

The Fine Print was
changed on 7/6/09.
Please read it.



Zoning Information Report

[REDACTED]

"Major" Violations
Example
Referred for Immediate
Enforcement

Date: 8/21/2013
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2013 [REDACTED]

Thank you for ordering a City of Santa Barbara Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on August 20, 2013.
This Zoning Information Report expires on August 21, 2014.

The property's City Zoning Designation is R-3. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.



APN

Zone:

Lot Area Requirements for Residential Units

R-3 or R-4

5,000 sq. ft. or less:	2 units allowed with Variable Density
5,001+ sq. ft.:	Studios: 1,600 sq. ft. lot area per unit
	1 Bedrm: 1,840 sq. ft. lot area per unit
	2 Bedrm: 2,320 sq. ft. lot area per unit
	3+ Bedrm: 2,800 sq. ft. lot area per unit

Front Yard Setback	1 or 2 story structures:	10 feet
	3 story structures:	15 feet

Interior yard Setback	1 or 2 story structures:	6 feet
	3 story structures:	10 feet

Rear Yard Setback	1 story structures:	6 feet
	2 or 3 story structures:	10 feet

Private Outdoor Living Space	Unit Size	Ground Floor	Upper Floor
	Studio:	100 sq. ft.	60 sq. ft.
	1-Bedrm:	120 sq. ft.	72 sq. ft.
	2-Bedrm:	140 sq. ft.	84 sq. ft.
	3+-Bedrm:	160 sq. ft.	96 sq. ft.
	Min. Dimension:	10 feet	6 feet

Maximum Building Height Three stories not to exceed 45 feet

Required Off-Street Parking Spaces	1 House on the property:	2 covered spaces
	Duplex:	1 covered & 1 uncovered per unit
	Multiple House or Duplexes:	1 covered & 1 uncovered per unit
	Multi-Family (3+ attached units):	
	Studios:	1 1/4 uncovered spaces per unit
	1-Bedrm Units:	1 1/2 uncovered spaces per unit
2+-Bedrm Units:	2 uncovered spaces per unit	
Guest Spaces:	1 per 4 units if 6+ units in the complex	

Distance Between Main Buildings	1-story building to 1-story building:	10 feet
	1-story building to multi-story building:	15 feet
	Multi-story building to multi-story building:	15 feet

Minimum Lot Area for Newly Created Lots 14,000 sq. ft. x Slope Density

Newly created lots must also conform to the General Plan density requirements.

Req'd. Lot Frontage for Newly Created Lots 60 feet



If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

APN [REDACTED]

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

GMP Development Area

Downtown

PROPERTY DESCRIPTION

One-story single family dwelling (illegally converted to a duplex) with a covered side porch (approx. 44 ft. x 7 ft) with washer/dryer hook-up inside kitchen closet.

Detached one-car garage with exterior stairway leading to a deck (approx. 17 ft. x 13 ft.) above the garage.

Detached arbor/trellis structure (approx. 9 1/2 ft. x 7 1/2 ft.)

Detached shed (approx. 9 1/2 ft. x 9 ft.)

Lot Size (From County Assessor Records): 0.10 Acres

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	2	0
Full Baths	2	0
Half Baths	0	0
Sinks	0	0
Smoke Detectors in:	All Bedrooms? No	All Hallways? No

Unit #: **This is an ILLEGAL dwelling unit.**

	Legal	Illegal
Bedrooms	1	0
Full Baths	0	1
Half Baths	1	0
Sinks	0	1
Smoke Detectors in:	All Bedrooms? No	All Hallways? No

Smoke detectors are required in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more except when equipped throughout with an approved automatic fire sprinkler system. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains 1 parking spaces in garages, 0 parking spaces in carports and 0 uncovered parking spaces.

If this box is checked, the items stored within the required parking or maneuvering areas must be removed.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Coastal Development Permits, or Variances (If none, this area will be blank).



