether the property had a Building Sewer Lateral Report prepared within five years prior to the preparation of a ZIR and an advisory statement regarding potential problems by a poorly maintained sewer lateral to be included in ZIRs

Ordinance 5537, adopted November 23, 2010

- In addition to minor word/sentence changes, the Ordinance exempted the following from the requirement to obtain a ZIR:
    - New homes under construction pursuant to a valid building permit
    - New homes where the final building permit inspection on the home was issued within three month of the date the owner entered into the agreement for sale of the home
    - Condominium units
- Added a statement that it is unlawful for any owner to consummate the transfer of title of any residential property without providing tranferee a ZIR as required by Ordinance

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City Council Minutes

Following further discussion of the scope of the proposed master plan and whether or not it should be developed in-house, Mayor Pro Tempore Schatz moved, seconded by Councilmember Lowance to accept the Commission and staff recommendations that a 25-year parks and recreation master plan, which would be reviewed every 5 years, be developed.

Roll call: Affirmative Council All

Follwoing the roll call, Councilmember Utterback suggested that $100,000 of the $130,000 spent yearly by the City on advertising should be used to develop a master plan, that such an expenditure would be beneficial to the City in the long run.

Councilmember Martinez moved, seconded by Councilmember Rypins, to continue further decisions on the master plan until November 12, 1974 in order that Council have time to carefully consider the matter.

Roll call: Affirmative Council All

Mr. Scott advised Council that Mr. Willsie could not be present on that date, and the matter was instead continued to November 19, 1974, there being no objection of Council.

ORD. RE: ZONING INFO. REPT.

The proposed ordinance relating to a zoning information report was presented by Mayor Pro Tempore Schatz who explained that the ordinance had been referred to the Ordinance Committee from the Planning Commission, and that the proposed ordinance provided that a zoning information report could be furnished to the buyer of residential property from the seller. Edward Heron, member of the Santa Barbara Counties Board of REaltors, was recognized and reported that planners and interested individuals had worked on the ordinance for four months. He said that the long term effect of the ordinance would be a reduction in zoning and building violations. In answer to questions from Council he explained that the proposed ordinance was not manditory but that its effect would be that almost all residential real estate transactions would include the report as a protection to the buyer and realtor. City Attorney Cappello concurred in the opinion thatif the report were available it would be included in most residential real estate transactions.

Further discussion ensued with respect to the proposed ordinance, how it would be administered and at what cost, the pros and cons of a manditory ordinance, the wording of the ordinance, etc.

Councilmember Lowance moved, seconded by Councilmember Martinez, that the fee for the zoning information report as specified in paragraph D be increased from $15.00 to $20.00.

Roll call: Affirmative: Councilmember Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmember Chavalas, Utterback. The motion carried by a vote of 4 to 2.

Councilmember Lowance moved, seconded by Councilmember Martinez, that the fee for the physical inspection of the first dwelling unit as specified in paragraph D be increased from $25.00 to $35.00.

Roll call: Affirmative: Councilmember Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmember Chavalas, Utterback. The motion carried by a vote of 4 to 2.

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Councilmember Lowance moved, seconded by Councilmember Rypins, that the fee for the physical inspection of each additional dwelling unit as specified in paragraph D be increased from $5.00 to $10.00.

Roll call: Affirmative: Councilmembers Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmembers Chavalas, Utterback. The motion carried by a vote of 4 to 2.

In response to a comment from Councilmember Lowance that paragraph D did not clearly state the responsibility of the seller to furnish the report, Mr. Cappello suggested that the wording "When said report is requested" be added to the beginning of paragraph D.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT.

incorporating the phrase suggested by the City Attorney was introduced as Bill No. 2742, and read for its first reading by title only on motion of Councilmember Lowance, seconded by Councilmember Martinez.

Roll call: Affirmative Council All

In response to a request from Councilmember Martinez, the City Attorney agreed to prepare an ordinance for introduction November 12, 1974, making a zoning information report manditory. The City Attorney further suggested that enforcement of a manditory ordinance could prove to be a very expenisve administrative procedure and that possibly the City Administrator should prepare cost estimates.

Later in the meeting Councilmember Martinez suggested that another ordinance be prepared placing the responsibility for providing the zoning information report with the real estate agencies rather than with the City zoning division. Mr. Cappello said he would check to see if this was pre-empted by State law.

The meeting was recessed at 3:27 p.m. until 3:40 p.m. when it was called to order by Mayor Pro Tempore Schatz with the following roll call:

Present: Councilmembers Chavalas, Lowance, Martinez, Rypins, Utterback, Mayor Pro Tempore Schatz.

City Administrator Scott
City Attorney Cappello
City Clerk Newton

Absent: Mayor Shiffman

RD. RE: USES IN -X ZONE INTRO'D

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA AMENDING SECTION 13.02 OF PART 13 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO PERMITTED USES IN C-X ZONE.

which adds a zoning provision for radio and television transmitting and broadcasting stations, was introduced as Bill No. 2743 and read for its first reading by title only on motion of Councilmember Lowance, seconded by Councilmember Rypins.

Roll call: Affirmative Council All

11/12/74

ALT ORDS RE
ZONING INFO RPT

City Council Minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA
ADDING SECTION 22.23 TO PART 22 OF ORDINANCE
NO. 2585, THE ZONING ORDINANCE OF THE CITY
OF SANTA BARBARA, RELATING TO A ZONING
INFORMATION REPORT

was presented for introduction, and

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THE CITY OF SANTA BARBARA, RELATING TO A
ZONING INFORMATION REPORT

having been introduced November 6, 1974 as Bill No. 2742, was presented for adoption. Mayor Pro Tempore Schatz pointed out that the ordinance for introduction provided that the zoning information report would be mandatory, and the ordinance for adoption, Bill No. 2742, would not be a mandatory requirement.

Councilmember Martinez said that he had asked the City Attorney at the last Council meeting to prepare a third possible ordiannce which would place the burden of proof of a zoning information report with the realtor, and leave the City out of the matter, thereby relieving the City of the financial burden of having to hire additional staff to prepare the reports.

The City Attorney said he would find out if such an ordinance were possible or if it would be pre-empted by State law.

At the request of Councilmember Martinez, the two proposed ordinances were continued for introduction and adoption, respectively, to November 19, 1974, pending an ordinance prepared by or report of the City Attorney, on order of Mayor Pro Tempore Schatz, with the full consent of Council.

At the request of Councilmember Lowance, the City Administrator was directed to prepare a cost estimate of preparing a zoning information report, on order of Mayor Pro Tempore Schatz, with the full consent of Council.

ORD RE USES IN
C-X ZONE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA
AMENDING SECTION 13.02 OF PART 13 OR ORDI-
NANCE 2585, THE ZONING ORDINANCE OF THE
CITY OF SANTA BARBARA, RELATING TO
PERMITTED USES IN C-X ZONE

which adds a zoning provision for radio and television transmitting and broadcasting stations, having been introduced November 6, 1974 as Bill No. 2743, was presented.

Councilmember Martinez moved, seconded by Councilmember Rypins, to adopt the ordinance, reading by title only.

Mayor Pro Tempore Schatz explained that the ordinance was necessary so that television and radio stations would no longer be considered non-conforming uses, there being no existing zoning provision in the City for such use. The specific question of the KEYT television station was discussed and it was explained that the station is a legal non-conforming use and that the temporary trailer located at the station was an illegal use and the station had been so notified by the City Planning Director.

Councilmember Martinez withdrew his motion, but Councilmember Rypins would not withdraw her second, and the motion was put to a vote following discussion by Council. Councilmember Rypins and the Community Development Director stated that Santa Barbara should have a zone to provide for this

City Council minutes

sufficient for answering questions on staffing size, patterns, and service delivery because of the varied conditions in each city, and that a great deal of additional research would be necessary before valid, comparable figures could be developed.

Mayor Shiffman suggested that staff should consider how much time and effort it would take to pursue this matter, and if it could be done for 1% or 2% of the fire and police budget, then it might be a worthwhile endeavor.

Councilmember Chavalas expressed dissatisfaction with the report saying it lacked information he requested such as the number of employees, the police budget, territory to be policed, etc. The City Administrator said the Personnel Office had additional backup information which was not included in the report which could be provided to Mr. Chavalas.

Councilmember Martinez moved, seconded by Councilmember Schatz, to accept the report.

Roll call: Affirmative Council All.

ALT ORDS RE ZONING INFO RP

Two ordinances relating to a zoning information report requirement--a mandatory ordinance for introduction and a voluntary ordinance for adoption--were presented. City Attorney Cappello reported that a third possible ordinance making the real estate broker responsible for the report rather than the City, as requested by Councilmember Martinez November 12, was in his opinion pre-empted by State law.

Mayor Shiffman and Councilmember Martinez stated that they favored that the requirement for the report should be part of escrow procedures, and Mayor Shiffman suggested it apply to all property not just residential property.

H. Edward Heron, member of the Southern Santa Barbara County Board of Realtors, made a presentation in which he said that Government Code Section 38.780 limited this type of report to residential property and he raised several questions and objections with respect to the mandatory ordinance.

Vigorous and lengthy discussion ensued during which it was explained that if the voluntary ordinance was passed, that did not preclude the passage of the mandatory ordinance at a later date.

Councilmember Lowance moved to introduce, reading by title only, the following ordinance relating to a mandatory report:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT.

There was no second to the motion and Councilmember Lowance stated that because there had been no second, he would not exercise his prerogative to introduce without a motion of Council.

Councilmember Martinez moved, seconded by Councilmember Lowance, to refer the above ordinance to the Council Ordinance Committee for a report as soon as possible on the costs of implementing the ordinance and other questions raised in the discussion today.

Roll call: Affirmative Council All.

Following discussion on whether the voluntary ordinance should be adopted as an interim measure if the Council was considering adopting the mandatory ordinance at a later date, Councilmember Schatz moved, seconded by

Councilmember Chavalas, to waive full reading of the ordinance for adoption relating to a voluntary zoning information report.

ORD 3702 RE ZONING INFO RPT

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT

having been introduced November 6, 1974 as Bill No. 2742, was read for its second reading by title only and adopted on motion of Councilmember Schatz, seconded by Councilmember Chavalas. Councilmember Lowance objected to the motion saying that the information could be just as easily supplied by the realtor on a voluntary basis.

Roll call: Affirmative: Councilmembers Chavalas, Rypins, Utterback and Mayor Shiffman; Negative: Councilmembers Lowance, Martinez and Schatz. The motion carried by a vote of 4 to 3.

Prior to roll call, Mayor Shiffman clarified that Section 6 of the Ordinance, "Any known nonconformities or violations of any ordinances or law" referred to information in the records of the City and did not require phyiscal inspection; if the buyer wanted a physical inspection he would be required to pay the fee stipulated in Section D of the ordinance.

SITE INSPECTION/ ROCHE PROPERTY

The meeting was recessed at 10:45 a.m. on order of Mayor Shiffman, with the full consent of Council, in order that Council could make a physical inspection of the property in question for the appeal of Kathleen D. Roche. The meeting was resumed at 11:45, on order of Mayor Shiffman, with the following roll call.

Present: Mayor Shiffman
Councilmembers Chavalas, Lowance, Martinez, Rypins, Schatz and Utterback

City Administrator Scott
City Attorney Cappello
City Clerk Newton

APPEAL/ROCHE FROM PLANNING COMMSSN

The appeal of Martin & Northart, Inc., agent for Kathleen D. Roche, from the Planning Commission's decision denying application for a modification of provisions of Section 5.00-A of City Zoning Ordinance 2585 as applied to City Parcel 15-202-28 located in the 500 block of Owen Road in an A-2 One Family Residence Zone, in order to not provide the required street frontage of 100 feet on a public street for two proposed parcels, having been continued from November 12, 1974, was taken up at this time.

Mayor Shiffman explained that the hearing had been held November 12, and the motion of Councilmember Martinez, seconded by Councilmember Chavalas, to grant the modification for three lots under conditions set forth in the Planning Commission recommendation for two lots with a twenty foot roadway, had been tabled pending physical inspection of the property by Council at 10:30 a.m. on this date. The inspection having been made and there being no questions from Council or staff, the motion was put to a vote.

Roll call: Affirmative: Councilmembers Chavalas, Martinez, Rypins, Schatz and Utterback, and Mayor Shiffman; Negative: Councilmember Lowance. The motion carried by a vote of 6 to 1.

LEASE ASSGNMT/ FAIRVIEW GOLF CENTER

The Airport Commission recommendation for approval of assignment of the Fairview Golf Center lease, was taken up at this time out of order, on

STAFF's Draft per direction
From ZIR Working Group – Minor Violations

ZIR FORM #1

Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

REPORT DATE: *JUNE 23, 2014*
EXPIRATION DATE: *JUNE 23, 2015*
PREPARED BY: *ZONING INSPECTOR, CONTACT INFORMATION*

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 line locations are an estimate and unless shown on archive plans, the interior and rear property lines are assumed to coincide with any interior or rear fence(s). 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 **(DATE)**, 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:**

One-story duplex with a covered side porch (approx. 44 ft. x 7 ft) with washer/dryer hook-up inside kitchen closet. Detached one-car garage with exterior stairway leading to a roof deck (approx. 17 ft. x 13 ft.) above the garage. Detached arbor/trellis structure (approx. 9 1/2 ft. x 7 1/2 ft.) Detached shed (approx. 9 1/2 ft. x 9 ft.)

III. VIOLATIONS

MAJOR/MINOR/NO VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY

Comment [sfr1]: Only one of these terms (Major/Minor/No) will print out. For this example this ZIR found minor violations.

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

EXHIBIT C

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.

1. The fence along the front lot line exceeds the maximum allowable height of three and one half feet within ten feet of the front lot line. No permits could be located for this fence.
2. The roof deck above the garage encroaches into the required interior setback and was constructed without the required building permit.
3. The exterior stairway to the roof deck was constructed without the required building permit.
4. The arbor/trellis structure encroaches into the required interior setback.
5. A new wall with a closet with washer/dryer hook-ups has been constructed in the kitchen without the required permit.

☐ If this box is checked, a hedge near the driveway and/or street corner might create a visual obstruction. Fences, screens, walls and/or hedges must comply with SBMC 28.87.170.

☐ If this box is checked, existing items such as trash can(s), wood pile, pond and/or fountain might encroach into the required setbacks. See Section VIII below for the required setbacks for this property.

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://www.santabarbaraca.gov/services/planning/forms/building.asp.

IV. PROPERTY DESCRIPTION

LOT SIZE (Per County Assessor Records): 1.10 Acres; 47,916 sq.ft.

ZONE (See Attached Zone Reqs.): A-1, Single Family Residence Zone

SLOPE: (Approximate): 25%

UNIT DESCRIPTION(S):

Unit #: A **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	2	0
Full Baths	2	0
Half Baths	0	0
Sinks (other than kitchen sinks)	0	0

Unit #: B **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	1	0
Full Bath	1	0
Half Baths	1	0
Sinks	0	0

PARKING:

Number of Parking Spaces Existing on Site: 1 covered, 0 uncovered

Number of Parking Spaces Legally Recognized: 1 covered, 0 uncovered

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)

IV. PROPERTY ATTRIBUTES

NONCONFORMING:

A building, structure, or use is defined as legal **non-conforming** if it met the rules in effect when it was permitted, but because of subsequent zoning changes, the structures do not conform to today's zoning standards. Non-conforming properties may be maintained, improved, or altered with certain limitations described in the zoning ordinance (SBMC §28.87.030.D). Please be aware that property line locations are an estimate for the purposes of this report and that unless shown on City archive plans, the interior or rear property lines are assumed to be an interior or rear fence.

Front Setback: Non-Conforming, Dwelling encroaches

Interior or Rear Setback: Non-Conforming, Garage encroaches

Density: Non-Conforming

Comment [sfr2]: Only the items that have been determined to be non-conforming will print out in the ZIR.

NOTES AND APPROVALS:

Comment [sfr3]: For the notes part - This is where we'd add any relevant information not covered by another section of the ZIR we want to convey. We would also note any inconsistencies in information we have but aren't going to call out as a violation.

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

Examples: No record of discretionary land use permits.

There are no original building permits or plans on file for the dwelling therefore, no verification can be made as to the number and legality of the existing configuration of rooms.

In November of 1999, a Pre-residential Seismic Inspection was done by the City. This inspection is a voluntary inspection; however, the report did note that the existing foundation and pony walls were completely unacceptable and that a new foundation was required. There are no permits on record for any foundation work.

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.)

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

Riviera

Zoning Compliance Decl. Rcvd

11-26-13 - ZCD received per document #2013-0074321, recorded on Nov. 21, 2013.

V. EXPIRATION DATES, AMENDMENTS TO THIS ZIR, AND APPEALS

EXPIRATION DATE:

This ZIR expires **one year** from the Report Date. 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 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 will be subject to the hourly rate fee as established by the City Council.

VI. 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.**

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 our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: A-1

Zoning Information Report #ZIR20XX-00XXX was prepared by:

(Inspector's name, title, email and phone number)

June 27, 2014

_____
Signature

GENERAL ZONING INFORMATION

A-1, SINGLE FAMILY RESIDENTIAL

Zone:	A-1 (SBMC§28.15)
Front Setback	35 feet
Interior & Rear Setback	15 feet
Required Open Yard Area	1,250 sq. ft. + Min. Dimensions + Location + Sloped lot req. + Exceptions
Maximum Height Limit	30 feet (Measure per SBMC§28.04.140)
Required Off-street Parking Spaces	2 covered or meet other provisions outlined in SBMC§28.90.100
Distance Between Main Buildings	20 feet (Measure per SBMC§28.04.245)
	Allowable encroachments into setbacks, open yard, etc: SBMC§28.87.062
Secondary Dwelling Unit (Granny Unit)	See "Secondary Dwelling Unit Guidelines" handout and SBMC§28.94.030.Z

FENCES, SCREENS, WALLS AND HEDGES:

Santa Barbara Municipal Code §28.87.170 regulates the height of fences, screens walls and hedges based on their location on the property. Plans in City records that show fences, screens, walls or hedges as "existing" do not necessarily legalize such items unless the project description included permitting these items. Over-height hedges that existed prior to 1957 are non-conforming 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 non-conforming.

DISCRETIONARY REVIEW:

Please be advised that some construction is subject to design review approval or discretionary review prior to submitting for a building permit. If design review or discretionary review is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). If you would like additional information on how or when these processes are required, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

Receipt of Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

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 may be follow-up enforcement of these violations as specified in the Zoning Information Report. If there is an attached Notice of Enforcement, an enforcement case will be created, and follow-up enforcement will begin immediately.

Failure to abate these violations in a timely manner may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we understand that I am/we are responsible for the abatement of the violations.

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

STAFF's Draft per dirction from ZIR Working Group – Major Violation example

ZIR FORM #2

Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

REPORT DATE: *JUNE 23, 2014*
EXPIRATION DATE: *JUNE 23, 2015*
PREPARED BY: *ZONING INSPECTOR, CONTACT INFORMATION*

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 **(DATE)**, 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**:

One-story duplex with a covered side porch (approx. 44 ft. x 7 ft) with washer/dryer hook-up inside kitchen closet. Detached one-car garage with exterior stairway leading to a roof deck (approx. 17 ft. x 13 ft.) above the garage. Detached arbor/trellis structure (approx. 9 1/2 ft. x 7 1/2 ft.) Detached shed (approx. 9 1/2 ft. x 9 ft.)

III. VIOLATIONS

MAJOR/MINOR/NO VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY

Comment [sfr1]: Only one of these terms (Major/Minor/No) will print out. For this example this ZIR found major violations.

The violations described below have been identified for this property. Non-permitted dwelling units, non-permitted additions of habitable floor area, non-permitted removal of required parking, and new non-permitted development on the coastal bluff face are considered major violations. Please note that the

property contains one or more major violations and the violations have been referred to the Building and Safety Division for immediate code enforcement due to the possibility of Health and Safety risks. There may be improvements listed below that are not considered major violations, however since there are major violations indentified on your property, they must be abated concurrently with the major violations. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

SEE ATTACHED NOTICE OF ENFORCEMENT

1. The rear bedroom and half-bathroom have been converted to an illegal dwelling unit by installing new walls to create separate rooms, converting the half-bathroom to a full bathroom, adding doors and windows and the construction of a kitchen (sink, counter, stove and a refrigerator) without the required permits.
2. The fence along the front lot line exceeds the maximum allowable height of three and one half feet within ten feet of the front lot line. No permits could be located for this fence.
3. The roof deck above the garage encroaches into the required interior setback and was constructed without the required building permit.
4. The exterior stairway to the roof deck was constructed without the required building permit.
5. The arbor/trellis structure encroaches into the required interior setback.
6. A new wall with a closet with washer/dryer hook-ups has been constructed in the kitchen without the required permit.

☐ If this box is checked, a hedge near the driveway and/or street corner might create a visual obstruction. Fences, screens, walls and/or hedges must comply with SBMC 28.87.170.

☐ If this box is checked, existing items such as trash can(s), wood pile, pond and/or fountain might encroach into the required setbacks. See Section VIII below for the required setbacks for this property.

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):	0.10 Acres; 17,424 sq.ft.
ZONE (See Attached Zone Reqs.):	R-3, Limited Multiple-Family Residence Zone
SLOPE: (Approximate):	5%

UNIT DESCRIPTION(S):

Unit #: A **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	2	0
Full Baths	2	0
Half Baths	0	0
Sinks (other than kitchen sinks)	0	0

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: R-3

Unit #: B **This is a non-permitted dwelling unit.**

	Legal	Non-Permitted
Bedrooms	1	0
Full Bath	0	1
Half Baths	1	0
Sinks	0	1

PARKING:

Number of Parking Spaces Existing on Site: 1 covered, 0 uncovered

Number of Parking Spaces Legally Recognized: 1 covered, 0 uncovered

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)

IV. PROPERTY ATTRIBUTES

NONCONFORMING:

A building, structure, or use is defined as legal **non-conforming** if it met the rules in effect when it was permitted, but because of subsequent zoning changes, the structures do not conform to today's zoning standards. Non-conforming properties may be maintained, improved, or altered with certain limitations described in the zoning ordinance (SBMC §28.87.030.D). Please be aware that property line locations are an estimate for the purposes of this report and that unless shown on City archive plans, the interior or rear property lines are assumed to be an interior or rear fence.

Front Setback: Non-Conforming, Dwelling encroaches

Interior or Rear Setback: Non-Conforming, Garage encroaches

Density: Non-Conforming

NOTES AND APPROVALS:

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

Examples: No record of discretionary land use permits.

There are no original building permits or plans on file for the dwelling therefore, no verification can be made as to the number and legality of the existing configuration of rooms.

