

From: "Hansen, Christopher" <CHansen@SantaBarbaraCA.gov>
To: RLodge@waterboards.ca.gov
Date: 6/2/2008 8:52:10 AM
Subject: RE: 1303 Ferrelo Rd. Onsite Disposal System

Ryan,

Thank you for the email. I would like to make one suggestion for the staff report;

On page 2, item #5 -

"5. The subject site consists of a 0.63-acre residential property located in the City of Santa Barbara. The property is within the City of Santa Barbara, but connection to the sewer is not available to the property because the sewer line does not abut the Discharger's property and the Discharger was unable to obtain an easement from neighbors to connect to the sanitary sewer collection system via gravity flow. The site requires an onsite wastewater disposal system. The property owner, Kevin Goodwin (hereafter Discharger), applied for waste discharge requirements for a conventional onsite wastewater disposal system."

The site does not require a private system. I would suggest the following (or something similar) - "Both the Calif. Plumbing Code and local Santa Barbara City Ordinances allow the installation of an onsite wastewater disposal system with approval from the authority having jurisdiction."

Chris Hansen
Inspection/Plan Check Supervisor
Building & Safety Division
City of Santa Barbara
(805) 564-5485
(805) 564-5476 (fax)

-----Original Message-----

From: Ryan Lodge [mailto:RLodge@waterboards.ca.gov
<mailto:RLodge@waterboards.ca.gov>]
Sent: Thursday, May 29, 2008 9:23 AM
To: Gingersail@aol.com; rwh@codeconsult.com; mirandafield@gmail.com;
Kevin Goodwin; 'Hillary Hauser'; Brian Hershkowitz;
glyons@mullenlaw.com; Hansen, Christopher
Cc: Burton Chadwick
Subject: 1303 Ferrelo Rd. Onsite Disposal System

All,

Attached for your review are the cover letter, draft staff report, and the proposed Waiver Resolution for the proposed onsite disposal system

Item No. 13 Supp Attachment No. 1
July 11, 2008 Meeting
Goodwin Waiver of WDRs

at 1303 Ferrelo Road in Santa Barbara. Hard copies will be mailed today. Comments are due to this office by June 30, 2008. The item is scheduled for the July 11, 2008 Board Meeting in Watsonville. Please review the materials and let me know if you have any questions.

Ryan Lodge, P.E.
Water Resource Control Engineer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Phone: (805) 549-3506
Fax: (805) 788-3584
rlodge@waterboards.ca.gov



735 State Street #201, Santa Barbara, CA 93101; (mail) PO Box 90106, Santa Barbara, CA 93190
Telephone (805 965-7570; fax (805 9620651

Via Electronic Mail
May 29, 2008

Ryan Lodge
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: 1303 Ferrelo Road, Santa Barbara (APN: 029-271-028), Santa Barbara County; Proposed Waiver of Waste Discharge Requirements for Onsite Wastewater Disposal System (Resolution R3-2008-0052) (to be placed on July 11, 2008 RWQCB Agenda)

Dear Mr. Lodge:

Please accept the following comments from Heal the Ocean on the above-referenced Proposed Waiver for 1303 Ferrelo Road, Santa Barbara County. Heal the Ocean has been actively working on septic system problems in the county for ten years, most notably the South Coast Beach Communities (Rincon) septic-to-sewer project, and we are familiar with the property in question.

We have been working actively to *remove* septic systems from heavily populated areas (and this property is in the city of Santa Barbara), or inappropriate areas (such as on a slope, as this property is) – and to get financing together to allow homeowners to hook up to sanitary sewer systems.

It is inconceivable to us that the Regional Board would approve a Waiver for a septic system on the above-referenced property, when the property is on a 30% slope, the very threshold of prohibition for septic system use. The Basin Plan calls for protection of groundwater both deep and shallow, and the depth of groundwater on this property is only “estimated” after the Discharger failed to reach groundwater after drilling 10 feet.

Primarily, we would like to call the Regional Board’s attention to Section #5 of the Resolution, which is the stated basis upon which the Discharger has applied for a septic system permit, and now a Waiver:

“...but connection to the sewer is not available to the property because the sewer line does not abut the Discharger’s property and the Discharger was unable to obtain an easement from neighbors to connect to the sanitary sewer collection system via gravity flow. The site requires an onsite wastewater disposal system.”

This is incorrect. What IS available to the Discharger is immediate and direct access to the public sewer by way of an uphill route using industry standard storage/collection tank and sewage injector pumps (STEP system). This route is less than 200 lineal feet from the city sewer main.

Item No. 13 Supp Attachment No. 2
July 11, 2008 Meeting
Goodwin Waiver of WDRs

When Heal the Ocean looked into this matter, Santa Barbara city wastewater manager John Schoof told us that city codes governing this issue are unfortunately outdated, and that the city now plans to formulate an ordinance to prohibit septic systems within such close range of a public sewer main when pumping system technology is readily available.

Which means that on this particular property the Discharger has “gone through the cracks,” so to speak.

Nevertheless, the Regional Board is actively revising its Basin Plan as it relates to septic system use, and should be taking a proactive role to avoid adding more burden to what already needs to be remedied. This property is on a 30% slope, which is the Board’s threshold for denial. Furthermore, the actual depth of groundwater is merely “estimated” (the actual depth not known).

We ask the Regional Board to deny the proposed waiver, and instead ask the Discharger to come back with a cost feasibility study on a sewer pumping system to the city sewer main, and illustrate to the Board how such a system would impose unmanageable hardship.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Hillary Hauser". The signature is written in a cursive, somewhat stylized font.

Hillary Hauser

Cc (by electronic mail)
Roger Briggs, executive director Regional Water Quality Control Board

Brian Hershkowitz & Diana C. Miller
1022 Garcia Road
Santa Barbara, CA 93103
brian.hershkowitz@verizon.net
(805) 453-6120

June 16, 2008

Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
895 Aerovista Place
Suite 101
San Luis Obispo, CA 93401-7906

Via mail and fax

Re: 1303 Ferrelo, Santa Barbara

Dear Mr. Briggs:

I am opposed to the waiver currently under consideration by the California Regional Water Quality Control Board. My concerns include the following key points:

1. The approval of waiver seems based on the perception that the applicant has no alternatives available to them. It is more correct to say that the developer has no alternatives they wish to avail themselves of. It is their choice not to enter into a sewer easement agreement with the adjoining neighbor who has offered it, as well as their choice not to spend more than \$700 to connect to the City's sewer system.
2. The location of the tank and dry wells is problematic for me. These components of the system will be located just feet from my bedroom, in a hard to service and far off corner of the applicant's lot. If a waiver is to be allowed, why is it necessary that on a lot close to an acre in size that the system must be based next to a residential dwelling?
3. Though the City of Santa Barbara does not have its own standards for approving a septic system, the County does. These standards are higher; the County's Health Officer has stated that he would not approve such as system due to their "daylighting" requirements on a lot of this slope.
4. Beyond the personal concerns for health, safety, and the value of my property, this particular site is very unique because it sits above a canyon with a creek that drains to the Ocean. We are concerned with the longer reaching impact of sewage disposal in to the Pacific.

We have surfaced the issue of wastewater disposal as early as the first proposal of this project to the City Board that approves projects, and had always felt we would be protected by standards designed to protect our safety and environment. This waiver will in fact nullify those protections. As both an aggrieved neighbor and member of the community, I ask that you reconsider your decision to waive health and safety requirements.

Sincerely yours,

Brian Hershkowitz



City of Santa Barbara
Community Development Department

www.ci.santa-barbara.ca.us

August 20, 2007

Directors Office
Tel: 805.564.5502
Fax: 805.564.5506

RE: 1303 Ferrello Private Sewer System Request

Dear Mr. Goodwin,

Housing &
Redevelopment
Tel: 805.564.5461
Fax: 805.564.5477

In consultation with the City Attorney's Office, the Building Division of the City of Santa Barbara does find that the public sewer line underneath Garcia Rd. meets both the California Plumbing Code and the Santa Barbara Municipal Ordinance's definition as being "unavailable".

Planning
Tel: 805.564.5470
Fax: 805.897.1904

This finding allows you to pursue the option, absent any easements across adjoining property(ies) to connect to the downhill public sewer, a private sewer system on your property.

