

SANTA BARBARA COMMUNITY DEVELOPMENT DEPARTMENT

NOBODY'S DREAM HOUSE

Introduction

Santa Barbara is an old but unique town with complex zoning, building and safety regulations. Lately, unprecedented renovations and building additions are being undertaken because of increased property values; historically low interest rates and little land left in the city of Santa Barbara on which to build. The City of Santa Barbara Community Development Department (SBCDD) with 85 full-time employees has processed over 3800 permits a year during these changing times.

The 2003-2004 Grand Jury investigated a complaint made by a watchful and concerned citizen, who, because of his persistence and passion for the integrity of his neighborhood, saved an ill-conceived, non-conforming dwelling from becoming "Nobody's Dream House."

Background

A local architectural firm submitted plans for a three-story home to be built on a small inner lot in one of Santa Barbara's old residential areas. The plans were accepted because the lot had R-4 zoning (hotel-motel-multiple dwelling residences, allowing up to four structures). The lot already contained two other structures. The building plans submitted were given a ministerial permit by a planning department head in February 2001. This type of permit is normally granted for a simple straightforward structure not needing Architectural Review Board (ARB) or Planning Commission review. The planner assigned to review the proposed project assumed the information on the plans to be correct, conforming to code and within the parameters of a building not needing such review or engineering survey. Based on prior working relationships with the architect, the planner relied on the plan information to be correct. Plans seemed in compliance and the permit was issued.

As the project developed, the citizen's first real concern was the creek setback. The outline of the home seemed much closer to the "top of bank" than the required 25 feet creek setback, and the size of the home appeared to be too large for the lot dimensions. The complainant took his concerns and observations to Santa Barbara Community Development Department (SBCDD) located on Garden Street. He met with several SBCDD employees and was assured that "all was well" and the permit requirements had been met.

Still concerned, the citizen accessed the “street file” on the parcel being developed. A street file contains all recorded information on a piece of property, including variances, annexations, lot splits, property lines, easements, building permits past and present and other pertinent information. The street file contained a 1957 annexation for parking for the existing structures on the lot. Based on this new information, the complainant believed this was not a legal lot and filed a formal complaint with the department in June 2001. SBCDD again assured him that “all was well” and that “this was a done deal.”

In late summer, the citizen wrote a letter to the Mayor and City Council outlining his complaints, concerns and observations. Their response was that his information was erroneous and he was denied any further hearing. Council staff relied solely on SBCDD for its information. As the facts became apparent, it was determined that the information provided was incorrect on most points. Most significant of this erroneous information was the required 25-foot creek setback, which had never been surveyed by an engineer.

Continued visits to SBCDD finally prompted the head of Building and Safety to request the architect to have an engineering survey completed. This was not done. Following an on-site inspection, a Stop Work Order was issued by SBCDD.

Investigation

The Grand Jury began an investigation by first interviewing the citizen. Next, the Jury spoke with the current Director of SBCDD as well as the former director at the time the project was approved. In addition, the Jury interviewed the City Planner assigned to the project, the Senior Planner, the Head of Zoning and Enforcement, the Head of Building and Safety, and a building inspector not assigned to this project. The Jury examined the street file extensively and visited the property and surrounding neighborhood. Finally, the Jury examined all of the newspaper articles relating to the project and the letters received by the complainant from the City Council and Planning Commission.

Conclusion

The design of this project has changed over the last two years. The appropriate reviews and surveys have been completed. The question of the lot annexation has been resolved. The “dream house” has been reduced in size. A survey of the creek setback indicated that the original foundation was not in compliance with the code, and a new lot footprint has been drawn that meets the necessary requirements. Landscape improvements to the bank are in place for restoration and prevention of erosion purposes. The landowner/developer has endured considerable angst and expense throughout this process, but the proposed development is now legal and conforming.

SBCDD admitted that the issuance of a ministerial permit for such a complex project on a non-conforming lot was not appropriate. The Jury has been assured by the current SBCDD director that the creek setback issue has been permanently resolved and an engineering survey will be required on all plans for dwellings within 50 feet of any top of bank.

The Jury's concern is that with the large volume of permits issued each year, coupled with 300-400 citizen complaints at any given time, mistakes could happen again. SBCDD's intra-departmental communications and SBCDD's communication to its customers must improve so that complaints like in this report are handled more efficiently and effectively.

This complaint points out how vigilant citizens can make a difference in the integrity and safety of their neighborhood. Concerned citizens help insure that the City of Santa Barbara Community Development Department will continue to develop neighborhood conforming, positive and safe projects.

Finding 1

This project contained numerous code violations on a non-conforming lot. It should never have been given a ministerial permit without an appropriate review process.

Recommendation 1

No ministerial permit should be granted in neighborhoods with non-conforming lots.

Finding 2

Based on a past working relationship with the architect, the planner assumed the information supplied for this project was accurate and conforming to code.

Recommendation 2

Planners should not assume information provided them is correct without personally verifying the information for accuracy.

Finding 3

The complainant's concerns were not immediately taken seriously.

Recommendation 3

The SBCDD should have a system that reviews, routes and tracks complaint issues to appropriate departments. Department heads should jointly review complex and controversial types of complaints.

Affected Agencies

City of Santa Barbara Community Development Department

Finding 1, 2, 3

Recommendation 1, 2, 3