In November of 1999, a Pre-residential Seismic Inspection was done by the City. This inspection is a voluntary inspection; however, the report did note that the existing foundation and pony walls were completely unacceptable and that a new foundation was required. There are no permits on record for any foundation work.

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.)

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

Comment [sfr2]: Only the items that have been determined to be non-conforming will print out on the ZIR form.

Comment [sfr3]: For the notes part - This is where we'd add any relevant information not covered by another section of the ZIR we want to convey. We would also note any inconsistencies in information we have but aren't going to call out as a violation.

Downtown

Zoning Compliance Decl. Rcvd

11-26-13 - ZCD received per document #2013-0074321, recorded on Nov. 21, 2013.

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

EXPIRATION DATE:

This ZIR expires one year from the Report Date. 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 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 will be subject to the hourly rate fee as established by the City Council.

VI. 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.**

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 our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: R-3

Zoning Information Report #ZIR20XX-00XXX was prepared by:

(Inspector's name, title, email and phone number)

June 27, 2014

_____
Signature

GENERAL ZONING INFORMATION

R-3, Limited Multiple-Family Residence Zone

Additions or Alterations	Projects which only involve additions or alterations are subject to existing "Base Density" or "Variable Density" requirements outlined in SBMC§28.21.
New Units	Projects which involve new units must comply with either "Base Density" requirements (SBMC§28.21) or "AUD" requirements (SBMC§28.20). "Variable Density" is temporarily suspended as described in SBMC§28.21.050.
Net Lot Area Requirements for Residential Units	See SBMC§28.20
Average Unit-Size Density Incentive Program (AUD)	
Base Density	
< 5,000 sq. ft.	1 unit
5,000-6,999 sq. ft.	2 units
7,000-13,999 sq. ft.	3 units
14,000 sq. ft. <=	3,500 sq. ft. of lot area per unit
Front Yard Setback	
1- or 2-story structures	10 feet
3-story structures	15 feet (See Exception SBMC§28.21.060.A.2)
Parking not facing street	10 feet
Parking facing street	20 feet
Interior yard Setback	
1- or 2-story structures	6 feet
3-story structures	10 feet (See Exception SBMC§28.21.060.B.2)
Garage/Carport/Uncovered Parking	6 feet (See Exception SBMC§28.21.060.B.3 and SBMC§28.90.001.H)
Rear Yard Setback	
Ground floor portion of structures	6 feet
2- or 3-story portion of structures	10 feet
Garage/Carport/Uncovered Parking	3 feet (See Exception SBMC§28.90.001.H)
Outdoor Living Space Method A	
1. 10% Open Space	See SBMC§28.21.081.A
2. Common Open Area	See SBMC§28.21.081.A.2
3. Private Outdoor Living Space	15 feet x 15 feet (See SBMC§28.21.081.A.3)
Unit Size	Ground Floor Upper Floor
Studio	100 sq. ft. 60 sq. ft.
1 Bedroom	120 sq. ft. 72 sq. ft.
2 Bedroom	140 sq. ft. 84 sq. ft.
3+ Bedroom	160 sq. ft. 96 sq. ft.

Min. Dimensions	10 feet 6 feet
Outdoor Living Space Method B	15% Lot + Min. 20 ft. dimensions + Location (See SBMC§28.21.081.B)
Maximum Building Height	3 stories not to exceed 45 feet (Measure per SBMC§28.04.140). Solar Access Ord (SBMC§28.11) may further limit height
Distance Between Main Buildings	(Measure per SBMC§28.04.245)
1-story building to 1-story building	10 feet
1-story building to multi-story building	15 feet
Multi-story building to multi-story bldg	15 feet
	Allowable encroachments into setbacks, open yard, etc: SBMC§28.87.062
Required Off-Street Parking Spaces (SMBC§28.90)	
One House on the property	2 covered
Multiple Houses or Duplexes	1 covered & 1 uncovered per unit
Multi-Family (3+ attached units)	
Studio	1 1/4 uncovered spaces per unit
1-Bedroom Units	1 1/2 uncovered spaces per unit
2+-Bedroom Units	2 uncovered spaces per unit
Guest Spaces	1 per 4 units if 6+ units in the complex
Bicycle Parking	1 bicycle parking space for every 7 vehicle parking spaces required.

FENCES, SCREENS, WALLS AND HEDGES:

Santa Barbara Municipal Code §28.87.170 regulates the height of fences, screens walls and hedges based on their location on the property. Plans in City records that show fences, screens, walls or hedges as "existing" do not necessarily legalize such items unless the project description included permitting these items. Over-height hedges that existed prior to 1957 are non-conforming 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 non-conforming.

DISCRETIONARY REVIEW:

Please be advised that some construction is subject to design review approval or discretionary review prior to submitting for a building permit. If design review or discretionary review is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). If you would like additional information on how or when these processes are required, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

NOTICE OF ENFORCEMENT
(PROJECT ADDRESS)

The property contains one or more major violations and the violations have been referred to the Building and Safety Division for immediate code enforcement due to the possibility of Health and Safety risks. Non-permitted dwelling units, non-permitted additions of habitable floor area, non-permitted removal of required parking, and new development on the coastal bluff face are considered major violations. Any minor violations that were identified on the property were also included in the referral to the Building and Safety Division.

An enforcement case (ENF20_____) has been created and forwarded to the Building and Safety Division. A Building Inspector will be assigned to the case for enforcement of the violations described in this ZIR. You may call and schedule a follow-up inspection to determine the type of permits required for the abatement of your violations. **Contact the Building and Safety Division at (805)564-5470 to speak to the inspector assigned to your enforcement case.**

There are several options for abatement of these violations. They include:

a) The issuance of a building permit to allow the improvement(s) to remain, if found to comply with all City Codes and Ordinances. Prior to the issuance of the building permit, discretionary review and approval may be necessary;

b) The issuance of a building permit to demolish the improvement(s); or

c) A combination of a) and b) above.

For information on how to apply for a 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.

Please note that the property owner of record is responsible for abating these violations in a timely manner. There is no City requirement that these violations be abated prior to the close of escrow. An appropriate schedule for abatement is determined working with the Building Inspector. However, if the violations have not been abated by the time escrow closes, the new property owner of record becomes responsible for the abatement of the violations.

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

Receipt of Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

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 may be follow-up enforcement of these violations as specified in the Zoning Information Report. If there is an attached Notice of Enforcement, an enforcement case will be created, and follow-up enforcement will begin immediately.

Failure to abate these violations in a timely manner may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we understand that I am/we are responsible for the abatement of the violations.

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

Paper on Dealing with Discrepancies in ZIRs and Abatement of Violations Identified in ZIRs

Background

For the purposes of the ZIR, violations are categorized into two categories; major and minor. Major violations include the following actions taken without the benefit of required approvals or permits: the creation of illegal dwelling unit(s), new floor area or conditioned space, the physical loss of required parking, an improvement on the face of an ocean bluff, or violations that pose an immediate fire or life safety risk. Because major violations have the potential to create health and safety hazards or to negatively impact the neighborhood, they are referred to enforcement staff for follow-up and abatement. Violations that do not fall within one of those categories are classified as minor violations. Minor violations are not referred to enforcement staff, and remain as part of the public record. Minor violations are required to be abated prior to or concurrent with the next building permit that is sought for the property. Exceptions to this requirement are made only for permits involving work which is necessary to secure life and limb, or to ensure the safety of the property (See Attachment). City timelines for the abatement of major violations are set based on health and safety concerns and are not tied to an escrow period.

Over the last four years (2010-2013), on average 82% of ZIRs have had some sort of violation. Of those, 83% of the violations were minor and 17% were major.

Discrepancies between ZIRs- Planning process

On average, City staff prepares 45 ZIRs each month. Of this number, approximately 2-4 ZIRs have some type of inconsistency or discrepancy between the current ZIR and a previous ZIR. This is a small percentage of the total number of ZIRs. The vast majority of those discrepancies involve improvements that are considered minor for the purposes of the ZIR and are not referred for enforcement. However, if the property owner or buyer wishes to abate the minor violation at the time of the transfer of the property, City staff works with the property owner or buyer. The most common examples include: over-height hedges, storage sheds in setbacks, decks and trellises, the number of permitted bedrooms/bathrooms, conversion of understory/attic areas, full bathrooms in detached accessory buildings, and additional floor area.

During the preparation of a ZIR, if it is determined that the findings of the current ZIR do not match the findings of the previous ZIR, more research is performed before staff finalizes the ZIR to verify the status of the improvements in question. This research involves a number of sources, including: Sanborn Maps, consultation and/or additional site inspection with City building inspectors, historic survey documentation, and aerial photographs. Staff also consults with the property owner or real estate agent to discuss the discrepancy and to ask if they have any information which could help establish when the improvement in question first appeared on the site. Staff sometimes asks the property owner to obtain the County Assessor's Residential Building Record which can help establish when the improvement in question first

appeared on the property. Records that establish when an improvement was constructed help determine what City Codes were in effect at the time, and what standards and permits were necessary. Unfortunately in some instances, the property owner has construed this consultation as the City views them as "guilty until proven innocent" when the City was seeking additional information to inform the conclusion of the ZIR.

If the conclusion of this additional research is that the improvement was constructed consistent with City regulations, then this determination to resolve the discrepancy is clearly documented in the ZIR to avoid future questions on how the conclusion was made. If the conclusion of this additional research is that the improvement does not have the required City approvals and/or permit, it is listed as a violation in the ZIR. If the improvement in question is a minor violation, it is not referred for enforcement, unless there are also major violations identified onsite.

If the improvement in question is a major violation then it is referred for enforcement. Enforcement and abatement typically entails one or more of the following paths: if the work complies with existing codes (Zoning, Building, etc.) and discretionary review is not required (Modification, Design Review or other approval), then a building permit may be issued for the improvement as it exists; if the improvement complies with applicable Codes but the improvement requires discretionary review, a permit may be issued consistent with discretionary approval or conditional approval; or, if the improvement does not comply with existing codes or the improvement does not receive required discretionary approval, the issuance of a demolition permit for the removal of the improvement.

Currently, staff does not have the authority to waive zoning standards if the improvement in question conflicts with zoning requirements. Therefore, discretionary approval of a Modification of the requirement would be needed. When there is a conflict between ZIRs, staff makes the process as painless as possible: Planning fees, such as those for Modifications or Design Review, are waived; minimal information is requested of the applicant; and the project is scheduled for the next available Staff Hearing Officer meeting for a decision. The ZIR inspector processes those applications to streamline the process. In the last six years, only three projects that had discrepancies between ZIRs were heard by the Staff Hearing Officer that required modifications.

As part of the ZIR process improvements, Staff is proposing a new Administrative Zoning Approval process in order to provide an administrative process to consider and approve minor reductions or waivers of zoning standards when there are unclear city records, discrepancies in the record (including discrepancies in ZIRs), and it is evident that the improvement was on the site prior to 1974[1]. To establish this new administrative process Council must approve an amendment to the Zoning Ordinance.

Staff proposes to allow the following types of improvements with Administrative Zoning Approvals:

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[1] Year of the adoption of the Ordinance establishing ZIRs.

1. Encroachments into setback, private outdoor living space, open yard or distance between buildings encroachment, such as:

    a. Hardscape improvements in a setback – i.e. fixed objects in the landscape such as planters above 10", built-in steps, fountain and pond (no pump), screens, decorative features, etc. This does not include built in BBQs or raised fire pits.
    b. The conversion of a carport to a garage in a required setback or vice versa.
    c. First story window changes in a setback and second story window changes with consent review by the applicable design review body.
    d. Alterations in the front setback such as windows, doors, skylight, façade change, etc
    e. Change of use in required setbacks. This includes conversion of existing unfinished or finished understory or attic space to occupiable or habitable space in setbacks.
    f. Small, uniform additions within any setbacks. Said addition should be a minimum of 5 feet from the interior property line. Encroachments into the front setback shall not exceed 20% of the required front setback.
    g. Alterations to the roof pitch in any setback.
    h. Storage buildings less than 120 sq.ft. with no utilities constructed prior to 1975 located in the interior setback.

2. If residence/structure already encroaches into interior setback (i.e. it is legal non-conforming), allow certain minor improvements to encroach further:

    a. Chimneys if more than three feet from any property line.
    b. Cantilevered architectural features at least 3' above adjacent grade or finished floor which do not provide additional floor space within the building may encroach up to two feet if more than three feet from any property line.
    c. In the front setback only, uncovered balconies not providing additional floor space within the building may encroach up to two feet.
    d. Covered but unenclosed or uncovered entrance landings or steps.

3. Oversized accessory building or garage, built before 1975. Current size limit for accessory buildings is 500 sq.ft. and for garages 750 sq.ft. if property is zoned A-1 or A-2. The garage size limit for all other residential zones is 500 sf.

Again, Staff is proposing that this a new Administrative Zoning Approval process be only used in instances where there are unclear city records, discrepancies in the record (including discrepancies in ZIRs) and it is evident that the improvement has been there prior to 1974. If the improvement is a new violation or if it does not qualify for Administrative Zoning Approval and the property owner proposes to keep the improvement, then a modification of the zoning requirement (if a modification is available) would have to be requested. In instances of discrepancies between ZIRs, fees would continue to be waived and the project permitting would be expedited.

As part of the New Zoning Ordinance process currently underway, staff will be analyzing and proposing the expansion of the types of improvements that could qualify for Administrative Zoning Approvals.

In addition to this new Administrative Zoning Approval process, staff proposes that in the case of inconsistencies/discrepancies between ZIRs, staff would only refer the creation of an illegal dwelling unit and the physical loss of parking for enforcement. The creation of new floor area or conditioned space would only be referred if it appears to create an immediate health or safety risk. The risk to health and safety would be determined in consultation with the City's Building Inspectors. These three items have the potential to cause serious health and safety risks, cause the most impacts to the neighborhood, and are broader community issues.

Discrepancies between ZIRs and abatement of ZIR violations- Building Permit process

In terms of with dealing with discrepancies in ZIRs in the building permit process, the process is similar to what is done for any violation. If an improvement requires a building permit, there is no option to relieve a property owner of that requirement. However, the City is committed to streamlining the permitting process as much as possible.

To streamline the process, the Building Division has dedicated two plan check positions to handle questions and issues related to ZIR violations. This allows for more consistency in addressing ZIR violations. In addition, Planning staff consults with Building staff during the ZIR preparation process on issues/violations that require permits. Building staff will give Planning staff an indication of the information that will be necessary for the building permit.

Building staff is also flexible in addressing the abatement of violations from ZIRs that involve "as-built" non-habitable square footage and minor exterior improvements (i.e. minor violations such as fountains, patio covers, deck or patios, small storage buildings, etc.) by allowing building permits to be issued without site or floor plans or by allowing hand-drawn plans on City-provided graph paper if they are required. City staff determines whether a site plan is necessary, or whether the improvement could be documented by a detailed written description on the building permit.

Depending on the scope of the "as-built" improvement, some improvements could qualify for an over-the-counter permit. As much as possible, Building staff allows for this option.

If an improvement does not qualify for an over-the-counter permit and is determined to be a minor violation, it could typically be addressed by providing minimal information on a site plan. A site plan would be necessary to document the location of the improvement(s) on the site in relation to the property lines, setbacks, and required open yard. In some instances, only the immediate area of the improvement would be necessary to be shown on the plan. If the project is for the removal of the as-built improvement, a scaled site plan showing property lines, required setbacks, where the improvement is currently located, and an indication on whether it would be removed from the site or relocated on site would be necessary.

If the violation involves the addition of new floor area or conditioned space to the residence, then full plans and code compliance are necessary to be submitted for a building permit.

As part of the process improvements, the ZIR inspector is more involved in the building permit plan check process for applications for the abatement of violations found in ZIRs. This helps streamline the plan check process because the ZIR inspector is familiar with the site and

violations and can make a reasonable determination on what documentation needs to be provided for zoning and planning purposes.

Conclusion

Staff has taken steps to improve the accuracy and consistency in the preparation of ZIRs. However, realizing that discrepancies may continue to be discovered, Staff is proposing a number of ways to address discrepancies between ZIRs. Staff has proposed limiting immediate enforcement to cases of illegal dwelling units, loss of required parking, and floor area or conditioned space that pose an immediate health and safety risk. All other violations will be noted and kept in the file but will not be referred to enforcement. Staff has also proposed the Administrative Zoning Approval process to consider and approve minor reductions or waivers of zoning standards when there are unclear city records, discrepancies in the record (including discrepancies in ZIRs), and it is evident that the improvement was on the site prior to 1974.

In regards to the permitting process, the City is committed to streamlining the City discretionary review and permit processing process. If a violation existed on a property at the time of a previous ZIR and was not identified as a violation, Planning fees are waived and the project would be expedited.

In terms of the building permit process, the City is committed to streamlining the building permit process for all projects submitted for a building permit. As such, Council approved additional funding with this year's budget to fund additional staffing for the overall plan check process. Zoning staff has been reviewing its plan check procedures to address issues which have arisen in the overall plan check process, including the amount and type of information requested to be submitted and the timeline for review. In addition, the Land Development Team Supervisors have been meeting regularly about the plan check process and potential improvements to it. Those two improvement processes dovetail into the issues the ZIR Working Group has been working on. Specifically in the area of addressing violations that have been identified through the ZIR process, building staff also carefully reviews the scope of the improvements to determine if the project could qualify for over the counter permit and whether site or floor plans are necessary. The ZIR inspector is more involved in building permit/plan check process and helps in the determination on what the appropriate documentation should be for the abatement of the violations.

Attachment:

Building Permit Issuance with Pending Enforcement

Counter Policies & Procedures

BUILDING PERMIT ISSUANCE WITH PENDING ENFORCEMENT

INTRODUCTION

When the City receives a development application on a lot with outstanding violations, a permit is not issued unless the violation is corrected as part of the permit. All violations must be corrected on one permit, they cannot be piecemealed. Violations include: all pending or active ENF cases, expired permits, and any violations from past ZIRs. Exceptions are made only for permits involving work which is necessary to secure life and limb, or to ensure the safety of the property. The purpose of this policy is to establish when and what type of permit may be issued on a property with enforcement pending.

POLICY

Building permits shall not be issued unless all identified violations are abated as part of the permit. However, permits for the following types of repair work may be issued without including or addressing the violation(s) as long as the scope of work for that permit does not involve the improvement that is the subject of the violation. Design Review may still be required.

1. Permits for reroof of a building, without changing the pitch or configuration of the roof

2. Permits for electrical or other utility upgrade, including changing out a meter for a larger one, or rewiring, re-plumbing, and sewer line replacement.

3. Any work which is repair on an existing property, such as replacing a termite-damaged deck or wall. This does <u>not</u> include replacing existing windows or doors with new windows or doors of a different material or size.

4. Emergency repairs, such as retaining walls, in a situation where life or property is immediately threatened.

5. New or replacement solar panels or electric vehicle charging stations are allowed to proceed without abating violations as an incentive to these types of projects.

If there is a question of whether the application goes beyond necessary repair, the Building and Safety Division should be consulted to determine if it is a true health and safety concern. Even minor permits must comply; examples of minor permits that are not considered a safety concerns include: pool permits, new air conditioners, repaving driveways.

Potential Administrative Zoning Approvals

In instances where there are unclear city records, discrepancies in the record (including discrepancies in ZIRs) and it is evident that the improvement was on the site prior to 1974[1]:

1. Encroachments into setback, private outdoor living space, open yard or distance between buildings encroachment, such as:

    a. Hardscape improvements in a setback – i.e. fixed objects in the landscape such as planters above 10", built-in steps, fountain and pond (no pump), screens, decorative features, etc. This does not include built in BBQs or raised fire pits.

    b. The conversion of a carport to a garage in a required setback or vice versa.

    c. First story window changes in a setback and second story window changes with consent review by the applicable design review body.

    d. Alterations in the front setback such as windows, doors, skylight, façade change, etc

    e. Change of use in required setbacks. This included conversion of existing unfinished or finished understory or attic space to occupiable or habitable space in setbacks.

    f. Small, uniform additions within any setbacks. Said addition should be a minimum of 5 feet from the interior property line. Encroachments into the front setback shall not exceed 20% of the required front setback.

    g. Alterations to the roof pitch in any setback.

    h. Storage buildings less than 120 sq.ft. with no utilities constructed prior to 1975 located in the interior setback.

2. If residence/structure already encroaches into interior setback (i.e. it is legal non-conforming), allow certain minor improvements to encroach further:

    a. Chimneys if more than three feet from any property line.

    b. Cantilevered architectural features at least 3' above adjacent grade or finished floor which do not provide additional floor space within the building may encroach up to two feet if more than three feet from any property line.

    c. In the front setback only, uncovered balconies not providing additional floor space within the building may encroach up to two feet.

    d. Covered but unenclosed or uncovered entrance landings or steps.

3. Oversized accessory building or garage, built before 1975. Current size limit for accessory buildings is 500 sq.ft. and for garages 750 sq.ft. if property is zoned A-1 or A-2. The garage size limit for all other residential zones is 500 sf.

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[1] Year of the adoption of the Ordinance establishing ZIRs.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: January 30, 2014 9:00 A.M.

Location: City of Santa Barbara – Community Development Building
Community Development Conference Room, 2nd Floor
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Laurel Abbott, SBAOR/Realtor

Susan went over the objectives, focus, and proposed approach on working on the issues of the working group. She also gave a status on the City meeting the new objective of completing 80% of the ZIRs within 10 days of application submittal. For the period of Oct.-Dec. 2013, 93% were completed within 10 working days. She also explained that staff has seen a decrease in the number of ZIR applications submitted prior to escrow and an increase in the number of ZIR applications submitted more than 5 days after entering into escrow. She requested SBAOR remind their membership know that it is important to get the ZIR applications in early.

Bob explained SBAORs position regarding their desire to have ZIRs be optional, however to some degree that is an open issue as they are committed to do the best they can with this ZIR working group.

Adrienne wants to address the underlying problems and suggested the group work on the format of the ZIR form first, and explained that she did work with the City of Ventura when they were updating their forms.

Deborah suggested we start with big picture and philosophy of the parties involved, find areas of agreement and where to look for changes/improvements.

June stated the most important aspect is the reliability and the legal complications.

Bettie stated it's important to understand why and how we got to this problem. The process has evolved over time so there is a lack of consistency between old ZIRs and present procedures and quality.

Bob said it was very important to get the City Attorney's point of view. He feels the City's point of view when discrepancies arise is very different from other jurisdictions. He gave examples of Goleta and Carpinteria where he said those cities seem more likely to forgive the situation if they missed something.

EXHIBIT F

Deborah stated it's important for the City to stand by its work product and we need to work on a fair and appropriate way to deal with possible violations whether they are newly discovered or not. During real estate transactions is the prime time to identify possible violations.

