



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 10, 2022  
**AGENDA DATE:** November 17, 2022  
**PROJECT:** Accessory Dwelling Unit Ordinance Amendments (PLN2022-00391)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Daniel Gullett, Interim City Planner  
 Jillian Ferguson, Assistant Planner

### I. RECOMMENDATION

Staff recommends that the Planning Commission review proposed amendments to the Zoning Ordinance for Accessory Dwelling Units and forward a recommendation for adoption to City Council.

### II. BACKGROUND

New state legislation intended to increase production of Accessory Dwelling Units (ADUs) necessitates the City to update zoning regulations. Assembly Bill (AB) 221 and Senate Bill (SB) 897, which both take effect on January 1, 2023, include numerous changes to the state ADU laws. The changes proposed by the new state laws include an increase to the maximum building height limit and a number of technical changes intended to make ADUs easier to build.

In addition to the changes mandated by state law, the City's Draft 2023-2031 Housing Element includes policy recommendations to facilitate production of ADUs. These recommendations include consideration of conversion of commercial portions of mixed-use buildings to ADUs, and additional flexibility to construct two ADUs (double-ADUs) on existing multi-unit properties.

#### **History of Local Amendments to Accessory Dwelling Unit Regulations**

- In 2017, the state made significant changes to how cities can regulate ADUs, primarily with respect to parking, types and sizes of ADUs, approval process, and timelines. In response, the City of Santa Barbara adopted new local regulations for ADUs and Junior Accessory Dwelling Units (JADUs) consistent with 2017 state law for Inland Zoning (Title 30).
- In 2019, City Council adopted an Interim Ordinance to:
  - Temporarily prohibit ADUs and Junior ADUs in the Foothill and Extreme Foothill High Fire Hazard Areas, and

- Prohibit ADUs on property containing, or immediately adjacent to, a historic resource if it might result in a substantial adverse change to the significance of that resource.
- In 2020, City Council adopted amendments for ADUs in the Inland and Coastal Zoning Ordinances (Title 30 and Title 28) to regulate ADUs consistent with state law. (The Title 28 amendments required certification as a Local Coastal Program (LCP) amendment by the California Coastal Commission before they became effective in the Coastal Zone.) In addition, an Interim Urgency Ordinance (Interim Ordinance) was proposed by staff for ADUs and JADUs to provide staff, City Council, and the Planning Commission the opportunity to consider additional information before amending the ADU ordinance in compliance with the new state laws. Specifically, there were concerns that ADUs and JADUs allowed by right under state law could result in significant adverse impacts, primarily regarding 1) traffic congestion and on-street parking demand, 2) adverse changes to or destruction of significant historic resources, and 3) public safety threats in High Fire Hazard Areas.
- In 2021, City Council adopted a resolution approving a LCP amendment to add Chapter 28.86 to regulate ADUs in the coastal zone, and amending related sections within Title 28. On December 17, 2021, the Coastal Commission approved the LCP Amendment to regulate ADUs in the Coastal Zone and certify amendments to Coastal Zoning (Title 28). Those amendments became effective in February 2022.

### **Types of Accessory Dwelling Units Allowed**

The City allows for three different types of ADUs: Special ADUs, Standard ADUs, and Junior ADUs. An ADU is defined as an attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. Special ADUs are specific types of smaller accessory dwelling units, that include Junior ADU's, with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Very High Fire Hazard Severity Zone (Extreme Foothill and Foothill), or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Standard ADUs are typically larger accessory dwelling units with size, height, and setback standards. Junior ADUs are units with no more than 500 square feet and contained entirely within the structure of an existing or proposed single residential unit.

ADUs are allowed in any zone that allows residential use on a lot developed or proposed to be developed with one or more residential unit(s). Certain locations such as lots within the Very High Fire Hazard Severity Zone (Extreme Foothill and Foothill) are limited to Special ADUs.

### **Existing and Pending Accessory Dwelling Units in the City**

Since 2018, there has been a consistent steady stream of permit applications for ADUs, including legalizing existing units, adding ADUs to existing homes and garages, converting rooms and structures to ADUs, and constructing new detached ADUs. As of October 2022, the City has received 909 applications. Of those, 397 have received certificate of occupancy, 229 are under

construction, 283 are in the permit process, and 151 have been denied, expired, or withdrawn. This volume of permit applications, along with responding to continuous changes and ambiguities in state law, has added a significant workload to the Planning and Building & Safety Divisions.

### III. **DISCUSSION**

Amendments are proposed for both the Inland Zoning Ordinance, Title 30 Section 30.185.040 *Accessory Dwelling Units* (Exhibit C) and the Coastal Zoning Ordinance, Title 28 Chapter 28.86, *Accessory Dwelling Units* (Exhibit D). After adoption by City Council, the Title 28 amendments would be submitted to the California Coastal Commission as a stand-alone Local Coastal Program amendment.

The proposed amendments can be summarized into three categories: 1) clean-up items, 2) state-mandated requirements, and 3) amendments to local standards to facilitate ADUs; all of which are discussed in more detail below.

#### **Summary of Proposed Amendments:**

- **Clean-Up Items.** Minor changes to wording, formatting, or location within the Ordinance for clarification. May include minor content change for ease of use that maintains the intent of the previously adopted ordinances. Please refer to Exhibit A.
- **State Requirements.** New or changed content necessitated by Senate Bill (SB) 897 and Assembly Bill (AB) 221 – effective January 1, 2023. Please refer to Exhibit B.
- **Local Standards.** New or changed content intended to facilitate the production of ADUs and consistent with the City’s Draft 2023-2031 Housing Element. These changes are discussed below and summarized in Table 1.

The discussion in this staff report will focus on the proposed amendments to the local standards with new or changed content, and on the state requirements that amend the maximum height for ADUs. All of the other changes will be noted in the exhibits, but due to their minor nature, are not discussed in this staff report.

#### **Summary of Local Standards Changes**

Table 1 includes a summary of amendments to local standards for discussion. It is not a comprehensive list of all changes proposed; it is intended to provide an overview of key topics. The California Government Code section that regulates ADUs (Gov. Code, §65852.2) allows local jurisdictions to impose (by ordinance) certain standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, and maximum size of a unit. While the majority of the City’s ADU regulations are mandated by state law, there are some local standards City staff included for discussion that are unique to our community. The proposed amendments to the local standards discussed below are the result of five years of reviewing permit applications for ADUs and staff observations of minor improvements that should help remove barriers to ADU construction and facilitate development.

