

# **Ventura County Grand Jury 2011 - 2012**



## **Final Report**

### **City of Ventura Code Enforcement**

**June 19, 2012**

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## **City of Ventura Code Enforcement**

### **SUMMARY**

The 2011-2012 Ventura County Grand Jury (Grand Jury) opened an inquiry into the City of Ventura (City) and its Code Enforcement group (CE) regarding perceived aggressive enforcement practices and policies, on the basis of citizen complaints and numerous newspaper articles. Some citizens believe that the City and CE targeted secondary structures in residential neighborhoods, especially second dwelling units, for safety reasons, but with a real goal of creating additional revenue for the City.

The Grand Jury received complaints from citizens of the City relating to CE issues. These complaints involved second dwelling units and second (non-dwelling) units and how CE handled code violation allegations. There were many articles in the Ventura County Star newspaper and other publications that dealt with these issues. Among the issues identified were alleged aggressive enforcement actions, verbal threats, threatening documents, an uncaring and unfair appellate system, arbitrary enforcement, holding the current property owner accountable for permits not obtained for work done prior to their ownership, and the City trying to balance its budget through higher permit fees and CE fines. The Grand Jury decided to investigate these issues.

In 2011, the Ventura City Council (VCC) sought to address unsafe second dwellings, which culminated with "The 2<sup>nd</sup> Dwelling Unit Amnesty Permit Program" (Amnesty Program). Fewer than twenty property owners have applied for this program. There is fear and distrust because of aggressive CE actions and apprehension of the City's intentions by some property owners. Contributing to this fear is that applying to the program and then not being accepted, leaves the owner(s) exposed to CE enforcement with high fees and unattainable zoning requirements. The continuing recession, high unemployment and high construction costs may be contributing factors. (Att-01)

Complainants were interviewed, documents and records were obtained, and videos of VCC and Ventura Planning Council meetings were reviewed. City administrators and employees from several departments, at varying levels of responsibility, were interviewed. Members of the Grand Jury visited complainant properties. As a comparison, CE employees from a similarly-sized city in the County were interviewed regarding how their city administers CE and permitting.

The Grand Jury found the City's code enforcement process to be abusive and provided preferential treatment on behalf of favored citizens. The VCC directed the CE to use building safety concerns for the purpose of generating revenue.

A VCC member contacted CE to get a determination regarding the legality of their second dwelling unit. The original determination, in 2007, was that the second unit was not legally permitted. This determination was subsequently overruled and the VCC member was informed that it was legally permitted. This matter resurfaced in July 2011 leading to a second review that confirmed the original determination.

The Grand Jury recommends that the City find ways to work with property owners to co-operatively solve problems, reduce fear, and restore public trust and confidence in CE and the Amnesty Program. The Grand Jury recommends that the City direct CE to focus its efforts on life safety matters instead of increasing revenue. The Grand Jury also recommends that the City create policies, procedures, and practices to eliminate real and/or the appearance of preferential treatment.

## **Background**

Citizens of the City provided complaints relating to CE issues. These complaints involved second dwelling units and second units (non-dwelling) and how CE handled code violation allegations. There were many articles in the Ventura County Star newspaper and other publications that dealt with these issues. Among the issues identified were alleged aggressive enforcement actions, verbal threats, threatening documents, an uncaring and unfair appellate system, arbitrary enforcement, holding the current successive property owner responsible for permits not obtained for work done prior to their ownership, the City trying to balance its budget through higher permit fees and CE fines, preferential treatment, unauthorized searches, and confusing and contradictory information from CE. The Grand Jury decided to investigate these issues.

The City had a long history of using a complaint-based model for investigating allegations of code violations. This policy changed during 2009 when the VCC changed to a proactive process, where CE began actively looking at second units with alleged building and safety violations. Unpermitted construction was the primary target.

It was during this same time frame that the City began experiencing severe financial impacts from a declining revenue base due to a damaged housing market, high unemployment, and the shift or loss of tax dollars from the state. The VCC found itself with lower property tax revenue, lower sales tax revenues and less tax money being returned by the state.

The City has historically used General Fund property tax-based revenue to pay for most of the costs associated with CE, as well as Building & Safety (B&S). This changed after the VCC voted to recover these costs via new fees, which are allowable and legal as long as they are reasonable for the service(s) provided and recover no more than the costs for performing the service(s).

## **Methodology**

Complainants were interviewed in an effort to determine what they observed and/or experienced with CE. Documents and other records were obtained as well as information leading to potential witnesses. Documents and videos of VCC and Ventura Planning Council meetings were reviewed. City administrators and employees from several departments, at varying levels of responsibility, were interviewed. Documents from the City were reviewed. As a comparison, CE employees from a similarly-sized city in the County were interviewed regarding

how their city administers code enforcement and permitting. Members of the Grand Jury visited complainant properties.

The VCC ordinances regarding higher fees for building permits were reviewed in light of legislation dealing with new taxes and fees. Propositions 26 and 218 were examined for applicability to the VCC actions. [Ref-01-02]

## **Facts**

- FA-01.** The CE staff was aggressive and used intimidation to gain authorized and unauthorized access to properties in the City.
- FA-02.** City Community Development Department and CE hold current property owners liable when no permit is found, for any work performed, even prior to their ownership.
- FA-03.** City permit and inspection record keeping responsibility is placed on the property owner by CE staff. There is no legal or regulatory requirement for property owners to retain permits.
- FA-04.** The City lost and/or misfiled permit and inspection records.
- FA-05.** The City has some damaged and unreadable permits.
- FA-06.** The CE staff is inconsistent with its requests for compliance actions, both verbally and in writing.
- FA-07.** The City established the Amnesty Program in 2011.
- FA-08.** When the final Amnesty Program was adopted during April 2011, requirements for covered parking were eliminated and zoning and set-back requirements were eased subject to variance approval. However, an uncooperative neighbor can block the variance leading to an applicant not being eligible for the program. The City maintains that it is the responsibility of individual applicants to assess the risks and rewards of applying for the Amnesty Program. The City maintains that there is no intent to entrap amnesty applicants, but, if they are not accepted into the program, the City may pursue them for code and zoning violations. The City may order demolition of property that does not meet code after becoming aware of it from Amnesty Program applications.
- FA-09.** When a second unit is cited, the CE staff does not always state a violation with particularity. The violation is often generalized as "substandard."
- FA-10.** Corrective options are not always provided when a property is cited by the City.
- FA-11.** A VCC member requested a determination on the permitting of a second dwelling unit in 2007. CE inspected the property and investigated the permit status and determined that it was not legally permitted. This determination was subsequently overruled. In 2011, after a public document request was processed for this property, CE reviewed the records again and confirmed that the property was not legally permitted.

