



# City of Santa Barbara

Office of Mayor

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August 4, 2015

Helene Schneider

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The Honorable Arthur Garcia  
Santa Maria Juvenile Court  
4263 California Blvd.  
Santa Maria, CA 93455

Santa Barbara County Grand Jury  
1100 Anacapa Street  
Santa Barbara, CA 93101

Honorable Judge Garcia and Grand Jury Foreperson:

This letter is in response to the 2014-2015 Santa Barbara County Grand Jury's Report on the City of Santa Barbara's Zoning Information Reports (ZIRs). This response is provided pursuant to the requirements of State Penal Code Section 933 and 933.05.

The 2014-2015 Grand Jury Report was received by the City on May 11, 2015 and includes ten (10) Findings and eleven (11) Recommendations. The Findings and Recommendations relate to the necessity of ZIRs, ZIR preparation procedures, overall cost of the ZIR process, the reliability of ZIRs, ability to appeal the findings of a ZIR, and the City's residential parking requirements. The City of Santa Barbara appreciates the work that the 2013-2014 and 2014-2015 Grand Juries put into this Report.

The City of Santa Barbara City Council is aware of the issues surrounding the ZIR program. Over the last several years, the City has been working with the Santa Barbara Association of Realtors to improve the ZIR process in terms of timeliness, consistency, reliability, understandability, problem solving mechanisms, and violation identification. Improvements have been made including making ZIRs optional for condominiums, reducing the time between ZIR application submittal and the release of the final ZIR, reducing the cost for ZIRs for larger multi-unit complexes, emailing completed ZIRs to the applicant, and accepting ZIR applications by fax. Those changes have been welcomed by the real estate community.

More recently, after public hearings before the City Council and City Planning Commission in 2013, a ZIR Working Group was formed in January 2014 to address the issues and clarify and streamline the ZIR process. The ZIR Working Group was composed of representatives from the Santa Barbara Association of Realtors, active realtors in the community, members of the City Planning Commission, and City staff. The ZIR Working Group met over a ten month period and developed a number of recommended improvements to the ZIR preparation process. The recommendations of the ZIR Working Group, which were collaboratively developed and agreed upon, include:

- Revisions to the ZIR template



Please consider the environment before printing this letter.

Judge Garcia & Grand Jury Foreman

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- Categorization of violations
- Clarification of the ZIR appeal period
- Deferral of violation abatement deadlines in certain situations
- Proposed establishment of a Minor Zoning Exception process, and
- Creation of new public handouts.

In November 2014, the City Planning Commission reviewed and concurred with the recommendations of the ZIR Working Group. The Planning Commission further recommended that City Council initiate an ordinance amendment to establish a Minor Zoning Exception process to give City staff the authority to grant relief from minor zoning regulations through the ZIR process, and direct staff to implement other changes recommended by the ZIR Working Group. In February 2015, the City Council held a public hearing and initiated an amendment to the Zoning Ordinance to establish the Minor Zoning Exception process and directed City staff to work on the ZIR process improvements recommended by the ZIR Working Group (Attachment).

The following ZIR Working Group recommendations have been implemented to date:

- Categorization of "major" and "minor" violations for the purposes of determining which violations are referred for immediate enforcement
- Delayed enforcement of violations in certain circumstances
- Retention of inspection photographs long-term

Staff is currently in the implementation phase of the following ZIR process improvements and anticipates completion within the next six months:

- Revising the ZIR template
- Establishing a ZIR procedures manual
- Establishing a Minor Zoning Exception process
- Creating a ZIR inspection checklist
- Creating a frequently asked ZIR question handout
- Creating a handout explaining how to abate violations
- Establishing a public outreach/information program

Many of the Findings and Recommendations contained in the Grand Jury Report cover the same issues as those discussed in great detail by the ZIR Working Group. Therefore, many of the City's responses to the Grand Jury's recommendations state that they "will not be implemented because it is not warranted or is not reasonable." With all due respect, this rather abrupt response language (in bold below) is not the City's preferred language, but required by the Penal Code. The City Council recognizes the Findings of the Grand Jury are important; however, in many cases, another recommendation or remedy was agreed upon by the ZIR Working Group, City Planning Commission, and City Council to address the underlying issue and is in process of being implemented.