Open Yard Reduction. The current ADU Ordinance allows an ADU to encroach into the minimum open yard area for single-unit and two-unit residential development. The ordinance also allows this same open yard reduction for an ADU built over a new 500 square foot garage. However, if there is not enough open yard area, the only way to accommodate a small laundry room or storage area is through a zoning modification. A small 150 square foot addition is proposed to be allowed to encroach into the open yard area, along with a new ADU built over a two-car garage.

Greater Flexibility for Double-ADUs. Under the current rules, if the owner of a multi-unit development wants to build two new ADUs, the double-ADU must either be new construction, or the lot must be currently developed with 8 existing dwelling units. This is because the law only allows 25% of the existing number of units to be converted from existing floor area. Staff is recommending an amendment to the local standards for a double-ADU to allow up to two ADUs – instead of one – to be converted from existing floor area. This will facilitate the conversion of an existing garage or basement to two ADUs instead of requiring the garage to be demolished in order to build new construction.

Convert Upper-Floor Commercial Areas to ADUs. State law allows residential floor area to be converted to ADUs – but it does not allow commercial floor area such as retail or office to be converted. Amendments to the City’s local ordinance would allow upper-floor commercial spaces to be converted to ADUs and provide more flexibility and the adaptive reuse of existing buildings. Staff recommends only the upper-floor areas, not the ground floor commercial spaces, be allowed to convert to an ADU to support and maintain mixed-use development along commercial corridors and activation of the street.

Table 1: Amendments to Local Standards to Facilitate ADUs	
LOCAL STANDARDS	Applicable Code Section
<b>Open Yard Reduction for ADU Over Detached Garage</b> – Revised the open yard encroachments to allow an additional 150-square-foot area for a staircase or laundry/storage.	SBMC §30.185.040.G.4.d / §28.86.055.E.4
<b>Converted Non-Livable Space</b> – Allows up to two – rather than just <i>one</i> – special ADUs on lots with existing multi-unit development to be converted from existing non-livable floor area (garage, basement etc.).	SBMC §30.185.040.L.3.a / §28.86.090.C.1
<b>Configuration – Two-Unit, Multi-Unit or Mixed-Use Lots</b> – Allows existing upper-floor <i>commercial</i> floor area in a mixed-use development – rather than just floor area of an existing <i>residential</i> structure – to be converted to one or more special ADUs.	SBMC §30.185.040.L.3.a / §28.86.090.C.1

<b>Maximum Height &amp; Bedrooms</b> – In response to the state-mandated height increase from 16 feet to 18 feet, newly constructed special ADUs may not exceed two bedrooms and a maximum of one story.	SBMC §30.185.040.L.4 & 5 / §28.86.090.D & E
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### Summary of ADU Building Height Changes

One of the more significant changes made to the state ADU law is related to maximum building height. The City’s current ADU height regulations are less restrictive than state law for standard ADUs; and are the same as state law for special ADUs. The City’s proposed amendments attempt to balance the concerns of the community to ensure ADUs are compatible with existing residential development while incorporating the state-mandated changes intended to facilitate the construction of new housing.

Local agencies must allow ADUs taller than 16 feet in the following circumstances:

- If located within a half-mile of a major transit stop or high-quality transit corridor, a detached ADU that is on a lot with a single-family or multi-family dwelling may be up to 18 feet in height by right, and the ADU may be up to 2 feet taller (for a maximum of 20 feet) if necessary to match the roof pitch of the ADU to that of the main house. Before this most recent legislation, local agencies could cap the height of a detached ADU at 16 feet.
- If a detached ADU is on a lot with an existing or proposed multistory multi-family dwelling, the ADU may be up to 18 feet in height (again, by right), regardless of how close it is to transit.
- An attached ADU may now be up to 25 feet in height or as tall as the primary dwelling may be under the underlying zone, whichever is lower. A city may, however, still limit the ADU to two stories.

Staff recommends increasing the maximum height for a Standard detached ADU from 17 to 18 feet and for a Special detached ADU from 16 to 18 feet to be consistent with State law. Allowing an 18-foot height maximum for Standard and Special ADUs regardless of the ADU’s location to a major transit stop or high-quality transit corridor, or location on a lot developed with a multi-unit development, creates a uniform measure that is easier to implement and understand. Since a significant portion of the City is located within a half-mile of a major transit stop or high-quality transit corridor, staff recommends the height increase be applied city-wide.

Due to the State-mandated height increase from 16 feet to 18 feet, staff also recommends that newly constructed Special ADUs may not exceed two bedrooms and a maximum of one story. This recommendation is made to limit the density/intensity of ADUs in fire prone neighborhoods because when more people and cars need to evacuate in an emergency situation, often on narrow, winding roads, it makes evacuation more complex.

The proposed amendments to ADU building height are shown in Table 2 below. The changes from existing are shown as underlined text.

<b>Table 2: Amendments to ADU Building Height</b>	
<b>CURRENT HEIGHT</b>	<b>PROPOSED HEIGHT</b>
<b>Standard ADU</b>	<b>Standard ADU</b>
<p>The greater of:</p> <ul style="list-style-type: none"> <li>• Height of the primary residential unit; or</li> <li>• Number of stories of the primary residential unit; or</li> <li>• 17 feet; or</li> <li>• If ADU is over a garage –maximum height or number of stories allowed in the zone; or</li> <li>• With discretionary approval – maximum height or number of stories allowed in the zone</li> </ul>	<p>The greater of:</p> <ul style="list-style-type: none"> <li>• Height of the primary residential unit; or</li> <li>• Number of stories of the primary residential unit; or</li> <li>• <u>18 feet; with an additional two feet in height if necessary to match the roof pitch and height of the primary residential unit;</u> or</li> <li>• <u>25 feet for an attached unit;</u> or</li> <li>• If the ADU is over a garage –maximum height or number of stories allowed in the zone; or</li> <li>• With discretionary approval – maximum height or number of stories allowed in the zone</li> </ul>
<b>Special ADU</b>	<b>Special ADU</b>
<ul style="list-style-type: none"> <li>• 16 feet</li> </ul>	<ul style="list-style-type: none"> <li>• <u>18 feet; with an additional two feet in height if necessary to match the roof pitch and height of the primary residential unit; and maximum one-story</u></li> </ul>

#### **IV. ENVIRONMENTAL REVIEW**

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit law.