Building & Safety
Tel: 805.584.5485
Fax: 805.564.5476

Please note that this finding is not a permit to proceed with the installation of a private sewer system, nor does it imply that one will be approved to be installed.

630 Garden St.
PO Box 1990
Santa Barbara, CA
93102-1990

This finding merely allows you to prepare the technical reports and plans needed to; first, make an application to the California State Regional Water Quality Control Board (RWQCB), Central Coast Region, for their review and approval, and second, to prepare technical documents, reports and plans to submit to this Division to be reviewed.

Rental Housing
Mediation Task Force
Tel: 805.730.1523
Fax: 805.730.1528

Note that you must receive approval from the RWQCB prior to submittal to the Building Division for the installation permit.

423 W. Victoria St.
Santa Barbara, CA
93101

The Central Coast Region of the RWQCB can be reached at;

895 Aerovista Place
Suite 101
San Luis Obispo, CA 93401
(805) 549-3147

Mr. David Lacaro, with the RWQCB, is the contact person who can provide you with the information you will need for them.

Please do not hesitate to call me if you have any further questions.

Sincerely,

Chris Hansen,
Inspection/Plan Check Supervisor
Building & Safety Division
City of Santa Barbara

Item No. 13 Supp Attachment No. 4
July 11, 2008 Meeting
Goodwin Waiver of WDRs

From: "Brian Hershkowitz" <brian@maximumvaluegroup.com>
To: RLodge@waterboards.ca.gov
Date: 6/30/2008 1:35:42 PM
Subject: RE: Goodwin Residence - Agenda Item 13

Mr. Lodge:

We received your package today via US mail, indicating staff's recommendation to proceed with the waiver for 1303 Ferrelo Road.

I am quite surprised that you are taking this position - to recommend approval on July 11th, given the information provided that you would solicit comments and then investigate in preparation for a September decision. We were all told that there was no need to make arrangement to attend the meeting, and encouraged to write letters and then plan on a September date for presentation and resolution.

There are three matters that require clarification in your recommendation. I ask that you append my existing comments to include these matters, and ensure that all members of the Board have access.

1) You state that a 15' deep concrete collar with no perforations is present on both of the dry wells. Did you personally observe this? I have not trespassed on Mr. Goodwin's lot but as all the drilling and earth moving equipment was ten feet from my bedroom I saw what was done. I do not recall a concrete pump or forms being poured. Are you implying to the Board that a "proposed" action on the part of the developer is the reason that you are recommending this? Please keep in mind that the City has stated they have no means to supervise or inspect the installation of the sewage disposal system.

2) You mention two existing dry wells on the property. I respectfully request that you clarify for the board that it is not as if the applicant for the waiver bought the property with these in place. These were drilled without permit or permission, as a means to induce you to recommend approval of the waiver. While a permit was not required, the City will verify for you that they did not know the drilling was going on until after it started. Please don't allow this matter to be confused; making an investment in a non-compliant system should not encourage waiver of the health and safety requirements.

3) You state that the applicant for the waiver is unable to obtain easement with the neighbors. The correct verbiage would be unwilling. You also neglect to note that the applicant could attach to the sewer, as every other resident of the street the subject property on does.

Brian Hershkowitz

-----Original Message-----

From: Ryan Lodge [mailto:RLodge@waterboards.ca.gov]
Sent: Thursday, June 26, 2008 9:58 AM
To: gingersail@aol.com; rwh@codeconsult.com; Miranda Fields; Kevin Goodwin; 'Hillary Hauser'; Brian Hershkowitz; glyons@mullenlaw.com; chansen@santabarbaraca.gov
Subject: Goodwin Residence - Agenda Item 13

All

We posted the agenda for the July 11, 2008, Board Meeting on our website at the following location:

<http://www.waterboards.ca.gov/centralcoast/Board/Agendas/2008/071108/JUL08agn.htm>

The Goodwin Residence proposed Waiver of Waste Discharge Requirements is Item 13. We will be issuing a supplemental sheet to the agenda with our response to comments once the comment period ends on June 30, 2008. Contact me if you have any questions.

Ryan Lodge, P.E.
Water Resource Control Engineer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Phone: (805) 549-3506
Fax: (805) 788-3584
rlodge@waterboards.ca.gov

CC: glyons@mullenlaw.com; miller.diana@verizon.net; Rbriggs@waterboards.ca.gov; chansen@santabarbaraca.gov; hillary@healthocean.org; . . .

Virginia R. Ramsey
201 Norwood Road
Annapolis, MD 21401
410-271-4874 • gingersail@aol.com

June 18, 2008

Roger W. Briggs, Executive Officer
Calif. Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Louis Obispo, CA 93401-7906

Dear Mr. Briggs, Chairman Young and Members of the Board:

Kevin Goodwin **IS** able to obtain an easement across my property (Lot 27) to connect to the public sanitary sewer collection system via gravity flow. My attorney drafted the agreement¹ and I have signed it. Mr. Goodwin agreed to all the terms. All he has to do is sign the document and pay the agreed price.

Some background:

- I sold lot 28 in May 2000. It has since been re-sold three times.
- July 2004 Goodwin contacted listing agent Bryan Frederick about Lot 28 and about the possibility of a sewer easement via Lot 27. Frederick contacted me on behalf of Goodwin.² **Goodwin knew about the need for sewer access 9 months before buying the property.**
- Spring 2005 Goodwin purchased Lot 28.
- July 2006 Goodwin had Lot 27 surveyed for a sewer easement (without consulting me.)³
- July 2007 Goodwin contacted me for a sewer easement. Goodwin indicated that if I did not give him an easement, the City of Santa Barbara might compel me to give him an easement.⁴
- Goodwin sent me a proposed site plan for a sewer easement.⁵
- Negotiations for a sewer easement via Lot 27 began and continued via email between Goodwin and myself from July 2007 through the Fall of 2007
- I had some questions about Goodwin's development and requested information from Goodwin before signing the agreement. Goodwin refused to provide the information and demanded to have the signed sewer easement on his desk by noon on Dec. 12, 2007.
- I waited to sign the sewer easement until I had the information from Goodwin. Eventually, without obtaining the requested information, I signed the sewer easement and sent the original to my attorney. I notified Goodwin that the document had been executed and was ready for his signature and recording at the court house.


On the ecological side of his sewage treatment proposal, if Mr. Goodwin is granted a permit for his private septic system, solid sewage will need to be regularly pumped from his septic tank 125 feet horizontally and 50 or more feet vertically to a disposal truck parked above his house. There will be a lot of pressure on this hose lifting very thick material a great height uphill, possibly causing sewage spills. Then this concentrated sewage will have to be trucked 78 miles over public coastal and rural roads to the Santa Maria Wastewater Treatment Facility, where it will be added to sewage from the public system. This will dramatically increase the level of concentration in the processing batch and will require more processing and manpower than normal sewage flowing into the system via public sewers.

Septic systems are viable options in areas not served by modern public sewer systems. The neighborhood where Mr. Goodwin wants to create a septic system has been served by a public gravity sewer system for over 70 years. With a few trenches and pipes, Mr. Goodwin can discharge his sewage into an environmentally safe, convenient and effective gravity system that does not threaten his neighbors or the environment.

Allowing Mr. Goodwin to create this potential environmental danger to many for the benefit of one individual will be a miscarriage of the system. Please do not grant his private septic system application.

Thank you.

Sincerely,



Virginia R. Ramsey

-
- ¹ See Signed Sewer Easement
 - ² See Fax from Bryan Frederick
 - ³ See Survey dated July 14, 2006
 - ⁴ See July emails re possible eminent domain
 - ⁵ See Ferrelo Sewer Site Plan

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

JAMES P. O'NEILL
WITTENBURG, O'NEILL & GRAY
201 South Miller Street, Suite 107
Santa Maria, California 93454

See provision for Documentary Transfer Tax in paragraph 3 of this instrument.

EASEMENT AGREEMENT

THIS AGREEMENT is made on the date last signed below by and between VIRGINIA RUBSAM RAMSEY (referred to as "Grantor"), and KEVIN GOODWIN (referred to as "Grantee"), with reference to the following facts:

A. Grantor is the owner of that certain real property located at and commonly known as 1072 Garcia Road, Santa Barbara, California (referred to as the "Servient Tenement"), and more particularly described as:

Lot 27 of Garcia Heights No. 2, the Riviera, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Map thereof recorded in Book 15, page 16 of Maps, in the Office of the County Recorder of said County.