June questioned whether the City has a range of information from past decades and how many problems with old ZIRs and plans.

Bettie stated that the information is not easy to get, but we know enough to be clear there are real issues and we believe the group will see those issues and we can work to improve the system.

Laurel stated that when the ZIR is identifying a new issue there is a lot of collaboration on how to solve it. It's the discrepancies with prior ZIRs that are the larger issue.

Bob explained that when the City requests information from the seller, they feel that they are assumed guilty until they prove their innocence.

Susan explained that when the City requests information from the property owner it's to help resolve record gaps or inconsistencies.

Bettie suggests that the group first work through what is done from the start and have a process for dealing with possible violations (minor and major) when there is no discrepancy from a prior ZIR. Then look at the discrepancy cases and develop more tools and approaches to solve those problems (with more flexibility than we have now).

John questioned what the disclosure and responsibilities were for the realtors, what level of inquiry they do. It's important for knowledge for fair and informed decision and expectation for each party in transaction. What are the remedies and price associated with them?

Adrienne gave the example of the City of Ventura where for $24.000 the City of Ventura will provide a computer printout of information in their computer database within 24 hours. The buyer is responsible to interpret the information.

Deborah stated that over time major violations could happen and if we took the City of Ventura's approach, we may not know about it for years.

Jim stated that in the City of Goleta they respond to complaints from the neighbors on possible violations. He also wants this group to better define major vs. minor violations.

John requested information from the SBAOR and City on materially important information.

June stated that ZIRs are important for the confidence for buyers. Important to know what the City knows about a property.

Deborah stated that this meeting had good progress. Next meeting it would be good to discuss major vs. minor violations from both the City and realtor's prospective.

John stated he'd like to hear what the "material effect" is from the realtors and how it affects the value.

Jim stated that when there are major violations, it makes sense for everything to come into the equation.

June stated that the educational component and complexity is important to understand.

It was agreed that the next meeting would focus on:

- Major/ minor violations
- Information on the complexities of the City's decisions;
- Definition of material fact – have the realtors describe what that covers/means

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: February 26, 2014 10:00 A.M.

Location: City of Santa Barbara – Community Development Building
Community Development Conference Room, 2nd Floor
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Laurel Abbott, SBAOR/Realtor
George Estrella, Chief Building official (left 10:40 A.M.)
Larry Cassidy, Building Inspector Supervisor
David Eng, Planning Technician

Susan Reardon provided an overview of the resources used to inform zoning inspections and the Zoning Information Reports:

1) **Archive Plans**: These are approved plans that are stored at the City and available for viewing by appointment at the City's record counter.
2) **Street and Planning Files**: These are stored at the City. These records are scanned and are available for viewing online and at the City's record counter.
3) **Sanborn Map**: Sanborn maps were originally used to assess properties for fire insurance risk. Locally they were updated until the 1960s. They provide a marker of historic conditions of buildings in Santa Barbara from which to compare ZIR inspection findings. They are available for viewing at the City's planning counter. Susan Reardon provided a brief explanation of how to read a Sanborn Map.
4) **County Residential Building Records**: These records are created by the County Assessor and provide information on the use, statistics, and condition of a building over time. Sometimes the permit history is noted. Susan Reardon explained that these records are useful when there are gaps in the City records or when the records are unclear. She noted that the County only provides these records to property owners or their designees.
5) **City of Santa Barbara Historic Survey**: The surveys provide images, building statistics, and brief narratives and assessments of residences within a historic survey area. They sometimes include the permit history of the building. The historic surveys are an ongoing program begun in the 1970s, and have been conducted over time by volunteers, contracted groups, and City staff. Historic survey records are stored at the planning counter and may be viewed upon request.
6) **Other/Aerial Photos**: Old/historic photos and aerial imagery are also used to help establish when an improvement first appeared. Photographs are sometimes provided by a property

owner or they may be in the City's project files. The City's Public Works Department has some aerial photos. UCSB has a more extensive aerial surveys catalog.

Bettie Weiss emphasized that the City welcomes all sources of information to help staff make the appropriate determinations in ZIRs.

The group entered into a discussion about errors and inconsistencies in ZIRs prepared over time. Deborah Schwartz asked whether there is a training manual and consistent training for City staff preparing ZIRs. Susan Reardon noted that training material is being prepared.

Deborah Schwartz noted that the language used to describe violations often varies depending on the staff person preparing the report. She suggested using standardized language in the ZIRs to provide more consistency. Susan Reardon explained that standardized language is often used in ZIRs. However, she and several others in the group also acknowledged that the unique circumstances of certain properties and violations would necessitate customized language.

Deborah Schwartz asked whether there is a checklist of documents and resources used in ZIR preparation. If not, she suggested incorporating one in the future.

The group entered into a discussion about gaps in records, specifically the time period when the County issued building permits in the City. Susan Reardon explained that in these cases, the City would rely on other sources of information.

The group entered into a discussion about the use of private inspectors. John Campanella suggested that it may be useful for findings from private inspectors to be included into City files. Bettie Weiss noted that a problem with this is the need for this information to be verified by City staff. Deborah Schwartz asked to continue the discussion of private inspectors to a future time.

Adrienne Schuele added that a major issue that needs to be examined is how the City should take ownership of errors made by its staff.

Susan Reardon provided an overview of major and minor violations:

1. **Major Violations**
    a. Illegal dwelling units (IDUs)
    b. Addition of new habitable space
    c. Illegal conversion or loss of required parking
    d. Improvements within 50 feet of coastal bluff or on the bluff face

2. **Minor Violations** are all other violations.

Susan Reardon noted that the City does not require violations to be abated within the escrow period and this is a common misunderstanding among agents and property owners.

Deborah Schwartz suggested clearly defining each of the four major violations (e.g. what is the difference between a dwelling and habitable space?) John Campanella also suggested comparing that with what the definitions are from realtors' standpoint.

Adrienne Schuele asked how the group should address the 1000s of inaccurate ZIRs. Susan Reardon disagreed with the assessment that there are 1000s of incorrect ZIRs.

Larry Cassidy explained the building inspectors' role in evaluating violations and took questions from the group. He explained that areas used for living, eating, or sleeping are what make a room "habitable." Noting that building inspectors cannot inspect everything on a property due to time constraints, he also explained that inspectors focus on basic characteristics such as the number of bedrooms and bathrooms, design review requirements, high fire area requirements, and life and safety requirements. He emphasized that if something is overlooked by an inspector, it does not mean it is approved. The group discussed how it is also common for changes to be made out in the field. Bettie Weiss urged that all changes be documented to prevent discrepancies later on.

John Campanella asked whether architects use approved archive plans to base new proposed plans on, whether realtors are coaching buyers to know the right questions to ask when buying, and whether buyers are provided with any supplemental information during the buying process.

Laurel Abbott returned to the topic of privatizing the ZIR process and the role private planners could play by investigating issues and potential violations beforehand.

Krista Pleiser referred to a program used by the City of San Marino where city-trained private inspectors abate violations beforehand. Bettie Weiss explained that this idea has been considered but that given the added time that private inspectors would need to access records and archives, investigations would be prolonged and the cost would not be significantly different. She also expressed concern that without City involvement, the parties involved would not know the City's position on the status of an improvement.

Deborah Schwartz suggested looking into an amnesty program (e.g. City of Ventura) under which property owners would be able to turn themselves in for violations beforehand without financial penalty. Bettie Weiss indicated that Ventura's amnesty program only pertained to the legalization of second units.

In discussing abatement of building violations, June Pujo asked whether stamped plans or inspector sign-offs prevail. Larry Cassidy replied that plans do usually and addressed the role of field changes. However, he noted that conformance to the adopted building code trumps everything. June Pujo followed with a question regarding zoning violations to which Bettie Weiss responded by saying that staff often makes judgment calls based on practicality and whether it's "close enough."

Deborah Schwartz suggested the City prepare a handout that could be given to the property owner that informs them how to address the identified violation.

Bob Hart revisited the topic of missing City files. Bettie Weiss acknowledged that some records are missing, especially County-issued building permits during the 1970s. She explained that other resources would be relied upon to identify a time of a particular improvement and apply appropriate ordinances to.

The group concluded the meeting by suggesting items for future discussion.

Susan Reardon listed the following items:

1. Continuing discussion of major versus minor violations.
2. Discuss administrative approvals (Susan Reardon to send a list to members)

Other members suggested the following additional items:

1. Understanding better what the realtors do for their clients in terms of disclosures and the ZIR process.
2. The statewide buyer advisory and real estate transfer disclosure statement from realtors.
3. The issue of grandfathering, legitimizing a violation, and the difference between these.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: March 12, 2014 10:00 A.M.

Location: City of Santa Barbara – Community Development Building
Public Works Conference Room
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the February 26, 2014 ZIR Working Group Meeting.

ZONING VIOLATION ABATEMENT TIMEFRAMES

Deborah Schwartz asked whether any ZIR documents provide a timeframe for abatement.

Susan Reardon responded that the City does not require the violations to be abated prior to the close of escrow.

George Estrella stated that timelines are created when an enforcement case is started. The owner is typically given 30 days to contact the City. He stated that one of the goals of enforcement from Building and Safety's perspective is to establish a working dialogue with the property owner to ensure that progress is being made toward abatement.

Bettie Weiss noted that lenders sometimes play a role in when violations are abated. Adrienne Schuele added banks' strict standards often require all violations to be addressed immediately.

George Estrella asked whether realtors are encouraging property owners to address potential violations before a property is listed. Adrienne Schuele said realtors will encourage agents and sellers to obtain a ZIR as soon as a property is listed and that the buyer is responsible for researching the property. Bettie Weiss noted that one idea is to include information in the water bill about obtaining ZIRs.

Adrienne Schuele referenced the Transfer Disclosure Statement, where owners are to provide all material facts about their property. Things are more complicated when issues are revealed after an offer is made.

CATEGORIZING VIOLATIONS

Deborah Schwartz asked for clarification about non-conformities. Bettie Weiss explained that something is legal non-conforming if it was built and permitted under a previously adopted code.

Deborah Schwartz also sought clarification in the Fine Print for when violations needed to be abated immediately or in the future. Bettie Weiss was open to revising the Fine Print and suggested that group members provide input on this.

In response to a question about whether violations run with the land, Scott Vincent explained that the owner of a property is responsible for the condition of that property at that point in time. Adrienne Schuele noted that the hand-off of violations between old and new property owners is unique in each case, depending on circumstances surrounding the lender, buyers, or sellers.

George Estrella emphasized that the ZIRs are not health and safety inspections; they are zoning inspections. Bettie Weiss added that zoning inspectors do not report on everything (eg. kitchen remodels). George Estrella noted that some of the "minor" zoning violations could actually be "major" building violations.

Adrienne Schuele asked whether inspectors were liable for not disclosing all violations. Scott Vincent explained that state laws grant immunity to inspectors for this.

Adrienne Schuele felt that there are a lot of undocumented construction changes made in the field that are inspected and signed off on. Larry Cassidy noted that this is no longer the case and that practice has changed. George Estrella added that inspectors will inspect a property and try to assess when an addition or alteration was done.

June Pujo pointed out that there are health and safety issues for Zoning and those for Building and Safety. She suggested that the ZIR should identify major issues only as it relates to zoning. Bettie Weiss explained that the City does not feel constrained to give only zoning information in the ZIR. The ZIR gives information regarding work done without permits to convey the permit record and other information that City is aware of.

Adrienne Schuele said that she would like to see all of the information sources used for ZIRs provided to the buyer, adding that the City of Ventura prints out all building permits and property information for a $24 fee.

Bettie Weiss said that she would like to inform the public as much as possible of the range of information available and that the information the City of Ventura provides is currently available on our City's website. Efforts could be made to package this information and perhaps realtors could be trained on how to access it.

June Pujo acknowledged the importance of site inspections for major violations but questioned whether every building violation including minor ones should be listed.

Adrienne Schuele felt that a key problem remains, older incorrect ZIRs that create inconsistencies during inspections.

June Pujo stated that we need to better define what the report focuses on. Bettie Weiss agreed that the City does not want to raise a red flag on certain violations when it is not significant. Items such as a floor plan that deviates somewhat with an actual home could perhaps be listed as an informational item. She added that in any case, the City wants to err on the side of redundancy.

Krista Pleiser noted that the City of Monterey Park was eliminating their ZIR program.

George Estrella felt that ZIRs in general and despite their imperfections do maintain neighborhoods and helps the City and its housing stock. Bettie Weiss expressed concern about what would happen without ZIRs. June Pujo agreed that there is a value to ZIRs. However, there should be a focus on neighborhood compatibility issues and perhaps other violations can be listed as informational.

Deborah Schwartz raised the issue of amnesty for illegal dwelling units to which Scott Vincent responded and said that the City Attorney could draft a program and advise City Council to encourage and incentivize owners to volunteer violations on their properties.

Bob Hart reiterated the issue of properties receiving clean reports year after year, followed by a finding of a violation.

Bettie Weiss suggested the possibility for an ordinance change to grant approval of certain violations that do not adversely impact others. Bob Hart cited the example of a carport that is partially in the setback.

ZIR AMNESTY AND INCENTIVE PROGRAM

Krista Pleiser proposed an amnesty program that encourages property owners to obtain a ZIR for a discounted fee. She also suggested that after a certain period, only these ZIRs are used as a reference for future inspections. Jim Caldwell agreed that this would be a good option to consider. Krista Pleiser cited the City's sewer lateral inspection program as a successful effort to model.

Bettie Weiss said that City Council could consider subsidizing ZIRs. Jim Caldwell felt that this would be a good move on the City's part; if the City values ZIRs, they should be incentivized.

Bettie Weiss touched upon the City's impending overhaul of the zoning ordinance and how it could be written to better address zoning violations in the future. Scott Vincent added that the City could consider removing standards for violations that do not hurt anyone.

INCORPORATING EXTERNAL SOURCES OF INFORMATION IN ZIRS

Krista Pleiser also suggested that photos and simple floor plans should be recorded for ZIRs. Adrienne Schuele noted that there are some services that provide this. June Pujo noted that this would be an added expense.

Bettie Weiss asked whether home appraisal and home inspection reports could be provided to the City.

Scott Vincent said that information from City inspections could be combined with drawings and other information provided by the agent and owner. June Pujo questioned whether this approach would complicate things.

Krista Pleiser said she would share examples from the City of San Marino that show the level of documentation provided by their privatized ZIR process. She also emphasized that public relations would play a big role in improving the ZIR process.

NEXT STEPS

The group identified several tasks and discussion items for the following ZIR working group meeting.

1) The next working group meeting will focus on how to resolve discrepancies between the findings of a prior ZIR and what is on the site today when we think the City made an error in the previous ZIR.
2) Krista Pleiser will draft a conceptual ZIR amnesty and incentive program for discussion.
3) Staff will send the existing ZIR form to group members to review and comment on.
4) Realtors will provide what they consider "major" and "minor" violations for discussion.

ADJOURNMENT

Meeting adjourned at 12:15 P.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: April 17, 2014 9:00 A.M.

Location: City of Santa Barbara – City Hall
735 Anacapa Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Chris Agnoli, SBAOR/Realtor (sat in for Bob Hart)
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the March 13, 2014 ZIR Working Group Meeting.

ADMINISTRATIVE ZONING APPROVALS

The group discussed a list of proposed items that could potentially qualify for administrative zoning approvals.

Bettie Weiss explained that when appropriate the administrative approval process could be incorporated into the ZIR process to expedite resolution of discrepancies found during an inspection. As the City's Staff Hearing Officer, Susan Reardon, for example, could provide administrative sign-offs on discrepancies on an addendum letter to the ZIR. Building and Safety would be involved whenever the case warrants it.

Both Larry Cassidy and George Estrella agreed that this would be a good approach to take. However, George Estrella offered the caveat that as-built improvements would need to meet current building and safety codes, and these would be reviewed on a case-by-case basis.

June Pujo asked whether there is a simplified building permit process (i.e. short-form versus long-form permit). Larry Cassidy explained that there is just one type of building permit but what is involved or required depends on the specific case.

The group asked how many cases are referred to building each year. Susan Reardon explained that 600-700 ZIRs are done each year but she would need to research further how many cases are referred to Building and Safety.

Susan Reardon touched upon discrepancies in ZIRs and noted that the discrepancies found today mainly has to do with ZIRs prepared during the late-1990s to mid-2000s. Discrepancies have been largely attributed to a particular staff member and also changing administrative standards for particular violations to be either called out, omitted, or noted as information only. On this, Deborah Schwartz stressed standardization of procedures and interpretations that remain consistent over time and staffing changes.

Deborah Schwartz asked for clarification on the intent and scope of the ZIR. George Estrella reiterated that ZIRs are not health and safety inspections. In the instance of ZIR violations, Building and Safety only responds to violations that Zoning notes in the ZIR. In the end, Building and Safety looks at whether an item meets current code, and applies a common sense approach to whether it is safe to leave an alteration as-is. Bettie Weiss added that the intent of the ZIR is to convey to a buyer what City records and site inspection reveal.

Adrienne Schuele cited the ZIR's purpose to provide information and felt that the City has taken the program beyond its original intent by pursuing full compliance of each property with the code. However, Susan Reardon clarified that the Municipal Code calls for any known non-conformities and violations of any ordinance or law to be reported. The group entered into a discussion of incorrect information in ZIRs.

Deborah Schwartz asked to refocus the discussion on the list of administrative approvals provided. She also asked to develop a flowchart of the entire ZIR process and to explore the "amnesty" program further. George Estrella pointed out that with certain building violations, there cannot be amnesty.

June Pujo commented that the list looked fine overall and that the possibility of administrative approval of the items is promising. She felt that the more significant issue is how items referred to Building and Safety would be handled. She asked whether a similar administrative approval process could be applied to building violations.

George Estrella explained that Building and Safety has an obligation to act on all building violations that it finds, as they are referred to them or if they discover it during an inspection for an otherwise "minor" violation.

Scott Vincent noted that the items on the list need further definition and refinement and asked for clarification on improvements that have existed "a very long time." Susan Reardon noted that this term usually pertains to improvements that have existed on the site prior to the 1960s, but would like discussion on that. Scott Vincent also expressed concern that administrative approval of unpermitted improvements that do not meet current standards would negate the effectiveness and equitable application of those standards to all properties. Bettie Weiss clarified that the administrative approvals process would only be in the context of previous and possibly inaccurate ZIRs. Susan Reardon noted that there was consideration for broader application of administrative approvals of items in list numbers 1 and 2 (akin to administrative approvals for fence and hedge heights), but unless there is support from Planning Commission and City Council to do so, the approvals will only be used in the context of ZIRs.

Adrienne Schuele, Jim Caldwell, and Laurel Abbott stressed that they want all information disclosed.

Bettie Weiss acknowledged that part of the reason issues have arisen from the ZIR program is that administrative procedures have changes over time and that the City's records are sometimes not always complete for each property.

The group returned to the topic of administrative sign-offs on unpermitted work. George Estrella explained that if he comes across something that appears old and is safe, he is apt to sign it off. But again, any serious violations would need to be addressed immediately.

Scott Vincent stated that the ZIR is to inform buyers and protect public safety. We need consistency and transparency going forward and a description of the enforcement timeline.

SUSPENDED ENFORCEMENT

The group explored focusing on using the ZIR primarily as an informational report to homebuyers and holding off on enforcement of violations. Homebuyers could abate the violation on their own time. George Estrella expressed his concern that this only delays the inevitable enforcement process. He also clarified that this approach may apply for unpermitted improvements that appear to have existed for a long time and do not pose any health and safety issues; however, it could not be use to remedy issues that do pose health and safety concerns.

Bettie Weiss suggested the approach of not immediately enforcing on and referring violations to Building and Safety that are not gross violations. She asked the group whether this was a suitable approach for the future.

John Campanella stated we should explore a free pass. In instances of discrepancies, either require abatement of all violations (whether major or minor) when the next building permit is sought or prior to the next sale of the property. The timing of abatement should be clearly stated on the ZIR form.

Adrienne Schuele asked whether Building and Safety would enforce on items presented to them by a buyer with a ZIR. George Estrella explained that they would not. Several group members expressed support for suspended enforcement.

GOALS

The group entered into a discussion of goals as the working meetings draw to a close. Deborah Schwartz asked staff to draft a policy document for the ZIR process. Bettie Weiss asked the group to focus on comments on the form for the next meeting.

Deborah Schwartz also asked whether the group would have input into the portions of the new ordinance that pertain to ZIRs. Bettie Weiss explained that the group would not be working directly with the new ordinance, but through its discussions on the ZIR documents and procedures would inform development of the new ordinance.

Bettie Weiss urged group members from the real estate community to think about whether the direction the discussions and proposed changes to ZIR policy are alignment with their goals. Deborah Schwartz added that she would like the see the entire group develop a unified voice on its position on ZIRs.

Laurel Abbott commented that not referring improvements to enforcement would alleviate some of the animosity with the public.

NEXT STEPS

The group identified several tasks and discussion items for the following ZIR working group meeting.

1) Group members will review the ZIR form independently and provide comments for discussion at the following meeting.
2) Revisit the "amnesty" program.

ADJOURNMENT

Meeting adjourned at 11:00 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: April 24, 2014 10:00 A.M.

Location: City of Santa Barbara – David Gebhard Public Meeting Room
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Scott Vincent, Assistant City Attorney
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor

At this meeting the group discussed changes to the ZIR form. June Pujo and City staff had provided written suggested revisions to the existing ZIR form so the discussion focused on those two documents.

There was consensus to strengthen the purpose statement. An explanation on what the ZIR does and doesn't provide should be included. Emphasize the report is information based and not a complete inventory of entire site, nor a disclosure document as that term in used in the real estate community. Explain the process, what the ZIR is based on, and provide a generic list of what was used to prepare the ZIR. Include a list and link to information sources to help public be able to access City records. The "fine print" section should be removed from the ZIR form and the relevant/important information in the fine print should be placed in the sections that it refers to. The important stuff should not be buried in the fine print but highlighted in the appropriate sections.

Deborah Schwartz stated there should be an explanation on what the time limit means. Scott Vincent stated that the seller could use the ZIR to satisfy the ordinance requirements until it expires. Bettie Weiss stated that information could be added to the ZIR application form regarding extensions.

Adrienne Schuele suggested a draft ZIR be put out first that explains the ZIR findings. Bettie Weiss stated that would extend the time before a final ZIR is prepared.

Adrienne Schuele stated that there could be more discussion during the site inspection and that may clear some issues up. Laurel Abbott stated inspectors should call agents more often with issues. Susan Reardon stated that if agents are not readily available to respond to the issues it could add time to the completion of the ZIR. It was suggested that the inspector give a specific period of time for the realtor to get back to the inspector or the ZIR will be finalized without their input.