#### **V. NEXT STEPS**

Following Planning Commission discussion and recommendations, the draft ADU ordinances will be presented to the City Council Ordinance Committee, who will review the draft ordinances with consideration of the Planning Commission’s recommendations. The final draft ADU Ordinances will then be presented to City Council for introduction and adoption. After adoption,

staff will submit the ordinance to the State Department of Housing and Community Development for review within 60 days after adoption and process the LCP amendment per Coastal Act requirements.

Exhibits:

- A. Proposed Title 30 & Title 28 Clean-Up Items
- B. Proposed Title 30 & Title 28 State Requirements
- C. Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
- D. Proposed Amendments to SBMC Title 28 Related to Accessory Dwelling Units

## Summary of Accessory Dwelling Unit (ADU) Ordinance Amendments

### CLEAN-UP ITEMS

<b>High Fire</b> - Corrected terminology for High Fire Hazard Areas.	Throughout
<b>Parking Terminology</b> - Unified garage and parking terminology.	Throughout
<b>Rental Terms</b> - Clarifies that rental terms (30+ days) applies to both primary and accessory units	SBMC §30.185.040.D.4 / §28.86.035.D
<b>Coastal Discretionary Approval</b> - Removed reference to “ministerial approval” in the Coastal Zone because most ADUs require discretionary approval of a Coastal Development Permit per updated guidance from Coastal Commission.	Inland N/A / SBMC §28.86.080.A.3
<b>Residential Elements</b> - Deleted “fire-rated door” – not required on JADUs	SBMC §30.185.040.F.4 / §28.86.050.C
<b>Unit Configuration</b> - Designates the primary residential unit when there are multiple units or attached units	SBMC §30.185.040.C & K / §28.86.030.C.2 & §28.86.085
<b>High Fire Hazard Area Parking</b> - Simplified parking exemption for studio units – replaces the ambiguous statement “one per unit or bedroom, whichever is less”	SBMC §30.185.040.K.5 / Coastal Zone N/A
<b>Development Standards for Special ADUs</b> - Corrected error to allow both newly constructed <i>and converted</i> detached special ADUs to be combined with JADUs	SBMC §30.185.040.L.2.d / §28.86.090.B.4
<b>Change in Occupancy</b> - Clarifies Certificate of Occupancy/Final Inspection may not occur on ADU until after Certificate of Occupancy/Final Inspection for primary unit occurs	SBMC §30.185.040.M.4.b / §28.86.100.E.2



## Summary of Accessory Dwelling Unit (ADU) Ordinance Amendments

### STATE REQUIREMENTS

<b>Building Permit Required</b> - Building permit clarifications: ADU not considered a change in occupancy; City must provide written corrections when an ADU application is disapproved; limits the City from disapproving an ADU due to unrelated pre-existing violations.	SBMC §30.185.040.M.1 & 2 & 3 / §28.86.100.B & C & D
<b>Fire Sprinklers</b> - The construction of an ADU does not require fire sprinklers in the primary residential unit.	SBMC §30.185.040.F.4 / §28.86.050.D
<b>Maximum Height</b> - Building height maximum altered from 16 feet (special ADUs) and 17 feet (standard ADUs) to 18 feet.	SBMC §30.185.040.H.7 / §28.86.060.G and throughout. See Table 2 in staff report for clarification on height changes.
<b>Development Standards</b> - Revised the “state-exempt” ADU description to eliminate the 16-foot height maximum and allow front setback reductions.	SBMC §30.185.040.G.1.d & §30.185.040.L.6/ §28.86.055.A.4 & §28.86.090.F
<b>Objective Design Standards</b> - Clarified language regarding screening and design style to be objective.	SBMC §30.185.040.H.8 & 9/ §28.86.060.H & I
<b>Combined Permits</b> - Allows a demolition permit for a garage to be combined with a permit for a new ADU.	SBMC §30.185.040.M.4/ §28.86.100.E.1
<b>Posted Sign</b> - Eliminates a “posted sign” requirement for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.	SBMC §30.185.040.M.6/ §28.86.100.G.4

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING THE SANTA BARBARA  
MUNICIPAL CODE BY AMENDING SECTION 30.185.040,  
PERTAINING TO REGULATIONS FOR ACCESSORY  
DWELLING UNITS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Section 30.185.040 of Chapter 30.185 of Title 30 of the Santa  
Barbara Municipal Code is amended to read as follows:

**30.185.040 Accessory Dwelling Units.**

Accessory dwelling units and junior accessory dwelling units shall be located,  
developed, and occupied subject to the following provisions:

A. **Purpose.** The purpose of this Section is to:

1. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.
2. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California Government Code Section 65852.2 or 65852.22, as applicable.
3. Promote accessory dwelling units or junior accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's visual resources; promote long-term sustainability; and contribute to a desirable living environment.

B. **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:

1. **Accessory Dwelling Unit.** An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is

located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. The following categories of accessory dwelling units are subject to specific development standards:

a. *Special Accessory Dwelling Unit.* These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in subsection L, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.

b. *Standard Accessory Dwelling Unit.* These are typically larger accessory dwelling units with size, height, and setback standards generally described in subsection G, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. ***Efficiency Kitchen.*** A kitchen that includes at a minimum:

a. Appliances for cooking food and refrigeration, either built-in or countertop.

b. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.

c. A food preparation counter.

3. ***Existing Floor Area.*** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application

submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.

4. ***Junior Accessory Dwelling Unit.*** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.

5. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

6. ***Primary Residential Unit.*** The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one of the residential housing types described in Section 30.295.020.A (i.e., single-unit residential, two-unit residential, multi-unit residential) or mixed-use development.

7. ***Principal Place of Residence.*** The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one “principal place of residence,” and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner’s principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

C. **Where Permitted.**

1. **Accessory Dwelling Unit.** An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.

2. **Junior Accessory Dwelling Unit.** A junior accessory dwelling unit may be permitted in any zone that allows residential use and shall be located on a lot developed with an existing or proposed single residential unit.

