

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



**Zoning Information Report  
3354 CLIFF DR**

**Date:** 10/12/2009  
**To:** Property Owners and Prospective Buyers of Residential Property  
**From:** Planning and Zoning Staff  
**Subject:** ZIR2009-00441

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 October 1, 2009.  
This Zoning Inspection Report expires on October 1, 2010.

The property's City Zoning Designation is A-1/SD-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.

<b>Zone:</b>	<b>A-1</b>
Front Setback	35 feet
Interior Setback	15 feet
Rear Setback	15 feet
Required Open Yard Area	1,250 sq. ft. + 20 foot minimum dimensions
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	43,560 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	100 feet

**Zone:** **SD-3 (Special District 3 - Coastal Zone)**

The property is located in the Coastal Zone. State law requires that all changes to the property undergo some type of Coastal permit processing, **REGARDLESS OF WHETHER A BUILDING PERMIT IS REQUIRED**. Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding Coastal permit processing..

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 zoning 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.

**Agricultural Use Allowed**

**Has Ag. water meter. Any related bldgs. or structures w/out bldg. permits may not comply w/Zoning Ord.**

**Cliff Drive Setback**

## PROPERTY DESCRIPTION

**Laundry sink in the laundry room.**

**Pottery sink in pottery workshop.**

**Lot Size (From County Assessor Records): 1.61 Acres**

**Unit #: This is a legal dwelling unit with ILLEGALLY CONVERTED habitable space**

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	0	0
Sinks	2	1

**Smoke Detectors in: All Bedrooms? No All Hallways? No**

Smoke detectors are required in each sleeping room and each hallway 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. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains **2** parking spaces in garages, **0** parking spaces in carports and **2** uncovered parking spaces.

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

**There are many plans and permits missing for this property.  
SEE ATTACHED NOTICE OF ENFORCEMENT.**

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

**ZONING VIOLATIONS:**

- 1. The temporary POD storage unit, the older storage shed and the items being stored in the side yards encroach into the required interior yard required setbacks.**
- 2. The shade cover attached to the front of the workshop encroaches into the required interior yard required setback.**
- 3. The two car garage was inaccessible for the parking of two vehicles due to the storage of items in the garage. By City Zoning Ordinance, two covered parking spaces are required and must be maintained at all times.**
- 4. The original garage was converted to habitable space and is no longer available for the parking of a vehicle.**

**BUILDING VIOLATIONS:**

- 1. The front porch cover, the conversion of the garage attached to the dwelling (was converted to illegal habitable space), the construction the detached two car garage with attached workshop and workshop outdoor shade cover, the rear lattice patio cover, the rear large patio shade cover, the attached plant shade cover, ceramics show room, the breezeway to the ceramics workshop and kiln room, the windmill and ~~agricultural meter~~ and fences and walls surrounding all these connecting building were all constructed without the required permits.**
- 2. The gas kiln and gas hook-ups, electrical hook-ups to all outbuildings were done without the required permits. (the plan in the archive plan is for an electric kiln).**

**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.

## 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 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) The 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 (such as illegal wiring, illegal plumbing, substandard structural assemblies, etc.). 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 are 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) 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.

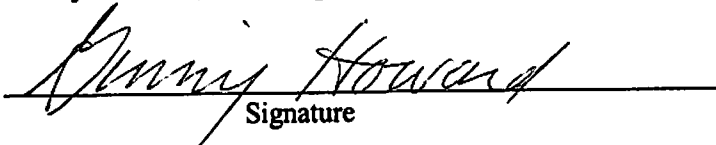
- 2) The enforcement process, as of April 19, 2004.
  - a) The following major violations will be referred to enforcement staff immediately:
    - i) Illegal dwelling units.
    - ii) Illegal conversion of non-habitable space to habitable space.
    - iii) Unpermitted construction of new floor area (habitable 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 this 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 30 days from receipt to dispute any items in this ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the content of the ZIR, and any attempt to dispute such items in the future will be denied. Please contact the preparer of this Zoning Information Report.
- 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 #ZIR2009-00441 was prepared by:**

Ginny Howard, Planning Technician II

  
Signature

October 12, 2009

## 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, ENF2009 - 01238.

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.