- FA-12.** The Chief Building Officer (CBO) made recommendations and reports to the VCC to increase inspections, adopt regulations, and adopt programs to increase fees.
- FA-13.** The CE inspection fees are now charged to cover extra work.
- FA-14.** Unpaid citations have been sent to the county tax collector for collection since June 2007. These can be collected, via foreclosure, beginning in June 2012.
- FA-15.** According to the City, building safety is the stated primary concern of CE.
- FA-16.** The CBO supervises B&S, Construction Permitting, Flood Plain Management, and CE.
- FA-17.** Property owners perceive CE as providing aggressive enforcement, poor public relations, inconsistent applications of city code, and failure to identify violations with specificity.
- FA-18.** An administrative report informed the VCC that approximately 20% of the inspected second units met the City's definition as "substandard." Some were not life safety issues, but affected neighborhood livability, on-street parking, and increased demand for utility usage. The report also stated that many property owners either inherited unpermitted property or did not realize the need for permits for various repairs or additions. (Att-02)
- FA-19.** The VCC was advised that property owners expressed frustration regarding expenses, inflexible zoning and building laws, and the mandatory costs to legalize their unpermitted dwelling units.
- FA-20.** The City stated that finding more code violations does not have a direct financial impact on the CE group, but does significantly raise the permit fees for the B&S Department and likely saves CE jobs.
- FA-21.** The CE has acted on complaints that appear to be retaliatory in nature against neighbors.
- FA-22.** The City's use of the term "substandard" is too broad and needs to be revised with specificity.
- FA-23.** The previous CE fees were arbitrary and had little monetary relationship to the cost of services.
- FA-24.** A comparably sized city in Ventura County uses a very different approach to code enforcement. The comparable city works with property owners to find solutions to code enforcement issues. Most property owners have very little knowledge of code enforcement or building codes. Providing options, talking with and listening to property owner(s) creates co-operation and defuses conflict.
- FA-25.** Budgeting for Outcomes (BFO) was initiated in 2008 to increase efficiency and to refocus priorities. As the economy deteriorated, BFO was used to decrease ineffective spending and increase revenues.

- FA-26.** The City considers that new code enforcement fees are not a tax. The B&S Department’s permit process had been funded by the General Fund. The same inspection activities are now performed, except the funding comes from the new permit fees, charged to individuals or companies that build or modify structures. This creates additional revenue for the City.
- FA-27.** There is an appeal process for property owners who dispute CE citations. The first review is by the CBO. The second review is with the Local Appeals Board. The Appeals Board has no City employees. The members are appointed by the VCC and usually have a background in architecture, engineering, construction, real estate, property management, or planning. There is a third appeal process which is administered by a company that is paid by the City to collect citations. There are significant costs to the property owner for the second and third appeals.
- FA-28.** A structure can be classified as “substandard” for many reasons, ranging from life-threatening health and safety issues to not having a permit. This characterization subjects the property to citations, fines, penalties, civil actions, liens, and forfeitures. The City's written definition of “substandard” was derived from several sources including the California Uniform Housing Code, the State Health and Safety Codes, and City ordinances.
- FA-29.** The issuance of a citation can result in fines of \$426 per day. There are no waivers for financial hardship.
- FA-30.** Clouded property titles restrict borrowing against the property. After a Notice of Non-Compliance has been issued for any “substandard” housing issue(s), ranging from safety to a missing permit, an inspection is required. The inspection will not be performed until a permit is purchased. After the inspection is completed, the City releases the clouding restrictions against the property.
- FA-31.** CE is associated with the California Association of Code Enforcement Officers (CACEO), an organization that shares code enforcement information and lobbies for code enforcement issues. CACEO shares information on solutions to problems, including how to increase revenues.
- FA-32.** When a complaint is received, it is CE policy to review permits on file prior to an inspection. The inspectors are trained to focus on the primary allegation, but they can deal with other unrelated issues, if they are life safety issues and in “plain view.” In practice, CE looks for additional permit violations.
- FA-33.** The VCC directed City management to find budget reductions. CE recommended to the VCC that revenues could be enhanced if more inspections were conducted, creating more permit fees and potential fines.
- FA-34.** In February 2009, CE was directed to conduct visual inspections, looking for unsafe second units and second dwelling units. The City staff estimated that there are over 6,000 older dwellings and about 2,100

unpermitted “substandard” second dwellings. The City considers many of these second dwelling units as low-income housing.