3. **Prohibited Locations.** No standard accessory dwelling unit shall be permitted on a lot located within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) ~~(Extreme Foothill and Foothill), or as may be subsequently retitled in the future as the “Very High Fire Hazard Severity Zone,”~~ as defined in the City’s Community Wildfire Protection Plan adopted by City Council.

a. *Exception for Special Accessory Dwelling Units.* Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in subsection L. Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within any the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) ~~(Extreme Foothill and Foothill), or as may be subsequently retitled in the future as the “Very High Fire Hazard Severity Zone,” as defined in the City’s Community Wildfire Protection Plan adopted by City Council,~~ if the lot is zoned to allow for residential use and contains an existing or proposed primary residential unit.

**D. Unit Configuration.**

1. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit in the configuration set forth in subsections D.2 and 3, below. However, multiple accessory units may be permitted in accordance with all the configuration, standards, and special procedures outlined in subsection L, Development Standards for Special Accessory Dwelling Units.

2. An accessory dwelling unit may be permitted in the following configurations:

- a. Incorporated entirely within an existing or proposed primary residential unit;
  - b. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit;
  - c. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit; or
  - d. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
3. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

4. One primary residential unit shall be designated and maintained on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. In the case when multiple residential units are existing or proposed on a lot, there shall be only one primary residential unit. When an accessory dwelling unit is to be attached to a residential unit, the residential unit the accessory dwelling unit is attached to shall be the designated primary residential unit.

**E. Sale, Rental, and Occupancy Terms.** All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

1. ***Not to Be Sold Separately.*** An accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary residential unit.
2. ***Rental Terms.*** ~~The accessory dwelling unit or junior accessory dwelling unit may be rented separately from the primary residential unit; however, if rented,~~ rental terms for the primary residential unit, accessory dwelling unit, or junior accessory dwelling unit shall not be less than 31 consecutive days, nor shall rental terms

allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

3. **Owner Occupancy.** The following types of projects are subject to an owner occupancy requirement:

a. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

b. Any accessory dwelling unit located in an RS zone submitted on or after January 1, 2025, unless otherwise prohibited by State law, or upon repeal of Government Code Section 65852.2 (a)(~~6~~ 8)(B) removing the state-imposed prohibition of an owner occupancy requirement, whichever occurs first.

4. **Owner's Unit.** If owner occupancy is required, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit, as the property owner's principal place of residence ("owner's unit"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner's unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. If owner occupancy is required, ~~T~~he property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.

5. **Hardship Waiver.** If owner occupancy is required, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying one of the units as the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the

circumstances preventing the property owner from occupying the owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

6. ***Removal of Recorded Owner Occupancy Requirement.*** With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to ~~adoption of this ordinance~~ January 1, 2020, upon the request of the property owner. No other covenants required pursuant to this section, and contained in the agreement recorded against the property, shall be released.

F. **Required Features.** Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

1. ***Residential Elements.*** Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:

a. A kitchen, consisting of a sink, cooking appliance, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.

b. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.

c. A separate living room.

d. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.

2. ***Minimum Floor Area.*** Notwithstanding the dwelling unit minimum described in Section 30.140.150, Residential Unit, the minimum floor area for a newly constructed accessory dwelling unit is as follows:



- a. *Efficiency Unit:* 150 square feet.
- b. *Studio Unit:* 220 square feet.
- c. *All Other Units:* 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars, and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet and must meet the definition of an efficiency unit.

3. **Exterior Access.** Exterior access to the unit, that is independent from the primary residential unit, must be provided. An interior connection consisting of one ~~fire-rated~~ lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.

4. **Fire Sprinklers.** Fire sprinklers are required only if they are required for the primary residential unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary residential unit.

5. **Permanent Foundation.** Attached and detached units shall be constructed with an approved permanent foundation.

6. **Property Addresses.** Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.

7. **Public Sewer.** Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the code of the County of Santa Barbara California prior to issuance of a building permit.

8. **Water Meter.** Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.

9. **Passageway.** No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

**G. Development Standards for Standard Accessory Dwelling Units.**

1. **Development Standards Generally.** The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in subsection L, Development Standards for Special Accessory Dwelling Units.

a. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.

b. Except as otherwise specified in this subsection, projects developed in accordance with this section shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and the base zone in which the lot is located.

c. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.

d. ~~Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory dwelling unit may be constructed in compliance with all other development standards for standard accessory dwelling units. A maximum 800-square-foot attached or detached standard accessory dwelling unit with four-foot interior~~

setbacks may be constructed in compliance with all other development standards for standard accessory dwelling units, notwithstanding size based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setback, and minimum lot size.

2. **Maximum Floor Area.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

a. *Attached Accessory Dwelling Unit.* An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.

b. *Converted Accessory Dwelling Unit.* An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.

c. *Detached Accessory Dwelling Unit.* An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:

i. Lots up to 14,999 square feet and developed with one-bedroom or studio units: 850 square feet.

ii. Lots up to 14,999 square feet and developed with two or more-bedroom units: 1,000 square feet.

iii. Lots 15,000 square feet or larger: 1,200 square feet.

d. *Junior Accessory Dwelling Unit.* The maximum floor area of a junior accessory dwelling unit shall be 500 square feet.

3. **Building Separation.** The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.

4. **Open Yard.** No open yard areas are required for accessory dwelling units or junior accessory dwelling units. ~~The minimum area, dimensions, and location of the required open yard pursuant to Section 30.140.140.C, Open Yards, for the existing or proposed primary residential unit on lots developed with single-unit or two-unit residential, may be reduced as follows in order to construct a standard accessory dwelling unit pursuant to this subsection, or to construct an accessory dwelling unit proposed over a new or reconstructed maximum 500 square foot garage, provided all other open yard requirements are met: A new standard accessory dwelling unit may encroach into the open yard required pursuant to Section 30.140.140.C, Open Yards, for the existing or proposed primary residential unit on lots developed with single-unit or two-unit residential, provided all other open yard requirements are met, and the following minimum area and dimensions are provided:~~

a. *Minimum Area.*

- i. Lots less than 6,000 square feet: 500 square feet.
- ii. Lots 6,000 up to 7,999 square feet: 800 square feet.
- iii. Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.
- iv. Lots 10,000 square feet or greater: 1,250 square feet.

b. *Minimum Dimensions.* 15 feet long and 15 feet wide.

c. *Location in Driveways and Turnarounds.* Notwithstanding Section 30.140.140.E.6.a, Vehicle Areas, the required open yard may be located in driveways and turnarounds, but not parking areas, in order to allow the construction of a new accessory dwelling unit.

d. *Accessory Dwelling Unit Over A Detached Garage:* A standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage may also encroach into the required open yard as described above, provided that the area of the garage does not exceed a maximum of 500 square feet, plus up to 150 square feet may be allowed for other uses such as an enclosed stairway,

storage, workshop, or laundry area, which may be used for either unit. Garage and accessory areas shall comply with all other development standards, such as setbacks and maximum floor area, applicable to a detached accessory building for the housing type and the base zone in which the lot is located.