Assessor's Parcel No. 029-271-027

B. Grantee is the owner of that certain real property located at and commonly known as 1303 Ferrelo Road, Santa Barbara, California (referred to as the "Dominant Tenement"), and more particularly described as:

Lot 28 of Garcia Heights No. 2, the Riviera, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Map thereof recorded in Book 15, Page 16 of Maps, in the Office of the County Recorder of said County.

Assessor's Parcel No. 029-271-028

C. Grantee desires to acquire certain rights in the Servient Tenement in order to install and maintain a sanitary sewer line, and Grantor is willing to grant such rights on the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth below and for other good and valuable consideration, the parties agree as follows:

1. **Grant of Easement:** Grantor grants to Grantee an easement, subject to the terms and conditions of this Agreement.

2. **Consideration:** As consideration for the grant of the easement, Grantee shall pay to Grantor the sum of \$16,000.00, to be paid upon execution of this Agreement and prior to its recordation as follows:

a. \$15,000.00 in the form of a cashier's check payable to Grantor and delivered to her attorney, JAMES O'NEILL of WITTENBURG, O'NEILL & GRAY; and

b. \$1,000.00 in the form of a cashier's check payable to and delivered to Grantor's attorney, JAMES O'NEILL of WITTENBURG, O'NEILL & GRAY.

3. **Documentary Transfer Tax:** By their signatures on this Agreement, the parties declare that the Documentary Transfer Tax on this transaction is \$17.60, computed on the full value of the interest conveyed, based upon the total consideration of \$16,000.00 as set forth above.

4. **Payment of Documentary Transfer Tax and Recording Fees:** Grantee shall pay the Documentary Transfer Tax and the county recorder's fees for the recording of this Agreement. Upon delivery of the checks in payment of the consideration as set forth above, Grantee shall also deliver to Grantor's attorney a cashier's check, payable to such attorney, for an amount sufficient to cover the tax and fees.

5. **Recordation of Agreement:** Upon payment by Grantee of the consideration, tax, and fees as set forth above, Grantor shall, through her attorney, cause this Agreement to be recorded and, upon recordation, shall deliver the recorded Agreement to Grantee.

6. **Location of Easement:** The location of the easement (referred to as the "Easement Area") is described and depicted in the site plan attached as Exhibit "A" and incorporated at this point as though set forth in full.

7. **Purpose and Use of Easement:** Grantee may use the Easement Area solely for the purpose of installing and maintaining a sanitary sewer line to provide sewer service to the Dominant Tenement.

8. **Access to Easement Area:** Grantee shall access the Easement Area only when necessary to install or maintain a sanitary sewer line. When such access is necessary, Grantee shall gain access to the Easement Area only via an opening in the boundary fence located at the easterly end of the Easement Area, being generally at the southeasterly corner of the Servient Tenement and the southwesterly corner of the Dominant Tenement. This easement does not include any incidental rights of ingress or egress over any other portion of the Servient Tenement.

9. **Installation of Sewer Line:** Grantee shall notify Grantor, not less than 21 days in advance, of the date on which the installation of the sewer line in the Easement Area will commence. Work shall commence promptly on such date and shall proceed with all due haste until completion.

Time is of essence. The sewer line shall be installed as shown on and in strict accordance with the site plan attached as Exhibit "A."

10. **Maintenance of Sewer Line:** Grantee shall notify Grantor, not less than 21 days in advance, of the date on which any maintenance of the sewer line in the Easement Area will commence. In the event that such maintenance is of such an urgent nature that it is not reasonably practical to give 21 days' notice, then Grantee shall give Grantor as much notice as possible of the date on which the maintenance work is to commence. Work shall commence promptly and shall proceed with all due haste until completion. Time is of the essence.

11. **Restoration to Pre-Work Condition:** Within 15 days following completion of the installation of the sewer line and any maintenance of such line, Grantee shall restore the Easement Area to its condition prior to commencement of the work. Time is of the essence.

12. **Costs of Installation and Maintenance; Other Maintenance:** Grantee shall bear all costs and expenses of installing and maintaining the sewer line in the Easement Area, including all costs and expenses of restoring the Easement Area to its pre-work condition as set forth above. Grantor shall otherwise maintain the Easement Area in like manner as the remainder of the Servient Tenement, at her cost and expense.

13. **Character of Easement:** The easement is appurtenant to the Dominant Tenement.

14. **Term of Easement:** The easement is perpetual in term.

15. **Non-Exclusive Easement:** The easement is non-exclusive. Grantor retains the right to make any use of the Servient Tenement, including the Easement Area, that does not interfere with Grantee's use of the easement. Grantor may grant or assign to any other party any right-of-way, easement, license, or profit that does not interfere with Grantee's use of the easement.

16. **Indemnification:** Grantee shall defend, indemnify, and hold Grantor harmless from any and all liability arising out of Grantee's use of the easement.

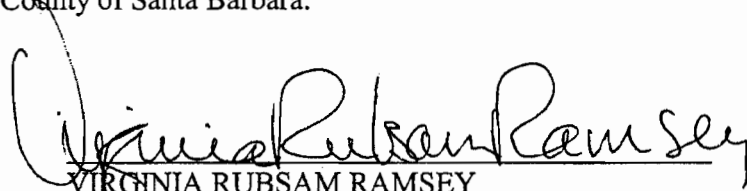
17. **Binding Effect:** This Agreement shall be binding on and inure to the benefit of each party's heirs, executors, administrators, successors, and assigns. All references to Grantor or to Grantee refer not only to those parties themselves but also to their respective successors in interest.

18. **Entire Agreement:** This Agreement constitutes the entire Agreement between Grantor and Grantee relative to the easement granted in this Agreement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Any amendment to this Agreement shall be of no force or effect unless it is in writing and signed by both Grantor and Grantee.

19. **Attorney's Fees:** If any legal action or proceeding arising out of or relating to this Agreement is brought by any party to this Agreement, the prevailing party in such action or proceeding shall recover that party's reasonable attorney's fees, in addition to all other allowable costs and any other relief that may be granted to such party.

20. **Governing Law; Venue:** This Agreement is made and is to be performed in its entirety in Santa Barbara County, California. In all respects, it shall be governed by and interpreted under the laws of the State of California. If any legal action or proceeding is brought by any party to this Agreement, sole and exclusive venue for such action or proceeding shall lie in the Superior Court of the State of California, for the County of Santa Barbara.

April 22 2008
Date: ~~October~~ ____, ~~2007~~


VIRGINIA RUBSAM RAMSEY
Grantor

Date: October ____, 2007

KEVIN GOODWIN
Grantee

EXHIBIT "A"
SEWER EASEMENT LEGAL DESCRIPTION
(6.00 FOOT WIDE EASEMENT FOR SEWER PURPOSES)

BEING A PORTION OF LOT 27 OF GARCIA HEIGHTS NO. 2, IN THE CITY OF SANTA BARBARA, AS SHOWN ON THE MAP THEREOF RECORDED IN BOOK 15 AT PAGE 16 OF RECORDS OF SURVEY, AS FILED IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT 27 OF GARCIA HEIGHTS NO. 2, SAID POINT BEING ALSO THE MOST SOUTHWESTERLY CORNER OF LOT 28 OF SAID GARCIA HEIGHTS NO. 2 AND ALSO THE TRUE POINT OF BEGINNING, THENCE FIRST, NORTH 13°44'30" EAST ALONG THE MOST EASTERLY LINE OF SAID LOT 27 AND ALSO THE WESTERLY LINE OF SAID LOT 28 A DISTANCE OF 6.00 FEET;

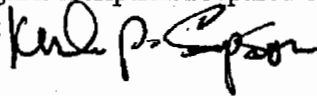
THENCE SECOND, LEAVING SAID EASTERLY LINE OF LOT 27 AND ALSO SAID WESTERLY LINE OF LOT 28 AT RIGHT ANGLES PARALLEL TO AND 6.00 FEET MEASURED AT RIGHT ANGLES NORTHERLY FROM THE MOST SOUTHERLY LINE OF SAID LOT 27, NORTH 76°15'30" WEST A DISTANCE OF 32.00 FEET;