Bettie Weiss suggested a new section be added to the ZIR which discusses remedies and next steps to address identified violations, including administrative approvals. Scott Vincent suggested an illegal status box could be added which includes items that were determined to be illegal.

Adrienne Schuele stated that the City should save photos. John Campanella stated the City should limit saved photos to the ones that show the violations. Scott Vincent stated that the photos could be used to not only document violations but also establish a baseline.

Susan Reardon stated that property owners have expressed concerns in the past regarding privacy and safety issues with having photos of their property and the inside of their homes available in the street file and accessible via the City's website for the general public. Adrienne Schuele stated that the photos could be kept separate. Susan Reardon stated staff would have to explore that option further to ensure that the general public's concerns are met.

Deborah Schwartz suggested a glossary and possibly links to the definitions be added to the ZIR with definitions of terms used in the ZIR. Scott Vincent suggested a sentence could be added to the introduction section of the ZIR that indicates the terms used in the document are based on definitions in Chapter 28.04 of the City's Zoning Ordinance.

Adrienne Schuele stated more information on items that could affect future development or improvements on the site should be provided in the ZIR. Susan Reardon stated that staff could print out the MEA form and attach it to the ZIR. The MEA indentifies environmental constraints on a property.

All agreed that the statement regarding smoke detectors should be removed from the form.

June Pujo stated that time and space in the ZIR should be devoted to what is important.

Scott Vincent questioned why bedrooms are included for single family residences. Deborah Schwartz suggested that bedrooms be taken out for single family residences.

John Campanella questioned whether the fact that a property is in a historical district or included on the structures of merit, landmarks, or potential list is currently identified in the ZIR. Susan Reardon stated that it is.

June Pujo stated that being on the potential historic resources list may raise concerns with some property owners. Adrienne Schuele stated that it is good for people to know that information.

Adrienne Schuele questioned how staff determines that something is within a setback. Scott Vincent suggested wording be added that describes what the setback is based on, i.e. site plan, on-site observation.

Adrienne Schuele stated she liked staff use of the terms "appears to be" and "might be."

Discussion also occurred on the property description section of the ZIR form. The group discussed what should and shouldn't be included in the property description. There was consensus that the

property description should be what was observed on site and that the violations should be noted in a separate section. A distinction should be made on what is on site and what is permitted.

June Pujo suggested a table be provided. Susan Reardon provided the table that is currently in the Planning Commission staff report as an example but noted that all the information on that table would not be included in the ZIR.

Bettie Weiss suggested two columns; what was observed and what is permitted.

Scott Vincent suggested three columns; zoning standard, what was observed, and what is permitted.

Bettie Weiss stated there is a big difference between major and minor violations. By matter of City policy staff has indentified what violations are referred for immediate enforcement. Discussions could occur with the Planning Commission and City Council to confirm what staff classifies as a major or minor violation and what staff refers for immediate enforcement.

Deborah Schwartz questioned what happens in a subsequent ZIR if a building permit is never pulled and there are minor violations identified in a previous ZIR. Susan Reardon stated that if the violations still remain on site they would be identified in the subsequent ZIR and would still not be referred for enforcement. However, if a neighbor calls and files a complaint on the minor violation the City would deal with it at that time.

NEXT STEPS

1) Group members will review the ZIR form independently and provide written comments to Susan Reardon for incorporation into a revised draft ZIR.

2) Individual group members will email Susan Reardon their list of key items/topics they feel we haven't discussed completely or haven't discussed at all.

   Topics identified at the meeting included:
   a. How to respond to discrepancies
   b. Association's wish list/ideas on how to address discrepancies, their priorities, and what they could live with
   c. Pros/cons of making ZIRs optional
   d. Definitions such as habitable space, major/minor violations, non-conforming

ADJOURNMENT

Meeting adjourned at 12:00 P.M.

City of Santa Barbara
Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: June 3, 2014 10:00 A.M.

Location: SBAOR Offices
1415 Chapala Street

Present:
Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the April 17 and April 24, 2014 ZIR Working Group meetings and asked the group for comments.

The objectives for the day's meeting were:

1) Discuss the administrative approval and permitting process and find consensus on the list of administrative approval items developed from previous group discussion.
2) Pros and cons of making ZIRs optional.
3) Clarify definitions (e.g. major versus minor violations, habitable space, and non-conforming space.

Susan Reardon also asked group members to provide comments to her on the ZIR form at their earliest convenience.

Laurel Abbott asked for further discussion on the issue of discrepancies, which had not been resolved. Susan Reardon agreed that the issue had not been fully discussed and asked the group to provide any comments.

Adrienne Schuele raised the issue that ZIRs are not exhaustive inspections and may leave out building violations that property owners are surprised they need to address later. She and Krista Pleiser said that there is a misperception among the public that a clean ZIR is a finding of no zoning and building violations.

Bettie Weiss explained that the ZIR states that it is not a building inspection. She suggested that this information could be included on other forms such as the application form, and that new language could be incorporated to direct the public to other types of inspections (e.g. private inspections) or the building counter for additional property information. Laurel Abbott added that the scope of the ZIR could be better defined. Scott Vincent also suggested that information on open and expired permits could be included from Tidemark. June Pujo cautioned against providing a level of information in the ZIR that goes beyond its primary purpose as a zoning report, as including additional information could be more time consuming and costly than desired.

Adrienne Schuele raised the issue of "clean" ZIRs that are not really so due to discrepancies or omissions. George Estrella explained that unless the violation is "major" the other violations are provided only as information. Bettie Weiss agreed with June Pujo that the City does not want to have the ZIR become something more than a zoning report but it does wants to provide as much information as possible (e.g. Master Environmental Assessment maps). Bettie Weiss explained that the expectation that the ZIR is a comprehensive report that addresses all of the City's codes is not realistic and perhaps more could be done to explain that to the public.

John Campanella referenced Buyer's Advisory documents and suggested that the ZIR could dovetail with the information categories in those documents: zoning, building, and code compliance. Bettie Weiss noted that the ZIR looks at zoning code and building permits, but does not get involved with building codes. John Campanella suggested that this should be clearly explained. Bettie Weiss and June Pujo noted that additional inspections such as a home inspection would provide the building code compliance information that the ZIR does not.

Lonnie Cassidy noted that the public often inaccurately assumes that the City departments and divisions operate as one entity, which is not the case. Different divisions such as Building and Safety and Planning operate under different regulations.

Bettie Weiss steered the discussion to examine the pros and cons of the ZIR, with consideration of the working group's efforts to improve it. She summarized the group's desire to highlight major violations in a prominent box on the report and have other violations listed elsewhere. Krista Pleiser added that the lists could also be organized by how violations could be remedied.

Bettie Weiss asked the group how various parties would be affected if the ZIR were eliminated.

Laurel Abbott explained that in most cities, permit planners, architects, and inspections do the ZIR. Bettie Weiss relayed her discussions with private sector planners and explained that they do their best to provide their interpretations of zoning issues. However, the City's interpretations are what matters and is ultimately necessary. June Pujo explained that as a private planner, she would need to consult with the City to provide reliable information and did not see a scenario where the City was not involved. She felt that having the City conduct the ZIR was the most efficient option.

Adrienne Schuele revisited the issue of discrepancies in ZIRs and expressed her concern about the City's interpretation of information at different times. Bettie Weiss reiterated the City's approach to discrepancies that arise in ZIRs, which is to make an assessment based on all available information available in City records and any info the owner provides.

Deborah Schwartz referred to the ZIR process in the City of San Marino. Krista Pleiser summarized the process in the City of San Marino where city-certified private inspectors conduct inspections using a form provided by the City. The inspectors submit the form to the City, which then verifies the information against their records. Bettie Weiss stated that San Marino is very limited on what is inspected.

Deborah Schwartz asked whether the City would consider issuing a certificate of compliance for inspections and stand by it. Scott Vincent explained that the City could do that but would not recommend it unless there is a more robust and detailed process that involves more documentation such as photos and floor plans.

Krista Pleiser noted that buyers are often uncertain about what City inspectors are looking for and suggested a checklist that property owners can reference. She noted the types of items examined by inspectors for the City of San Marino, some of which include building items. George Estrella explained that the City's existing ZIR program is not equipped to ensure building code compliance.

Bettie Weiss asked the group about pros and cons of immediate enforcement as part of the ZIR program. She acknowledged that lenders might want to see all issues resolved immediately despite the buyer and selling agreeing to handle violations at a later date. Laurel Abbott explained that it is more appropriate to address violations in conjunction with new building improvements since property owners are more financially prepared to address violations when they are already funding discretionary building improvements. Adrienne Schuele added that it is often inconvenient or not possible to address discrepancies within the 30-day escrow period. Susan Reardon stated that there is no City requirement to abate violations before escrow closes.

Laurel Abbott asked whether there could be an expedited permitting process for addressing certain violations. Bettie Weiss explained that if the violations are minor enough, City Council could grant Planning staff the ability to address and approve zoning issues quickly. However, it will be unlikely that this could be done for violations that require a building permit, which must abide by a separate set of codes.

Scott Vincent noted that City staff already dedicates a large amount of resources toward resolving ZIR discrepancies quickly and was unsure what more could be done to improve the process.

Lonnie Cassidy noted that Building and Safety counter staff is proactive about helping speed minor violations through the process but a major roadblock is the ability of the public to provide required information in their submittals, especially from those who are unfamiliar with the City's permitting process.

Bob Hart noted from personal experience that meeting the City's project submittal requirements can be difficult, even for minor improvements. Bettie Weiss acknowledged that Planning often has more stringent plan requirements that warrant simplification. Susie Reardon explained that Planning is currently examining what is truly necessary on plan submittals. George Estrella concurred that some levels of planning review could be simplified and done administratively.

Deborah Schwartz felt that as long as zoning laws exist, it is the City's authority and responsibility to follow-through and ensure compliance. In carrying this out, she suggested four areas that could be improved:

1) Streamlining
2) Consistency
3) Clarity
4) A clear set of inspection items

Deborah Schwartz also suggested further exploration of an incentive program to encourage property owners to voluntarily address zoning and building violations.

Bob Hart also asked the group to consider zoning waivers or exceptions for certain violations that neighbors agree to and do not affect the general public. Susan Reardon noted that this is something that will be considered with the new zoning ordinance. Bettie Weiss explained that the City has an obligation to enforce the regulations in the Code. June Pujo asked whether suggestions from the group could be incorporated into the new zoning ordinance. Bettie Weiss and Susan Reardon explained that the ZIR process would be improved to the extent that it can, in response to input from the working group. Other concerns will be considered for implementation in the new zoning ordinance.

Adrienne Schuele did not feel that the point of sale is the most effective way to enforce on violations. June Pujo agreed that the process can be cumbersome but felt that having enforcement occur during the point of sale is a more objective enforcement tool, if it focuses on the right things. Bettie Weiss felt that letting buyers know of violations later on could be more problematic for them. Deborah Schwartz added that the ZIR process reduces an antagonistic neighborhood environment.

John Campanella sought clarification on legal nonconforming items. Bettie Weiss confirmed that legal nonconformities are not violations. Susan Reardon added that legal nonconformities are called out in ZIRs because that affects what improvements could happen on the property.

Bob Hart asked whether the ZIR fee is essentially a tax on selling a home in the city. Deborah Schwartz noted that industry professionals would charge a fee that is comparable to what the City charges. Bob Hart also asked whether the small number of properties that have significant issues warrant the mandatory inspection. Bettie Weiss noted that the ZIR is a deterrent to illegal work, and City Council is of the opinion that the ZIR is a necessary and an effective tool.

The group briefly discussed a voluntary abatement program as a pilot program.

Laurel Abbott suggested communicating to the public the City's recent collaborative effort to improve the ZIR process and letting people know that the changes are a work in progress that can be revisited for further refinement and reconsideration.

Bob Hart noted that the City has been responsive to past concerns regarding timeliness of ZIRs and staff has helped address issue.

NEXT STEPS/ CONCLUSION

Bettie Weiss explained that the improvements will be presented to the working group and asked the group to convey to the public that it has completed the first phase of brainstorming, and once finalized by the working group, will be presented the improvements to Planning Commission and City Council. At the same time, City staff will consider the resources available to implement the improvements.

Deborah Schwartz and Krista Pleiser will put together a conceptual program for a voluntary abatement program.

Susan Reardon will draft the procedural improvements and communication items.

Scott Vincent asked how staff will respond to issues that buyers want addressed immediately. Bettie Weiss explained that the amount of resources available to quickly and adequately respond to issues found in the ZIR or in a voluntary abatement program will be considered.

Bob Hart also wanted confirmation that minor violations are not immediately enforced on and could technically be passed on to future buyers. The group agreed that this could be clarified in the ZIR report.

ADJOURNMENT

Meeting adjourned at 11:46 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: July 22, 2014 10:00 A.M.

Location: City of Santa Barbara – Public Works Main Conference Room
630 Garden Street
Santa Barbara, CA 93101

Present:
Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Bob Hart, SBAOR/Realtor
Jim Caldwell, SBOAR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
David Eng, Planning Technician

Susan Reardon presented drafts of new ZIR forms, which incorporate input from the group members and staff. Some of the changes and features of the new form include the following:

1) Reorganization of information, with violations listed first.
2) Reworded language regarding nonconforming property attributes.
3) Draft and final report dates.
4) Inspector and contact information listed on the front.
5) The integration of the "fine print" into relevant sections of the ZIR

The group entered into a discussion regarding the proposed 5-day review period during which agents can review an e-mailed draft of the ZIR, before it is accepted as a final document. After exploring the process, it was agreed that it would be better to keep with the existing policy of the 10-day appeal period.

Adrienne Schuele raised the question of how ZIRs will be handled if new information prompts an amendment after this period. Susie Reardon noted that depending on when the new information was received and what the information was, a memo to the file or an amended ZIR would be prepared.

Adrienne Schuele stressed the importance of communicating with property owners if inconsistencies are found among different ZIRs for the same property. Susie Reardon explained that staff has been reaching out to property owners when this does occur.

June Pujo stressed that procedures for appealing and amending a ZIR be made available and Susie Reardon and Bettie Weiss assured the group that this information would be included on the ZIR form.

Susie Reardon clarified for the group that the main difference between the two proposed ZIR forms is in the violations section area.

Deborah Schwartz asked how County records fit into the ZIR. Bettie Weiss explained that the City does not typically go to County records and that homeowners typically submit County records to the City. Susie Reardon touched on the checklist proposed to be included in the ZIR, which indicates all of the information sources used to develop a ZIR.

Deborah Schwartz recommended that the phrasing in the major and minor violation forms be consistent. Scott Vincent felt that the language should be different to avoid confusion when staff highlights a particular paragraph, depending on the type of violation selected.

Deborah Schwartz also asked for clarification of the term "original plans." Susie Reardon explained that "original plans" refers to plans for the initial construction at a property.

Several members asked about the need for two ZIR forms. Susie Reardon clarified that there will only be one ZIR form but depending on the type of violation identified, the violations would be identified as either "minor" or "major." If one or more of the violations are major violations, all of the other violations will be included on the form with the major violations.

Bob Hart asked whether abatement was tied to close of escrow. Bettie Weiss explained that they were not, but would be subject to the timeline established by the building inspector. If no major violations are involved, minor violations do not need to be addressed until a building permit is pulled. Lonnie Cassidy explained that building permits for roofs and HVAC would not trigger review of minor violations on file. Bettie Weiss stated that the types of building permits that trigger the abatement of minor violations will be spelled out for the public.

June Pujo felt that the way major and minor violations are presented on the form may be confusing to the public. For example a minor violation appears as a major violation when it is listed together in a ZIR with major violations. Bettie Weiss agreed that this could be worked on.

June Pujo also asked whether County Assessor information or a survey could be used to inform an inaccurate ZIR, with regard to lot sizes and property lines. Bettie Weiss explained that the City would welcome the information. Scott Vincent suggested that a noted could be added to ZIR application form encouraging property owners to volunteer supplemental property information. Bettie Weiss agreed that this would be a good idea, and to include the request it on the application and the ZIR itself.

June Pujo appreciated the contact information on the form but felt that the public should be directed to the ZIR preparer. Susan Reardon explained that the majority of questions regarding abatement are one's that can be answered by planning counter staff.

Adrienne Schuele felt that the form should clearly state that it is not a building and safety report. Susan Reardon said that she could better highlight this information. George Estrella added that the language should use the generic term "building code" rather than reference the Uniform Building Code.

John Campanella appreciated the information regarding abatement timelines and that they are dependent on health and safety concerns rather than escrow periods.

Bob Hart asked for clarification on the terminology legal nonconforming.

The group entered into a discussion of what is considered habitable space and whether it should be tied to the definition used by Building and Safety. Because habitable space is a major factor in determining whether violations are major, Adrienne Schuele felt that the term needed to be defined. Deborah Schwartz and others felt that defining habitable space was too large of an undertaking for the group, and felt it would be better addressed by the new zoning ordinance. Susan Reardon said she could draw up guidelines and examples of habitable space for the purpose of the ZIR.

Susan Reardon discussed the Master Environmental Assessment. As much of the information may not be relevant to the typical homebuyer, the group agreed that the document should not be included in the ZIR.

Susan Reardon also discussed providing a list of expired building permits. Because the scanned street file provides a more comprehensive permit history, the group decided to forgo providing a list, and direct people to the street file online.

Susan Reardon turned the discussion to resolving discrepancies. Loss of parking would continue to be an immediately enforceable violation. The conversion of non-habitable to habitable space would be noted as a violation but would only be referred for immediate enforcement if it's deemed to be a health and safety hazard. This assessment could be made in conjunction with a City Building Inspector.

Adrienne Schuele asked that mention of building permits in the draft paper also note the minor permits that would not trigger enforcement action. She also felt it was important to specify the number of reports that have had discrepancies.

The group entered into a discussion of the impacts that discrepancies have had on past ZIRs. Scott Vincent noted that one issue might be that the reports are requested at the last minute. Jim Caldwell cited cost as a deterrent to obtaining them early in the sales process. Bettie Weiss pointed out that the cost is a matter of policy with the City Council and that if a case could be made for the City to subsidize the cost, it could be an option. Jim Caldwell suggested breaking up the payment for the ZIR into two payments, of which the latter would be paid at the close of escrow. Adrienne Schuele echoed Jim Caldwell's concern about the cost of the ZIR. Bob Hart suggested that a reduced fee could be offered as an incentive for property owners to obtain the ZIR earlier.

Adrienne Schuele asked to clarify who "enforcement" is on the draft document, and suggested that "a very long time" to be 25 years instead of 50. June Pujo asked whether the mention of major and minor violations is consistent with the list of major and minor violations previously drafted. She asked how much unpermitted square footage would trigger a major violation. Susan Reardon explained that any new habitable space would be a trigger.

NEXT STEPS/ CONCLUDING COMMENTS AND QUESTIONS

Deborah Schwartz and Krista Pleiser will meet to develop a conceptual program for a violation abatement program. The group agreed to a short meeting to discuss this at a date to be determined.

The group agreed to email Susan Reardon their comments on the ZIR forms and draft paper.

Staff is targeting to return to the Planning Commission in late September or October.

ADJOURNMENT

Meeting adjourned at 11:54 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: September 23, 2014 10:30 A.M.

Location: SBAOR Offices
1415 Chapala St

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Scott Vincent, Assistant City Attorney
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
Bob Hart, SBAOR/Realtor
Krista Pleiser, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor

The primary purpose of this meeting was to discuss the Draft Zoning Violation Abatement Pilot Program.

Adrienne Schuele brought up the issue of her understanding of the original intent of the ZIR as being information only and how it has morphed over time to enforcement. She wants someone to take liability for the ZIR.

Bob Hart noted that there has been progress on the timely preparation of ZIRs and the clarification of major and minor violations but the group still hasn't addressed inaccurate reports and the fact that there is no accountability or reliability.

Bettie Weiss acknowledged that the realtor's want the City to "grandfather" the improvements and the City is saying it is a problem and we need to deal with it. We proposed expanding staff's ability to approve/authorize improvements more readily.

Adrienne Schuele stated that the City should just provide the information and let the buyer interpret it.

Bettie Weiss stated that an important component of the ZIR for the buyer is the City's interpretation of the information and the City puts a lot of importance on our interpretation.

Scott Vincent pointed out that the error in a ZIR is usually of omission, not an affirmation that the improvement was o.k. He indicated that there are several reasons for that. One is that the improvement didn't exist at that time or that it did but was not indicated as a violation. Regardless of that fact it is still a violation.

Bettie Weiss stated that the ZIR is a disincentive to do illegal work.

John Campanella stated that the City's interpretation of the information is important and that the City interprets information every day. City Ordinances change and it is important to know if an improvement is non-conforming. The interpretation on whether an improvement is non-conforming is important and that interpretation should not change. The City needs to stand by the interpretation of non-conforming.

Deborah Schwartz questioned where the gap is in SBAORs view when there is missing information by the prior ZIR. How can we get closer? She acknowledged that nobody's perfect and that the City has moved. What is reasonable that SBAOR can stand by?

Bob Hart indicated that is hard for him to say for the people who relied on a previous ZIR.

Krista Pleiser stated that it is important that the interpretation stands up over time, and she questioned why other communities don't have ZIRs

Bettie Weiss stated that staff uses as liberal of an interpretation as possible in missed instances.

John Campanella stated that his opinion is that professional private inspectors do not take 100% of the liability for their inspections. The inspectors have disclaimers in their contracts.

Deborah Swartz questioned what type of coordination happens between Planning and Building staff.

Lonnie Cassidy stated that one of the ZIR inspectors has good Building Code knowledge as they used to work in the Building Division and that there are two plan checkers assigned to ZIRs that the ZIR inspectors can discuss building issues with. Building staff also requires minimal or no plans for building permits for minor violations.

Adrienne Schuele requested that the archive plans be bought to the site inspection so issues could be discussed on site. Bettie Weiss stated we could look into that but there is limited time allotted for the site inspections as there are multiple scheduled in a day.

Regarding the draft Violation Abatement Program, Deborah Schwartz indicated that public education and communication is an important component.

Krista Pleiser indicated that the draft Program was modeled after the Sewer Lateral Program. The idea is that the City would go to the site and inform the property owner what needs to be fixed. The property owner could then budget for it.

Bettie Weiss questioned whether the City would issue the report without any enforcement and questioned what the incentive would be for a property owner to apply for this report.

Krista Pleiser indicated that it was envisioned that the City would follow-up on violations and Deborah Schwartz indicated that an incentive could be that there would be no penalties, permitting fees or inspection fees. The incentives would have to be figured out.