With this important background information in mind, responses to the Grand Jury's Findings and Recommendations are provided below.

**Finding 1:** *While the City of Santa Barbara Zoning Information Report, instituted in 1974, has served an important purpose, the State now requires many of these safeguards through the Real Estate Transfer Disclosure Statement.*

**Response to Finding 1: The City disagrees wholly with this Finding.**

As stated in Santa Barbara Municipal Code (SBMC) §28.87.220, the primary purpose of a Zoning Information Report (ZIR) is to “provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.” While the zoning designation of a property is easily obtained, the “permitted use of the property” is often subject to interpretation and requires a working knowledge of City ordinances, rules and records. In addition, the SBMC requires that a ZIR provide the following information:

- Street address and parcel number
- Zoning classification and permitted uses
- Occupancy and uses permitted as indicated and established by City records
- Any discretionary or administrative acts of record
- Any special restrictions in use or development which apply to the property
- Any known nonconformities or violations of any ordinances or laws
- The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46 of the SBMC
- A statement of whether the real property has had a Sewer Lateral Inspection Report prepared within five years prior to the ZIR

The SBMC does not require that a ZIR include a review of the property's compliance with the Building Codes nor confirm the location of property lines.

Most of the above items are not included in the Real Estate Transfer Disclosure Statement. Although State-mandated disclosure statements encourage potential buyers to conduct their own investigations of the property, no City record check is required of either the seller or buyer as part of those disclosures. Furthermore, the Real Estate Transfer Disclosure Statement only requires a property owner to state if they are “**aware of**” any additions, alterations, or repairs that may have been made without the necessary permits or may not be in compliance with local codes. Many members of the public are unaware of the extent of improvements that require a permit and are not familiar with how to research the permit history, permitted uses, legality of structures or if the property contains legal nonconforming improvements. A ZIR is necessary to properly inform buyers of the property's status in terms of City records. Without a ZIR, a buyer does not have the City's perspective regarding the permitted uses of the property, zoning, nonconformities, or unpermitted construction. Staff's analysis of the facts based on a physical inspection of the property and historical record in the street and planning files is important, and these are included in ZIRs.

In addition to providing important information to the seller and buyer, ZIRs provide an important community benefit. ZIRs help maintain and protect neighborhoods and the City's housing stock by ensuring new construction meets codified health, safety and general welfare requirements. City staff has heard from residents that they appreciate ZIRs because they know the City will

inspect properties when they are sold. Many neighbors are reluctant to report a potential violation on their neighbor's property for fear of retaliation.

ZIRs also protect the community by providing a strong incentive for property owners to seek necessary City approvals and permits before making improvements. Most property owners are aware that ZIRs are required at the time of sale of the property and that improvements made on the property without the proper permits will be identified at that time. The elimination of the requirement for ZIRs could result in fewer property owners obtaining the proper City approvals or permits which may lead to an increase in illegal dwelling units, substandard construction, and need for future enforcement. For these reasons the City's adopted Housing Element supports the continuation of the ZIR program.

**Recommendation 1:** *That the City of Santa Barbara declare Zoning Information Reports voluntary, and used for informational purposes only.*

**Response to Recommendation 1: The Recommendation will not be implemented because it is not warranted or is not reasonable.**

This policy decision has been discussed at several recent public hearings before the City's Planning Commission (Sept. and Oct. 2013, Nov. 2014) and City Council (Aug. 2013 and Feb. 2015). At the conclusion of the most recent City Council hearing in February 2015, the City Council continued to support maintaining the mandatory requirement for ZIRs and directed staff to implement the recommendations of the ZIR Working Group and Planning Commission for improvements to the ZIR preparation process.