5. **Setbacks.** The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this subsection:

a. *New Construction.* Newly constructed accessory dwelling units shall comply with the following setback standards:

i. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by subsection H.8, Front Yard Location, below.

ii. Interior Setback: Four feet.

b. *Conversion.* No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Chapter 30.165, Nonconforming Structures, Site Development, and Uses.

c. *Substantial Redevelopment.* No setback is required when an existing main or accessory building is substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.

i. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.

d. *New Construction Combined with Replacement of a Nonconforming Garage.* The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:

i. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or

iii. The new garage is enlarged or altered in size only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access and Parking Design Standards, but located no closer to the property line as the existing garage; and

iii. The accessory dwelling unit is constructed above or attached to the reconstructed garage; and

iv. Any additions, which may include ~~the~~ accessory dwelling unit and or any additions to the garage for other structures or uses shall conform with current setbacks and other development standards of this Title;

v. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.

e. *Setback Encroachments.* Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for accessory dwelling units or junior accessory dwelling units.

H. **Architectural Review.** All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

1. ***Prohibition of Shiny Roofing and Siding.*** New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.

2. ***Roof Tile.*** Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.

3. **Skylights.** New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.

4. **Glass Guardrails.** New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.

5. **Garage Conversion.** If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows and doors, to match the existing exterior garage wall covering and detailing.

6. **Grading.** No more than 250 cubic yards of grading (i.e., cut and/or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.

7. **Height.** Building heights shall not exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone and are limited in accordance with Section 30.140.170, Solar Access Height Limitations. In addition, t~~he~~ construction of an accessory dwelling unit shall not exceed the following, whichever is greater:

- a. Height of the primary residential unit; or
- b. Number of stories of the primary residential unit; or
- c. 178 feet for a detached standard or special accessory dwelling unit; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; or
- d. 25 feet for an attached standard accessory dwelling unit; or
- e. Up to the maximum height allowed in the zone for a standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage, that meets all of the criteria in subsection 30.185.040.G.4.d, above.

~~This height limitation is not applicable to an accessory dwelling unit constructed above a garage, however, in no event shall the resulting building exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone.~~

8. **Front Yard Location.** The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:

a. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines or meet the minimum front setback for the zone in which the lot is located, whichever is greater.

b. Unless constructed entirely over an existing, new, or reconstructed detached garage that meets all of the criteria in subsection 30.185.040.G.4.d, above, the new unit shall be:

i. No more than one-story; and

ii. Less than 178 feet in height; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; and

iii. Screened ~~from the street~~ by topography, location, or landscape, ~~in a manner designed to blend into the surrounding architecture or landscape,~~ so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.

9. **Design Style.** New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details shall be constructed using the same architectural style, roof pitch, exterior building materials, colors, and finishes as the primary unit if the accessory dwelling unit meets any of the following:



- a. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
- b. Located in the Hillside Design District and 20% or greater average slope;
- c. Two or more stories tall, or 1~~7~~8 feet or taller in building height;
- d. Located on a site on which there is a historical resource as follows:
  - (1) Listed on the National Register of Historic Places or the California Register of Historic Resources;
  - (2) Designated as a City of Santa Barbara Landmark or Structure of Merit; or
  - (3) Located in a designated historic district.
- e. Located in the front yard.

10. ***Privacy Standards.*** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 1~~7~~8 feet or taller in building height, shall comply with the following:

- a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
- b. Upper story unenclosed landings, decks, and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings, or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck, or balcony.

c. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

11. **Exceptions.** Discretionary applications for design review may be requested in the following circumstances:

a. An applicant may propose an accessory dwelling unit that does not meet these design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.

b. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter ~~22.68, 22.69, or 28.86~~ 30.220 of this Code.

I. **Protection for Historic Resources.** No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource listed on the National Register of Historic Places or the California Register of Historical Resources, designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

J. **Parking Standards.** No automobile parking spaces are required for accessory dwelling units or junior accessory dwelling units. The required parking for the existing residential units on site may be reduced or replaced as follows to construct an accessory dwelling unit:

1. **No Replacement Parking Required.** When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in order to construct an accessory dwelling unit, those off-street parking spaces for the existing residential unit are not required to be replaced.

2. ***Optional Parking Standards.*** If optional new or replacement parking spaces are proposed for either the primary residential unit or the accessory dwelling unit, those spaces may be provided as covered, uncovered, in a mechanical lift, or in a tandem configuration pursuant to subsection J.2.f below. The new or replacement spaces shall meet all of the following:

a. Covered parking shall meet the development standards applicable to the primary residential unit within the zone in which the lot is located.

b. All parking spaces must meet the minimum dimensions and development standards consistent with the City Parking Access and Design Standards and Section 30.175.090, Parking Area Design and Development Standards.

c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with Section 30.140.230, Visibility at Driveways and Intersections.

d. New or ~~R~~replacement uncovered parking spaces may be allowed in a front or interior setback, provided all uncovered parking spaces are contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.

e. New uncovered parking spaces that are not ~~replacement parking spaces within an existing paved driveway~~, as described above, may be located in a new paved area three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line, if the paved parking area is parallel to the interior lot line.

f. Tandem parking configuration shall meet all the following:

i. No more than two automobiles shall be placed one behind the other.

ii. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit. ~~Tandem parking shall not create any traffic safety issues.~~

iii. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement, pursuant to Chapter 30.260, Recorded Agreements.

iv. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director. ~~Tandem parking shall not create traffic safety issues.~~

v. Tandem parking shall not create traffic safety issues as determined by the Public Works Director.

