

ZIR Process and Considerations to Resolve IssuesTimelines

- Within 5 days of entering into an “agreement of sale” submit ZIR application.
- “Under normal circumstances” (ZO language) issue report within 15 days of application submittal.
- So far this year, on average we complete ZIR within 20 calendar days of application submittal.
- P3 goal – issue report within 3 days of inspection, currently 100%; over last year over 96%.
- Owner is required to give buyer copy of ZIR at least 3 days prior to consummation of the transfer of title.
- So far this year, on average we complete ZIR 12 days prior to close of escrow.
- ZIR is valid for 12 months from the date of inspection or until transfer of title occurs, whichever is sooner.

Process to Prepare ZIR

- Application submitted.
- Street and planning files and archive plans are requested and reviewed.
- Inspection of property.
- Review findings of inspection against street file and archive plans.
- If match, ZIR issued.
- If they do not match, more research:
  - Sanborn Maps
  - Architectural and Historical Survey Records
  - If we have no approved plans, request owner get Residential Bldg Record from County to see if that helps determine when improvement 1<sup>st</sup> occurred
  - In most cases, especially when discrepancies between prior ZIR and new findings today, ZIR preparer meets with Supervisor to discuss findings and decision made on legality of improvement
  - Issue ZIR

Resolve Issues

- Can we sign-off? Is there any evidence that points to legality?
  - If not, determine if case is referred for immediate enforcement or just noted as violation in ZIR.
- If immediate enforcement,
  - Is modification needed? If so, expedite application. No double fee if improvement “missed” by prior ZIR.
  - Is design review required? Can it qualify for administrative approval? No double fee if improvement “missed” by prior ZIR.
  - Historic resource affected? Consult is Urban Historian.
  - Enforcement staff works with owner or new owner on timeline for abatement. We have delayed abatement to allow new owner time after buying house.
  - We require plans to show how abatement will occur but work with owner on level of detail necessary.

Possible Administrative Appeal process

A letter and documentation illustrating why it is believed the findings of the ZIR are incorrect must be submitted within 10 calendar days of the issuance of the ZIR. An associated fee will be required. The current hourly fee for Planning Staff is \$130/hr and for the City Attorney it is \$220/hr. It is estimated that an appeal could take 2-3 hrs of staff time. The internal timeline for review and issuance of a final decision will have to be determined. Council approval of an ordinance amendment (and/or resolution) would be necessary to establish this appeal process.

Possible Ordinance Amendment

Another option that could be pursued in conjunction with, or instead of, the appeal process would be an ordinance amendment to allow SHO authority to administratively approve minor modifications. We anticipate that the fee for the administrative approval process would be around \$140, similar to design review administrative approval fee. Examples that could be included are: minor hardscape improvements in interior setback; statues (not fountains) in interior setbacks; chimneys in setbacks; and, minor façade changes in front setback.

We anticipate that there will still be improvements that cannot be signed off through the administrative review or appeal process.