Susan Reardon expressed concerns whether a property owner would request this report because there are many violations that, for a variety of reasons, a building permit cannot be issued, they just need to be removed from the site. In general, property owners do not want the City in their business.

Krista Pleiser stated that the Program was envisioned more for minor violations.

John Campanella thought the Program could be beneficial for the aging population who know they may have to sell the house in the near future. It would give them the ability to find out what items need to be fixed. Susan Reardon stated that the existing ZIR process could meet that need. A property owner can come in and apply for a ZIR at any time, not just when they are in the process to sell their home or thinking of selling their home.

Adrienne Schuele stated that we should not sustain the concept that it is easier to ask forgiveness than to get the original approval.

Deborah Schwartz indicated that there would be a time limit for the Program to help prevent the unintended consequence of the Program being an incentive for illegal construction.

Bob Hart suggested that instead of the Violation Abatement Program, the City could have a pre-sale ZIR for a reduced fee.

John Campanella indicated that the preliminary ZIR would need to be clearly marked that it is not to be used for the transfer of the property. A final ZIR would need to be obtained prior to the transfer of the property. He felt that a benefit of that approach would be that the homeowner could then address any violation on their own time line.

Bob Hart suggested with this approach there could possibly be an extension of the timeline for enforcement for major violations as an incentive.

There was agreement in the group that instead of establishing a separate Violation Abatement Program, elements of the Program could be incorporated into the ZIR process improvements. The City should establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR beyond just when residential property is being sold. Incentives should be established to encourage property owners to obtain a ZIR prior to the property being listed for sale.

Questions were raised regarding the policy guidance for the definition of residential habitable space that was emailed to the group and whether the group would be able to review the draft Planning Commission staff report before it was finalized. After discussion, it was decided by the group that date of the Planning Commission hearing on the working group's efforts would be pushed back to November to give the group time to review the draft Planning Commission staff report and then meet one more time to discuss the draft Planning Commission staff report.

NEXT STEPS

Susan Reardon will email the group members the draft Planning Commission staff report and reschedule the Planning Commission hearing to November.

The group will meet in October to discuss the recommendations of the working group and draft Planning Commission staff report.

ADJOURNMENT

Meeting adjourned at 12:40 P.M.

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City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: October 21, 2014 10:00 A.M.

Location: City of Santa Barbara – PW Water Resources Conference Room
617 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Scott Vincent, Assistant City Attorney
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Bob Hart, SBAOR/Realtor
Krista Pleiser, SBAOR/Realtor
Laurel Abbott, SBOAR/Realtor
Adrienne Schuele, SBAOR/Realtor
George Buell, Community Development Director
Andrew Stuffler, Chief Building Official
Larry Cassidy, Building Inspector Supervisor

The primary purpose of this meeting was to discuss the draft Planning Commission staff report that was prepared for the November 13th Planning Commission public hearing.

Adrienne Schuele indicated she had changes to the minutes and that she would forward them to Susan Reardon.

Laurel Abbott questioned whether staff has implemented some of the changes we have discussed because she has noticed some changes on recent ZIRs. Susan Reardon stated staff has.

Laurel Abbott indicated that the real estate market is moving into a more normal market and that this is a good time to see how the process improvements work out. An idea that was brought up was to implement the process improvements and wait a couple of years to see how the improvements work before they are finalized.

June Pujo indicated that the discussion under major and minor violations should be clear on whether it was a pre-existing categorization, a clarification of a general idea, or a brand new concept.

Regarding the pros and cons of ZIRs, Adrienne Schuele stated that she doesn't mind one more document. Her concern is when interpretations change from year to year.

Susan Reardon responded that the purpose of the update and standardizing of the procedures for preparing ZIRs and identifying violations is to help prevent changing interpretations and provide more consistency in the preparation of ZIRs.

Deborah Schwartz stated that the work the group has been doing is to clarify, streamline, and codify the process so that any staff person could pick up, utilize and implement consistently. She also stated that the staff report should clearly state where we found consensus, where we have an agreement gap, and where we have an agreement on a path forward.

John Campanella stated that interpretation or calls made need to get into the record. A new interpretation of old rules should not take precedence over what was interpreted at the time the ZIR was prepared.

Krista Pleiser stated that a buyer could look at the City's website and see the street file which contains the permits and City approvals.

Scott Vincent acknowledged that, but stated that the ZIR provides Staff's interpretation of the facts and historical record in City files and compares them with the findings of the physical inspection of the property.

June Pujo suggested a summary section be added that indicates what the working group accomplished, what was clarified, what was streamlined, what was created so the process would be handled more consistently, and what is still being worked on.

Bob Hart acknowledged that when we started this process, timing of the ZIR was a big issue. ZIR inspections were scheduled after the escrow period or just the day before. SBAOR members were upset and now timing is a non-issue for them.

Laurel Abbott stated that she was not sure that all property owners know they need a ZIR and some banks won't let City zoning inspectors on foreclosed property. She questioned how we could make property owners aware of the requirement.

Susan Reardon stated that several months ago she put information in the water bill insert informing property owners of the requirement of a ZIR and what information the ZIR provides.

Laurel Abbott questioned what happens when a property owner sells the property without obtaining a ZIR.

Susan Reardon stated that when we find out about it, usually when the new owner is seeking a building permit, we require that a ZIR be obtained at that time since it is a Zoning Ordinance requirement. The City's fee resolution gives staff the ability to charge a double fee for an after the fact ZIR.

June Pujo questioned whether we could put information regarding the ZIR requirement in the property tax bill. Scott Vincent said we don't administer that program and would be surprised it the Assessor's office would agree to that.

Susan Reardon questioned the group if there was consensus on the classification of minor and major violations and on the proposed policy guidance on identifying habitable space.

The group indicated that there was consensus on the classification of major/minor violations. SBAOR members had concern with the policy guidance on habitable space. Calling a space

habitable without a clear definition is a major concern for them because it affects whether an improvement is referred for enforcement.

Adrienne Schuele stated that not establishing a definition at this time is kicking the problem down the road.

Susan Reardon stated that the guidance for identifying habitable space would be included in the ZIR procedures for consistency in the determination of what constitutes habitable space.

Susan Reardon also acknowledged that revisions to the non-conforming provisions in the Zoning Ordinance will be a major component of the New Zoning Ordinance process currently underway. The current Zoning Ordinance doesn't allow the change of use of the portion a building that is within a required setback. Staff has used the term habitable space when an area has been converted from non-habitable areas to another use. She indicated staff will re-evaluate the use of term habitable space and what we are actually trying to identify in the ZIR and possibly use another term.

Deborah Schwartz suggested that the staff report be tighten to clarify the term for the purposes of the Planning Commission discussion and any request staff may have of the Planning Commission for action.

June Pujo questioned whether staff was using the revised ZIR form yet.

Susan Reardon responded that revising the form in our computer database will be a major work item that staff will work on after Council direction.

Krista Pleiser stated that she believes the ZIR should be amended if the violations identified in it are abated.

Susan Reardon indicated that if the abatement required a building permit, the building permit would be the record that the violation was abated. If a building permit is required for the abatement of the violation, then staff would need to verify that the violation was removed which would involve an additional site visit.

Krista Pleiser suggested that a property owner could submit a before and after photo to show the improvement was gone and that a check box could be added to the ZIR form that the violation has been abated.

Susan Reardon stated she would make note of that suggestion for inclusion in the ZIR procedure document on how to address situations where the violations have been abated. What is the process- amend ZIR, memo to file, photos?

Adrienne Schuele questioned how the Building Division felt about delayed enforcement in dealing with discrepancies.

Larry Cassidy responded that his staff currently makes that decision quite often. The zoning inspector will come and talk to his staff and show pictures to determine if the improvement is something that needs to be addressed immediately.

Larry Cassidy also stated that violations that pose an immediate fire or life safety concern need to be added to the list of major violations that would be referred for immediate enforcement.

Adrienne Schuele stated that we need to be clear that there would still be enforcement, even with delayed enforcement, if a complaint were received regarding the violation.

June Pujo commented that the comprehensive checklist under the In-Progress Section of the report will help create transparency and consistency.

Krista Pleiser questioned the 50 year period proposed as part of the Zoning Administrative Approval Process. Laurel Abbott suggested that specifying a year would be better than a revolving time period.

Susan Reardon indicated that a date could be specified. She suggested 1975 when there was a major Zoning Ordinance change or 1974 which was when the first provisions for a ZIR were codified.

Deborah Schwartz questioned what items identified in the Changes to the ZIR process section would require more sustained staffing resources. She stated if there are any, they should be pointed out for City Council.

Susan Reardon stated that at this time, the only item that staff believes could take more resources long term is the goal to complete 80% of the ZIRs within 10 working days of application submittal.

Deborah Schwartz suggested that the section regarding cost of the ZIRs be merged with the abatement violation section since the groups focus when discussing the cost of the ZIR was related to trying to encourage property owners to request ZIRs earlier. If you get a ZIR earlier, you find out the violations earlier.

Adrienne Schuele requested the information regarding the original ZIR ordinance, amendments to the ordinance, and original Council minutes be attached to the Planning Commission staff report.

Krista Pleiser requested that the suggested review period of the ZIR process improvements be included in the Planning Commission staff report.

ADJOURNMENT
Meeting adjourned at 12:00 P.M.

ATTACHMENT 2

ACTUAL TIME: 2:13 P.M.

A. ZONING INFORMATION REPORTS - PROCESS IMPROVEMENTS

The purpose of this public hearing is for the Planning Commission to receive the recommendations of the Zoning Information Report (ZIR) Working Group and forward recommendations to the City Council on potential ZIR process improvements and Zoning Ordinance amendments.

Contact: Susan Reardon, Senior Planner
Email: SReardon@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4555

Susan Reardon, Senior Planner, gave the Staff presentation. Bettie Weiss, City Planner, was also available to answer the Commission's questions.

Ed Fuller, President of the Santa Barbara Association of Realtors (SBOAR), summarized comments of appreciation to the Commission on behalf of the Association and asked for continued improvements on reliability and accountability. Additional remarks were made by Adrienne Schuele, SBOAR/Realtor.

Chair Schwartz opened the public hearing at 2:45 P.M.

The following people commented on the project:

1. Jarret Gorin, Van Guard Planning, LLC, acknowledged that within the past year ZIR's were being completed sooner. Remained concerned with the burden of proof being on the owners when discrepancies are found.
2. Steve Engels shared his personal experience of going through the ZIR process and receiving allegations of illegal window and door movement on his property. Expressed concern with having had to spend substantial money to clear the allegations and prove innocence.
3. Jeff Havlik echoed a similar experience of the prior speaker. Three prior ZIR's did not reveal violations that were found.
4. Steve Epstein, Realtor, stated the city's policy is "guilty until proven innocent." Stated that the ZIR is a worthless document in the hands of buyers and sellers. Appreciates improvements made to the ZIR process, but find that it is too little, too late.
5. Ann Harkey shared her son's experience in selling his house and the ZIR process that leaves room for many assumptions made by City Staff with the burden on the seller. Questioned the use of the term "appears to be" on a recent ZIR.
6. Jan Banister, Realtor, spoke about discrepancies between ZIR's done on the same property. Accountability and reliability are strongly needed and missing.

7. Erik Taiji spoke for the rights of the consumer to appeal a violation. The ten days given are insufficient when a consumer needs time to make contacts to correct the violation. Also, there is currently no closure on an appeal.

With no one else wishing to speak, the public hearing was closed at 3:04 P.M.

Scott Vincent, Assistant City Attorney, provided clarification of the term 'grandfathering.' It is a term given to the concept of legal nonconforming, meaning that the improvement was legal, based on zoning, at the time the improvement was made and because of zoning changes, the improvement then became non-conforming to the new zoning requirements. Illegal construction, whether discussed in a ZIR or not, is still a zoning violation. Mr. Vincent recommended against a process to grandfathering zoning violations. He stated an error in a ZIR should not legalize a zoning violation. The people that would be most affected if the violation were to be legalized without proper City approvals would be the neighbors who would have to suffer the consequences.

Chair Schwartz called for a recess at 4:20 P.M. and reconvened at 4:30 P.M.

Commissioner's comments:

1. The Planning Commission acknowledged the work done by the ZIR Working Group and the improvements made to the ZIR process. The Commission recommended City Council initiate an amendment to the Zoning Ordinance for the Administrative Zoning Approval process and direct staff to implement the revised ZIR template and identified changes the ZIR process.
2. Commissioners Thompson and Lodge want to see inspectors better trained so that fewer mistakes are made.
3. Commissioner Lodge supports keeping ZIRs as a requirement.
4. Commissioner Pujo supports ZIRs as a process, good tool, and beneficial. and listed areas that could be improved further:
    a. Agrees with Staff about the idea of potentially pushing ZIRs back to after the time of sale to the next building permit would only push any potential issues down further and not benefit all parties, especially the buyer of the property.
    b. The Working Group did a good job of sorting Major/Minor violations and she supports additional staff revisions before going to Council, especially for Item 2 under Major Violations that needs further clarification of square footage being discussed.
    c. The ZIR template changes are a major improvement in clarity and are more simplified by the inclusion of attachments.
    d. The Work Program outlined in the Staff Report is good.
    e. Discrepancies fall under Oversights or omissions. The City cannot later overlook something that exists.

f. The work that is being done with proposing administrative zoning approvals both under ZIR and the NZO review are good stream lining tools and should be welcomed by the development community.
g. Under the non-conforming section, recommends that Staff be absolute and if a non-conforming determination cannot be made within the ZIR, then it needs to be clear that it is not a final determination and with referral for a process of how the information could be verified.

5. Commissioner Thompson agrees with improvements made, especially the administrative zoning approval, new ZIR report format, and improved timeliness. Encourages that the Working Group continue to work to improve the process and possibly reconvene in a year. In a perfect world, he would eliminate the ZIR, but understands that it will not happen so we want make the ZIR process the best possible so that it provides a good service to citizens of the City.
6. Commissioner Campanella said that disclosure is a major overriding factor for the seller and the buyer. He also added:
   a. A continued discussion should take place on when do minor violations have to be remedied, to what extent, and justification for conforming/non-conforming. Continuing to clearly express when a violation needs to be abated can put a buyer at ease that this is not a pressure to close.
   b. Suggested the Work Group look at unbundling violations for a permit, depending on the type of permit, such as an exterior permit that does not impact the interior of the house.
   c. The new ZIR reports are designed much better, are easier to understand, are more descriptive, consistent, and tell you what you can do and when. The combination of forms and the feedback from realtors have improved the process.
   d. Buyer disclosures are required and ZIR's are one way to accomplish this protection for the buyer. We have to be more reasonable on when the corrections need to be made on the minor side and making sure that we are getting good feedback and the process is working for the buyer and seller.
7. Commissioner Schwartz acknowledged significant progress made by the Working Group on the forms, the content of the forms, the consistency, and the clarification of terms. The topic of outsourcing this function has come up and would still require the responsibility of overseeing the quality of the work, all of which would require the cost of human resources to manage the outsourcing. Her research shows that the cost of outsourcing is in line with the fees charged by the City. Areas that still need work are:
   a. Terms used are still too vague to be used in a report with a physical inspection that carries the weight of a ZIR, such as "might", "appears to be", "there is evidence of" without further detail and clear explanation. Concerned with the implications and consequence for the buyer and seller created by the vagueness.

b. Based on the continued volume of community concern, we still have a long way to go in improving our ordinance and the tools we are using and the way we are having Staff utilize these tools, which is why training is questioned. Agrees with Commissioners Campanella and Pujo on identified work efforts.
c. Asked Staff to continue to look at improvements that could be incorporated into the appeal process.
d. Encouraged more work on a program for greater public outreach, public education, notification which could help engage, educate, and build community confidence to bring in violations to the City and result in fewer violations in the City.

Mr. Vincent clarified that the language in ZIRs is not "vague" when the language is qualified. He recommended that the language used in ZIRs inform the reader what information was evaluated in reaching a conclusion regarding a violation.

Ms. Weiss will have the Council confirm interest in greater outreach and education of the public. Staff may request additional funding from the Council to support that effort.

Krista Pleiser, SBOAR, thanked the Commission for the open communication and working toward improvements on the ZIR process. Commissioners Campanella, Pujo, and Schwartz were members of the Working Group.

Classification of Major and Minor Violations Cited in ZIRs

Major Violations

1. Illegal dwelling units. See SBMC§28.04.590 for the definition of Residential Unit.
2. Addition of new floor area (except detached non-conditioned accessory space) or conditioned (i.e. – heating/AC) space. See SBMC§28.04.315 for definition of Net Floor Area.
3. Loss of required parking. This includes the physical removal of the garage/carport; the conversion of the garage/carport to another use; built-in physical obstructions such as walls or rooms (office, storage, laundry, etc.); loss of access to the garage/carport (such as removal of garage door opening, placement of a structure on the driveway, addition of a barrier or lip that limits access to the garage or removal of an approved driveway material); change in the garage door from 2-car to 1-car w/ pedestrian door.
4. Improvements within 50 feet of the coastal bluff or on the bluff face. This includes, but is not limited to the planting of new or removal of significant landscaping, and patios, decks and any fences.
5. Other violations that pose an immediate fire or life safety risk.

Minor Violations

Any other violation that does not fall under the above categories. Examples include, but are *not* limited to:

- Detached accessory building (no heating, AC, plumbing), shed, trellis, pottery shed, misc structures (outside sinks and showers, chicken coops, work benches, trash enclosures, etc.) in required setback or open yard.
- Gates, fences and arbors in the front setback that are over 3 ½ feet.
- In the garage:
    - Cabinets and workbenches which encroach into the required minimum interior dimensions
    - Washer/dryer and/or laundry sink. New plumbing or electrical requires a building permit
    - Addition of any flammable flooring material such as carpet or linoleum
    - The addition of a doorway between a bedroom and a garage or carport
- Decks, patios, and permanent fixtures such built-in fireplaces or fire pits, built-in seating which are over 10 inches in height in a required setback.
- Attached patio covers.
- Detached patio covers which are over 120 square feet.
- Interior remodels that don't include additional floor area.
- Air conditioning units, pool equipment, water heaters and softeners in required setbacks.
- Expansion of paved areas accessible to vehicle in required setbacks.
- Fountains or ponds in interior setbacks.
- New door and window openings within the required setbacks.

28.04.590 Residential Unit.

A. A building or portion thereof designed or occupied for residential purposes, containing not more than one (1) kitchen per residential unit, but not including hotels or boarding houses.

B. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:

1. Sink or bar sink;
2. Garbage disposal;
3. Dishwasher;
4. Toilet;
5. Bathing facility;
6. Interior locking doors;
7. Exterior entrance;
8. Exterior staircase;
9. Separate yard, patio, deck or balcony;
10. Separate phone line, cable line, or utility line;
11. Separate garage or parking area (covered or uncovered) or carport;
12. Countertops or cupboards;
13. Sleeping loft; or
14. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

C. Notwithstanding this Section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

1. A performance standard permit or conditional use permit has been issued pursuant to either Chapter 28.93 or Chapter 28.94 of this Code; and
2. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
3. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents. (Ord. 5380, 2005; Ord. 4858, 1994.)

28.04.315 Floor Area, Net.

The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

A. **GENERAL RULE**. Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

B. **SPECIAL RULES**.

1. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
2. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

Agenda Item No. 10

File Code No. 630.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Environmental Services Division, Finance Department

SUBJECT: Agreement With Milpas Community Association To Install Artwork On City-Owned Trash Containers

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute the Agreement for Production and Installation of City Artwork between the City and Milpas Community Association to allow for the installation of artwork on City-owned trash containers along Milpas Street.

DISCUSSION:

The City owns and maintains approximately 1,300 trash and recycling containers located on the public rights-of-way throughout the City. In August 2014, the Milpas Community Association (MCA) submitted a proposal to the Environmental Services Division to install temporary artwork on approximately 30 City-owned trash and recycling containers along the Milpas Street corridor. The artwork would promote specific themes related to 1) Healthy Community; 2) Clean Community; and, 3) Milpas Street as "Eat Street." Besides promoting these themes, the artwork would have the added benefit of improving the aesthetics of the containers until they are refurbished.

Summary of the Agreement:

Staff prepared an Agreement between the City and MCA to define the roles and responsibilities of each entity and to guide the production, installation and removal of artwork. A copy of the Agreement is available for public review at the City Clerk's Office. Below is a summary of the Agreement:

- Solicitation and Approval of Artwork: MCA will recruit artists under the age of 18 to prepare artwork that is consistent with the themes outlined in Exhibit B of the Agreement. All installed artwork will be approved by the City Arts Advisory Committee and the Visual Art in Public Places Committee. Artwork will also adhere to the Municipal Code and all approvals granted by other City commissions, including the Architectural Board of Review.

- Installation, Maintenance and Removal of Artwork: MCA will install, maintain and remove artwork. MCA will maintain artwork in a clean and presentable condition while on display and will restore each container to its pre-display condition.

- Display Period: Artwork may be displayed on each discrete container for a maximum of 180 days following issuance of the Notice to Proceed by City.

- Term of the Agreement: The Agreement shall remain in effect until both parties have completed their respective obligations or until either party terminates the Agreement as provided in Section 9 of the Agreement.

BUDGET/FINANCIAL INFORMATION:

Under the terms of the Agreement, the City is not obligated to expend any funds. All costs to produce, install, maintain and remove artwork will be borne by MCA.

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Acting Assistant City Administrator/Finance Director

APPROVED BY: City Administrator's Office

Agenda Item No. 14

File Code No. 670.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 3, 2015

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Mission Park To Mission Canyon Multimodal Improvements Plan

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Making the Mission Park to Mission Canyon Multimodal Improvements Plan a Project in the City's Capital Improvement Program and Direct Public Works Staff to Work with the County of Santa Barbara to Seek Funding for Design and Construction.

EXECUTIVE SUMMARY:

In December 2012, Council authorized the City Administrator to enter into a Memorandum of Understanding with the County of Santa Barbara (County) to conduct a community planning process for the Mission Canyon Corridor. This action came at the request of a community group known as Concerned Citizens for Safe Passage. The Concerned Citizens for Safe Passage is now known as the Mission Heritage Trail Association (Association) and represents a diverse group of stakeholders that desires to improve pedestrian circulation in the Mission Canyon corridor. A community planning process was needed to discover what solutions could yield a consensus approach because previous solutions have been too controversial to move forward.

Staff from the City of Santa Barbara (City) and County developed a community planning process that involved two well-attended public workshops, preliminary engineer feasibility plans, and board and commission review from both jurisdictions. The result is the Mission Park to Mission Canyon Multimodal Improvements Plan (Plan). The City's Planning Commission (PC) is recommending that Council create a Capital Improvement Project (Project) from the Plan and work with County staff to pursue funding to complete environmental, design, engineering, and construction of the Project.