- FA-35.** According to the City, taxes are for general population benefit and fees are for user service expense recovery. Fees may not be collected for more than the reasonable cost for the service(s) without becoming an illegal tax. The B&S Department is currently recovering costs via permit fees. The City's fee schedules are created by a consultant, with input from the affected departments. The reasonableness of the fees is reviewed by the consultant by comparing the fees for other cities. Many of these cities also have their fee schedules created by the same consultant.
- FA-36.** Proposition 218 allows for the collection of fees for providing services to individuals. The VCC was apprised of the effects of the new building permit fees, including that developers were paying more than what it cost to perform the inspections. The VCC voted to keep the collected excess fees and not reduce the rates.
- FA-37.** During inspections, CE takes property photographs, both exterior and interior, unless asked to stop by property owners. CE practice allows that, with legal access, anything that is in plain view may be photographed.
- FA-38.** In 2008, CE attempted to become revenue self-sufficient by trying to raise revenues and decrease expenditures. The goal was to become independent of the General Fund. CE began a cost-recovery plan. Citations increased and CE charged a fee for each visit after the first.
- FA-39.** The CE badges were designed to look similar to the Ventura Police Department badges. CE inspectors are not peace officers.
- FA-40.** The term “substandard,” as used by the CE, has many meanings including that a structure is unsafe.
- FA-41.** Citations and permits can be expensive and sometimes burdensome to low income owners. These costly citations and permits can lead to loss of income and sometimes force property sales.
- FA-42.** The citation forms and notice forms are intimidating or confusing to people. The forms are sometimes not completed with accurate, detailed information and descriptions.
- FA-43.** CE claims to have more power than police officers relative to property matters.
- FA-44.** Construction done without required plans and permits is deemed, by CE, to be hazardous and unsafe.

## **Findings**

- FI-01.** CE administration requires code enforcement training and experience. (FA-01-06, 10, 11, 14, 17-22, 25, 27, 28, 32-44)



- FI-02.** The City has a large number of older dwellings and second dwelling units that have unpermitted work. (FA-34)
- FI-03.** Many of the second units provide inexpensive (low-income) housing and rentals. (FA-34)
- FI-04.** “The 2<sup>nd</sup> Unit Dwelling Amnesty Permit Program” reduces permit fees and addresses zoning issue requirements for those who can afford impact fees and building construction upgrades to comply with the program. (FA-07, 08)
- FI-05.** Applicants not accepted into the Amnesty Program risk citations, higher fees, and possible demolition of their second dwelling units. (FA-08)
- FI-06.** Many property owners fear CE and the cost of permits, fees, and construction costs. (FA-01, 02, 06, 08–14, 18, 19, 21, 25–27, 29, 30, 32–34, 36–44)
- FI-07.** CE and the City have shown preferential treatment in code enforcement to favored citizens. (FA-11)
- FI-08.** None of the levels of the City appellate process is by an independent third party and can become expensive to the property owner. (FA-27)
- FI-09.** The City holds the property owner responsible for the burden of proof for the existence of permits. (FA-02–05)
- FI-10.** The City holds the current property owners responsible for any and all prior work requiring permits. (FA-02)
- FI-11.** CE has been aggressive with property owners in personal contacts, paperwork, documents, and enforcement tactics. (FA-01–05, 14, 18–22, 25–34, 36–44)
- FI-12.** CE is more aggressive and less helpful than a comparison city in the County. (FA-24)
- FI-13.** The VCC has raised fees for budgetary reasons. (FA-12, 13, 25, 26, 33, 38)
- FI-14.** When the VCC approved shifting B&S permit fees to a cost reimbursable system, it resulted in higher fees. (FA-12, 13, 20, 25, 26, 33, 38)
- FI-15.** The City's use of the term *substandard* is very broad, allowing the City to apply it to issues ranging from life-safety to nuisances. (FA-09, 18, 22, 28, 30, 34)
- FI-16.** Inconsistent and confusing information is provided by the CE to property owners. (FA-06, 09, 10, 22, 28, 30, 42)
- FI-17.** The VCC approved retaining the developer permit fees in excess of reimbursable costs. Though informed that collecting and retaining more than the costs to perform a service may be contrary to law, the VCC failed to lower these fee rates. (FA-36)

**Recommendations**

- R-01.** That VCC provide additional management oversight of the Code Enforcement Group along with requisite code enforcement and legal training. (FI 01, 04–12, 15, 16)
- R-02.** That VCC implement policies and practices to instill public confidence in the Amnesty Program. (FI-04, 05)
- R-03.** That VCC revise City and code enforcement policies, procedures, and practices relating to the reality, or appearance, of preferential treatment. (FI-07)
- R-04.** That VCC redefine “substandard” as life safety issues in the code enforcement policies. (FI-15, 16)
- R-05.** That VCC rewrite policies, procedures and practices with the purpose of reducing conflict between Code Enforcement and property owners. This should include:
  - editing forms that appear more threatening than informative prior to a determination of non-compliance (FI-11, 15, 16)
  - describing violations and remedy options with reasonable detail and clarity (FI-11, 15, 16)
  - developing a training strategy for Code Enforcement with the intent to assist owners through the process of making their properties safe (FI-11, 12, 15, 16)
  - providing equitable relief with respect to permit fees for successive owners who failed to discover prior code violations through their due diligence (FI-09, 10)
  - retaining an inventory of low-income dwellings in Ventura for state reporting requirements (FI-02–06, 10–16)
  - creating an independent third-party appeals process focusing on property safety issues and fairness (FI-08)
- R-06.** That VCC refrain from using non-safety code enforcement matters to raise revenue. (FI-04, 06, 13, 15)
- R-07.** That VCC return excessive fee rates previously collected from developers and lower these fee rates to a level compliant with the law. (FI-17)
- R-08.** That VCC place the burden of maintaining building and safety and code enforcement records or documents on the City, in compliance with current law. (FI-09)

## **Responses**

### Responses Required From:

Ventura City Council (FI-01-17) (R-01-08)

## **References**

**Ref-01.** Legislative Analyst's Office, December 1996, "Understanding Proposition 218"

[http://www.lao.ca.gov/1996/120196\\_prop\\_218/understanding\\_prop218\\_1296.html](http://www.lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html) (accessed May 22, 2012)

**Ref-02.** Legislative Analyst's Office, July 15, 2010, "Proposition 26 Increases Legislative Vote Requirement to Two-Thirds for State Levies and Charges. Imposes Additional Requirement for Voters to Approve Local Levies and Charges With Limited Exceptions. Initiative Constitutional Amendment." [http://www.lao.ca.gov/ballot/2010/26\\_11\\_2010.aspx](http://www.lao.ca.gov/ballot/2010/26_11_2010.aspx) (accessed May 22, 2012)

## **Attachments**

**Att-01.** The 2<sup>nd</sup> Dwelling Unit Amnesty Permit Program

**Att-02.** City of Ventura Administrative Report Dated: November 16, 2009

## **Disclaimer**

This report is issued by the 2011-2012 Ventura County Grand Jury. Due to a potential conflict of interest, a member of this Grand Jury was excused from participating in the investigation of this report.