Eliminating the requirement for a ZIR or only using the ZIR for informational purposes will not negate the fact that a violation exists on a property; it will only potentially delay action to abate the violation. The City Council understood this in February and also recognized that the ZIR is an important mechanism to enforce relevant City ordinances and preserve the quality of the City's housing stock and neighborhoods.

It is important to note that a ZIR disclosure does not create the violation(s). Construction without required City approval or permit is a violation whether or not it is identified in a ZIR, and will continue to be required to be abated at the time the next building permit is sought or when a complaint is received. If this recommendation were implemented, in many cases, potential violations would not come to light for months or even years after the sale has closed. By that time it could be extremely challenging for the "new" property owner to hold the previous property owner responsible and obtain an appropriate remedy for the violation(s). Although the implementation of this recommendation might simplify the real estate transaction, it could lead to more property owners being upset and wishing they knew about the violations when they bought the property. Identifying zoning and building violations at the time of sale of a residential property gives the seller and buyer the same information from the City on the status of the property and the opportunity to decide how to resolve the violations. City staff has received few complaints regarding the ZIR process from prospective buyers of a property or neighbors. It is important to consider the many perspectives on the value of ZIRs and the purpose they serve to protect the community at large.

**Finding 2:** *The practice of the City of Santa Barbara Community Development Department is that if information cannot be located by the Planning Technician II inspector, it is assumed it never existed and that owners must produce proof of its existence, or face violations.*

**Response to Finding 2: The City partially agrees with this Finding.**

The ZIR inspector (Grand Jury utilizes the term "Planning Technician II inspector") uses many resources during the preparation of a ZIR. In addition to a site visit, the primary information sources include the street and planning files and the City's archive plans. If information in City files or archive plans does not include certain improvements observed during the site inspection, the ZIR inspector performs additional research. 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 improvement and requests 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 staff determine what City Codes were in effect at the time, and what standards and permits were necessary. Based on this research, staff uses its best judgment to resolve issues and, in many cases, decides to recognize an improvement as being legal when there is some credible evidence to support such a conclusion. However, if information in the record clearly indicates that an improvement is in violation of the Zoning Ordinance or lacks the necessary building permit, staff must note it as a violation.

If there are no original permits or original archive plans to reference, a note is added to the ZIR that states: "*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 these cases, any other obvious violations may be noted in the ZIR, evidenced by the date of construction, location of improvement (in relation to a known improvement), or apparent health or safety violations.

The ZIR Working Group discussed this issue at length. The discussion focused on gaining an understanding of all the information sources utilized by City staff during the preparation of a ZIR. The ZIR Working Group recommended a new section be added to the ZIR template that informs the property owner/potential buyer of the information sources utilized in reaching the conclusions contained in the ZIR. This new section has been added to the revised ZIR template which will be implemented in the near future.

**Recommendation 2:** *That the City of Santa Barbara Community Development Department institute a policy that if staff cannot prove that the property was altered during the current ownership, the City presumes the alteration previously existed.*

**Response to Recommendation 2: This Recommendation will not be implemented because it is not warranted or is not reasonable.**

The implementation of this Recommendation would neither be in compliance with the requirements of City's Zoning Ordinance nor further the purposes of a ZIR. In addition to basic information regarding the property such as street address, assessor parcel number, zone classification, and permitted uses of the property, SBMC Section 28.87.220.D requires "any known nonconformities or violations of any ordinances or law" to be included in the ZIR. This section of the Code states that "any" nonconformity or violation should be noted, not just ones that occurred during the current ownership.

Furthermore, given that the City is responsible for the regulation and protection of the general health, safety and welfare of the community, staff cannot ignore its responsibility to identify that which might cause someone harm or affect their or their neighbors' welfare. Additionally, Section 1272 of the Evidence Code provides that because it is the City's regular course of business to preserve the record of the City, the absence of a record is a trustworthy indication that the act or event did not occur, or that the condition did not exist. For these reasons, the City has a responsibility to disclose our records as they exist, and note any discrepancies therein.