DISCUSSION:

The Plan is a grant-funded community process and joint effort of the County and City to prepare concept level plans for pedestrian, bicycle, and vehicle circulation improvements in the historic Mission Canyon corridor. The Plan area extends from the intersection of

Laguna Street and East Los Olivos Street (in the City) to the intersection of Mission Canyon Road and Foothill Road (in the County).

No continuous pedestrian or bicycle connection exists through this narrow corridor. Although a few facilities exist at various points, they are not continuous, nor do they comply with the Americans with Disabilities Act. The lack of continuous facilities makes walking and biking in the area difficult and hazardous for residents and visitors.

The Association was formed several years ago to discuss the challenges of the corridor and the need for improvements. Similar community concerns have arisen in the past, but solutions have been too controversial to get approval or achieve community consensus. The Association members have attempted to develop consensus solutions by including a diverse range of interests in their group. While the Association has been successful in this effort, broader community planning and input was needed.

In 2012, the California Department of Transportation (Caltrans) awarded a Community-Based Transportation Planning grant in the amount of $88,911, to the Santa Barbara County Planning and Development Department and the City's Public Works Department for the Plan. One goal of this grant was to provide the needed community process and input, following the initial work of the Association.

Community Engagement

The community process included two well-attended public workshops (over 60 community members) to discover what improvements could possibly garner community support. The initial public meeting was a “listening workshop”, where participants let staff know what works well in the corridor, what needs to be fixed, and what needs to be left alone. Based on community feedback, staff developed conceptual plans for a continuous walking path on the west side of the Mission Canyon corridor, and bike lanes on the roadway. Because of past controversy with projects proposed in the Mission area, staff was particularly sensitive to only include project elements that gained the highest level of community consensus.

A conceptual plan was developed from input at the first listening workshop and then presented at the second public workshop, which had greater attendance than the first. Once attendants understood the conceptual plan, staff asked participants to indicate if it could be supported or not. This voting exercise confirmed overwhelming community support (98 percent) for the concepts in the Plan.

Staff also tested other improvements separately that were suggested at the listening workshop, such as improvements to the intersection at Alameda Padre Serra and Mountain Drive. These elements did not have enough community support from the listening workshop to be included in the conceptual plan. Voting results for these separate improvements at the second workshop confirmed that participant support was divided. Staff, therefore, has purposely excluded these elements from the proposed conceptual plan in order to minimize controversy and maximize the possibility of the Project's execution.

The results of the process are concept level plans that can be developed into a capital project. Detailed engineering and environmental review were not included in the scope of work of the Caltrans grant. These tasks would need to be undertaken as part of a subsequent implementation phase and capital improvement.

Conceptual Engineering

In a unique partnership opportunity, the County hired the City's Engineering Division (Engineering) to develop the conceptual plan and conduct the feasibility analysis. Engineering's scope of work provided a technical study of improving continuous pedestrian access between the Mission and the Natural History Museum on Puesta del Sol, while still accommodating appropriate vehicular and bicycle roadway geometries per city, state, and federal design standards. Additionally, Engineering studied feasible alternatives to improve pedestrian access across Mission Creek.

The results of Engineering's work are included in the Mission to Museum Conceptual Design Study (Study). The Study identifies corridor elements as well as design constraints, trade-offs, and design recommendations. It is available for review in the City Clerk's office. Also included in the reading file are written public comments to date.

Board and Commission Review

Once it was developed and affirmed by workshop participants, staff vetted the Plan with various Boards and Commissions, including the City's Transportation and Circulation Committee (TCC), the Historic Landmark Commission (HLC), and the PC. The Transportation and Circulation Committee found the Plan consistent with the Circulation Element.

The HLC identified potential historic resources issues which led staff to have a Historic Resources Report conducted. Once finished, this report will be taken to HLC for further consideration or incorporated into any future environmental review. At issue is the level of impacts that proposed improvements may have to the many historic resources along the corridor.

The PC reviewed the Plan at a joint hearing with the County Planning Commission last December. It recommended that Council create a Capital Improvement Project and work with the County in a joint effort to fund, design, and construct the Project.

BUDGET/FINANCIAL INFORMATION:

Based on the Study prepared by Engineering, the Project is estimated to cost approximately $2.7 million to construct and approximately $631,500 to design, including construction management and administrative costs. Public Works has included the Plan as a partially funded project in the draft Capital Improvement Program. Funding could come from various grants, with matching funds coming from the City's Streets Capital Fund.

PREPARED BY: Browning Allen, Transportation Manager/RJD/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA MAKING THE MISSION PARK TO MISSION CANYON MULTIMODAL IMPROVEMENTS PLAN A PROJECT IN THE CITY'S CAPITAL IMPROVEMENT PROGRAM AND DIRECT PUBLIC WORKS STAFF TO WORK WITH THE COUNTY OF SANTA BARBARA TO SEEK FUNDING FOR DESIGN AND CONSTRUCTION

WHEREAS, for decades, community concerns have been expressed regarding safety for all modes of travel from the intersection of Laguna Street and East Los Olivos Street at Mission Santa Barbara to the intersection of Mission Canyon Road and Foothill Road (Mission Canyon Corridor), but little has been done because of the sensitive nature of the historic and environmental resources of the corridor;

WHEREAS, in 2011, community members formed the "Concerned Citizens For Safe Passage," a volunteer citizens organization of diverse interests now known as the "Mission Heritage Trail Association", and worked to build community stakeholder consensus regarding issues of concern along the Mission Canyon Corridor between Laguna Street and Foothill Road;

WHEREAS, on August 15, 2012, Caltrans awarded the County of Santa Barbara, hereinafter referred to as "County," and the City of Santa Barbara, hereinafter referred to as "City," a Community-Based Transportation Planning Grant for the Mission Park to Mission Canyon Multimodal Improvements Plan, hereinafter referred to as the "Plan";

WHEREAS, the County and City used the Caltrans grant funds to work in partnership on public outreach and to listen to public concerns and desires in an attempt to discover and prepare concept plans for circulation improvements to the Mission Canyon Corridor. Through two well-attended workshops, staff was able to identify minimum-level improvements with overwhelming community acceptance, while addressing the community-identified safety concerns;

WHEREAS, based on public input, the County and City prepared the concept level designs of a feasible approach for continuous pedestrian access on the west side of the corridor and improved circulation for bicyclist passage and vehicle safety. The Plan includes the following key components:

1. Continuous pedestrian path on the west side of the corridor (surface material to be determined). The path must comply with the Americans with Disabilities Act and be consistent with the historical setting.
2. Landscape buffers between path and roadway, where feasible.

3. New detached pedestrian bridge parallel and west of the existing stone bridge over Mission Creek (material and structure design to be determined).
4. Bike lanes extending north to Puesta del Sol and transitioning into bike routes in the County's jurisdiction where the road narrows.
5. Several crosswalks would be relocated.

WHEREAS, the Plan is a community consensus concept level design for multimodal improvements consistent with County and City policy direction for the project area (County Mission Canyon Community Plan, City Circulation Element, and Pedestrian Master Plan);

WHEREAS, from July 2014 to October 2014, the concept plans were reviewed by five County and City Boards and Commissions (County South Board of Architectural Review, County Historic Landmarks Advisory Commission, County Park Commission, City Historic Landmarks Commission, and Transportation and Circulation Committee);

WHEREAS, on December 10, 2014, the County and City Planning Commissions jointly held a duly noticed public hearing on the plan, at which hearing the concept plans were explained and public comment received;

WHEREAS, on February 3, 2015, Santa Barbara City Council received Planning Commission's recommendations at a duly noticed public hearing with an explanation of the plan;

WHEREAS, the grant scope of work states one outcome of the County and City could be to prepare an agreement for future phases of improvements to the Mission Canyon corridor, leading to engineered designs and construction; and

WHEREAS, it is in the beneficial interest of all parties to collaborate in future phases of improvements to the Mission Canyon Corridor in order to share staff expertise and information already existing, to promote intergovernmental coordination, and to serve the public interest by producing a more efficient project in both jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. Staff is directed to update the Capital Improvement Program to include the Mission Park to Mission Canyon Multimodal Improvements Plan.

SECTION 2. Staff is directed to continue collaborating with County Public Works Department staff to seek grants and other available funding sources for the design, permitting, and construction of the concept plans identified in the Plan.

Agenda Item No. 12

File Code No. 520.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Police Department Update

RECOMMENDATION:

That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

DISCUSSION:

As requested by the Mayor and City Council, Police Chief Cam Sanchez provides regular briefings on updates concerning the Police Department and its operations. This presentation is part of a series of updates and occurs on a periodic basis. The following topics will be covered:

- Protest March Updates & Community Meetings
- Crime Trends/UCR Report
- Department-Wide Hiring & Recruitment Update/Community Service Officer Hiring Update
- Community Service Officer Training & Process Update
- Tactical Patrol Force Updates/Camp Cleanups
- General Patrol Staffing Update/Including Injury Report
- Investigation Division Updates & Crime Trends
- Police Activities League & Police Explorer Troop Report
- Beat Coordinator Update
- Promotions & Upcoming Promotional Testing
- Police Officers Memorial Project Update

PREPARED BY: Chief Sanchez, Police Chief

SUBMITTED BY: Cam Sanchez, Police Chief

APPROVED BY: City Administrator's Office

Agenda Item No. 13

File Code No. 650.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: 2015 Housing Element Update

RECOMMENDATION:

That Council adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the 2015 General Plan Housing Element Update Incorporating Revisions Requested by the Planning Commission and California Department of Housing and Community Development and Making Environmental Findings Pursuant to the California Environmental Quality Act.

EXECUTIVE SUMMARY:

Senate Bill 375, adopted by the State Legislature in 2008, established an eight-year update cycle for Housing Elements concurrent with every other update to the Regional Transportation Plan. In order to apply the eight-year planning cycle, the City is required to prepare and adopt an updated Housing Element no later than 120 days from the February 15, 2015 due date. Jurisdictions that do not adopt an updated housing element within the specified schedule will be required to prepare future updates every four years.

An overview of the changes proposed to the 2015 Housing Element is provided in the October 23, 2014, Planning Commission Staff Report included as Attachment 1 of this Report.

DISCUSSION:

Initiation of General Plan Amendment

On May 8, 2014, the Planning Commission initiated a General Plan Amendment to update the Housing Element in compliance with State law. Because the City's existing Housing Element was certified by California Department of Housing and Community Development (HCD) in 2012, much of the information contained in the element remains current, therefore major policy changes are not proposed as part of the update.

The revisions to the Housing Element focus primarily on updating housing information and demographics based on the 2010 Census or more current data, evaluating the progress made in implementing the 2011 Housing Element, assessing regional housing need and governmental constraints on housing development, and developing an Eight-Year Housing Element Work Program.

Planning Commission Review and Recommendation

On October 23, 2014, the Planning Commission considered the Draft 2015 Housing Element (Attachment 1), and recommended that Council adopt the Draft Housing Element with the following changes (Attachment 2):

- Amend the description of UCSB and SBCC to include current enrollment numbers. Include discussion related to local foreign language schools and their impact to rental housing availability and clarify that college students "do" impact the rental housing market.
- Provide more discussion related to middle income households and the importance of middle-income units generated through the Average Unit-Size Density Incentive Program (AUD).
- Add text to the Housing Element noting the increasing number of single family owner-occupied units being used as vacation rentals and/or second homes as a non-governmental constraint. Text related to short-term vacation rentals was added under Housing Challenges in the Needs Assessment section of the 2015 Housing Element.
- Revise the Inclusionary Housing Implementation Action H11.3 to clarify that a proposed suspension of inclusionary housing requirements and in-lieu fees during economic downturns would be temporary and considered in conjunction with, and not independent of, a proposal to increase the inclusionary housing percentage from 15 percent to up to 25 percent.
- Add bullet to Secondary Dwelling Unit Ordinance Implementation Action H15.1 directing the development of guidelines for architectural design compatibility with existing development and neighborhood. Revise the recommended implementation timeframe from 6 or more years to 3-5 years.

The Draft 2015 Housing Element was revised to include the Planning Commission's recommended changes except the incorporation of an additional bullet to H15.1 related to architectural design compatibility guidelines. Architectural design and compatibility issues for secondary dwelling units are currently addressed through the design review process. Therefore, additional guidelines are not necessary.

HCD Revisions to the Housing Element

The Draft 2015 Housing Element Update was submitted to HCD for review and, as a result, the City received minor revisions and technical clarifications to be incorporated

into the Needs Assessment and Eight-Year Work Program. The Housing Element was revised based on the following requested changes from the HCD (Attachment 3).

- Tables H-23 and H-24 related to at-risk units were revised to include affordability levels of units at risk of conversion to market rate within the next 10 years (2015-2025). In addition, Implementation Action H21.3 was revised to include a commitment to examine the availability of funding sources to extend affordability covenants of units at risk of conversion.
- Revisions were made to the Eight-Year Program implementation action timeframes and/or objectives as follows:
  - H10.3 Building Reuse – Encourage residential reuse of existing nonresidential buildings, for both ownership and rental affordable housing. This program directs municipal code amendments to include provisions for reuse of existing buildings. HCD requested the implementation timeframe be revised to 1-2 years.
  - H11.5 Bonus Density – Continue to provide bonus density units above levels required by State law. HCD requested the implementation timeframe be revised to include an annual review.
  - H11.6 Private Sponsors – Continue to solicit proposals for lower-income housing from private sponsors. HCD requested the implementation timeframe be revised to include an annual review.
  - H11.7 Infill Housing – Continue to assist development of infill housing including financial and management incentives. HCD requested the implementation timeframe be revised to include an annual review.
  - H11.12 Surplus Land – Inventory land in City owned by governmental agencies and pursue dedication of surplus land for development of affordable housing. HCD requested the implementation timeframe be revised to include an annual review.
  - H19.4 Low-Interest Loans – Continue to provide low interest rehabilitation loans to multi-family projects. HCD requested the implementation timeframe be revised to include an annual review. Also to revise the program objective to fund 2 rehabilitation loans per year, if funds are available.
  - H20.5 Illegal Dwelling Units – Consider ways to legalize illegal units in accordance with the Zoning Ordinance. HCD requested the implementation timeframe be revised to 1-2 years.
  - H21.3 Expiring Affordability – Continue to preserve expiring affordability covenants. HCD requested the implementation timeframe be revised to include an annual review. Additional text was added to H21.3 directing examination of funding availability for the extension of affordability covenants.

- H23.1 State and Federal Funding – Explore joint City/County applications for housing assistance programs. HCD requested the implementation timeframe be revised to include an annual review.

With the incorporation of these revisions, HCD found the 2015 Draft Housing Element in compliance with State housing element law (Attachment 4).

ENVIRONMENTAL REVIEW

Pursuant to §15162 of the State CEQA Guidelines, no new EIR is necessary for a project when there is a previously adopted EIR and current project changes involve no new significant impacts or substantially greater impacts than identified in the prior EIR. Guidelines §15164 provides for preparation of an Addendum to the prior EIR to document minor changes to the project or impacts to make the EIR adequate for current activities. The Guidelines provide that an Addendum need not be circulated for public review but is attached to the Final EIR.

An Addendum to the General Plan Update Program EIR has been prepared for the 2015 Housing Element Update that concludes that no new significant impacts would result from minor policy changes. The Environmental Analyst has determined that the Program EIR together with the EIR Addendum constitute adequate CEQA review for the proposed 2015 Housing Element. The EIR addendum can be found in Exhibit B of the Planning Commission Staff Report dated October 23, 2014 included in this Council Agenda Report as Attachment 1.

BUDGET/FINANCIAL INFORMATION:

The adoption process for the 2015 Housing Element Update was done with consultant assistance in a contract not to exceed $20,000. John Douglas, J. H. Douglas & Associates assisted Staff in successfully completing the streamlined process. Mr. Douglas also gave an overview presentation related to updating the housing element at a community workshop which was well received and educational. Implementation of the Housing Element involves existing staff resources and housing funds for many existing programs. However, several new programs proposed in the Housing Element would require additional funding. Budgeting decisions regarding new and continuing housing programs will be made when Council prioritizes and initiates the Housing Element Implementation Programs.

ATTACHMENT(S):
1. Planning Commission Staff Report, October 23, 2014
2. Planning Commission Resolution No. 026-14
3. Revisions Requested by HCD (Highlighted in Yellow)
4. HCD Letter, December 24, 2014

The Proposed Final 2015 Housing Element Update has been forwarded to City Councilmembers under separate cover. Copies of the Proposed Final 2015 Housing Element in track changes format and final format are available on the City's website at www.SantaBarbaraCA.gov/HEU

PREPARED BY: Irma Unzueta, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: October 16, 2014

AGENDA DATE: October 23, 2014

PROJECT ADDRESS: Housing Element Update

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4562
John Ledbetter, Principal Planner
Irma Unzueta, Project Planner

I. RECOMMENDATION

That the Planning Commission consider the Draft 2015 Housing Element Update and forward a recommendation to City Council. The Draft Element will be submitted to the State Department of Housing and Community Development (HCD) for their technical 60 day review prior to consideration for adoption by the City Council.

II. DISCUSSION

Due to legislative changes that extended the housing element planning period from five years to eight years, an updated Housing Element covering the 2015-2023 planning period must be adopted by February 2015. Jurisdictions that do not adopt an updated housing element within the specified schedule will be required to prepare future updates every four years.

The existing 2011 Housing Element was certified by HCD in 2012. Much of the information contained in the element remains current and conditions and circumstances have not changed significantly. Therefore, major policy changes are not proposed. The revised element focuses primarily on updating demographics and housing information based on the 2010 Census or more current data, evaluating the progress made in implementing the 2011 Housing Element, assessing regional housing need and governmental constraints on housing development, and establishing an 8-Year Housing Element Work Program.

On May 8, 2014, the Planning Commission initiated a General Plan Amendment to update the Housing Element in compliance with State law. To prepare for today's hearing, Staff and John Douglas, J.H. Douglas & Associates, have updated the necessary sections of the Housing Element in order to meet all statutory requirements of State housing element law.

Streamlined Review

Jurisdictions can request a streamlined review from HCD for this fifth cycle housing element update. (the "fifth cycle" refers to the five required updates that have occurred since the comprehensive revision of housing element law adopted by the State legislature in 1980). This approach is intended to create efficiencies in the preparation of the updated element as well as in HCD's review. The HCD has developed a guide for local governments to follow to ensure their housing element includes all statutory requirements mandated by housing element law.

The Streamlined Update option is afforded only to jurisdictions that meet certain eligibility requirements. If the Streamlined Update approach is used, the draft housing element update need only address changes that have occurred since the prior planning period. HCD will not review areas that have not changed, since their content continues to be sufficient to meet statutory requirements. However, certain areas are required to be newly addressed every planning period. These include, evaluation of the previous housing element, public participation, goals, policies and programs and quantified objectives.

Proposed Revisions to Draft 2015 Housing Element

Below is a brief description of the revisions proposed in the Draft 2015 Housing Element (Exhibit A):

- ***Housing Introduction:*** This section was revised to update dates and housing market information, as appropriate. Additional text was included to address the public participation opportunities since the adoption of the 2011 Housing Element Update.

- ***Evaluation:*** This section evaluates the progress in producing housing units since 2007 as well as implementing the policies and programs identified in the previous Housing Element. The analysis in this section is organized around the five goals of the Housing Element and shows that during 2007-2014, the City made good progress in constructing infill, special needs and mixed-use housing.

  The majority of the new housing was constructed in commercial areas of the Downtown and surrounding multi-family residential zones. Approximately 1,612 housing units were produced, including new construction, rehabilitations, and preservation. Amendments to the Municipal Code were also carried out to encourage and facilitate housing opportunities and reduce residential development barriers, such as the Average Unit-Size Density (AUD) Incentive Program, Emergency Shelter Zoning, and Reasonable Accommodations.

- ***Needs Assessment:*** This section contains information related to the City's demographic, household and housing characteristics, and community housing needs. It has been updated to include the most recent data available, including 2010 U.S. Census, American Community Survey (ACS), California Department of Finance (DOF), Santa Barbara County Association of Governments (SBCAG) and other private and non-profit agencies. The Housing Needs Assessment serves as the basis for which the housing goals, policies and programs are developed in order to meet the City's housing needs.

- ***Constraints:*** This section assesses potential constraints on the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities or other special needs. It also considers removal of any constraints that impede achieving the jurisdiction's fair share of the regional housing need.

  Information was added regarding the AUD Program, which provides density and development standard incentives, thus facilitating the production of additional housing units. The AUD Program also imposes a potential constraint to rental projects as they are now required to undergo Planning Commission review, which can add more time and cost.

In addition, given the current drought condition, information on water availability has been updated to describe how the City is addressing the water supply situation. New information regarding Emergency Shelters as a permitted use in the C-M zone was also included in this section.

- ***Suitable Sites Inventory:*** This section provides an analysis to determine whether the City's existing residential development potential is adequate to meet the projected housing needs as identified in the 2014-2022 Regional Housing Needs Allocation (RHNA) prepared by SBCAG. The analysis and land inventory is intended to identify whether additional governmental action is needed in order to provide enough sites with appropriate zoning, development standards, and infrastructure capacity to accommodate the RHNA.

  The City's RHNA share for the current planning period is 4,099 units. The Suitable Sites Inventory section demonstrates that the City has the land and zoning capacity to accommodate approximately 6,741 units, thus meeting the overall RHNA number of 4,099 units. It is important to note that the RHNA is a planning target, not a development quota or mandate. State law recognizes that many factors can affect housing production, such as general economic conditions that are beyond the control of local governments.

- ***Goals, Policies and Implementation:*** This section identifies the goals, policies and implementation actions of the 2015 Housing Element. All goals and policies contained in the existing (2011) Housing Element will be continued in the 2015 Housing Element. Specific implementation actions have been updated in light of the City's accomplishments during the prior planning period, the reduction in funding for housing programs caused by the statewide dissolution of redevelopment agencies in 2012, or other changes (see Appendix E). With the exception of the 12 implementation actions proposed to be deleted, all other implementation actions will be continued from the prior Housing Element (see Appendix G).

- ***Appendix E – Evaluation Table:*** This appendix provides an analysis of the progress made in implementing the 2011 Housing Element, describing the actual results or outcomes of each program (implementation action) quantified where possible. Appendix E identifies the policies and programs to be continued, modified or deleted. Two policies and seven implementation actions are proposed to be modified in order to reflect current conditions or objectives. Twelve implementation actions are proposed to be eliminated for various reasons including completing the objective, no longer appropriate, or unfeasible due to lack of funding resulting from the 2012 statewide dissolution of redevelopment agencies.