THENCE THIRD, AT RIGHT ANGLES SOUTH 13°44'30" WEST 6.00 FEET TO A POINT ON SAID MOST SOUTHERLY LINE OF LOT 27, SAID POINT LYING ALSO ON THE MOST NORTHERLY LINE OF LOT 29 OF SAID GARCIA HEIGHTS NO. 2;

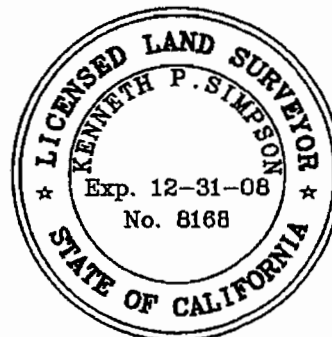
THENCE FOURTH, ALONG SAID MOST SOUTHERLY LINE OF LOT 27 AND ALSO THE MOST NORTHERLY LINE OF LOTS 29, 30 AND 36 OF SAID GARCIA HEIGHTS NO. 2, SOUTH 76°15'30" EAST 32.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT AREA CONTAINING 192 SQUARE FEET, MORE OR LESS.

Legal Description Prepared 07/16/2006

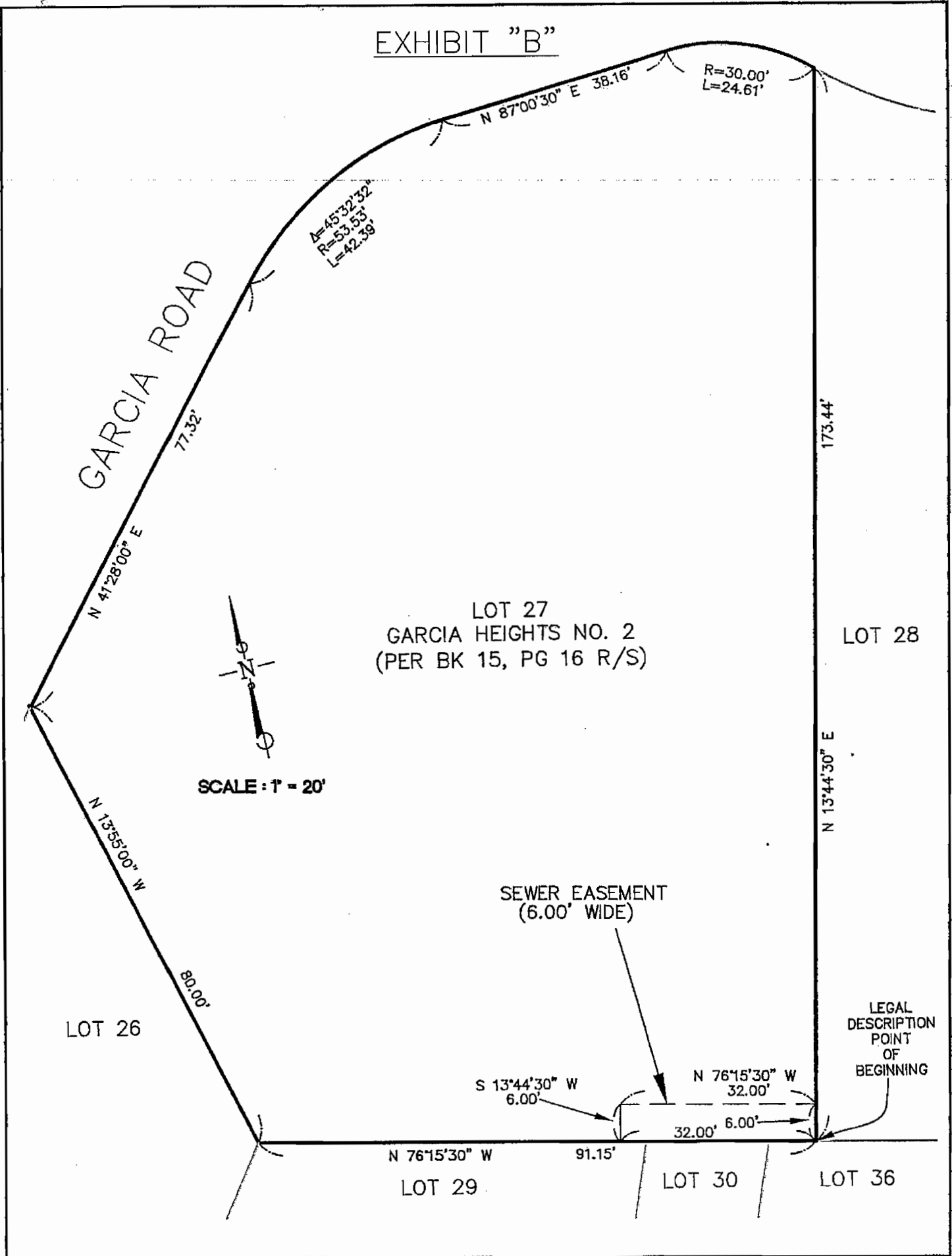
By: 

Kenneth P. Simpson, PLS 8168
License expiration date 12-31-08



Simpson Land Surveying Company
Santa Barbara, CA 93111
Tel: (805) 967-0011

EXHIBIT "B"



2. Frederick Sewer Fax

FACSIMILE TRANSMITTAL FROM THE DESK OF
BRYAN FREDERICK
FULL TIME / TOP PRODUCER

RETURN FAX 805-969-1742

To: VIRGINIA Ramsey Fax: 410-263-0557
Company: _____ Date: 7-16-04
Dept: _____ Time: 1:30
Re: 1303 Sweet Line Pages: 2

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

MESSAGE:

hello VIRGINIA,
please review the map from the
city - we need AN attachment to this
sewer line - please let me know as
soon as you can - Thanks!
Sincerely - Bryan

THIS TRANSMISSION CONTAINS CONFIDENTIAL CORRESPONDENCE FOR REVIEW AND USE BY
THE PARTY LISTED ABOVE. ANY OTHER USE OR DISTRIBUTION OF THIS INFORMATION IS
UNAUTHORIZED AND STRICTLY PROHIBITED. IF YOU RECEIVE THIS TRANSMISSION IN ERROR,
PLEASE TELEPHONE US IMMEDIATELY AT (805) 969-2282 x1190
THANK YOU