**Glossary**

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
Second dwelling unit	A secondary structure intended for living space
Second unit	A secondary structure which is not intended for living space
Amnesty Program, or Program	2 <sup>nd</sup> Dwelling Unit Amnesty Permit Program
B&S	Building and Safety Department, City of Ventura
BFO	Budgeting For Outcomes
CACEO	California Association of Code Enforcement Officers
CBO	Chief Building Official
CE	Code Enforcement group, City of Ventura
City	City of San Buenaventura
Clouding	A process that encumbers the property title and limits the property owner from borrowing money against the equity of the property
Complaint-based	Code enforcement done on properties in response to citizen complaints
Community Development	Community Development Department, City of Ventura
Grand Jury	2011–2012 Ventura County Grand Jury
Life safety	Structural conditions that could cause physical harm or death
Plain view	A legal doctrine, regarding searches, that allows an enforcement officer, legally in a position to observe and collect evidence in plain view (not obscured), to do so
Preferential treatment	The granting of favored or beneficial treatment not accorded to others
Proactive process	Code enforcement done through field observations and inspections

Substandard	The City’s definition applied to property that is very broad—ranging from life safety issues to nuisance issues
VCC	Ventura City Council

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**Attachment 01**

**The 2<sup>nd</sup> Dwelling Unit Amnesty Permit Program**

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August 31, 2011

**Instructions For Participating In The 2<sup>nd</sup> Dwelling Unit Amnesty Permit Program**

Dear Undocumented 2<sup>nd</sup> Dwelling Unit Owner,

Attached are the documents necessary to begin completing the application packet for legalization of an existing 2<sup>nd</sup> dwelling unit on a property that currently has only one legal dwelling unit. These instructions will give you a good general understanding of the entire 2<sup>nd</sup> Dwelling Unit Amnesty Permit process.

Steps:

1. Complete the application packet as follows:
  - Fill in Section A of page 2
  - Have a State and City licensed general contractor AND a State and City licensed electrical contractor complete page 3.
  - Complete page 6 for your property.
  - Complete, sign and have notarized page 4. Make sure that you include copies of in-service date documents per the instructions on the bottom of this form.
  - Using pages 8-10, complete page 7.
  - Complete Section B of page 2
  - Sign and date Section C of page 2
2. Come to room 117 of Ventura City Hall between the hours of 9:00 and 4:30 to make application for your 2<sup>nd</sup> Dwelling Unit Amnesty Permit. Bring your completed 2<sup>nd</sup> Dwelling Unit Amnesty Permit Application Packet and supporting documents mentioned above. No fees are collected at time of application.
3. City staff will review your application packet and supporting documents within a week. Once the review is completed, you will be advised of the status ("approved" or "corrections required"). If corrections are required, you will need to make those corrections and re-submit in room 117.
4. Once your application is approved, you and the licensed general contractor shown on the "2<sup>nd</sup> Dwelling Unit Amnesty Permit Checklist" that was submitted, must come to room 117 of City Hall to pay for and receive your permit.
5. Once the permit is issued, your contractors can now complete the repairs called out on the "2<sup>nd</sup> Dwelling Unit Amnesty Permit Checklist" and then call the number on the permit for a final inspection.
6. The final inspection will be limited to only the items shown on the "2<sup>nd</sup> Dwelling Unit Amnesty Permit Checklist" and any other obviously hazardous, life-safety violations observed (electric shock, drowning, and other physical or health hazards). Our goal is to approve the inspection knowing that occupants will be safe from obvious, visible hazards.

You're done and can safely and legally use your 2<sup>nd</sup> dwelling unit!

If you have further questions, please visit room 117 of City Hall, visit [cityofventura.net](http://cityofventura.net) and click on the MVA button or call (805) 677-3941.

Sincerely,

Ventura City, Building & Safety Division

501 Poli Street • P.O. Box 99 • Ventura, California 93002-0099 • 805.654.7800 • [cityofventura.net](http://cityofventura.net)





2<sup>nd</sup> Dwelling Unit Amnesty Permit Checklist

This checklist applies to the undocumented dwelling unit that is applying for a 2011 2nd Dwelling Unit Amnesty Permit at \_\_\_\_\_, Ventura, CA.

Total estimated cost to correct checked items below: \$ \_\_\_\_\_,00

The licensed General and Electrical contractors that sign the bottom of this form have inspected the subject unit, checked all applicable boxes below and estimated the corrective costs for any of the following conditions witnessed:

Electrical hazards

- Lack of adequate permanent wiring or electrical service amperage
- Exposed electrical conductors or equipment
- Improper polarity when tested at 2 or more locations
- Lack of continuity of electrical and plumbing system bonding
- Unlabeled, grounded receptacle(s) on an ungrounded system

Plumbing hazards

- Cross contamination of potable water
- No hot water (must be between 120 - 135 degrees)
- Lack of bathroom or kitchen facilities in dwelling unit
- Lack of connection to approved sewage system
- Gas piping installed without inspection and pressure test

Mechanical hazards

- Lack of permanent heating system capable of 70 degrees at 36" above floor
- Vented gas appliances located within a sleeping room
- Gas vent clearance too close to combustible materials
- Inadequate ventilation (mechanical or natural) of bathrooms

Structural integrity of building

- New or enlarged structural wall openings
- New or increased loads on foundation, horizontal members, floors, ceilings, or roofs