This recommendation operates on the assumption that if the City presumes that the alteration existed when the current owner took ownership then the violation is avoided. However, if an alteration was constructed without permits at a time when permits were required, it does not matter who owns the property. The violation exists whether or not it was actually caused by the current owner.

Furthermore, implicit in this recommendation is the belief that if the violation was missed by the inspector for the prior ZIR, or was not abated during the ownership of the prior owner, the proper remedy for the current owner who is attempting to sell the property is for the City to "legalize" or ignore the existence of the violation. However, this is very concerning to the City because the underlying illegality of the violation and the remedy would remain unaddressed, and to allow its continuation would serve to harm the persons who live at the property or own property adjacent to the residence on which the violation is noticed.

**Finding 3:** *Homeowners, after having spent many hundreds, often thousands of dollars to establish that an improvement was permitted, and that the City was incorrect, still bear the cost of the investigation.*

**Response to Finding 3: The City agrees with this Finding.**

**Recommendation 3:** *That if the alleged violations prove to be incorrect, the City of Santa Barbara reimburse the homeowner for all costs incurred in the subsequent investigation.*

**Response to Recommendation 3: This Recommendation has been partially implemented.**

City staff encourages property owners to contact staff directly when there is concern regarding a noted violation. Staff works with property owners to gather information that may help establish the legal status of the construction in question. In more challenging cases, owners may find the help of a hired consultant beneficial to their cause, but that is a personal decision and not one mandated by the City.

The City conducts inspections and prepares ZIRs in good faith. It is understood that property owners may have a different perspective regarding the legality of the improvements on their property. Even when everyone is acting in good faith, disputes can arise. In instances when alleged violations prove incorrect, a refund of appeal fees paid to the City is now provided. However, due to lack of control of the scope and direction of private investigations, it would be inappropriate for the City to pay for these additional costs.

**Finding 4:** *A City of Santa Barbara Zoning Information Report with no violations does not guarantee a future report will not show alleged unreported violations by previous owners.*

**Response to Finding 4: The City agrees with this Finding, with qualifications.**

The ZIR Working Group discussed the issue of discrepancies between ZIRs at length, and identified recommendations to address them (Attachment).

City staff acknowledges that there may be instances of discrepancies between the findings of a current ZIR and a previous ZIR. Staff estimates that approximately only two to four ZIRs per month (or 4-8 %) have some kind of inconsistency or discrepancy with a previous ZIR.

When discrepancies occur, they usually fall into one or more of the following categories:

- The previous ZIR notes the improvement as existing and either does not indicate it is a violation or erroneously states that it is “non-conforming” (such as hedges).
- The previous ZIR notes the improvement as existing and states that it is a violation but was not referred to enforcement, or only partial enforcement occurred.
- The previous ZIR does not mention the improvement as existing and there is no evidence as to when the improvement first appeared, yet the owner states the improvement existed at the time they purchased the property.

There are various reasons for alleged discrepancies between ZIRs: 1) the level/quality of staff research performed during the preparation of previous ZIRs was less than acceptable in some cases; 2) the City record is occasionally unclear or lacking altogether; 3) the improvement may have been obscured from view by landscaping or an object had been placed over, or in front of, the improvement to obscure the view of it from the ZIR inspector, which was later removed; or, 4) the improvement was, in fact, added after the last ZIR was completed.

Staff has made improvements over the years to increase the reliability of ZIRs. Staff currently performs more in-depth research and regularly consults the archive plans when preparing a ZIR. Staff believes that the increased accuracy of today's ZIRs have led to many of the discrepancies with prior ZIRs.

Recognizing the need for improvements, staff is also in the process of standardizing procedures for preparing ZIRs and identifying violations. The procedures will give staff clear and consistent direction on how to prepare a ZIR, conduct the site inspection, determine what violations are identified in the ZIR, and how and what types of violations are referred for enforcement. Planning staff has also increased its early collaboration with property owners and Building and Safety Division staff when discrepancies arise before the ZIR is finalized. This increased collaboration has proven beneficial.