- ***Appendix F – Zoning Information and Fees:*** This appendix contains materials related to zoning information and development fees. Several of these materials were updated to reflect changes that have occurred since the 2011 Housing Element was adopted.

  - The *Uses Permitted in Various Zones* handout was updated to reflect Emergency Shelters as a permitted use in the Commercial Manufacturing (C-M) Zone.

- The *Residential Development Standards* Table was updated to include Specific Plan (SP) 8 and 9 and includes a notation that units developed under the AUD Program are allowed increased densities and flexibility in certain development standards.
- The *Permit Process Timelines* Table for residential development projects requiring only design review was updated to include new text (footnote #9) stating that AUD projects on lots of 15,000 square feet or more require Planning Commission review prior to design review approval.
- The *City Parking Requirements* Table was updated to include recently adopted parking standards for AUD projects.
- The *Residential Development Applications and Fees* Table (2010) was replaced with an updated table showing development applications and fees for 2014.
- The *Inclusionary Housing Ordinance* is still current, therefore revisions were not necessary.

- ***Appendix G – Housing Element 8-Year Work Program:*** This appendix contains a table showing the proposed 2015 Housing Element policies and implementation actions. For each program, the 8-Year Work Program identifies the Objective of the program, the Responsible Agency for implementing the program, the Timeframe to complete the program, and the Funding Source, if needed.

- ***Appendix H – Land Inventory and Map:*** This appendix contains a parcel-specific inventory of suitable development sites that provide housing opportunities for all income segments of the community. It includes a listing of individual parcels by Assessor Parcel Number, zone, size of parcel, general plan designation, realistic density, existing development, realistic unit capacity, infrastructure capacity and on-site constraints. The inventory estimates the potential development capacity for both residential and non-residential zoned opportunities sites. A City of Santa Barbara Housing Element Inventory Sites Map depicting the general location of the opportunity sites is also included in the appendix.

III. ENVIRONMENTAL REVIEW

The adoption of a Housing Element is subject to review for environmental impacts under the California Quality Act (CEQA). The Housing Element Update establishes goals, policies, and programs to encourage housing needed in the community, but does not approve any development. The proposed 2015 Housing Element retains policies and programs from the 2011 Housing Element with minor modifications.

In December 2011, the City Council certified the Program Environmental Impact Report (EIR) for the *Plan Santa Barbara* General Plan Update, including the 2011 Housing Element. Cumulative citywide environmental impacts associated with the small increment of growth under the General Plan were found to be mitigated for all impacts except traffic congestion impacts, which were deemed acceptable due to overriding considerations of the Plan's benefits.

Pursuant to §15162 of the State CEQA Guidelines, no new EIR is necessary for a project when there is a previously adopted EIR and current project changes involve no new significant impacts or substantially greater impacts than identified in the prior EIR. Guidelines §15164 provides for preparation of an Addendum to the prior EIR to document minor changes to the project or impacts to make the EIR adequate for current activities. The Guidelines provide that an Addendum need not be circulated for public review but is attached to the Final EIR.

An EIR Addendum to the General Plan Program EIR has been prepared for the proposed Housing Element Update that concludes that no new significant impacts would result from the minor policy changes (Exhibit B). The Environmental Analyst has determined that the Program EIR together with the EIR Addendum constitute adequate CEQA review for the proposed 2015 Housing Element.

IV. COMMUNITY WORKSHOP

A Community Workshop will be held on October 22, 2014, in the Faulkner Gallery of the Central Library. The Workshop will include an Open House from 4:30 to 5:30, followed by a PowerPoint presentation regarding the Draft 2015 Housing Element Update and an opportunity to ask questions and provide comments. Input received at the Workshop will be considered for incorporation into the Draft Housing Element Update by the Planning Commission on October 23, 2014.

V. NEXT STEPS

Described below are the next steps and dates to complete the 2015 Housing Element in order to comply with the fifth cycle housing element update statutory schedule:

▪ Community Workshop	October 22, 2014 (Faulkner Gallery)
▪ Planning Commission	October 23, 2014
▪ Housing Element Submittal to HCD (for mandated 60 day review)	November 2014
▪ City Council Adoption	January 2015
▪ Submittal to HCD for Certification	February 2015

VI. WEBPAGE REFERENCE MATERIALS

The City's webpage dedicated to the 2015 Housing Element Update can be found at www.SantaBarbaraCA.gov/HEU and includes the Draft Housing Element and Appendices as well as the public notice for the Community Workshop and Planning Commission hearing, and proposed schedule for the Draft 2015 Housing Element.

Exhibits:

A. Draft 2015 Housing Element Update and Appendices E-H (provided under separate cover)
B. CEQA Addendum to General Plan Program EIR (#2009011031)

City of Santa Barbara
California

Exhibit A: The Draft 2015 Housing Element Update and Appendices have been distributed separately on request.

A copy of the Draft 2015 Housing Element Update and Appendices are available online at www.SantaBarbaraCA.gov/HEU.

ADDENDUM TO
2011 GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH 2009011031)

FOR THE 2015-2023 HOUSING ELEMENT UPDATE
October 14, 2014

This Addendum to the certified Program Environmental Impact Report (EIR) for the 2011 General Plan, including the 2011 Housing Element, is prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164. An Addendum to a previous EIR may be prepared if only minor changes or additions are necessary to make the prior document adequate for the current project, and the changes involve no new significant impacts.

This EIR Addendum documents CEQA environmental impact analysis for the 2015 Housing Element update. The 2015 Housing Element Update would amend the City of Santa Barbara General Plan and replace the existing Housing Element, which was adopted in 2011.

State law requires all jurisdictions in Santa Barbara County to update their housing elements for the 2015-2023 planning period. The 2015 Housing Element includes new demographic and housing needs data, revised analysis of resources and constraints, and updated policies and implementation programs to reflect prior accomplishments and current circumstances. No changes are proposed in land use plans, housing policies, or development regulations that would raise new environmental issues or significant impacts that were not previously analyzed in the 2011 Program EIR certified for the General Plan. The Housing Element update reflects existing land use plans and regulations and would not approve any new development.

EIR ADDENDUM PROCEDURES

This EIR Addendum is prepared in accordance with State CEQA Guidelines Sections 15168 (Program EIR), 15162 (Subsequent EIRs), and 15164 (Addendum to an EIR).

Section 15168 provides that a Program EIR may be prepared on a series of actions characterized as one large project, such as a citywide General Plan update. This allows for a comprehensive consideration of policies and effects, and avoids later duplicative environmental analysis. When subsequent implementing actions are undertaken, the activities may be approved as within the scope of the Plan covered by the Program EIR when no new significant effects would occur. Section 15162 identifies criteria requiring a subsequent EIR when project or implementing actions would involve new significant impacts not identified in the prior Program EIR.

Section 15164 provides that an Addendum to a previous EIR may be prepared to document changes that make the prior EIR adequate for the current project when the changes do not involve new significant impacts or substantial increases in previously identified impacts.

EXHIBIT B

The CEQA Guidelines provide that an EIR Addendum need not be circulated for public review, but is attached to the EIR. The decision-making body (City Council) considers the Addendum together with the certified EIR in making a decision on the project.

PRIOR ENVIRONMENTAL DOCUMENT

The Program Environmental Impact Report (EIR) for the 2011 General Plan update was certified by the Planning Commission in September 2010 and by City Council in December 2011. The General Plan Program EIR evaluated citywide effects on the environment from incremental growth to the year 2030 under General Plan policies and programs. The General Plan contemplates growth by the year 2030 of up to 1.5 million square feet of net additional commercial and other non-residential development and up to 2,800 additional housing units.

Class 1 Impacts

The EIR analysis identified significant traffic and climate change impacts that could not be fully mitigated (Class 1 impacts) from General Plan policies and citywide incremental growth to the year 2030. An increase from 13 to 20-26 roadway intersections at 77% or greater volume-to-capacity ratio was identified. Citywide greenhouse gas emissions were projected as increasing and therefore potentially not meeting State AB 32 emission reduction targets for 2020 and then-undefined SB 375 regional targets.

The EIR also identified that these traffic and climate change impacts could potentially be substantially reduced with implementation of a robust expansion of transportation demand management measures including parking pricing. These mitigation measures were included in the General Plan but City Council found that providing an upfront commitment as to the extent and method and timing of implementation was not feasible. As such, full mitigation credit was not given for the purpose of CEQA impact analysis. In adopting the General Plan, the City Council adopted findings of overriding consideration that the benefits of the Plan outweighed these potential significant impacts, thereby finding these impacts to be acceptable.

An Addendum to the FEIR (6-18-2012) for the City Climate Action Plan documented further analysis of climate change demonstrating that impacts associated with citywide greenhouse gas emissions would be less than significant.

Class 2 Impacts

The EIR analysis identified the following potentially significant impacts that could be mitigated to less than significant levels (Class 2 impacts): air quality *(diesel emissions);* biological resources *(upland and creek/riparian habitats and species);* geological conditions *(sea cliff retreat);* heritage resources *(effects of development on historic resources);* hydrology *(extended range sea level rise);* noise *(transportation noise);* open space *(loss or fragmentation of open space);* public utilities *(solid waste management);* and transportation *(intersections with roadway improvement mitigation; roadway corridor congestion).*

Identified mitigation measures associated with these impacts were incorporated into the General Plan as policies and programs.

Class 3 Impacts

The EIR analysis concluded that with policies and programs already in place, the following other impacts would be less than significant (Class 3 impacts): air quality *(consistency with Clean Air Plan for air quality standards; construction emissions);* biological resources *(grasslands; coastal resources; individual specimen trees);* geological conditions *(seismic, geologic, soil hazards);* hazards *(accident risks, wildfire; hazardous materials);* heritage resources *(archeological and paleontological resources);* hydrology and water quality *(development in floodplains and near creeks; storm water runoff; water quality of creeks, groundwater, coastal and marine water);* noise *(noise guidelines; mixed use nuisance noise; construction noise);* open space and visual resources *(scenic views; community character; lighting);* public services *(police; fire protection; parks and recreation; schools);* public utilities *(water supply, wastewater treatment);* transportation *(reduction in per capita vehicle commute trips - Class 4 beneficial).*

Additional Environmental Analysis

The EIR also included detailed analysis of impacts associated with energy, climate change (both greenhouse gas emissions contributing to climate change, and climate change effects on the City), population and jobs/housing balance, and socioeconomic issues.

CHANGES IN ENVIRONMENTAL CIRCUMSTANCES

No substantial changes in environmental circumstances on the ground have occurred since the December 2011 General Plan adoption and Program EIR certification.

A small amount of development has occurred, mostly redevelopment and small addition projects, with associated incremental changes in the physical environment. Net new development citywide occurring in the period January 2012 through June 2014 is estimated at 369 net additional housing units, and 12,315 net additional square feet of nonresidential development,

The City is currently in the midst of a multi-year drought condition, which was identified in the EIR as a periodically occurring circumstance. Gradual changes to traffic conditions have occurred, as was forecasted in the EIR.

No changes to relevant Federal or State environmental regulations or guidelines have occurred. The Program EIR addressed climate change issues and greenhouse gas generation consistent with State regulations evolving in recent years.

In June 2014, the City updated its traffic impact significance thresholds used in the CEQA environmental review of development projects. The thresholds maintain the same standard for

defining an impacted intersection (intersection volume-to-capacity ratio of more than 0.77 level of service during peak travel times). In recognition of City General Plan land use and traffic management policies, the thresholds were updated to relate significant project impacts to intersections identified in the Program EIR as already impacted or forecasted to become impacted by the year 2030 due to citywide growth under the General Plan. No change to the Program EIR analysis of citywide traffic impacts of the General Plan results from this CEQA threshold change.

The State of California dissolved Redevelopment Agencies, resulting in the loss of some sources of housing development subsidies.

The Regional Housing Needs Assessment (RHNA) adopted by the Santa Barbara County Association of Governments (SBCAG) on August 15, 2013 identifies a total housing need of 11,030 units for Santa Barbara County as a whole and 4,099 units for the City of Santa Barbara during the 2014-2022 projection period. This represents a reduction from the 2008 assessments for 2007-2014 on which the 2011 City Housing Element was based (11,600 units for County and 4,388 units for City). The 2015 Housing Element reflects a reduction in housing need to 4,099 units, based upon the slower pace of forecasted growth due to the effects of the economic recession. This reduced level of growth could result in a corresponding reduction in associated environmental impacts as compared to the assumptions contained in the General Plan EIR, or impacts identified in the EIR could occur over a longer period.

CURRENT PROJECT DESCRIPTION, IMPACTS AND MITIGATION

The General Plan is the primary planning policy document for the City. The Housing Element analyzes current and future housing needs and describes the City's strategies and policies to address those needs. The last update to the Housing Element was adopted in 2011. Senate Bill 375 of 2008 established new requirements for updating Housing Elements on an eight-year cycle concurrent with every other update to the Regional Transportation Plan. The 2015-2023 planning period is referred to as the fifth Housing Element cycle in reference to the five required updates since the comprehensive revision to state housing element law in 1980.

Changes in the 2015 Housing Element

Summarized below are the major components of the 2015 Housing Element along with the proposed changes in each section.

- Evaluation of progress in implementing the prior Housing Element

  This section describes the City's progress in implementing the policies and programs described in the 2011 Housing Element, and it supersedes the evaluation contained in the 2011 Housing Element. No changes are proposed in this section that would result in substantial changes to development patterns or environmental impacts analyzed in the previous EIR.

- Housing needs assessment

  This section incorporates more recent data from the U.S. Census Bureau and other sources regarding the characteristics of the City's population, households, employment and housing stock. An important component of this section analyzes future housing needs for the 2015-2023 planning period based on the 2013 RHNA adopted by SBCAG (see discussion above). The City's projected housing need has decreased from 4,388 units in the prior planning period to 4,099 units in the 2015-2023 period. No changes are proposed in this section that would result in substantial changes to development patterns or environmental impacts analyzed in the previous EIR.

- Analysis of potential constraints to housing

  This section has been updated to reflect changes related to governmental constraints (such as revisions to City zoning regulations adopted after the prior Housing Element was prepared and the availability of infrastructure) and non-governmental constraints (such as the cost of land and construction). No changes are proposed in this section that would result in substantial changes to development patterns or environmental impacts analyzed in the previous EIR.

- Analysis of potential sites for housing development

  This section analyzes the capacity for housing development based on a parcel-specific inventory of sites where residential development could occur. The analysis is based on existing General Plan land use policy and zoning regulations. No changes are proposed in this section that would result in substantial changes to development patterns or environmental impacts analyzed in the previous EIR.

- Goals, policies and 8-year work program

  This section describes the City's goals and policies related to housing, and presents an 8-year work program to address those goals and policies. No changes to the City's goals are proposed. Many of the policies and programs reflect the City's ongoing commitment to facilitate development of housing for low- and moderate-income persons, and housing for persons with disabilities or other special needs. Refinements to policies and programs are proposed to reflect the reduction in funding resulting from the 2012 statewide dissolution of redevelopment agencies (e.g., discontinuation of some types of housing rehabilitation loans), and the elimination of programs that were completed in the prior planning period (e.g., adoption of emergency shelter regulations, and Average Unit Size Density regulations). No changes to land use plans or regulations are proposed that would result in substantial changes to development patterns or environmental impacts analyzed in the previous EIR.

In summary, the 2015 Housing Element includes updated information related to housing needs, constraints and land resources, as well as minor refinements to policies and programs to reflect completed programs and changed circumstances. Many Housing Element programs are intended to facilitate fair housing and development of housing that is affordable and accessible to persons with disabilities or other special needs. New housing development is anticipated consistent with

current City land use plans and regulations, but at a somewhat slower pace than was assumed in the prior Housing Element due to the lingering effects of the recession and loss of some sources of housing subsidies.

No changes from impact significance classifications identified in the 2011 General Plan Program EIR (i.e., Class 1, 2, or 3 impacts) would result from the updated information, policies and programs contained in the 2015 Housing Element Amendment. No new mitigation measures are required or proposed.

CEQA FINDING

Based on the Addendum review of the 2015 Housing Element, in accordance with State CEQA Guidelines Section 15612, no Subsequent Negative Declaration or Environmental Impact Report is required for the project because the project setting, description, impacts, and mitigations do not involve new significant impacts or a substantial increase in the severity of impacts previously identified in the final General Plan Program EIR.

This Addendum, together with the certified General Plan Program EIR, constitutes adequate environmental documentation in compliance with CEQA for the 2015 Housing Element Amendment.

Prepared by: John Douglas, J. H. Douglas & Associates **Date:** October 14, 2014

Reviewed by Barbara R. Shelton **Date:** October 15, 2014
Barbara Shelton, Environmental Analyst

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 026-14
CITY-WIDE
RECOMMENDATION TO CITY COUNCIL ON
ADOPTION OF 2015 DRAFT HOUSING ELEMENT
OCTOBER 23, 2014

DRAFT 2015 HOUSING ELEMENT UPDATE (HEU)

Recent legislative changes extended housing element planning periods from five years to eight years. To comply with this change, the City is required to submit the 2015 Housing Element to the State Department of Housing and Community Development (HCD) for review by February 15, 2015. Because the existing Housing Element was recently certified by HCD in 2012, no policy changes are proposed.

The Draft 2015 Housing Element Update addresses the City's 2015-2023 planning period, and is prepared in compliance with State Housing Element law, including analysis of existing and projected community housing needs and identification of goals, policies and quantified objectives to meet those needs.

The Planning Commission considered the Draft 2015 Housing Element Update, received public comment, and is forwarding a recommendation to the City Council. The Draft 2015 Housing Element will be submitted to HCD for review prior to consideration for adoption by the City Council at a future meeting.

WHEREAS, the Planning Commission has held the required special public hearing on the above application, and Staff was present.

WHEREAS, One person appeared to speak on the update, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 16, 2014.
2. 2015 Draft Housing Element update and Appendixes, October 2014

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission recommended to City Council:

I. Adoption of the 2015 Revised Housing Element, with staff corrections, and representing the consensus comments of the Commission:

1. Amend the description of UCSB and City College to include current day population numbers. Include discussion related to foreign language students and their impact (as well as UCSB and SBCC) to rental housing availability and cost. Revise the College and University Housing section to reflect that students "do" rather than "can" impact the rental housing market.
2. Provide a broader discussion in the middle income section and the importance of middle income units generated through the Average Unit-Size Density Incentive Program (AUD) for the city's overall housing program and include the 8-year, 250-unit test as a constraint.

3. Revise the inclusionary housing implementation action H11.3 to include 'd' as a part of 'a' and add 'temporarily' before 'suspend' in 'd'.

4. Add text to the Housing Element noting the increasing number of single family owner-occupied units being used as vacation rentals and/or second homes as a constraint.

5. Add bullet to Implementation Action H15.1 Secondary Dwelling Unit Ordinance that directs the development of overall guidelines for architectural design compatibility with existing development and neighborhood. Also revise the recommended timeframe in the work program from 6 or more years to 3-5 years.

This motion was passed and adopted on the 23rd day of October, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Bartlett)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

November 6, 2014
Date

Table H-23: Projects With Affordable Rental Housing At Risk (2015-2025)
City of Santa Barbara

Address	Owner	Affordable Units	Funding Sources	Earliest Exp. Date
1409 Kenwood Rd	City SB Parks	1/Low	CDBG[1]	2015
1018-1028 Castillo St	CHC	32/Low	CDBG, RDA[2], State Def	2015
227-C E De la Guerra St	De La Guerra Court Invest	1/Low	Zoning Mod[3]	2016
620-652 Castillo St	HASB	17/Low	CDBG, RDA	2016
910 E Haley St	Sherwin c/o Meridan Group	1/Low	Zoning Mod	2016
1426 Euclid Ave	DeMare Inv.	1/Low	Zoning Mod	2016
401-404 Transfer Ave	HASB	8/Low	RDA	2016
1511 Bath St	Smagala	10/Low	RDA	2016
209 W Cota St	Smagala	6/Low	RDA	2017
222 W Micheltorena St	Smalgala	12/Low	Zoning Mod	2017
811-815 Salsipuedes St	Hawkes	13/Low	RDA	2018
203-201 Hitchcock St	Towbes Group	111/Moderate	Zoning Mod	2018
1215 Cacique St	Wright	5/Low	Zoning Mod	2019
821 Bath St	CHC	12/Low	CDBG, RDA	2019
420 E De la Guerra St	Goldrich, Kest & Assoc	50/Low	HUD[4] Regulatory/Option	2018
221-223 W Victoria St	HASB	12/Low	RDA	2020
114 La Paz	William Reed	2/Low	Zoning Mod	2020
1306 Garden St	Lippincott	4/Moderate	Zoning Mod	2021
1910-1912 Robbins St	Rivera	2/Low	Zoning Mod	2021
222 Meigs Rd	Shoreline Development	2/Moderate	Zoning Mod	2022
1104 Carpinteria St	Borgatello	2/Moderate	Zoning Mod	2023
47 Broadmoor	CHC	15/Low	RDA	2023
107 E. Micheltorena St	Phoenix House	11/Low	CDBG	2023
1409 Castillo St	CHC	14/Low	CDBG/RDA	2024
803 Laguna St	Laguna Cottages	44/Low	CDBG/RDA	2025
Total 25 Projects		**388**		

Source: City of Santa Barbara 2014

[1] *CDBG stands for the federal Community Development Block Grant Program.*
[2] *RDA stands for the City's Redevelopment Agency Housing Set-Aside funds.*
[3] *Zoning Mod does not stand for any source of funding, but rather for modifications to the City's zoning code that were granted in return for the dedication of affordable housing units.*
[4] *HUD stands for the U.S. Department of Housing and Urban Development*

As indicated in the Assessment of Conversion Risk section below, nonprofit owners are considerably more likely than for-profit owners to maintain affordable housing units beyond the expiration of affordability controls. ~~Fortunately, most of the at-risk affordable rental units (66 percent) are owned by nonprofit organizations.~~

Table H-24: Projects With Affordable Ownership Housing At Risk (2015-2025)
City of Santa Barbara

Address	At Risk Units	Total # Affordable Units	Funding Sources	Earliest Exp. Date
3902-3930 Via Diego/402-432 Via Rosa La Colina Village	31/Moderate	50	Zoning Mod	2015
3558-3578 Modoc Road Arroyo Verde	5/Moderate	13	Zoning Mod	2016
22 N. Voluntario Street Los Suenos	6/Moderate	6	RDA	2016
2001-11 Elise Way Maravillas	2/Moderate	6	RDA	2016
329 W. Ortega Ortega Homes	1/Moderate	3	RDA	2017
1024-1030 Quinientos/2-12 S. Voluntario Campos Feliz	9/Moderate	18	RDA	2018
3708-3773 Greggory Way Franciscan Villas	18/Moderate	46	Zoning Mod	2018
414 W. De la Guerra Street Casa Chula	3/Moderate	5	RDA	2019
915, 917, 919 Bath Street Old Vic	1/Moderate	3	RDA	2019
1310 San Andres Street Canto Arroyo	4/Moderate	5	RDA	2020
820 W. Victoria Street Victoria Town Homes	1/Moderate	1	Zoning Mod	2020
1019 Quinientos Street La Ventura	3/Moderate	10	RDA	2021
2014-2016 Modoc/2041-2051 Oak Ave Oak Creek	1/Moderate	6	RDA	2022
1838 San Andres Street Pinecone	7/Moderate	10	RDA	2022
720 Castillo Street The Commons	1/Moderate	3	RDA	2022
33 Ocean View Pueblo Andaluz	6/Moderate	10	RDA	2023
1920 Robbins Street Robbins Court	4/Moderate	6	Zoning Mod	2023
211 W. Gutierrez Street El Zoco	7/Moderate	16	RDA	2024
831 W. Anapamu Street 7 Oaks	2/Moderate	5	Zoning Mod	2025
Total: 19 Projects	***112***	***222***		

Source: City of Santa Barbara 2014

RDA stands for the City's Redevelopment Agency Housing Set-Aside funds.
Zoning Mod does not stand for any source of funding, but rather for modifications to the City's zoning code that were granted in return for the dedication of affordable housing units.