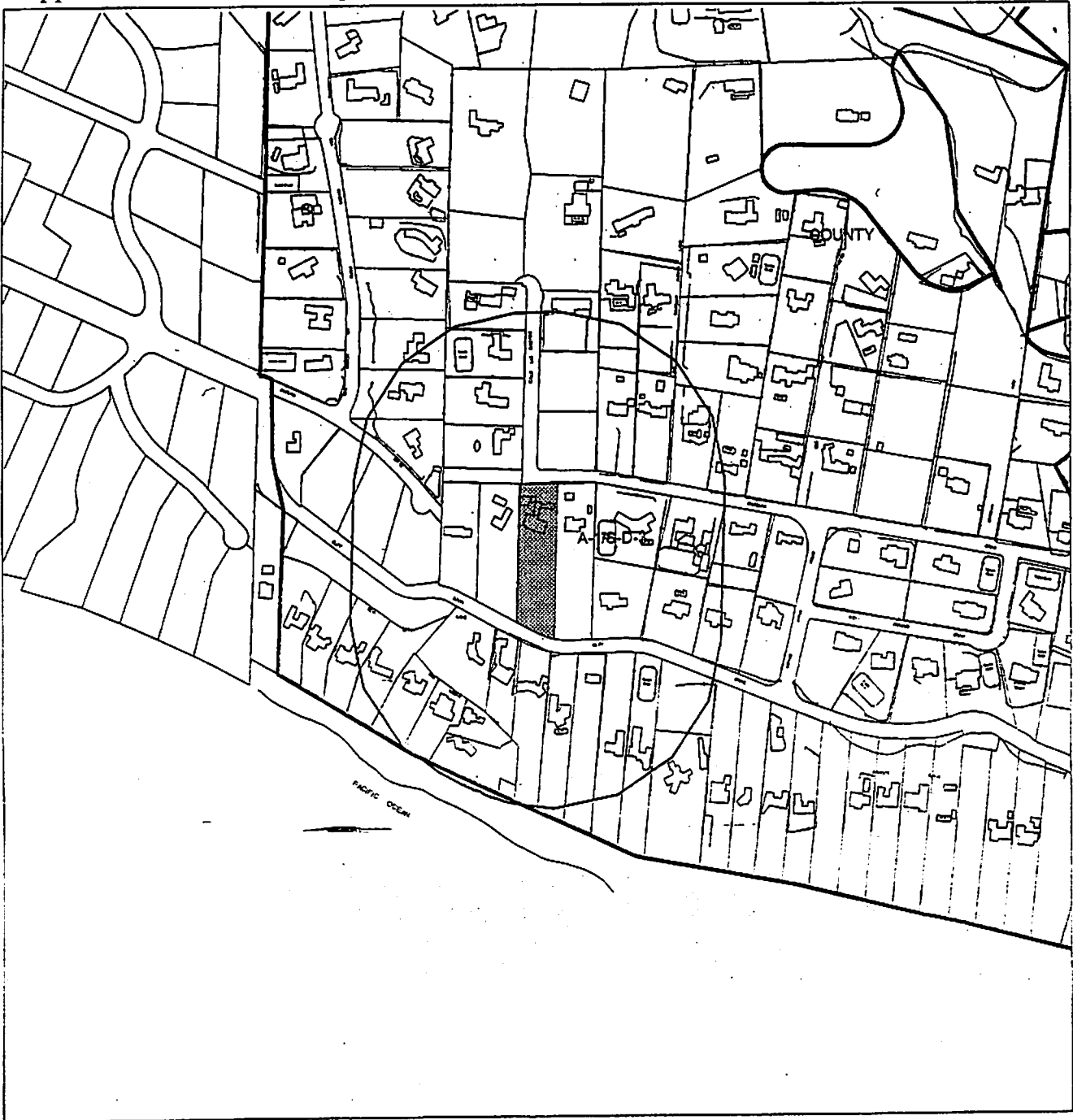
# 3354 CLIFF DR.

## Vicinity Map

APN: 047-081-003

Zone: A-1/S-D-3

Approx. Lot Area: 70184 sq. ft.



0 200 400 Feet



Date printed:  
Tue Sep 22 08:13:21 2009

All topographic features are based on aerial photographs which were taken in April of 1995.

DISCLAIMER: This map is for reference purposes only. Refer to the official Municipal Code for precise parcel zoning information.

LEGEND	
	Land Use Zone Lines
	Parcel Lines
	Building Rooflines
	Retaining Wall
	Fence

## Receipt of Zoning Information Report

ZIR2009-00441

This is to certify that I/We \_\_\_\_\_, the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there will be follow-up enforcement of these violations, and that such enforcement may take place at any time. Failure to abate these violations may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we am/are responsible for the abatement of the violations. If there is an attached Letter of Notice, an enforcement case will be created, and follow-up enforcement will begin immediately.

Executed at \_\_\_\_\_ on \_\_\_\_\_.  
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name \_\_\_\_\_  
Print

\_\_\_\_\_  
Signature of Buyer or Authorized Agent

\_\_\_\_\_  
Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

**PRIOR TO THE DATE OF TRANSFER OF TITLE  
THIS RECEIPT MUST BE DETACHED AND RETURNED TO:**

City of Santa Barbara  
Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990  
FAX #: (805) 897-1904

## Sewer Lateral Inspection Program Disclosure

The City of Santa Barbara has enacted a program to improve the condition of the private sewer laterals connected to the City's sewer system. Poorly maintained laterals allow rainwater and/or roots into the City's system, causing sewage spills.

(This section to be completed by City Staff)	
SITUS ADDRESS:	<u>3354 Cliff Dr.</u> (please print)
Sewer Lateral Condition Disclosure (please check appropriate box)	
<input type="checkbox"/> The sewer lateral has an inspection report in the Street File.	
<input checked="" type="checkbox"/> There is no sewer lateral inspection report on file.	

### Advisory - Lateral Repair Required

Sewer laterals extend from buildings or dwellings to the City's sewer main (commonly in the street). The entire length of the pipe sewer lateral to the point where it connects to the City's sewer main is private property, and it is the responsibility of the property owner to maintain the lateral in properly functioning condition at all times. The City of Santa Barbara has enacted a proactive program to identify laterals that are defective, and requires property owners to repair or replace defective laterals.

### Advisory - Lateral Inspection Recommended

Prospective buyers of real property served by the City's sewer system are strongly advised to have the sewer lateral inspected by a qualified individual prior to the close of escrow.

### Acknowledgement of Advisories

I, \_\_\_\_\_ the Buyer(s) or my/our authorized agent acknowledge that I have read the above advisories and understand that it is the property owner's responsibility, at his/her sole cost, to maintain the sewer lateral in good condition.

Executed on: \_\_\_\_\_ (Date).

**THIS FORM MUST BE DETACHED AND RETURNED TO:**

Wastewater Collection System Project Coordinator  
City of Santa Barbara, Public Works Department  
P.O. Box 1990  
Santa Barbara, CA 93102-1990  
FAX #: (805) 568-1021

Please call 568-1010 if you have any further questions regarding the Private Sewer Lateral Inspection Program.