

For Immediate Release

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Santa Barbara County Grand Jury

Contact: Sandi Miller, Foreperson
568-2291

**City of Santa Barbara's Zoning Information Reports Have Outlived Their
Usefulness**

The City of Santa Barbara's Zoning Information Reports (ZIR) no longer serve their original purpose of preventing illegal housing units and ensuring adequate off-street parking, according to a recently released 2014-15 Santa Barbara County Grand Jury (Jury) investigative report.

In addition, it found that while over 80 percent of the ZIR's call out violations, an alarming number of these prove to be unfounded as the City of Santa Barbara (City) relies on often incomplete files to investigate the permitting process, creating serious discrepancies from one ZIR to the next. The City's Community Development Department (CDD), which issues the ZIRs, admits that over the years, files pertaining to property records have been lost, misplaced, destroyed or taken and not returned. Should records not be found in the file, the seller of a residence is required to provide proof that no violation occurred. Total costs to the homeowner can easily escalate from the \$465 for the ZIR to thousands of dollars, including City fees, creation of new plans, and consultant's and attorney's fees. Allegations of violations can also affect the selling price of the house. The report cites several examples.

The Jury was also concerned that sellers and buyers cannot rely on a current ZIR. One clean ZIR is no guarantee of the future, and the report again provides examples.

The CDD contends its vigorous pursuit of zoning and building violations protects the health and safety of the buyers. As the State now requires sellers to provide a Transfer Disclosure Statement to the buyer, the Jury concluded this more adequately provides information on health and safety issues than do the ZIRs, and therefore recommends the ZIRs become voluntary and for reference only.

The entire report, "City of Santa Barbara Zoning Information Reports: Inconsistent and Unreliable" can be accessed at www.sbcgj.org.

The Santa Barbara County Grand Jury is a basic part of California government within the judicial branch. The Grand Jury is charged with keeping watch over county government as well as cities and districts operating within the county.

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CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

The City of Santa Barbara needs to stand by the Zoning Information Reports produced by the Planning Division of the Community Development Department. The *past-mistakes-must-be-corrected* attitude is unprofessional and unfair to the innocent people simply trying to sell their homes. The onus should be on the City to prove that a violation exists, and not on the seller to prove that one does not exist.

Once the City affixes its official seal to the document, it should stand behind its staff and the information it provides.

FINDINGS AND RECOMMENDATIONS

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.

Recommendation 1

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

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.

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.

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.

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.

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.

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Recommendation 4

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

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.

Recommendation 5

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

Finding 6

There is no formal appeal process. An “intent to dispute” is not an adequate appeals process.

Recommendation 6a

That the City of Santa Barbara establish an appeals process that requires an outside mediator.

Recommendation 6b

That the Zoning Information Report include a prominently stated and documented appeal process.

Finding 7

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

Recommendation 7

The Planning Technician II inspector review all relevant files prior to a site visit.

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.

Recommendation 8

The price for a Zoning Information Report should be consistent with other municipalities.

Finding 9

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

Recommendation 9

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

Finding 10

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

Recommendation 10

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

REQUEST FOR RESPONSE

In accordance with *California Penal Code Section 933.05* each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each.

City of Santa Barbara City Council – 90 Days

Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10

Recommendations 1, 2, 3, 4, 5, 6a, 6b, 7, 8, 9, and 10