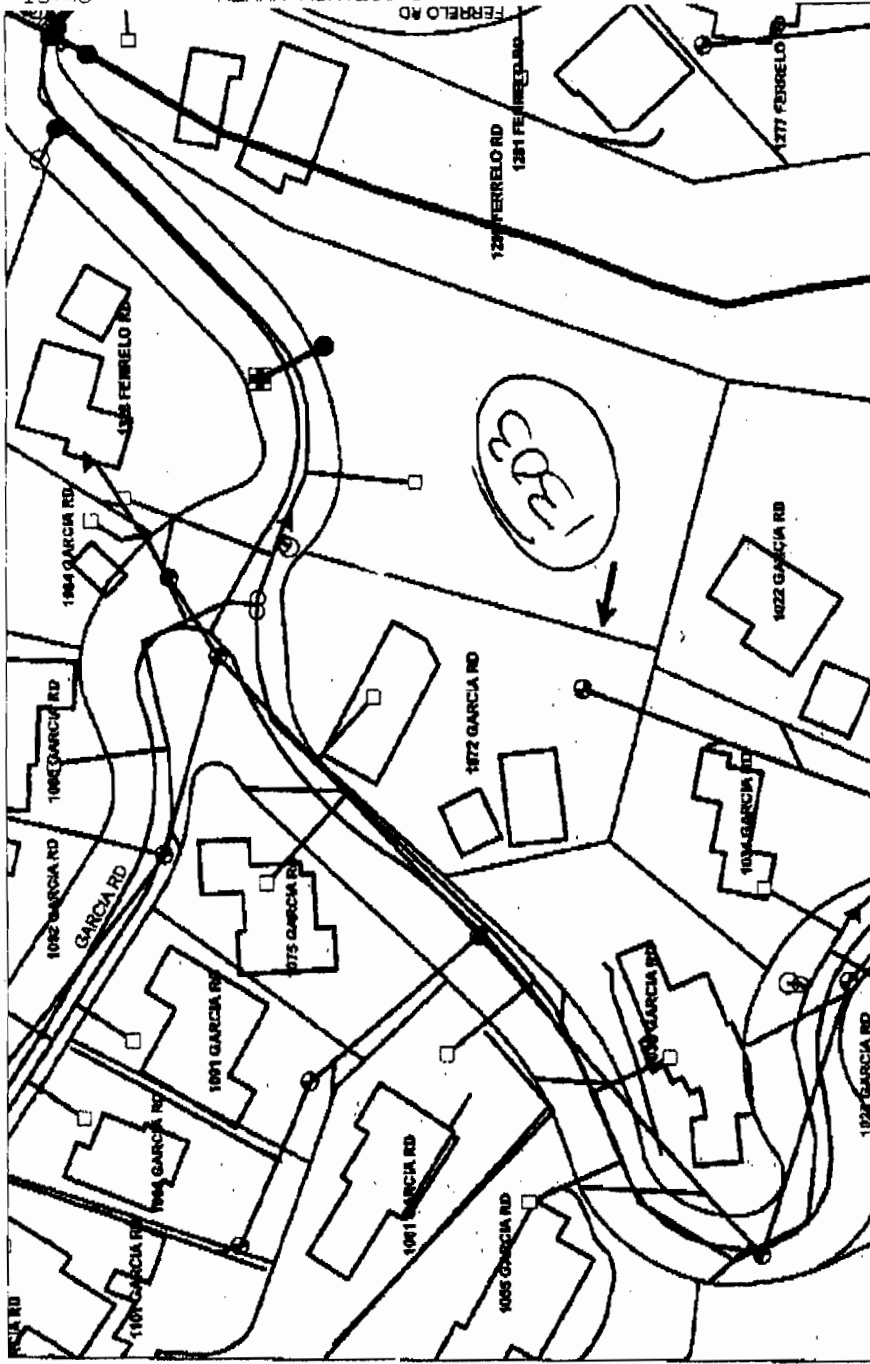
CONFIDENTIAL



RE/MAX Montecito
1205 Coast Village Rd.
Montecito, CA 93108
Office: (805) 969-2282 Fax: (805) 969-1742
Toll Free: (877) 77-BRYAN Cell: (805) 698-1060
Each Office Independently Owned and Operated

Direct #

1303 Ferrelo Road



	Topography Points
	Manholes, Cleanouts
	Sewer Structures
	City Boundary
	Sewer (Misc.)
	Sewer Mfyes
	Sewer Conduits
	Easements (Sewer)
	Valves
	Reclaimed Water Valves
	Services
	Fire Hydrants
	Appurtenances
	Water Manholes
	Reclaimed Water Manholes
	Service Laterals
	Reclaimed Water Pipes
	Water Pipes
	Service Manifolds
	Fire Hydrant Laterals

EXHIBIT "A"
SEWER EASEMENT LEGAL DESCRIPTION
(6.00 FOOT WIDE EASEMENT FOR SEWER PURPOSES)

BEING A PORTION OF LOT 27 OF GARCIA HEIGHTS NO. 2, IN THE CITY OF SANTA BARBARA, AS SHOWN ON THE MAP THEREOF RECORDED IN BOOK 15 AT PAGE 16 OF RECORDS OF SURVEY, AS FILED IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT 27 OF GARCIA HEIGHTS NO. 2, SAID POINT BEING ALSO THE MOST SOUTHWESTERLY CORNER OF LOT 28 OF SAID GARCIA HEIGHTS NO. 2 AND ALSO THE TRUE POINT OF BEGINNING, THENCE FIRST, NORTH 13°44'30" EAST ALONG THE MOST EASTERLY LINE OF SAID LOT 27 AND ALSO THE WESTERLY LINE OF SAID LOT 28 A DISTANCE OF 6.00 FEET;

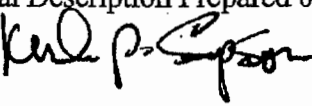
THENCE SECOND, LEAVING SAID EASTERLY LINE OF LOT 27 AND ALSO SAID WESTERLY LINE OF LOT 28 AT RIGHT ANGLES PARALLEL TO AND 6.00 FEET MEASURED AT RIGHT ANGLES NORTHERLY FROM THE MOST SOUTHERLY LINE OF SAID LOT 27, NORTH 76°15'30" WEST A DISTANCE OF 32.00 FEET;

THENCE THIRD, AT RIGHT ANGLES SOUTH 13°44'30" WEST 6.00 FEET TO A POINT ON SAID MOST SOUTHERLY LINE OF LOT 27, SAID POINT LYING ALSO ON THE MOST NORTHERLY LINE OF LOT 29 OF SAID GARCIA HEIGHTS NO. 2;

THENCE FOURTH, ALONG SAID MOST SOUTHERLY LINE OF LOT 27 AND ALSO THE MOST NORTHERLY LINE OF LOTS 29, 30 AND 36 OF SAID GARCIA HEIGHTS NO. 2, SOUTH 76°15'30" EAST 32.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT AREA CONTAINING 192 SQUARE FEET, MORE OR LESS.

Legal Description Prepared 07/16/2006

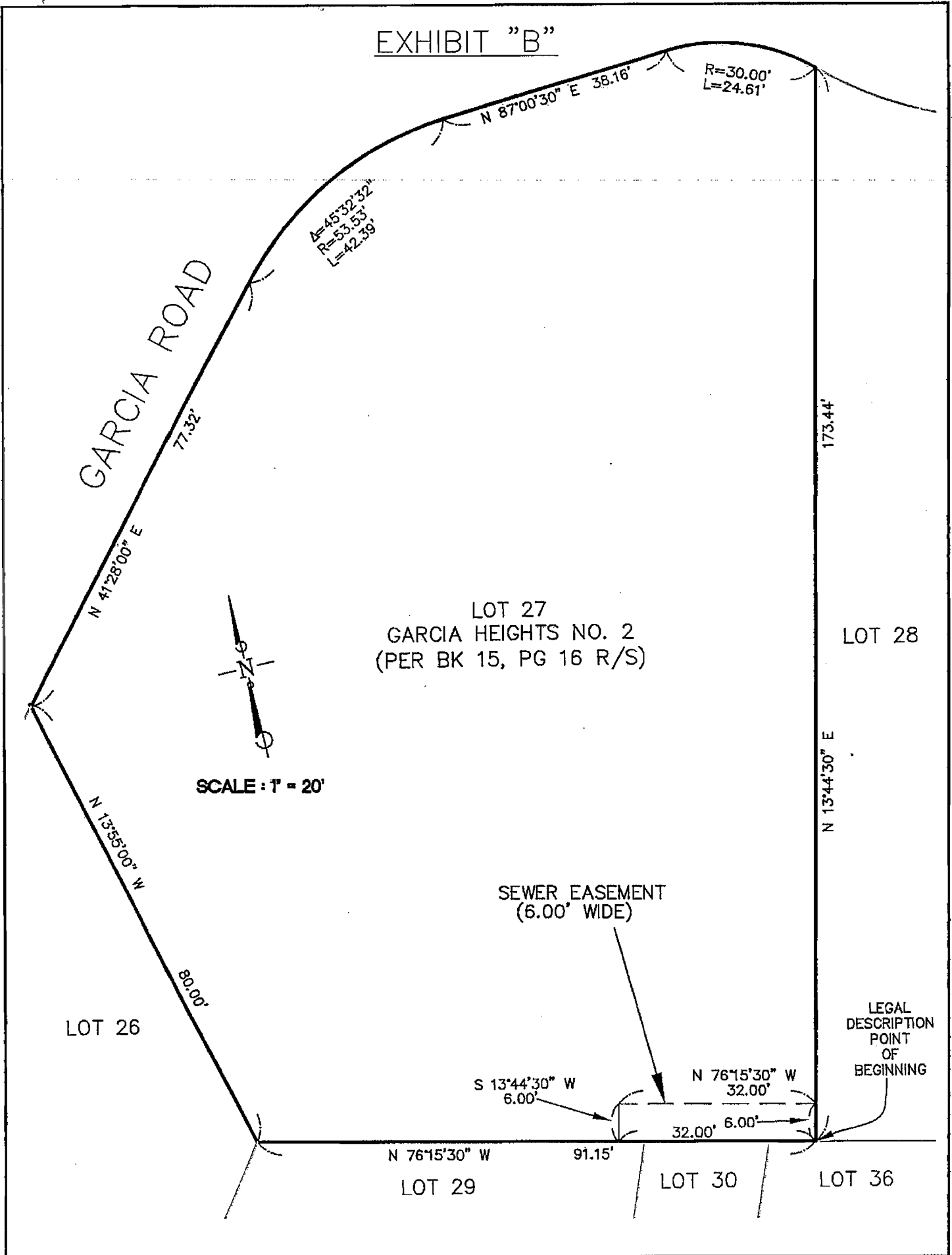
By: 