APN [REDACTED]

The property is legally nonconforming with respect to either density, setbacks, yards and/or wall, fences and hedges. Details regarding the property's nonconformity are provided below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, setbacks, yards or walls, fences and hedges exist legally; however, there are restrictions on alterations, additions, or replacement of nonconforming structures. For the purposes of this report, the interior or rear property lines are assumed to coincide with any interior or rear fence.

The property contains structures that are located in the required front setback. Therefore, the front setback is nonconforming. The structures that encroach into the required front setback are:

Garage, roof deck and dwelling

The property contains structures that are located in the required interior (side or rear) setbacks. Therefore, the interior setbacks are nonconforming. The structures that encroach into the required interior setbacks are:

Garage, roof deck and dwelling

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

ZONING VIOLATIONS:

- 1. The hedges along the front lot line and on top of the approved wall (42 inches in height) exceed the maximum allowable height of three and one half feet within ten feet of the front lot line and the hedges along the interior lot line exceed the maximum allowable height of eight feet.**
- 2. The shed encroaches into the required interior setback.**
- 3. The arbor/trellis structure encroaches into the required interior setback.**
- 4. Miscellaneous stored items encroach into the required interior setbacks.**
- 5. The rear bedroom and half bathroom in the interior setback have been altered to create an illegal dwelling unit by the addition of a kitchen (sink, counter, stove, refrigerator), a shower (in the former half bathroom) and interior alterations with new interior walls and exterior alterations including changes a door to a window in the required interior setback.**

BUILDING VIOLATIONS:

- 1. A new wall with a closet with washer/dryer hook-ups has been constructed in the kitchen without the required permit.**
 - 2. The rear bedroom and half-bathroom have been converted to an illegal dwelling unit by installing new walls to create separate rooms, converting the half-bathroom to a full bathroom, adding doors and windows and the construction of a kitchen (sink, counter, stove and a refrigerator) without the required permits.**
- SEE ATTACHED NOTICE OF ENFORCEMENT**

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485.



APN [REDACTED]

The Fine Print

1) Disclosures

- a) The ZIR is a good faith effort at full disclosure to a potential buyer of authorized uses and occupancy, including zoning violations, and improvements constructed without City permits or approvals.
- b) Improvements without permits are illegal. Previous plans showing these improvements as "existing", previous ZIRs describing improvements as legal, previous ZIRs that omit an improvement, or previous ZIRs that describe an improvement as nonconforming do not legalize illegal improvements, including structures. Only City approvals and permits legalize improvements previously constructed without permits.
- c) The current ZIR is based on the most recent information, and supersedes previous ZIRs. Improvements that existed at the time of a previous ZIR, but which were not listed on the previous ZIR or were shown as nonconforming, but which are in fact unpermitted and therefore illegal, will be subject to current standards. For example, if a 1987 ZIR did not list an accessory building in a setback, and the current ZIR shows it as a violation, the current determination supersedes the previous determination.
- d) Zoning inspectors are not building inspectors, and are not versed in the requirements of the Uniform Codes. Therefore, this ZIR does not document violations of the Uniform Codes (e.g., illegal wiring, illegal plumbing, substandard structural assemblies). ZIRs identify zoning violations and unpermitted construction.
- e) Fences, Screens, Walls and Hedges (See SBMC §28.87.170)
 - i) The zoning regulations for fence, screen, wall and hedge height became effective in 1957. Fences, screens, walls and hedges permitted prior to 1957 may be nonconforming as to height.
 - ii) Permits are required for fences, screens and walls over 3.5 feet tall from the ground to the highest point of the structure. If such permits do not exist in City records, they are considered illegal, and must be permitted and may require other City approvals. If such fences, screens, walls and hedges are taller than allowed by the Zoning Ordinance, they must be reduced in height when required by the City. Plans in City records that show such items as "existing" do not legalize such items.
 - iii) Permits are required for retaining walls that are more than four feet tall, measured from the bottom of the footing to the highest point on the retaining wall (permits can be required for shorter retaining walls). Contact the Building and Safety Division Counter at (805) 564-5485 for more information.
 - iv) Over-height hedges that existed prior to 1957 are nonconforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is nonconforming.
- f) This ZIR does not include an analysis of the Solar Access Ordinance (Santa Barbara Municipal Code Chapter 28.11) as it applies to this property. Questions concerning the impact of the Solar Access Ordinance on specific structures should be directed to the Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578.
- g) If you are selling a home, you must disclose to the buyer any known earthquake weaknesses of your house. The State's Seismic Safety Commission has published a booklet "The Homeowner's Guide to Environmental Hazards and Earthquake Safety," which includes detailed information regarding earthquake hazard disclosure. This booklet should be available from your real estate agent/broker.
- h) Please be advised that any alterations, additions, construction, improvements or new development may be subject to the review of the Single Family Design Board, the Architectural Board of Review, the Historic Landmarks Commission, the Staff Hearing Officer, or the Planning Commission, depending on a number of factors. If review by one of the bodies is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding the environmental review process.