K. **High Fire Hazard Area Standards.** All accessory dwelling units or junior accessory dwelling units located in any High Fire Hazard Area including the Coastal, Coastal Interior, Foothill and Extreme Foothill Areas, as defined in the City's Community Wildfire Protection Plan or as may be subsequently retitled in the future as a ("High" or "Very High Fire Hazard Severity Zone") as defined in the Community Wildfire Protection Plan adopted by City Council, shall comply with the following standards as applicable to new construction or parking:

1. **No Tandem Parking.** No parking space shall be developed in a tandem configuration.

2. **High Fire Construction.** The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.

3. **No Variance or Modification.** No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.

4. **Defensible Space.** The site must meet defensible space requirements, pursuant to Chapter 8.04 of this Code, prior to occupancy and those requirements must be maintained.

5. **Parking.** No parking is required for studio units; One covered or uncovered automobile parking space per unit or bedroom, whichever is less is required

for all other accessory dwelling units, unless the unit is exempt from parking per one of the exceptions outlined below. Parking spaces shall meeting all of the same parking standards required for the primary residential unit as described in subsection J.2, Parking Standards, ~~shall be required for an accessory dwelling unit.~~

a. ***Parking Exceptions for Certain Accessory Dwelling Units.*** Automobile parking is not required for an accessory dwelling unit, in any of the following instances:

i. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station.

ii. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, Riviera Campus Historic District, and the El Encanto Hotel Historic District, constitute architecturally and historically significant historic districts within the City and any district hereafter created deemed to be architecturally and historically significant.

iii. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building.

iv. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.

v. When there is a “carshare vehicle” as defined in Chapter 10.73 of this Code, located within a walking distance of 500 feet of the accessory dwelling unit.

**L. Development Standards for Special Accessory Dwelling Units.**

1. ***Development Standards Generally.*** The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more

than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.

a. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the special accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.

b. Except as otherwise specified in this section, projects developed in accordance with this chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.

~~c. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. In the case when multiple residential units are existing on a lot, there shall be only one primary residential unit.~~

2. **Configuration – Single Unit Lots.** A lot developed with only one existing or proposed single-unit residence, may permit one of the following types of special accessory dwelling units:

a. *Converted Portion of Main Building.* Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or

b. *Converted Accessory Building.* Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus

one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or

c. *One Unit – New Construction.* One newly constructed accessory dwelling unit, detached from any other main or accessory building; or

d. *Two Units – Combination.* One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed or converted accessory dwelling unit, detached from any other main or accessory building.

3. ***Configuration – Two-Unit~~or~~, Multi-Unit, or Mixed-Use Lots.*** A lot developed with two or more existing or proposed residential units, or one or more existing or proposed residential units in a mixed-use development, may permit one of the following types of special accessory dwelling units:

a. *Converted Non-Livable Space.* ~~At least one~~ Up to two accessory dwelling units, ~~and or~~ up to 25% of the existing number of residential units on a lot, whichever is greater, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential or mixed-use structure, or detached accessory structure, that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, upper-floor commercial areas, attached or detached carports, or garages; or

b. *Two Units – New Construction.* No more than two newly constructed accessory dwelling units, detached from the main or accessory building.

c. *Two Unit – Combination.* One accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed non-livable floor area of a residential or mixed-use structure, or detached accessory structure; plus, one newly constructed accessory dwelling unit, detached from any other main or accessory building.

4. ***Maximum Floor Area.***

a. *Detached Accessory Dwelling Unit.* The maximum floor area of any detached, new construction, special accessory dwelling unit approved pursuant to this subsection is 800 square feet; and each unit shall have no more than two bedrooms.

b. *Converted Accessory Dwelling Unit.* An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this subsection, is not limited in size.

c. *Junior Accessory Dwelling Unit.* The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

5. ***Maximum Height – Detached Accessory Dwelling Unit.*** The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this subsection is ~~46 feet.~~ 18 feet and one story; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit.

6. ***Exempt from Other Size and Location Limitations.*** A special accessory dwelling unit or junior accessory dwelling unit ~~approved pursuant to~~ in compliance with this subsection is exempt from ~~any other size or location limitations~~ in this title; based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open yard, front setback, and minimum lot size.

~~7. ***Exempt from Open Yard.*** No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this subsection. Open yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this subsection.~~

M. **Building Permit Required.** All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of a building permit.

~~1. ***Combined Permits.*** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a~~



~~permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.~~

1. **Change in Occupancy.** The construction of an accessory dwelling unit shall not constitute a Group R occupancy change, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official finds that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. This clause does not apply when changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use.

2. **Review of Applications.** Applications ~~for a permit to create an accessory dwelling unit or junior accessory dwelling unit~~ shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this section. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by state law. ~~If the City disapproves an application for an accessory dwelling unit or junior accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.~~

3. **Pre-Existing Violations.** The City shall not disapprove an application to create an accessory dwelling unit or junior accessory dwelling unit solely due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are unrelated to the construction of the accessory dwelling unit or junior accessory dwelling unit. However, any approvals granted under this section shall not constitute authorization for continuation of the violation, or waiver of or estoppel against any future enforcement action.

4. **Combined Permits.** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction

on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit; except that:

a. Demolition permits for a detached garage that is to be replaced with an accessory dwelling unit may be reviewed with the application for the accessory dwelling unit and issued at the same time; and

b. A permit application for an accessory dwelling unit or junior accessory dwelling unit may be submitted at the same time as a permit application for a new primary residential unit; however, approval of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the primary residential unit has been approved and issued. A certificate of occupancy/final inspection for an accessory dwelling unit shall not be issued before a certificate of occupancy/final inspection is issued for the primary residential unit.

**25. Modifications and Minor Zoning Exceptions for Accessory Dwelling Units or Junior Accessory Dwelling Units.** An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this section may be granted a modification or minor zoning exception if all the required findings can be met, pursuant to the procedures outlined in Chapter 30.250, Modifications, or Chapter 30.245, Minor Zoning Exceptions.