Kenneth P. Simpson, PLS 8168
License expiration date 12-31-08



Simpson Land Surveying Company
Santa Barbara, CA 93111
Tel: (805) 967-0011

EXHIBIT "B"



GARCIA ROAD

LOT 27
GARCIA HEIGHTS NO. 2
(PER BK 15, PG 16 R/S)

LOT 28

SCALE: 1" = 20'

SEWER EASEMENT
(6.00' WIDE)

LEGAL
DESCRIPTION
POINT
OF
BEGINNING

LOT 26

LOT 29

LOT 30

LOT 36

N 41°28'00" E

N 13°55'00" W

77.32'

80.00'

$\Delta = 45^{\circ}32'32"$
 $R = 53.53'$
 $L = 42.39'$

N 87°00'30" E 38.16'

R=30.00'
L=24.61'

173.44'

N 13°44'30" E

S 13°44'30" W
6.00'

N 76°15'30" W
32.00'

32.00'

6.00'

N 76°15'30" W

91.15'

4. Possibility of Eminent Domain email

Subj: RE: FW: Ferrelo - Sewer line
Date: 7/27/2007 12:13:19 AM Eastern Daylight Time
From: Kevin@GTprop.com
To: Gingersail@aol.com

I will agree excluding the last component about either being in favor or against unknown potential future development.

A surveyor has already prepared the metes and bounds description based on the proposal that was previously sent to you. Likely your attorney will need that description to create the easement. Let me know who to have the surveyor send that description to.

Thank you.

Kevin Goodwin

Owner/Broker/Realtor®
Kevin@GTprop.com
(805) 448-2200 cell
(805) 899-1100 office
(805) 899-1108 fax
Goodwin & Thyne Properties
2000 State Street
Santa Barbara, CA 93105
www.GTprop.com

From: Gingersail@aol.com [mailto:Gingersail@aol.com]
Sent: Thursday, July 26, 2007 6:38 PM
To: Kevin@GTprop.com
Subject: Re: FW: Ferrelo - Sewer line

Hi Kevin:

You first offered nothing but cleaning up your mess. Then you offered \$5,000. I countered with \$20,000. You offered \$10,000. I asked you to raise your offer. You ended the conversation.

I spoke with the same City of Santa Barbara people you did. The City would only condemn under eminent domain if it served a public purpose, in which case the value would probably be \$15,000. Your private sewer line is not in the category of a public purpose

I would be willing to accept the figure cited by the City of Santa Barbara, plus all my legal fees, relandscaping my property to return it to the state it is in at the current time, and an agreement not to oppose any future developments I might have for my property.

If this is agreeable to you, I will have my attorney prepare the sewer easement.

Ginger Ramsey

In a message dated 7/26/2007 6:35:27 PM Eastern Daylight Time, Kevin@GTprop.com writes:

Hello Ginger,
So will you accept \$10,000?

Kevin Goodwin
Owner/Broker/Realtor®

Kevin@GTprop.com
(805) 448-2200 cell
(805) 899-1100 office
(805) 899-1108 fax
Goodwin & Thyne Properties
2000 State Street
Santa Barbara, CA 93105
www.GTprop.com

From: Gingersail@aol.com [mailto:Gingersail@aol.com]
Sent: Tuesday, July 17, 2007 6:12 PM
To: Kevin@GTprop.com
Subject: Re: FW: Ferrelo - Sewer line

Kevin, you offered me \$10,000 last evening.

I am not required to give you anything. Neither are the Berkowitzes. You can install a septic system or an uphill sewer pump. You have many options that do not involve my property. I do not need money.

It is for you to decide. The City of Santa Barbara has no jurisdiction over easements on my property. It is a matter to be determined by the two of us.

I will contact the City of Santa Barbara myself. I have a relationship with some of the parties dating over 20 years.

Sincerely,

Ginger Ramsey

In a message dated 7/17/2007 8:31:46 PM Eastern Daylight Time, Kevin@GTprop.com writes:

Hello Virginia,

Thank you for your time yesterday in discussing this further. I spoke with the City of Santa Barbara's Real Property department head today. He evaluated the two parcels and the proposed easement and stated that \$5,000 is very reasonable and generous and that \$20,000 is egregious. He also stated that there may be a cause to necessitate the easement being created at which time the city would establish a value and complete the process. Indications are that it would be significantly lower than my offer. The city will further evaluate that once I present my findings to them.

At this time I would like to submit to you an offer of \$5,000 for the sewer easement. Unless I hear from you stating otherwise I will present your offer to me of \$20,000 for this easement to city as part of my findings.

Thanks for your time.

Kevin Goodwin

Owner/Broker/Realtor®
Kevin@GTprop.com
(805) 448-2200 cell
(805) 899-1100 office
(805) 899-1108 fax
Goodwin & Thyne Properties
2000 State Street
Santa Barbara, CA 93105

www.GTprop.com

From: Gingersail@aol.com [mailto:Gingersail@aol.com]
Sent: Saturday, July 07, 2007 8:24 PM
To: Kevin@GTprop.com
Subject: Re: FW: Ferrelo - Sewer line

Hi Kevin:

It never entered my mind that you would not re-landscape the area disturbed by the construction, coordinate with the city and all perform or have performed other necessary work for your sewer connection across my property. I never considered nor would agree that your access to the property would be for anything other than maintaining the sewer connection. I would never consider granting you an easement without these conditions.

If you wish to have access to my property for your sewer connection, in addition to agreeing to the above, what dollar amount would you be willing to offer me?

Ginger

In a message dated 7/7/2007 7:58:31 PM Eastern Daylight Time, Kevin@GTprop.com writes:

Hi Virginia,

Thanks for getting back to me.

According to the proposal I received, the easement is to be 6 feet wide by 30 feet long across the lowest southeast corner of your lot. That will be the only area that is disturbed as there is only going to be 4 inch pipe put in. The easement is supposed to be created in a way so as to limit the disturbance to one's property to the area described in the easement.

The work for this would have to be performed as you described (coming from my lot, taking down the fence, etc.) because that is where the sewer line is coming from and the contractor will naturally be trenching that direction. The city already has an easement across the lower neighbor's property and that is how access to the manhole is granted.

As for creating the easement, I have no problem having your lawyer reviewing and revising it or even drafting it, but I believe the city and the surveyor will be creating the technical metes and bounds language for it. I will get more information from the city on what they require if we decided to go this direction

As for my proposal, I will pay for all of the legal and technical work required to create the easement, coordinate with the city, public works, the surveyor and other necessary entities, re-landscape any affected area once the work is completed, and agree to use this method and location of disposing of the sewer rather than the other permissible alternatives which might be less desirable.

Thanks again for your time. I look forward to your input.

Kevin Goodwin

Owner/Broker/Realtor®

Kevin@GTprop.com

(805) 448-2200 cell

(805) 899-1100 office

(805) 899-1108 fax

Goodwin & Thyne Properties

2000 State Street
Santa Barbara, CA 93105
www.GTprop.com

From: Gingersail@aol.com [mailto:Gingersail@aol.com]
Sent: Saturday, July 07, 2007 11:52 AM
To: Kevin@GTprop.com
Subject: Re: FW: Ferrelo - Sewer line

Hi Kevin:

I would need to know exactly how long and especially how wide the sewer easement would be. I would want the manpower and equipment for the work to come through an opening in the lower southwest corner of your fence. My driveway would not be accessible for the work.