SCA
Docu

2) The enforcement process, as of April 19, 2004.

- a) The following major violations will be referred to enforcement staff immediately:
- i) Illegal dwelling units.
 - ii) Illegal conversion of non-habitable space to habitable space.
 - iii) Unpermitted construction of new floor area (habitable or nonhabitable).
 - iv) Elimination of required parking.

b) Minor violations are kept on file and are required to be abated prior to, or simultaneously with, the first building permit that is obtained by the new property owner. HOWEVER, please be advised that all minor violations will be required to be abated in conjunction with any major violations on the property. City Staff will also require that overheight fences, walls, screens and hedges be reduced in height at that time.

3) Validity Period and Extensions

- a) This ZIR is valid for a period of twelve months after the date of issuance or until a transfer of title occurs, whichever is sooner.
- b) A ZIR may be extended for a period of one year for half the price of a current ZIR, if the application for the extension is received while the ZIR is still valid. A re-inspection is required.

4) Disputes regarding the content of this ZIR.

You have 10 days from receipt to dispute any items in this ZIR. To file a dispute, a written letter stating the grounds claimed for the dispute and supporting documentation on the content of the ZIR shall be submitted to the preparer of the ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the content of the ZIR. Staff time to research and work to resolve any disputes after the 10-day period will be subject to the hourly rate fee as established by the City Council

5) Tenant Displacement Assistance Ordinance

Please be advised that any application to the City for a demolition, alteration, or change of use that will result in the elimination of a residential unit requires compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89). The Ordinance requires notice to the tenants about your intent to file an application 60 days prior to the actual filing, and provide monetary displacement assistance.

Zoning Information Report #ZIR2013- was prepared by:

Jo Anne LaConte, Assistant Planner

[Redacted Signature]

Signature

August 21, 2013



Letter of Notice

One or more Illegal Dwelling Units or Illegal Habitable Space were identified on the Property. An enforcement case has been created and forwarded to the Building and Safety Division. A building enforcement officer will be assigned to the case for enforcement of the violations described in this report. These violations:

- a) May be permitted, if found to comply with all City Codes and Ordinances;
- b) Must be demolished with a building permit; or
- c) A combination of a) and b), above.

Please call and schedule a follow-up inspection to determine the type of permits required. Contact the Building & Safety Division at (805) 564-5485 to speak to the inspector assigned to enforcement case number: ENF20 13 [REDACTED].

The property owner (seller) is responsible for abating these violations in a timely manner. If the violations have not been abated by the time escrow closes, the new owner (buyer) becomes responsible for the abatement of the violations.

Failure of the past, present or future owner to abate these violations may result in the refusal to issue building permits, referral to the City Attorney's Office, and ultimately, Superior Court action.