**36. Posted Sign.** Within five calendar days after submitting an initial building permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. as follows: The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.

a. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn.

b. At the time of application submittal, the applicant shall sign an affidavit stating that the required sign will be posted per this subsection.

c. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.

d. The requirement for a posted sign does not apply to a project that only includes the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

N. **Recorded Agreement.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in subsection E of this section.

O. **Residential Density.** An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing General Plan designations and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING THE SANTA BARBARA  
MUNICIPAL CODE BY AMENDING CHAPTER 28.86,  
PERTAINING TO REGULATIONS FOR ACCESSORY  
DWELLING UNITS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Chapter 28.86 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

**28.86.010 Purpose.**

The purpose of this chapter is to:

- A. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.
- B. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California Government Code Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
- C. Promote accessory dwelling units or junior accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's coastal resources; promote long-term sustainability; and contribute to a desirable living environment.

**28.86.020 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

A. **ACCESSORY DWELLING UNIT.** An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. The following categories of accessory dwelling units are subject to specific development standards:

1. **Special Accessory Dwelling Unit.** These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in Section 28.86.090, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.
2. **Standard Accessory Dwelling Unit.** These are typically larger accessory dwelling units with size, height, and setback standards generally described in Section 28.86.055, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.
3. An accessory dwelling unit also includes the following:
  - a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
  - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. **CARSHARE VEHICLE.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.

C. **EFFICIENCY KITCHEN.** A kitchen that includes at a minimum:

1. Appliances for cooking food and refrigeration, either built-in or countertop.

2. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.

3. A food preparation counter.

D. **EXISTING FLOOR AREA.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.

E. **JUNIOR ACCESSORY DWELLING UNIT.** A unit that is no more than 500 square feet in size and contained entirely within the existing floor area of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.

F. **PASSAGEWAY.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

G. **PRIMARY RESIDENTIAL UNIT.** The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one unit in either a single residential unit, two-residential unit, multiple residential unit, or mixed use development (as those terms are defined in Section 28.04.020 of this title).

H. **PRINCIPAL PLACE OF RESIDENCE.** The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one "principal place of residence," and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner's principal place of residence as evidenced by qualifying for the homeowner's tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in

common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner's tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

**28.86.030 Where Permitted.**

A. ACCESSORY DWELLING UNIT. An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.

B. JUNIOR ACCESSORY DWELLING UNIT. A junior accessory dwelling unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit.

C. PROHIBITED LOCATIONS.

1. No accessory dwelling unit shall be permitted in a location that would conflict with the coastal resource protection policies of the City's Coastal Land Use Plan.

2. No accessory dwelling unit shall be permitted on a lot located within the Foothill or Extreme Foothill High Fire Hazard Area ~~(Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level (Very High~~ Fire Hazard Severity Zone) ~~mapping terminology~~ as defined in the City's Community Wildfire Protection Plan adopted by City Council.

a. Exception for Special Accessory Dwelling Units. Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within ~~any High Fire Hazard Area ( the Foothill and Extreme Foothill High Fire Hazard Areas) or as subsequently amended for consistency with state-level (Very High~~ Fire Hazard Severity Zone) ~~mapping terminology as defined in the City's Community Wildfire Protection Plan adopted by City Council,~~ if the lot is

zoned to allow for residential use and contains an existing or proposed primary residential unit.

**28.86.035 Unit Configuration.**

- A. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit, pursuant to this chapter. However, multiple accessory dwelling units may be permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.
- B. An accessory dwelling unit may be permitted in the following configurations:
1. Incorporated entirely within an existing or proposed primary residential unit.
  2. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit.
  3. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit.
  4. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
- C. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.
- D. One primary residential unit shall be designated and maintained on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. In the case when multiple residential units are existing or proposed on a lot, there shall be only one primary residential unit. When an accessory dwelling unit is to be attached to a residential unit, the residential unit the accessory dwelling unit is attached to shall be the designated primary residential unit.



**28.86.040 Sale, Rental, and Occupancy Terms.**

All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

A. NOT TO BE SOLD SEPARATELY. An accessory dwelling unit or junior accessory unit shall not be sold separately from the primary residential unit.

B. RENTAL TERMS. ~~The accessory dwelling unit or junior accessory dwelling unit may be rented; however, If rented,~~ rental terms for the primary residential unit, accessory dwelling unit, or junior accessory dwelling unit shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

C. OWNER OCCUPANCY. The following types of projects are subject to an owner occupancy requirement:

1. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

2. Any accessory dwelling unit located in a One-Family Residence Zone submitted on or after January 1, 2025, unless otherwise prohibited by state law, or upon repeal of Government Code Section 65852.2 (a)(~~6~~ 8)(B) removing the state-imposed prohibition of an owner occupancy requirement, whichever occurs first.

D. OWNER'S UNIT. If owner occupancy is required in accordance with subsection C, Owner Occupancy, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the property owner's principal place of residence ("owner's unit"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner's unit upon written notice to the Community Development Director and written approval of the re-designation by the

Community Development Director, which approval shall not be denied unreasonably. If owner occupancy is required, The property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.

E.    **HARDSHIP WAIVER.** If owner occupancy is required in accordance with subsection C, Owner Occupancy, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

F.    **REMOVAL OF RECORDED OWNER OCCUPANCY REQUIREMENT.** With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to ~~adoption of the ordinance codified in this chapter, January 1, 2020,~~ upon the request of the property owner. No other covenants required pursuant to this section, and contained in the agreement recorded against the property, shall be released.

#### **28.86.050 Required Features.**

Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

A.    **RESIDENTIAL ELEMENTS.** Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:

1. A kitchen, consisting of a sink, cooking appliances, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
2. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
3. A separate living room.
4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.

B. MINIMUM FLOOR AREA. Notwithstanding the dwelling unit minimum described in Section 28.87.150, Dwelling and Other Occupancies, the minimum floor area for a newly constructed accessory dwelling unit is as follows:

1. Efficiency Unit: 150 square feet.
2. Studio Unit: 220 square feet.
3. All Other Units: 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars, and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet and must meet the definition of an efficiency unit.

C. EXTERIOR ACCESS. Exterior access to the unit, that is independent from the primary residential unit, must be provided. An interior connection consisting of one ~~fire-rated~~ lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.

D. FIRE SPRINKLERS. Fire sprinklers are required only if they are required for the primary residential unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary residential unit.