While it appears the buried pipe would only be 6" wide, 2 feet from the property line, the actual area to be accessed and disturbed would be much wider. I need to know how wide.

I would want my lawyer to draft the easement at your expense. I am still determining the value of the easement.

Would you like to make me an offer?

Ginger

In a message dated 7/4/2007 5:55:02 PM Eastern Daylight Time, Kevin@GTprop.com writes:

Hello Virginia,

Here are just two proposals that the city has suggested in regards to accessing the manhole on the property at 1034 Garcia. There is already an existing 20' easement on that property so I only need to get agreement from Lot 30 (I just finished building a privacy fence for him along our property line). As I mentioned before, there are other options as well for dealing with the sewer and the public works wants me to gather the various methods and costs. Let me know if you're open to granting an easement across your property and if there is a cost for that, what that cost is.

Thanks.

Kevin Goodwin

Owner/Broker/Realtor®
Kevin@GTprop.com
(805) 448-2200 cell
(805) 899-1100 office
(805) 899-1108 fax
Goodwin & Thyne Properties
2000 State Street
Santa Barbara, CA 93105
www.GTprop.com

Sent: Tuesday, July 03, 2007 8:18 PM

To: 'Kevin Goodwin'

Subject: Ferrelo – Sewer Line

Hi Kevin,

Attached are the two partial site plans we talked about. They show the general area of where the sewer line could potentially run to access the existing sewer line. What's interesting about going on Lots 29 & 30 is there is already an existing 20' easement on Lot 29 so you only need a private easement across Lot 30.

Let me know if you need any more information on this.

See what's free at AOL.com.

See what's free at AOL.com.

Get a sneak peek of the all-new AOL.com.

Get a sneak peek of the all-new AOL.com.

***NOTE: VERIFY EXISTING SEWER INVERT TO START OF CONSTRUCTION. IF THE VARIES FROM THAT SHOWN, NOTIFY ENGINEER AND OWNER FOR POSSIBLE ADJUSTMENT NEW SEWER LINE GRADES.**

EXISTING INV=44.30*
INV6"=44.70

INV=45.70
FG=50.0±

PROPOSED PRIVATE
SEWER EASEMENT

SO

CO

S

S 6"

S 6"

LOT 27

LOT 29

LOT 30

20' EASEMENT

DRIVEWAY

CO INV
FG=

N.13°44'

121
261.59'
EP

120
261'
EP

128
254.35'
PATH
128
254.24'
252.96'

131
251.45'
GB

193
250.51'
DRIP

196
251.31'
DRIP

194
250.32'
DRIP

195
250.72'
DRIP

192
250.49'
14IN OAK

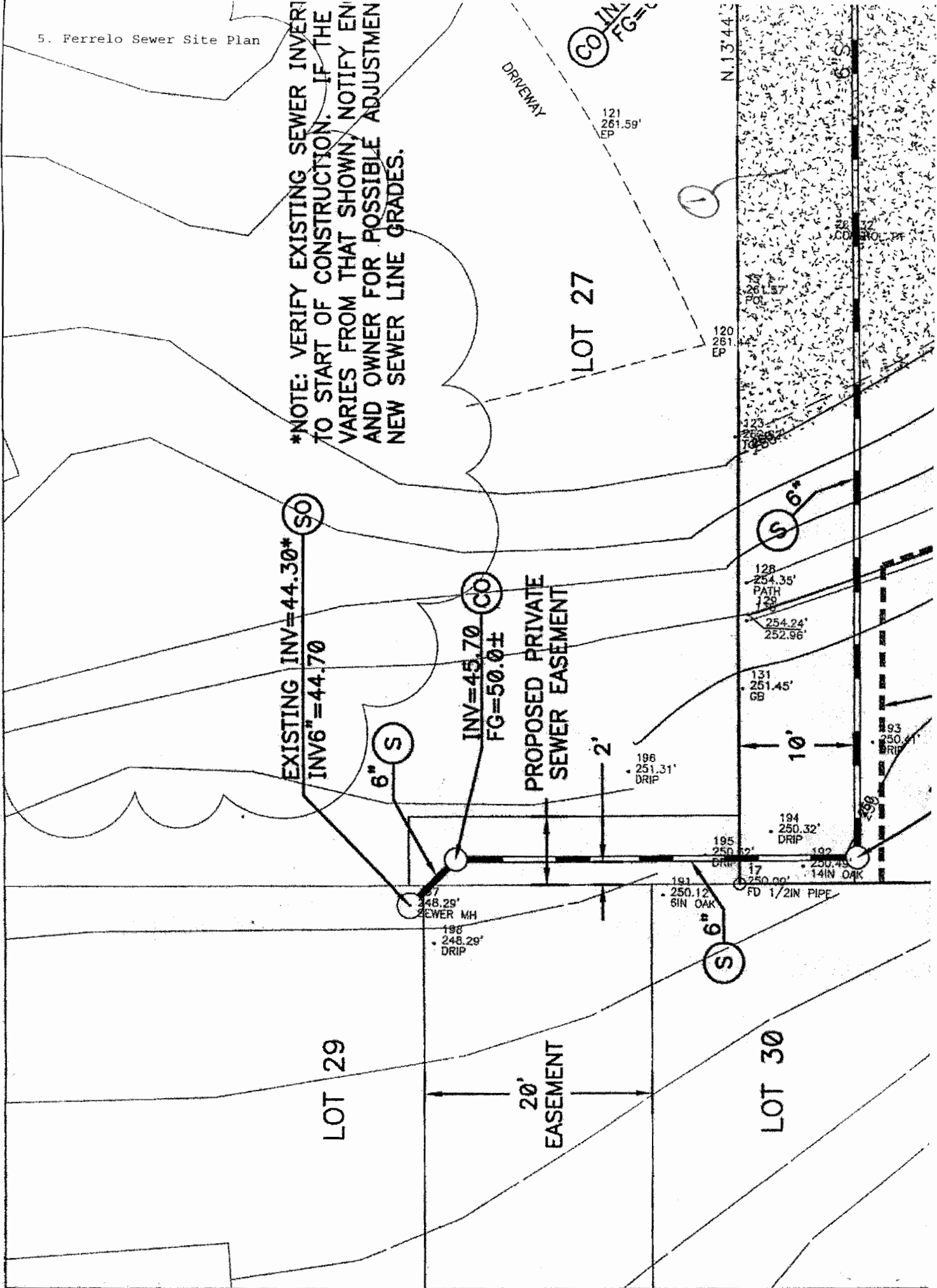
191
250.12'
6IN OAK

187
248.29'
SEWER MH

198
248.29'
DRIP

17
250.00'
FD 1/2IN PIPE

1



Virginia R. Ramsey
201 Norwood Road
Annapolis, MD 21401
410-271-4874 • gingersail@aol.com

June 21, 2008

Roger W. Briggs, Executive Officer
Calif. Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Louis Obispo, CA 93401-7906


Dear Mr. Briggs, Chairman Young and Members of the Board:

Please add the following point to my June 18th letter regarding the proposed septic system at 1303 Ferrelo Road, Santa Barbara:

- If Mr. Goodwin installs a garbage disposal in his planned 4095 Square foot house, as well as adding more raw organic matter, it will also discharge animal fats into the system. The fats will get into the dispersal field and seal it from the soil, negating the ability of the system to percolate gray water into the ground. This could lead to overflowing of the dry wells into the downhill property

Thank you.

Sincerely,



Virginia R. Ramsey

Miranda Field and Jeff Vinion
1299 Ferrelo Road
Santa Barbara, CA, 93103
805 965-8858
mirandafield@gmail.com

June 30, 2008

California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place Suite 101
San Luis Obispo CA 93401-7906

Dear Chairman and Members of the Board,

I am writing in regard to Item 13 on your July 11th board meeting. Our property abuts the development site at 1303 Ferrelo Rd., and includes a seasonal creek running directly in line with the expected percolation area for the proposed septic system.

We would like to add our voices to the large number of surrounding neighbors and area officials who have raised staunch objection to an exception being made for the proposed development to bypass the readily available public sewer system. As I believe you have been made aware, access to the sewer line is available via two separate easements, and we have also consulted an engineer who states that, for far lesser cost than the on-site system, a sump system could allow the developer to connect with the public sewer line if he finds an easement agreement objectionable. We are also extremely concerned about the access for maintenance of the proposed septic system.