Exits

- Missing at least one clear and operable 36" wide exit door
- Sleeping room missing:
  - Access to the exit door (item above)
  - Direct access to the exterior of the building via a egress window or door (see City handout)
- Stairs do not have:
  - 36" of width
  - Risers greater than 8"
  - Treads smaller than 9"
  - Handrails at 34"-38" above the tread nose
  - Balusters with openings larger than 4"

Light and ventilation

- Each room (excluding bathrooms and laundry rooms) has an exterior glass area less than 8% of the floor area of the room
- Each room (excluding bathrooms and laundry rooms) has an operable window and door area less than 4% of the floor area of the room

Utilities

- Lack of potable water
- Lack of electricity
- Lack of natural gas (if needed to serve heaters)

Fire safety

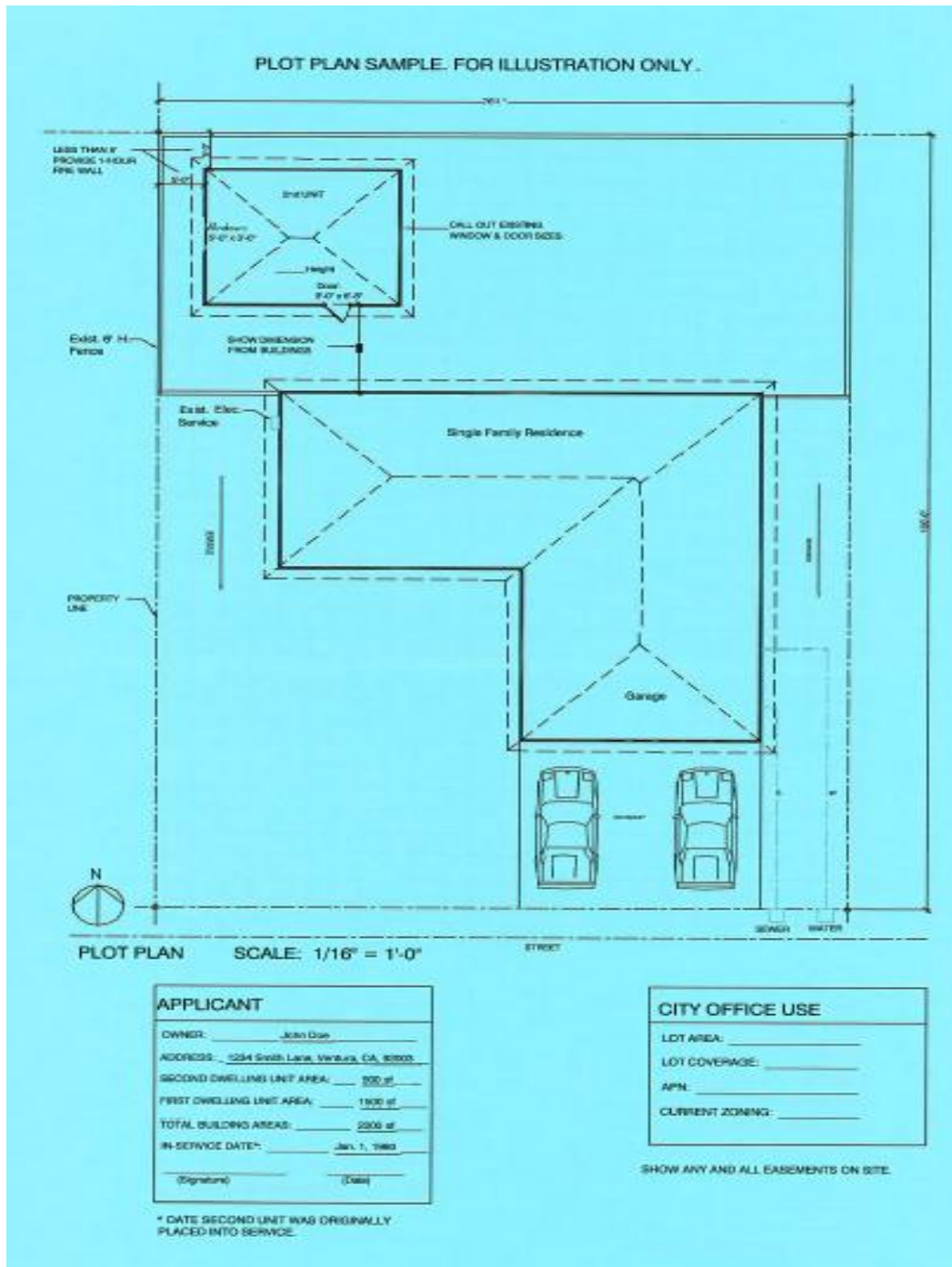
- No operable smoke detector(s) and carbon monoxide detector(s) in:
  - Hallways serving sleeping rooms must have smoke and carbon monoxide detectors
  - Each sleeping room must have a smoke detector

General Contractor Business: \_\_\_\_\_  
 City Bus. Lic. #: \_\_\_\_\_ State CSLB #: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Electrical Contractor Name: \_\_\_\_\_  
 City Bus. Lic. #: \_\_\_\_\_ State CSLB #: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