The City attempts 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 and Safety 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 establishing a Minor Zoning Exception process, which 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.

**Recommendation 4:** *That the City of Santa Barbara provide certainty to the buyer by certifying each Zoning Information Report as accurate.*

**Response to Recommendation 4: The Recommendation will not be implemented because it is not warranted or is not reasonable.**

A ZIR is a good-faith effort at full disclosure to a potential buyer of authorized uses and occupancy of a property, including zoning violations and improvements constructed without City permits or approvals. At the time each ZIR is prepared, it is completed with a high level of confidence that it reflects the City's current record and understanding regarding improvements on the property. Although it is understandably frustrating to sellers and realtors, potential discrepancies with a prior ZIR does not invalidate the current ZIR as being the most accurate account of the property from the City's perspective.

Implicit in this recommendation is the belief that if the violation was missed by the inspector for the prior ZIR, or was not abated during the ownership of the prior owner, the proper remedy for the current owner who is attempting to sell the property is for the City to "legalize" or ignore the existence of the violation. However, this is very concerning to the City because the underlying illegality of the violation and the remedy would remain unaddressed, and to allow its continuation would serve to harm the persons who live at the property or own property adjacent to the residence on which the violation is noticed.

Implementation of this Recommendation would require changes to the ZIR preparation process and has the potential of extending the time period required to prepare a ZIR. When staff does make an error in a current ZIR, steps are taken to correct it (that process is further discussed in Recommendation 5). The ZIR Working Group did consider including a five-day preview period during which agents could review an electronic draft of the ZIR before the ZIR becomes final, and discuss any differences of opinion or concerns. While this option could provide additional assurance that the final report represents a consensual understanding of the property's status, it would lengthen the overall turnaround time for ZIRs.

**Finding 5:** *If a violation reported on a City of Santa Barbara Zoning Information Report is found to be incorrect, the report is amended but the alleged violation is not necessarily removed by the Community Development Department.*

**Response to Finding 5: The City disagrees wholly with this Finding.**

If a violation cited in a ZIR is later found to be incorrect, the report is amended or a memo is sent to the street file, and any associated enforcement action pertaining to that violation is withdrawn.

**Recommendation 5:** *If a Zoning Information Report violation is found to be incorrect, that violation be removed entirely from the report.*

**Response to Recommendation 5: A portion of this Recommendation is currently part of the City's ZIR preparation process, and part of the Recommendation will not be implemented because it is not warranted or is not reasonable.**

If a violation is found to be incorrect prior to the final ZIR being posted on the City's website, reference to the violation is removed from the ZIR and a new ZIR (without the violation) is produced. However, if a violation is found to be incorrect soon after the ZIR is posted on the City's website, an amended ZIR is issued with a note included in the violation section explaining why the conclusion was incorrect and indicates that the violation no longer pertains to the property. If several months have passed since the issuance of the ZIR, a memorandum is sent to the public street file that explains the new finding and that the violation no longer pertains to the property.

In order to maintain thorough and accurate public records, staff does not modify a ZIR after the ZIR has been sent to the street file and posted to the City's website. Since the ZIR becomes part of the public record once it's posted, staff cannot know if a ZIR has been downloaded and distributed to other persons not associated with the sale of the property, and it can cause confusion if two different ZIRs are circulating with different dates and conclusions. For that reason, staff appends to previously posted ZIRs, and does not remove them entirely from the record.

**Finding 6:** *There is no formal appeal process. An "intent to dispute" is not an adequate appeals process.*

**Response to Finding 6: The City disagrees wholly with this Finding.**

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 that maintaining the existing ten-day appeal period was appropriate.