We look forward to an opportunity to address the board more fully on this issue. In closing, let me reiterate that in our many months of baffled research into how such a travesty of environmental stewardship could be moving forward, I have not spoken to a single public entity or private citizen who believed that the proposed on-site system was a good idea. Please help us avert this glaring example of bureaucracy run amok.

Thank for your attention,

Miranda Field and Jeff Vinion

Roy W. Harthorn, Building & Safety Code Consultant
Certified Building Official and Plans Examiner
www.codeconsult.com

June 30, 2008

Miranda Field and Jeff Vinion
1299 Ferrelo Road
Santa Barbara, CA, 93103

Re. Code Review; Public Sewer serving 1303 Ferrelo

Dear Ms. Field and Mr. Vinion,

At your request I have reviewed a letter dated August 20, 2007 from a Mr. Chris Hansen to Mr. Ken Goodwin and also a portion of the City of Santa Barbara sewer atlas containing the location of the public sewer at the intersection of Garcia and Ferrelo Roads, Santa Barbara, California (attached).

The City letter purports to confirm the public sewer at the intersection of Garcia and Ferrelo Road "is *not* available" (as defined by City and State plumbing codes) to the property at 1303 Ferrelo Road. The finding references a consultation with the City Attorney office as a basis for this determination. No references are made in the letter to any recognized building or plumbing code experts.

Per your request I have consulted with several building officials, Santa Barbara County Health staff and several local professional engineers with civil, plumbing and mechanical expertise. The consensus of these experts is that the public sewer at the intersection of Ferrelo and Garcia Roads **should be considered "available" to the property at 1303 Ferrelo** as the proposed building is well within the State Plumbing Code prescribed 200' prescribed envelope as being *available* (measured from a building to a public sewer within an abutting public right of way - see CPC sections 713.2 and 713.4). Pursuant to City and State codes when a public sewer is "available," the building may not use a private disposal system.

An archaic City municipal code monetary standard (adopted before the State building and plumbing code regulations went into effect) is not relevant as the monetary standard is *less* restrictive and as such the more restrictive State standards (also adopted by the City) govern (see the attached CPC sections 101.7.1-3).

In closing, the only way the proponent could reasonably be allowed to install a private system would be as an approved alternative system that provided equivalent treatment and oversight to that provided by the public sewer. To accomplish this, the system would need to provide tertiary treatment, monitored alarms, regular inspection and oversight and reporting. There is precedent for this as a condition of approval by the State Water Resource Control Board (SWRCB) for such systems. Any actions of the SWRCB should morally if not legally be consistent with the State

P.O. Box 90756, Santa Barbara, CA 93190

email: rwh@codeconsult.com

voice & fax # 805-569-8798

Item No. 13 Supp Attachment No. 9
July 11, 2008 Meeting
Goodwin Waiver of WDRs

Miranda Field and Jeff Vinion
June 30, 2008
Code Review; Public Sewer serving 1303 Ferrelo

2

building and plumbing codes. As such, the application for waiver of or discharge permit should be denied or conditioned to provide equivalent public safety to that of the public sewer as described above.

Sincerely,



Roy W. Harthorn, CBO

cc. Ryan Lodge, SWRCB

Attachments: code references pages 2-6.

Excerpts from the 2007 California Plumbing Code:

108.0 Department of Housing and Community Development (HCD)

108.1 Purpose. *The purpose of this code is to establish minimum standards to protect, the health, safety, and general welfare of the occupant and the public by governing the erection, construction, reconstruction, enlargement, conversion, alteration, repair, moving, removal, demolition, sanitation, ventilation and maintenance or use of plumbing equipment or systems.*

108.2 Authority and Abbreviations

108.2.1 General. *The Department of Housing and Community Development is authorized by law to promulgate and adopt building standards and regulations for several types of building applications. These applications are grouped and identified by abbreviation in the Matrix Adoption Tables to show which model code sections and amendments are applicable to each application. The applications under the authority of the Department of Housing and Community Development are listed in Sections 108.2.1.1 through 108.2.1.3*

108.2.1.1 Housing Construction.

Application – *Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons,*

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email: rw@codeconsult.com

voice & fax # 805-569-8798

congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities including accessory buildings, facilities, and uses thereto. Sections of this code which pertain to applications listed in this section are identified in the Matrix Adoption Table using the abbreviation "HCD 1".

Enforcing Agency—Local building department or the Department of Housing and Community Development.

Authority Cited: Health and Safety Code Sections 17921, 17922, 19990 through 19992, and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997, and Government Code Section 12955.1.

101.8 City, County, or City and County Amendments, Additions or Deletions. *The provisions of this code do not limit the authority of city, county, or city and county governments to establish **more restrictive** and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 101.8.1.*

101.7 Order of Precedence and Use.

101.7.1 Differences. *In the event of any differences between these building standards and the standard reference documents, **the text of these building standards shall govern.***

101.7.2 Specific provision. *Where a specific provision varies from a general provision, **the specific provisions shall apply.***

101.7.3 Conflicts. *When the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24, **the most restrictive requirement shall prevail.***

108.6.2 Findings, Filings, and Rejections of Local Modifications. *Prior to making any modifications or establishing **more restrictive building standards**, the governing body shall make express findings and filings, as required by California*

*Health and Safety Code Section 17958.7 stating their findings and that such modifications are reasonably necessary due to local climatic, geological, or topographical conditions. **No modification shall become effective or operative unless the following requirements are met:***

- 1. The express findings shall be made available as a public record.*
- 2. A copy of the modification and express finding, each document marked to cross-reference the other, shall be filed with the California Building Standards Commission for cities, counties, or cities and counties, and with the Department of Housing and Community Development for fire protection districts.*
- 3. The California Building Standards Commission has not rejected the modification or change. Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7 (a).*

108.7 Alternate Materials, Designs, Tests and Methods of Construction

108.7.1 General. *The provisions of this code as adopted by the Department of Housing and Community Development are not intended to prevent the use of any alternate material, appliance, installation, device, arrangement, design or method of construction not specifically prescribed by this code. Consideration and approval of alternates shall comply with Section 108.7.2 for local building departments and Section 108.7.3 for the Department of Housing and Community Development.*

108.7.2.1 Approval of Alternates. *The consideration and approval of alternates by a local building department shall comply with the following procedures and limitations:*

- 1. The approval shall be granted on a case-by-case basis.*
- 2. **Evidence shall be submitted to substantiate claims that the proposed alternate, in performance, safety, and for the protection of life and health, conforms to, or is at least equivalent to, the standards contained in this code and other rules and regulations promulgated by the Department of Housing and Community Development.***

108.8 Appeals Board

108.8.1 General. *Every city, county or city and county, shall establish a local appeals board and a housing appeals board. The local appeals board and housing appeals board shall each be comprised of at least five voting members who shall serve at the pleasure of the city, county or city and county. Appointees shall not be employees of the jurisdiction and shall be qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances.*

108.8.2 Definitions. *The following terms shall for the purposes of this section have the meaning shown.*

Housing Appeals Board. *The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the requirements of the city, county or city and county relating to the use, maintenance, and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition, and moving. In any area in which there is no such board or agency, "housing appeals board" means the local appeals board having jurisdiction over the area.*

Local Appeals Board. *The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the building requirements of the city, county or city and county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city, county or city and county having jurisdiction over the area.*

108.8.3 Appeals. *Except as otherwise provided by law, any person, firm, or corporation adversely affected by a decision, order, or determination by a city, county or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county or city and county, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to*

new building construction and the housing appeals board shall hear appeals relating to existing buildings.



Building Sewers:

(Editorial note: these two sections are independent of each other and if considered to be in conflict, the more restrictive applies).

713.2 When no public sewer intended to serve any lot or premises is **available in** any thoroughfare or **right of way abutting such lot** or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

713.4 The public sewer may be considered as not being available **when such public sewer** or any building or any exterior drainage facility connected thereto is **located more than two hundred (200) feet (60.8 m) from any proposed building** or exterior drainage facility on any lot or premises that abuts and is served by such public sewer.



SCALE 1 : 600