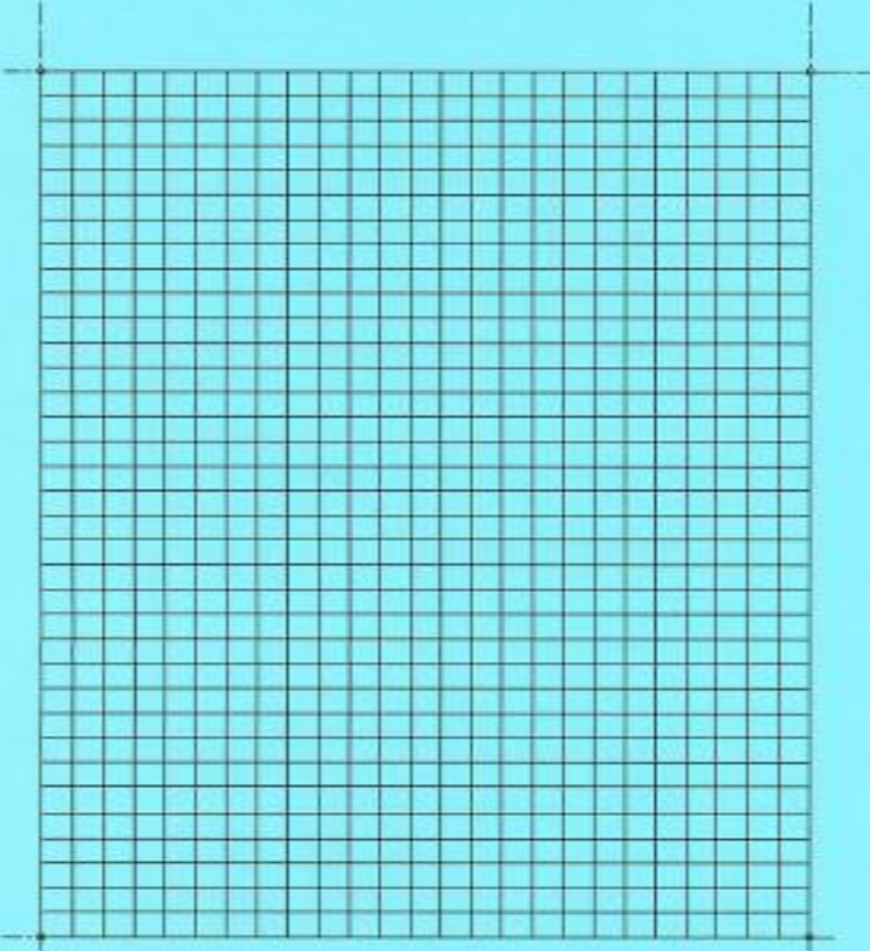
Ver. 2011-6-31







**ZONING CHECKLIST PLOT PLAN**



**APPLICANT**

OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SECOND DWELLING UNIT AREA: \_\_\_\_\_

FIRST DWELLING UNIT AREA: \_\_\_\_\_

TOTAL BUILDING AREA: \_\_\_\_\_

IN-SERVICE DATE\*: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OFFICE USE**

LOT AREA: \_\_\_\_\_

LOT COVERAGE: \_\_\_\_\_

APN: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_

SHOW ANY AND ALL BASEMENTS ON SITE.

\* DATE SECOND UNIT WAS ORIGINALLY PLACED INTO SERVICE.



CITY OF  
**VENTURA**  
BUILDING & SAFETY

**Owner's Estimate  
Of  
Total Fees**

\$580 Amnesty Permit Fee Breakdown			
	Unit	Fee	Applicant's Fee
Document Management		\$7	\$7
Technology		\$35	\$35
GIS Building Footprint Update		\$36	\$36
Building Permit		\$502	\$502
State Mandated Services & Fees			
AB 717 – State Certification & Training	\$4	\$4	\$4
SB 1473 Building Standards Fund Fee	\$1/\$25,000	< \$5	< \$5
State Strong-Motion Fee – Small R Occupancy	\$10/\$100,000	< \$5	< \$5
Development Impact Fees (Refer to Fee Tables in Packet)			
	In-Service Date	Applicant's Fee	
Fire Facility & Equipment Mitigation Fee			
General Capital Tax			
Park & Recreation Tax			
Traffic Mitigation Fee			
Service Area Park Mitigation Fee			
Sewer Connection & Capacity Fees			
Other Agencies with Applicable Fees			
		Applicant's Fee	
<p><b>School Fees</b> Ventura Unified School District 255 West Stanley Ave #100 Ventura, CA 93001 805-641-5000</p>		<p>Call or visit VUSD office with the square footage of the 2<sup>nd</sup> dwelling unit in order to estimate this fee</p>	
<p>Ventura Water Dept (Water and Sewer) 336 San Jon Road Ventura, CA 93001 805-677-8500</p>		<p>Call Ventura Water to estimate any monthly water rate increase that may result from adding this dwelling to the water and sewer service</p>	

**Total of Owner Estimated Fees \$ \_\_\_\_\_**

2011 2nd Unit Amnesty Permit Impact Fee Schedule

PARK & RECREATION TAX											
Dwelling Unit Size	Fee Start Date										
	7/1/2010	7/1/2009	7/1/2008	7/1/2007	7/1/2006	7/1/2005	7/1/2004	7/1/2003	7/1/2002	7/1/2001	7/1/2000
1 Bedroom	\$536	\$522	\$498	\$483	\$468	\$451	\$432	\$407	\$397	\$384	\$379
2 Bedrooms	\$732	\$713	\$680	\$660	\$640	\$617	\$592	\$557	\$543	\$525	\$518
3 Bedrooms	\$1,158	\$1,129	\$1,077	\$1,045	\$1,014	\$977	\$937	\$882	\$860	\$832	\$821
4 or more Bedrooms	\$1,658	\$1,616	\$1,542	\$1,496	\$1,451	\$1,398	\$1,340	\$1,262	\$1,231	\$1,191	\$1,176
Mobile Home Pad	\$306	\$298	\$284	\$275	\$267	\$257	\$246	\$232	\$226	\$219	\$216
Dwelling Unit Size	7/1/1999	7/1/1998	7/1/1997	7/1/1996	7/1/1995	7/1/1994	7/1/1993	7/1/1992	7/1/1991	7/1/1990	7/1/1989
1 Bedroom	\$370	\$361	\$359	\$343	\$333	\$332	\$323	\$305	\$296	\$291	\$282
2 Bedrooms	\$505	\$493	\$490	\$468	\$454	\$452	\$440	\$416	\$403	\$396	\$384
3 Bedrooms	\$801	\$782	\$777	\$742	\$720	\$717	\$697	\$659	\$639	\$628	\$609
4 or more Bedrooms	\$1,147	\$1,120	\$1,113	\$1,063	\$1,031	\$1,027	\$999	\$944	\$915	\$899	\$872
Mobile Home Pad	\$211	\$206	\$205	\$196	\$190	\$189	\$184	\$174	\$169	\$166	\$161
Dwelling Unit Size	7/1/1988	7/1/1987	7/1/1986	7/1/1985	7/1/1984	7/1/1983	7/1/1982	7/1/1981	7/1/1980	7/1/1979	7/1/1978
1 Bedroom	\$278	\$269	\$264	\$259	\$256	\$250	\$236	\$220	\$200	\$185	\$170
2 Bedrooms	\$378	\$366	\$359	\$352	\$349	\$341	\$322	\$300	\$270	\$250	\$230
3 Bedrooms	\$600	\$581	\$570	\$558	\$552	\$540	\$510	\$475	\$430	\$400	\$370
4 or more Bedrooms	\$859	\$832	\$816	\$799	\$791	\$774	\$730	\$680	\$615	\$575	\$530
Mobile Home Pad	\$159	\$154	\$151	\$148	\$147	\$144	\$136	\$127	\$115	\$108	\$100
Dwelling Unit Size	11/18/1977	9/29/1972									
1 Bedroom	\$170	\$70									
2 Bedrooms	\$230	\$105									
3 Bedrooms	\$370	\$140									
4 or more Bedrooms	\$530	\$175									
Mobile Home Pad	\$100	\$100									