H20.7 Substandard Buildings. Consider implementing a program that would require owners of buildings found by the City's Building and Safety Division to be substandard to assume the financial burden of relocating their tenants to habitable units.

H20.8 Tax Code. Continue to utilize the processes of Sections 17274 and 24436.5 of the *State Revenue and Taxation Code* which prohibits a taxpayer who derives rental income from substandard housing from receiving income tax deductions for interest, taxes, depreciation or amortization paid or incurred with respect to the substandard housing.

H21. **Preserve Affordable Housing.** Maintain the affordability of existing extremely low, very low, low and moderate income dwelling units.

Possible Implementation Actions to be Considered

H21.1 Affordability Covenants. Continue to monitor and preserve affordable housing covenants before they expire.

H21.2 At-Risk Affordable Units. Continue to encourage the Housing Authority and nonprofit organizations to acquire and manage units whose affordability requirements are due to expire.

H21.3 Expiring Affordability. For projects with expiring affordability provisions:

- Make a determination as to whether longer affordability is feasible under existing financing;
- Engage in dialogue with property owners, no later than 12 months prior to the expiration of the recorded affordability covenant, to extend the affordability period. If the affordability period is not extended the City in conjunction with the property owner shall notify the tenants of the impending expiration to ensure proper and timely notification;
- ~~Explore options for refinancing first mortgage bonds;~~
- Examine funding availability for the extension of affordability covenants;
- Explore potential for sale of project to nonprofit or the Housing Authority;
- Require additional affordability as a condition of subordination of an existing City loan against the property.

H21.4 Presidio Park Apartments. Ensure that Presidio Park Apartments remain affordable in the interim between when their Section 8 contract expires ~~(2004)~~ and when the City has option to purchase (2018). ~~Develop~~ Prior to 2018 develop a financial plan to purchase or preferably monetize Presidio Park Apartments and ensure they remain ~~as~~ a long term affordable housing project ~~in 2018~~.

Regional Cooperation and Jobs/Housing Balance Policies

H22. **Work to Solve Regional Jobs/Housing Imbalance.** The City is committed to working with neighboring jurisdictions and the private sector to solve the regional jobs/housing imbalance in a regional manner.

Goal 2: New Housing Development	
Policy H10: **Given limited remaining land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites both in residential zones, and as part of mixed-use development in commercial zones.**	
Implementation Actions	**Work Program**
H10.1 Early Project Consultation. Continue to offer and encourage early staff predevelopment consultations for residential development of opportunity sites and mixed use projects. H10.2 Property Profiles. Continue to offer property profile services in the Planning Division that explain development potential and constraints for parcels in the City. Property profile services generally involve the review of archive, street and planning files, and the preparation of a letter report containing information regarding the property's permit history and development potential. H10.4 Housing at Shopping Centers. Promote and encourage the development of mixed-use for-ownership and rental housing at shopping centers such as La Cumbre Plaza shopping center, with an emphasis on affordability, by coordinating and/or partnering with property owners and housing developers.	**Objective:** Continue efforts to facilitate infill development in residential zones and mixed-use development in commercial zones. Construct 54 units/year. **Responsible Agency:** Planning Division **Timeframe:** Ongoing **Funding Sources:** General Fund
H10.3 Building Reuse. Encourage residential reuse of existing nonresidential buildings for housing, especially for both ownership and rental affordable housing.	**Objective:** Amend Municipal Code to include provisions for the re-use of existing buildings for housing opportunities. **Responsible Agency:** Planning Division **Timeframe:** ~~6 or more~~1-2 years **Funding Sources:** General Fund

b. Amend the payment of in-lieu fees to include the following considerations:

- Eliminate or reduce inclusionary housing in-lieu fees based on preferred development, such as affordable or special needs housing projects;
- Adjust the inclusionary housing in-lieu fee rate based on unit size (i.e., lower fees for smaller units); and

c. Require a Housing Mitigation Fee for commercial development~~; and~~.

d. ~~Suspend the inclusionary housing requirements or in-lieu fees during times of economic downturn if development costs are prohibitive~~.

H11.4 Density Standards. Develop density standards that permit greater densities for projects that provide a greater percentage of price-restricted ownership units than required by the inclusionary housing ordinance.

~~H11.8 Opportunity Sites. Assist, coordinate or partner with builders for the development of affordable housing projects by identifying in-fill and opportunity sites in the commercial zones, on public lands and under-developed R-2, R-3 and R-4 sites.~~

H11.5 Bonus Density. Continue to provide bonus density units above levels required by State law, to be reviewed on a case-by-case basis.

H11.6 Private Sponsors. Continue to solicit proposals for low-, moderate-, and middle income projects from private sponsors and develop programs to assist in their implementation.

H11.7 Infill Housing. Continue to assist the development of infill housing including financial and management incentives in cooperation with the Housing Authority and private developers to use underutilized and small vacant parcels of land for new

Objective: Explore alternative ways and funding sources to promote housing opportunities, including the production of affordable and workforce housing units.

Responsible Agency: Administration, Housing & ~~Redevelopment~~ Human Services and Planning Divisions

Timeframe: Ongoing with annual review

Funding Sources: General Fund, ~~RDA~~TBD

extremely low, very low, low and moderate income housing opportunities. H11.8 Opportunity Sites. Assist, coordinate or partner with builders for the development of affordable housing projects by identifying in-fill and opportunity sites in the commercial zones, on public lands and under-developed R-2, R-3 and R-4 sites in the Available Land Inventory of the Housing Element. H11.9 Sweat Equity Projects. Continue to support special procedures for development, permitting, construction and early occupancy of "sweat equity" projects. H11.10 Large Rental Units. Encourage the construction of three bedroom and larger rental units for low-, moderate-, and middle income families, including the Housing Authority in efforts to develop and/or acquire three+ bedroom units. H11.11 Condominium Conversions. Continue to implement the Municipal Code's Condominium Conversion Ordinance to provide an opportunity for entry-level home ownership in a variety of locations while maintaining a supply of rental housing for extremely low, very low, low and moderate income persons. H11.19 Parcel Consolidation. Encourage the consolidation of small and underutilized parcels for development of affordable housing, if appropriate based on neighborhood compatibility.	
H11.12 Surplus Land. Inventory all land in the City owned by County, State and Federal governments, the Santa Barbara School and High School Districts and public utilities and actively pursue dedication of surplus land for development of low moderate and middle income housing, and for qualifying employees of participating government agencies. H11.13 Housing Opportunities. Look for housing opportunities on City-owned land or over private and public parking lots.	**Objective:** Explore alternative ways and funding sources to promote housing opportunities, including the production of affordable and workforce housing units. **Responsible Agency:** Administration, Housing & ~~Redevelopment~~ Human Services and Planning Divisions **Timeframe:** ~~TBD~~ Ongoing with annual review **Funding Sources:** TBD

Policy H18: The City shall monitor housing development and progress toward achieving housing goals.	
Implementation Actions	**Work Program**
H18.1 Adaptive Management Program. Through the Adaptive Management Program, monitor and report annually to the Planning Commission, City Council and public, the number of total and affordable dwelling units (including bonus density units) that are being constructed, and the number of units converted to commercial use or demolished and not replaced.	**Objective:** Monitor housing production and progress made toward Housing Element goals. **Responsible Agency:** Planning Division **Timeframe:** Annually **Funding Sources:** General Fund

Goal 3: Conservation and Improvement of Existing Housing	
Policy H19: The City shall continue to expand its voluntary housing rehabilitation programs, and preserve existing housing in all parts of the City.	
Implementation Actions	**Work Program**
~~H19.1 Rehabilitation Loans. Continue to provide rehabilitation loans to low- and moderate-income owner households in neighborhoods displaying the greatest need for rehabilitation.~~ ~~H19.2 Outreach Efforts. Increase outreach efforts to encourage homeowners and apartment owners to participate in the City's Housing Rehabilitation Loan Program (HRLP).~~ ~~H19.3 Review HRLP. Review and evaluate the objectives of the HRLP for consistency with the 2010 Housing Element goals.~~ H19.4 Low-Interest Loans. Continue to provide low interest rehabilitation loans for housing sponsors to rehabilitate multi-family structures. H19.5 Neighborhood Surveys. Continue to survey neighborhoods that have the highest number and concentration of units in need of rehabilitation. ~~H19.7 Remove Architectural Barriers. Continue the City's Home Rehabilitation Loan Program's efforts to remove architectural barriers in the homes of disabled citizens.~~	**Objective:** Dependent upon funding availability,~~Continue~~ continue to commit City funds (2 loans/year) to rehabilitate ~~single family and~~ multi-family extremely low, very low, low, and moderate-income units. **Responsible Agency:** Housing & Redevelopment, Building & Safety and Planning Divisions **Timeframe:** ~~3-5 years (H19.2, H19.3, H19.5),~~ Ongoing with annual review ~~(H19.1, H19.4, H19.7, H19.8)~~ **Funding Sources:** RDA, CDBG program income funds

H20.8 Tax Code. Continue to utilize the processes of Sections 17274 and 24436.5 of the State Revenue and Taxation Code which prohibits a taxpayer who derives rental income from substandard housing from receiving income tax deductions for interest, taxes, depreciation or amortization paid or incurred with respect to the substandard housing.	
H20.5 Illegal Dwelling Units. Consider ways to legalize illegal dwelling units in accordance with the requirements of the Zoning Ordinance. ~~H20.6 Code Enforcement. Consider intensifying enforcement of the requirements of the Zoning Ordinance, the California Building Code and the Uniform Housing Code only if adequate protection measures and relocation assistance are available for tenants who may be displaced by such enforcement activities.~~ H20.7 Substandard Buildings. Consider implementing a program that would require owners of buildings found by the City's Building and Safety Division to be substandard to assume the financial burden of relocating their tenants to habitable units.	**Objective:** Complete studies to identify methods and implications of increased enforcement on illegal and substandard housing units. **Responsible Agency:** Planning, Building & Safety Divisions and City Attorney's Office **Timeframe:** ~~TBD~~ 1-2 years **Funding Sources:** TBD

Policy H21: Maintain the affordability of existing extremely low, very low, low- and moderate-income dwelling units.

Implementation Actions	Work Program
H21.1 Affordability Covenants. Continue to monitor and preserve affordable housing covenants before they expire. H21.2 At-Risk Affordable Units. Continue to encourage the Housing Authority and nonprofit organizations to acquire and manage units whose affordability requirements are due to expire. H21.3 Expiring Affordability. For projects with expiring affordability provisions: ▪ Make a determination as to whether longer affordability is feasible under existing financing;	**Objective:** Preserve affordable housing through the maintenance of affordability covenants, including requiring longer affordability of units. **Responsible Agency:** Administration, Housing & ~~Redevelopment~~ Human Services Division **Timeframe:** 3-5 years (H21.4), Ongoing with annual review (H21.1, H21.2, H21.3) **Funding Sources:** ~~RDA,~~ HOME, CDBG, HCD, Presidio Park Apartment funds

- Engage in dialogue with property owners, no later than 12 months prior to the expiration of the recorded affordability covenant, to extend the affordability period. If the affordability period is not extended the City in conjunction with the property owner shall notify the tenants of the impending expiration to ensure proper and timely notification;
- ~~Explore options for refinancing first mortgage bonds;~~
- Examine funding availability for the extension of affordability covenants;
- Explore potential for sale of project to nonprofit or the Housing Authority;
- Require additional affordability as a condition of subordination of an existing City loan against the property.

H21.4 Presidio Park Apartments. Ensure that Presidio Park Apartments remain affordable in the interim between when their Section 8 contract expires ~~(2004)~~ and when the City has option to purchase (2018). ~~Develop~~ Prior to 2018 develop a financial plan to purchase or preferably monetize Presidio Park Apartments and ensure they remain ~~as~~ a long term affordable housing project ~~in 2018~~.

Goal 4: Regional Cooperation & Jobs/Housing Balance	
Policy H22:	**The City is committed to working with neighboring jurisdictions and the private sector to solve the regional jobs/housing imbalance in a regional manner.**
Implementation Actions	**Work Program**
H22.1 Affordable Housing Task Group. Continue to support and participate on the Joint Cities / County Affordable Housing Task Group.	**Objective:** Continue active participation to address regional affordable housing issues. **Responsible Agency:** Planning Division **Timeframe:** Ongoing; 2015 (H22.4)
H22.2 Shared Housing Development. Explore joint housing	

sites. H22.10 Regional Coordination on Affordable Housing. Continue to coordinate with other South Coast agencies to identify available land for residential development and consider partnerships between local agencies to develop housing for the South Coast workforce. Inventory and consider publicly-owned sites throughout the South Coast's urban areas with good transit accessibility for such development.	

Policy H23: Develop regional strategies to fund and construct Affordable Housing for different need categories (e.g. senior, young families, disabled, homeless) within existing urban growth limits.

Implementation Actions	Work Program
H23.1 State and Federal Funding. Explore opportunities for joint City/County applications for Federal and State housing assistance programs. H23.2 Annexations. At the request of the County and community, pursue joint projects, including annexations, similar to the Mercy Housing / St. Vincent's affordable housing project. H23.4 New Funding Sources. Encourage the community-based Housing Trust Fund and the Trust for Public Lands to work together in efforts to identify new funding sources for affordable housing projects. H23.5 Housing Authority Coordination. Encourage the City and County Housing Authorities to work together to purchase sites and/or construct affordable housing.	**Objective:** Continue to participate and encourage inter-jurisdictional housing funding and construction. **Responsible Agency:** Administration, Housing & ~~Redevelopment~~ Human Services and Planning Divisions **Timeframe:** Ongoing with annual review **Funding Sources:** ~~RDA,~~ TBD, General Fund
H23.3 City Resources. Look for opportunities to use City funding and staffing resource for affordable projects outside the City limits as requested and appropriate.	**Objective:** Develop new regional strategies to fund and construct affordable housing. **Responsible Agency:** Administration, Housing & ~~Redevelopment~~ Human Services and Planning Divisions

ATTACHMENT 4

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

December 24, 2014

Ms. Bettie Weiss
City Planner
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Dear Ms. Weiss:

RE: Santa Barbara's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Santa Barbara's draft housing element update which was received for review on November 6, 2014, along with additional revisions received on December 17, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on December 12, 2014 with Mr. John Ledbetter, Principal Planner; Ms. Irma Unzueta, Project Planner; and John Douglas, City Consultant.

The draft element meets the statutory requirements of State housing element law. This finding was based on, among other reasons, the element demonstrating adequate sites to meet the City's regional housing needs allocation. The draft element with revisions will comply with State housing element law (GC, Article 10.6) when these revisions are adopted and submitted to the Department, in accordance with GC Section 65585(g).

The Department conducted a streamlined review of the draft housing element based on the City's meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Mr. Ledbetter, Ms. Unzueta, and Mr. Douglas, in preparation of the housing element and looks forward to receiving Santa Barbara's adopted housing element. If you have any questions or need additional assistance, please contact James Johnson, of our staff, at (916) 263-7426.

Sincerely,

Glen A. Campora
Assistant Deputy Director

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE 2015 GENERAL PLAN HOUSING ELEMENT UPDATE INCORPORATING REVISIONS REQUESTED BY THE PLANNING COMMISSION AND CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Housing Element Law requires local jurisdictions to update the Housing Element of the General Plan periodically and submit documents to the California Department of Housing and Community Development (HCD) for review and certification;

WHEREAS, Senate Bill 375, adopted by the State Legislature in 2008, established an eight-year update cycle for Housing Elements concurrent with every other update to the Regional Transportation Plan;

WHEREAS, to comply with the new statutory due date for the fifth-cycle Housing Element Update, the City was required to prepare and adopt an updated 2015 Housing Element no later 120 days from the statutory deadline of February 15, 2015;

WHEREAS, ON May 8, 2014, the Planning Commission held a duly noticed public hearing to initiate a General Plan Amendment to update the Housing Element in accordance with State housing element law;

WHEREAS, on June 11, 2014, the City entered into an agreement with J.H. Douglas & Associates to assist the City in preparing the 2015 Housing Element Update;

WHEREAS, on October 22, 2014, the City held a community workshop related to the Draft 2015 Housing Element, which included an open house, a presentation and public comment;

WHEREAS, on October 23, 2014, the Planning Commission held a duly noticed public hearing to consider the Draft 2015 Housing element Update, receive public comment and unanimously recommended that Council adopt the 2015 Housing Element Update as revised;

WHEREAS, a Final Program Environmental Impact Report (EIR) was certified for the 2011 General Plan Update and EIR Addenda were prepared and considered by City Council as part of adoption for the final 2011 General Plan (12-1-11), Climate Action

Plan (9-18-12), Historic Resources Element (10-2-12), and Safety Element Update (12-11-13);

WHEREAS, an Addendum to the 2011 Program EIR dated October 14, 2014, was prepared for the 2015 Housing Element Update documenting that the update would result in no substantial changes in environmental impacts previously identified in the Program EIR for the 2011 General Plan Update;

WHEREAS, on November 5, 2014, the Draft 2015 Housing Element Update was submitted to HCD for their required 60-day review;

WHEREAS, on December 12, 2014, City Staff, City Consultant John Douglas and HCD Staff held a telephone conference to help facilitate HCD's review of the Draft 2015 Housing Element;

WHEREAS, on December 16, 2014, City Staff submitted to HCD minor technical revisions to provide further clarification to the Needs Assessment and Eight-Year Work Program of the Housing Element;

WHEREAS, on December 24, 2014, HCD sent a letter stating that the revisions submitted by City Staff addressed statutory requirements and that the 2015 Housing Element Update including the minor technical revisions was found to be in compliance with State housing element law;

WHEREAS, on February 10, 2015, the City Council reviewed and considered the revisions recommended by the Planning Commission and minor technical clarifications required by HCD, as well as the correspondence from HCD dated December 24, 2014, stating the City's 2015 Housing Element Update meets the statutory requirements of State housing element law

WHEREAS, the City Planner is the custodian of the record of proceedings for the 2011 General Plan Update, Final Program EIR for the General Plan Update and EIR Addenda, and 2015 Housing Element Update. The documents and other materials which constitute the record of proceedings for these City actions are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the City Planning Division office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT AS FOLLOWS:

I. Adoption of the 2015 Housing Element Update and Findings

The City Council hereby adopts the 2015 General Plan Housing Element Update attached hereto as Exhibit A making the following findings:

A. Charter Finding

The goals, policies, and implementation actions of the 2015 Housing Element Update meet the intent of Charter Section 1507, "living within our resource limits." Policies and programs included in the 2015 Housing Element Update are designed to protect, preserve and manage residential development so as not to exceed public services or resource capacities.

B. California Environmental Quality Act (CEQA) Findings

1. **CEQA Findings for City Council Consideration of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum pursuant to CCR §§15090 and 15162.**

   The FEIR Addendum dated October 14, 2014, for the 2015 Housing Element Update together with the certified FEIR for the 2011 General Plan, were made available to the City Council, and the City Council has reviewed and considered the information contained therein prior to adopting the 2015 Housing Element Update. The CEQA documentation for the 2015 Housing Element Update constitutes adequate environmental review under CEQA and reflects the Lead Agency's independent judgment and analysis.

2. **CEQA Findings for use of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum, pursuant to CEQA Guidelines §§15162 and 15164.**

   The 2015 Housing Element Update is consistent with and implements the 2011 General Plan policies, and is within the comprehensive scope of analysis of the Program EIR and Addenda for the 2011 General Plan and 2015 Housing Element Update.

   The EIR Addendum dated October 14, 2014, documents that the 2015 Housing Element Update would not result in new environmental issues, circumstances, or information, additional significant environmental impacts beyond those identified in the General Plan Program EIR, a substantial increase in the severity of impacts identified in the EIR, or new mitigation measures. None of the conditions described in CEQA Guidelines §15162 calling for the preparation of a subsequent EIR is applicable.

3. **Council Resolution 11-079 and 12—65 Findings per PRC §21082 and CCR §15091 apply to this action.**

Findings regarding Class 1 significant impacts, Class 2 mitigation impacts, overriding considerations, and infeasibility of some mitigation measures and alternatives all remain applicable for adoption of the 2015 Housing Element Update and are incorporated herein by reference.

4. **Findings for the Fish & Game Code pursuant to PRC §21089(b) and Fish & Game Code §§711.4 and 753.5.**
   The General Plan Program EIR evaluated the potential for the 2011 General Plan to result in adverse impacts on wildlife resources. For this purpose, wildlife is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including habitat upon which the wildlife depends for its continued viability." The General Plan has the potential to result in adverse but not significant effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures have been incorporated into the General Plan such that potential impacts will be less than significant.

   As documented in the EIR Addendum dated October 14, 2014, the 2015 Housing Element Update will implement the 2011 General Plan policies and would not result in additional environmental effects beyond those identified in the EIR. Pursuant to the Fish and Game Code §753.5(e)(3), only one fee is required when an existing certified EIR is used in multiple project approvals that would result in no additional effects to fish and wildlife. Because the City paid the fee for the 2011 General Plan, no fee is required with the current implementing amendment

II. This Resolution shall become effective upon Council adoption.

Agenda Item No. 14

File Code No. 160.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Conference With City Attorney – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Frank Banales, Sebastian Aldana Jr., Jacqueline Inda, Cruzito Herrera Cruz, and Benjamin Cheverez,* v. *City of Santa Barbara*, et al., SBSC Case No.1468167.

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office