Currently, the ZIR form states that an owner or agent has ten days from the receipt date of a ZIR to appeal its findings, and no fee is charged. In order to appeal the findings of the ZIR, a written letter stating the grounds for the appeal and any supporting documentation regarding the disputed finding(s) of the ZIR must be submitted. The owner or agent first works with the inspector that prepared the ZIR to resolve the appeal issues. The ZIR inspector is most familiar with the property as they recently inspected it for the ZIR. If an owner or agent is not satisfied with the determination of the ZIR inspector, the appeal is elevated to the Supervisor or City Planner level for further review.

Since there is no set appeal period established in the Municipal Code, a property owner may appeal the findings of the ZIR after the ten-day period specified on the ZIR form. However, because additional staff time is necessary to recall the records and basis for the findings and, in some cases, a follow-up site visit is warranted, staff's time to research an appeal after the ten-day period is subject to the hourly staff fee as established by the City Council.

**Recommendation 6a:** *That the City of Santa Barbara establish an appeals process that requires an outside mediator.*

**City Response to Recommendation 6a: The City will not be implementing this recommendation because it is not warranted or is not reasonable.**

In many cases it is appropriate and very helpful to turn to a professional mediator to help resolve disputes, with a typical goal of each party to compromise. However, in cases where a building or zoning code has been clearly violated, it would be inappropriate for the City to agree to the compromise of public health, safety and/or welfare. If a property owner disagrees with a factual conclusion made in a ZIR, the property owner may ask a court to review the basis on which the City's conclusion rests.

**Recommendation 6b:** *That the Zoning Information Report include a prominently stated and documented appeal process.*

**City Response to Recommendation 6b: This Recommendation has been implemented as it was a recommendation of the ZIR Working Group.**

The revised ZIR template contains a new Section titled "Expiration Date, Amendments to this ZIR, and Appeals." This Section explains the process to request an amendment to the ZIR and how a property owner or agent can appeal the ZIR findings. Staff anticipates beginning using the new ZIR template within the next month.

**Finding 7:** *The City Zoning Information Report Planning Technician II inspectors do not typically research the property records prior to the site visit.*

**City Response to Finding 7: The City disagrees wholly with this Finding.**

ZIR inspectors are trained to review the street and planning files prior to the site inspection. In some cases, archive plans are also reviewed prior to the inspection. The inspector also prepares a ZIR worksheet that contains basic property information (zoning, non-conforming aspects of the property, number of parking spaces, etc.), the property description from the last ZIR (if applicable), and previous zoning/building violations as a frame of reference for beginning the inspection. Any discrepancies in the record or missing information are noted to help inform the inspector about certain areas of the property that may warrant additional attention. The ZIR inspector brings the street file and ZIR worksheet with them to the site inspection for reference on site. Given this Finding of the Grand Jury and statements by the real estate community in recent public hearings, the ZIR inspectors have been reminded of this requirement.

**Recommendation 7:** *The Planning Technician II inspector review all relevant files prior to a site visit.*

**City Response to Recommendation 7: This Recommendation has been implemented as it is a current requirement of the ZIR inspector.**

This is a current requirement and will be included in the written staff procedures currently under development.

**Finding 8:** *The basic cost of a City of Santa Barbara Zoning Information Report is \$465.00, the highest in the State. Other municipalities charge considerably less.*

**Response to Finding 8: The City disagrees partially with this Finding.**

Any comparison of fees should take into consideration the level of service provided and whether or not the jurisdiction seeks to recover the full cost of providing the service. City staff researched many other municipalities to determine what they require upon the sale of residential property. There is a large variation in the report types and the type of information provided. Many municipalities that produce a "zoning report" do not perform site inspections. Some municipalities provide a computer printout of zoning requirements and known nonconformancies or violations based on information contained in their street file. Other municipalities provide information from their files and do a visual inspection of the exterior of the property and list any obvious violations. Some municipalities provide a limited interior/exterior inspection but only focus on certain health and safety or building code violations. Based on staff research, the costs of these varied services and the resultant reports range from \$30.00 to \$1,016.00 per unit. One jurisdiction's fee was based on the size of the residential unit. For residences less than 5,000 square feet the fee is \$385.00. For residences between 5,000 and 10,000 square feet the fee is \$591.00 and the fee for residences over 10,000 square feet is \$1,016.00. Due to the larger scope of the City's ZIRs and the fact that City Council has deemed the service to be full-cost recovery, the cost of a ZIR in the City does exceed that of many other jurisdictions.