2011 2nd Unit Amnesty Permit Impact Fee Schedule

GENERAL CAPITAL TAX											
Dwelling Unit Size	Fee Start Date										
	7/1/2010	7/1/2009	7/1/2008	7/1/2007	7/1/2006	7/1/2005	7/1/2004	7/1/2003	7/1/2002	7/1/2001	7/1/2000
Single Family	\$941	\$917	\$875	\$849	\$823	\$793	\$760	\$716	\$699	\$676	\$667
More than 2 bedrooms	\$91	\$89	\$85	\$82	\$80	\$77	\$74	\$70	\$68	\$66	\$65
Mobile Home Pad	\$306	\$298	\$284	\$275	\$267	\$257	\$246	\$232	\$226	\$219	\$216
Dwelling Unit Size	7/1/1999	7/1/1998	7/1/1997	7/1/1996	7/1/1995	7/1/1994	7/1/1993	7/1/1992	7/1/1991	7/1/1990	7/1/1989
Single Family	\$651	\$636	\$632	\$604	\$586	\$584	\$568	\$537	\$520	\$511	\$496
More than 2 bedrooms	\$63	\$62	\$62	\$59	\$57	\$57	\$55	\$52	\$50	\$49	\$48
Mobile Home Pad	\$211	\$206	\$205	\$196	\$190	\$189	\$184	\$174	\$169	\$166	\$161
Dwelling Unit Size	7/1/1988	7/1/1987	7/1/1986	7/1/1985	7/1/1984	7/1/1983	7/1/1982	7/1/1981	7/1/1980	7/1/1979	7/1/1978
Single Family	\$489	\$474	\$465	\$450	\$440	\$440	\$416	\$388	\$350	\$325	\$300
More than 2 bedrooms	\$47	\$46	\$45	\$44	\$44	\$43	\$42	\$39	\$35	\$33	\$30
Mobile Home Pad	\$159	\$154	\$151	\$148	\$147	\$144	\$136	\$127	\$115	\$108	\$100
Dwelling Unit Size	2/10/1978										
Single Family	\$100										
More than 2 bedrooms	\$10										
Mobile Home Pad	\$50										
FIRE FACILITY & EQUIPMENT MITIGATION FEE											
	Fee Start Date										
Residential	7/1/2010	7/1/2009	7/1/2008	7/1/2007	4/16/2006						
Single-Family	\$729	\$711	\$692	\$667	\$647						
Mobile Home	\$530	\$517	\$503	\$485	\$470						



2011 2nd Unit Amnesty Permit Impact Fee Schedule

SERVICE AREA PARK MITIGATION FEE		
Fee Start Date		
12/11/1986		
Residential	Apartment/Mobile Home	\$371

NOTE: The service area park mitigation fee for new granny flats or second units is the fee established for apartments.

TRAFFIC MITIGATION FEE		
Fee Start Date		
7/9/1988 4/3/1986		
Residential	Apartment	\$3,145 \$720

NOTE: As a policy the traffic mitigation fee for new granny flats or second units is the fee established for apartments.

SEWER CONNECTION FEE

\*\*\* CERTAIN PARCELS MAY BE ASSESSED AN ADDITIONAL FEE FOR SEWER SYSTEM CAPACITY IMPROVEMENTS \*\*\*

Meter Size (inches)	1-Jul-10	1-Jul-09	1-Jul-08	1-Jul-07	1-Jul-06	1-Jul-05	1-Jul-04	1-Nov-03	Before 1-Nov-03
	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee
0.75 (see Note below)	\$3,043	\$2,966	\$2,830	\$2,745	\$2,663	\$2,565	\$2,459	\$2,351	\$15
1	\$6,775	\$6,603	\$6,301	\$6,112	\$5,928	\$5,711	\$5,476	\$5,235	
1.5	\$13,511	\$13,169	\$12,566	\$12,188	\$11,822	\$11,389	\$10,919	\$10,439	
2	\$21,629	\$21,081	\$20,115	\$19,510	\$18,923	\$18,230	\$17,478	\$16,709	
3	\$40,577	\$39,549	\$37,738	\$36,603	\$35,502	\$34,202	\$32,792	\$31,350	
4	\$67,643	\$65,929	\$62,909	\$61,017	\$59,182	\$57,105	\$54,864	\$52,260	
6	\$135,241	\$131,814	\$125,777	\$121,995	\$118,327	\$113,995	\$109,295	\$104,489	
8	\$216,395	\$210,911	\$201,251	\$195,200	\$189,331	\$182,400	\$174,880	\$167,189	
10	\$311,103	\$303,219	\$289,331	\$280,631	\$272,193	\$262,228	\$251,417	\$240,360	

NOTE: The fees shown are 75% of the 0.75" meter rate - per City Code.

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**Attachment 02**

**City of Ventura  
Administrative Report  
Dated: November 16, 2009**

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CITY OF VENTURA  
**ADMINISTRATIVE REPORT**

Date: November 16, 2009  
Agenda Item No.: 14  
Council Action Date: November 23, 2009

**To: RICK COLE, CITY MANAGER**  
**From: MIKE LAVERY, FIRE CHIEF**  
**Subject: VENTURA SAFE HOUSING COLLABORATIVE PROJECT**

**RECOMMENDATION**

Staff recommends that City Council receive this report and direct staff to continue with the proposed Civic Engagement Plan.

**PREVIOUS COUNCIL ACTION**

On May 4, 2009, City Council directed the City Manager to meet with public speakers to develop recommendations for a collaborative process to move forward. This direction followed three prior City Council meetings held in July and December of 2008 and January of 2009. During those meetings, City staff reported on substandard housing conditions and proactive programs that would identify substandard housing and facilitate safe housing.

**SUMMARY**

During the 2008 Budgeting For Outcomes process, staff identified "Promoting Safe Housing" as one of the most important elements of a healthy community. Staff also recognized that our complaint-driven enforcement system had problems with equity and effectiveness, particularly in identifying and correcting unsafe housing conditions.

A recent "pro-active" pilot program identified a pattern of illegal and/or unpermitted housing conditions. Roughly 20% of the residential properties that were visually surveyed from the exterior were found to meet the definition of "substandard" – some of which were not life-safety violations, but rather violations that affected neighborhood livability, on-street parking, increased demand for trash collection, or were drawing water from the City water system and discharging into the City's sewer system without paying the associated access fees. Some public speakers felt that the "pro-active" pilot program generated fear in the community.

Clearly many of these conditions result from years of "complaint-only" code enforcement. Many property owners, including those who occupied their properties, either inherited or did not realize the need for permits for various additions and repairs. Some owners simply did

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November 16, 2009  
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not have the financial resources to properly maintain their property. Tenants are often responsible for some rental property conditions. On the other hand, there are also widespread willful evasions or flouting of rules that other property owners have complied with and are expected to abide by. There are also examples of victimized tenants and surrounding neighbors by the ignoring of laws, codes and rules established to protect the health, safety and livability of our community. These points beg the question: How do we develop an equitable system for the common good that ensures safe housing, addresses community concerns, and builds trust within the community.

Bringing these conditions into code compliance can be accomplished through a range of alternatives including enforcement, amnesty or grandfathering. We currently use all three in limited situations, but lack an overall framework that has widespread community buy-in. The goal would be to develop a program that leads to the successful prevention/abatement of unsafe conditions, promotes permitted improvements and establishes policies for abating or grandfathering other illegal or unpermitted conditions.

Since the May 4, 2009 City Council directive, City staff have met on five occasions with a varied member group that has adopted the name "Preserve Ensure Protect Property" or "PEPP". The PEPP group concerns included the facts that some low income homeowners could not afford permit fees and/or compliance with city requirements. Several of the cited property owners believe that their substandard or un-permitted dwellings provide an affordable housing solution for the less fortunate or family members. The following objectives are recommended relative to the enforcement of housing standards in the City:

- Minimize And Reduce Fear Of City Enforcement Efforts
- Include Parties With Interests In Housing in Ventura
- Results Should Have A Positive Economic Impact

The PEPP group is not a complete and accurate cross-section of the safe housing stakeholders in the City of Ventura. Consequently, the PEPP group and City Manager have agreed to assemble a more complete stakeholder group of thirteen Ventura City residents, business owners, or rental property owners listed in Attachment A to this report. The criteria to be a member of the stakeholder group includes a willingness to be open minded, flexible and collaborative. This stakeholder group will provide input into a City civic engagement project named the "Ventura Safe Housing Collaborative". Anticipated outcomes include the development of a framework for equity, civic engagement for community buy-in and outreach to a diverse and often voiceless community segment. The group will also review other proven safe housing programs to gain a wide perspective to develop recommendations for a successful program in the City of Ventura. This collaborative project is envisioned facilitating the following:

- 3 Stakeholders Meetings
- 3 Public (not City Council) Meetings

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- A June 2010 Safe Housing Report to Planning Commission
- A June 2010 Safe Housing Report to City Council

**COUNCIL ADVISORY GROUP REVIEW**

The City's Planning Commission and Local Appeals Board will be asked to provide information to this collaborative and to review and comment on the final project report.

**FISCAL IMPACTS**

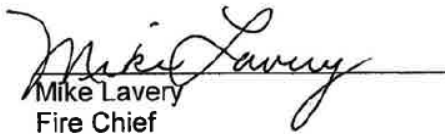
Staff estimates that several thousand dollars of City staff time and resources will be invested in this 7-month project. Stakeholder time and opportunity costs are anticipated to add additional expense to those private sector members involved in the collaborative effort.

**ALTERNATIVES**

Council could choose to direct staff to continue to provide only reactive code enforcement or could direct staff to focus on other proven safe housing programs. Programs that are successfully in use by many California Cities and Counties are:

- Residential Resale Inspections/Reports
- Rental Housing Inspection Programs
- Rental Housing Registration Programs
- Proactive Exterior Code Enforcement

Prepared by Andrew Stuffer, Chief Building Official  
For

  
Mike Lavery  
Fire Chief

Reviewed as to fiscal impacts

  
Jay Panzica  
Chief Financial Officer

FORWARDED TO THE CITY COUNCIL

  
Office of the City Manager

Attachment A – Proposed 13 Member Stakeholder Group