**Recommendation 8:** *The price for a Zoning Information Report should be consistent with other municipalities.*

**Response to Recommendation 8: This Recommendation will not be implemented because it is not warranted or is not reasonable.**

This issue has been discussed before the City Council in several recent public hearings (Aug. 2013 and Feb. 2015). Zoning Information Reports are one of a few services provided by the Planning Division that the City Council has designated as being full cost recovery. The City Council has determined that it is not appropriate for public funds to subsidize private real estate transactions. If the cost of a ZIR were reduced below that which it costs the City to provide the service, the level of service would either have to be reduced accordingly or the funds would have to be absorbed by another program in the Planning Division. The cost of a ZIR has not increased since Fiscal Year 2011, and was actually reduced in FY2014 for larger multi-unit properties.

**Finding 9:** *The requirement that a single-family residence maintain a covered, unobstructed, 20 foot by 20 foot parking space is overly restrictive.*

**Response to Finding 9: The City disagrees wholly with this Finding.**

SBMC §28.90.045, Parking Design Standards, requires all parking facilities be designed and constructed pursuant to the current *City Standards for Parking Design*. The requirement for the minimum 20 foot by 20 foot interior clear space within a garage is contained in the *City Standards for Parking Design*, which was established in 1982. This minimum interior dimension is a standard requirement of many jurisdictions, both within California and nationwide.

**Recommendation 9:** *That the City rewrite this parking ordinance requirement in a more flexible manner while keeping on-street parking under control.*

**Response to Recommendation 9: This Recommendation will not be implemented because it is not warranted or is not reasonable.**

SBMC §28.90.045.B, Parking Design Standards - Variation, allows a property owner to apply for a waiver from the requirement for any of the design standards contained in the *City Standards for Parking Design*, including the minimum interior dimension of a garage. This provides flexibility on a case-by-case basis, as warranted. The Public Works Department reviews parking design waiver requests.

**Finding 10:** *There is no training manual for staff to conduct consistent Zoning Information Report inspections and reports.*

**City Response to Finding 10: The City agrees with this Finding.**

Staff agrees that there is currently no written training manual for preparing ZIRs. New ZIR inspectors are trained by staff currently preparing ZIRs.

**Recommendation 10:** *That the City of Santa Barbara write a detailed training manual defining the research policies, inspections, and procedures.*

**City Response to Recommendation 10: This Recommendation has been implemented as it was a recommendation of the ZIR Working Group.**

The ZIR Working Group recommended that staff prepare written procedures for the preparation of ZIRs, including relevant information sources, site inspection procedures, violation identification and enforcement referral, appeal process, and documentation. The ZIR Working Group also recommended that the scope and content of the ZIR be reviewed to only include information that is relevant, important, and consistent with the Zoning Ordinance requirements. The Planning Commission and City Council concurred with this recommendation. City staff is in the process of developing the written procedures. The written procedures will help with consistency and give clear guidance to staff on preparing ZIRs.

Judge Garcia & Grand Jury Foreman  
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Should the Grand Jury have any questions regarding the City's response or wish to follow up with the City, please contact me, City Administrator Paul Casey or City Attorney Ariel Calonne.

Sincerely,

Helene Schneider,  
Mayor

Attachment: February 10, 2015 City Council Agenda Report

Cc: City Councilmembers  
Paul Casey, City Administrator  
Ariel Calonne, City Attorney  
George Buell, Community Development Director  
Renee Brooke, City Planner  
Susan Reardon, Senior Planner