E. PERMANENT FOUNDATION. Attached and detached units shall be constructed with an approved permanent foundation.

F. PROPERTY ADDRESSES. Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.

G. PUBLIC SEWER. Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.

H. WATER METER. Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150.E.

I. PASSAGEWAY. No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

**28.86.055 Development Standards for Standard Accessory Dwelling Units.**

A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.

1. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory

dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.

2. Except as otherwise specified in this section, projects developed in accordance with this chapter shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and base zone in which the lot is located.

3. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.

4. ~~Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory dwelling unit may be constructed in compliance with all other development standards for standard accessory dwelling units. A maximum 800-square-foot attached or detached standard accessory dwelling unit with four-foot interior setbacks may be constructed in compliance with all other development standards for standard accessory dwelling units, notwithstanding size based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setback, and minimum lot size.~~

B. **MAXIMUM FLOOR AREA.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

1. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.

2. **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size.

3. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to

another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:

- a. Lots up to 14,999 square feet:
    - i. One-bedroom or studio units: 850 square feet.
    - ii. Two or more-bedroom units: 1,000 square feet.
  - b. Lots 15,000 square feet or larger: 1,200 square feet.
4. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

C. RELATIONSHIP TO OTHER FLOOR AREA LIMITATIONS. The floor area of an accessory dwelling unit or junior accessory dwelling unit is included in any other floor area limitation in this title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.

- 1. Exception. The floor area of a detached accessory dwelling unit shall be excluded from the aggregate maximum floor area allowed for other detached accessory buildings, such as work or storage sheds, pursuant to Section 28.87.160 of this title.

D. BUILDING SEPARATION. The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.

E. OPEN YARD. No open yard areas are required for accessory dwelling units or junior accessory dwelling units. ~~The minimum area, dimensions, and location of the required open yard pursuant to Sections 28.15.060.C and 28.18.060.C of this title for the existing or proposed primary residential unit may be reduced to the area identified below in order to construct a standard accessory dwelling unit, or to construct an accessory dwelling unit proposed over a new or substantially redeveloped maximum 500 square foot garage or other conforming accessory structure, in the One-Family and Two-Family Residence Zones, provided all other open yard requirements are met: A new standard accessory dwelling unit may encroach into the required open yard,~~

pursuant to Sections 28.15.060.C and 28.18.060.C of this title, for the existing or proposed primary residential unit on lots developed with single-unit or two-unit residential, provided all other open yard requirements are met, and the following minimum area and dimensions are provided:

1. Minimum Area.
  - a. Lots less than 6,000 square feet: 500 square feet.
  - b. Lots 6,000 up to 7,999 square feet: 800 square feet.
  - c. Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.
  - d. Lots 10,000 square feet or greater: 1,250 square feet.
2. Minimum Dimensions. 15 feet long and 15 feet wide.
3. Location in Driveways and Turnarounds. Notwithstanding Section 28.15.060.C.1.c.ii Setback and Open Yard Requirements of this title, the required open yard may be located in driveways and turnarounds, but not required parking areas, in order to allow the construction of a new accessory dwelling unit.
4. Accessory Dwelling Unit Over A Detached Garage. A standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage may also encroach into the required open yard as described above, provided that the area of the garage does not exceed a maximum of 500 square feet, plus up to 150 square feet may be allowed for other uses such as an enclosed stairway, storage, workshop, or laundry area, which may be used for either unit. Garage and accessory areas shall comply with all other development standards, such as setbacks and maximum floor area, applicable to a detached accessory building for the housing type and the base zone in which the lot is located.

F. SETBACKS. The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this section:

1. New Construction. Newly constructed accessory dwelling units shall comply with the following setback standards:
  - a. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by Section 28.86.060.H, Front Yard Location, below.
  - b. Interior Setback: Four feet.
2. Converted. No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Section 28.87.030.D, Nonconforming Buildings of this title and the policies of the City's Coastal Land Use Plan.
3. Demolished and Converted. No setback is required when an existing main or accessory building is demolished or substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
  - a. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.
4. New Construction Combined with Replacement of a Nonconforming Garage. The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:
  - a. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
  - b. The new garage is enlarged or altered in size only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access and Parking Design



Standards, but located no closer to the property line as the existing garage;  
and

c. The accessory dwelling unit is constructed above or attached to the reconstructed garage; and

d. Any additions, which may include ~~The~~ the accessory dwelling unit ~~and or~~ any additions to the garage for other structures or uses, shall conform with current setbacks and other development standards of this Title; and

e. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.

5. Encroachments. Encroachments allowed pursuant to Section 28.87.062, Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments, may be permitted for accessory dwelling units or junior accessory dwelling units. However, no setback encroachment shall be located closer than three feet from any property line, except roof eaves, which may be located as close as two feet from any property line.

#### **28.86.060 Architectural Review.**

All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

A. PROHIBITION OF SHINY ROOFING AND SIDING. New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.

- B. ROOF TILE. Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.
- C. SKYLIGHTS. New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
- D. GLASS GUARDRAILS. New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.
- E. GARAGE CONVERSION. If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows or doors, to match the existing exterior garage wall covering and detailing.
- F. GRADING. No more than 250 cubic yards of grading (i.e., cut or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
- G. HEIGHT. Building heights shall not exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone and are limited in accordance with Section 30.140.170, Solar Access Height Limitations. In addition, the construction of an accessory dwelling unit shall not exceed the following, whichever is greater:
1. Height of the primary residential unit; or
  2. Number of stories of the primary residential unit; or
  3. 178 feet for a detached standard or special accessory dwelling unit; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; or
  4. 25 feet for an attached standard accessory dwelling unit; or

5. Up to the maximum height allowed in the zone for a standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage, that meets all of the criteria in subsection 28.86.055.E,4, above.

~~This height limitation is not applicable to an accessory dwelling unit constructed above a garage; however, in no event shall the resulting building exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone.~~

H. FRONT YARD LOCATION. The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:

1. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines, or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
2. Unless constructed entirely over a new or reconstructed detached garage that meets all of the criteria in subsection 28.86.055.E,4, above, the new unit shall be:
  - a. No more than one-story and less than 178 feet in height; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; and
  - b. Screened ~~from the street~~ by topography, location, or landscape, ~~in a manner designed to blend into the surrounding architecture or landscape~~, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.

I. DESIGN STYLE. New detached or attached accessory dwelling units ~~shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details~~ shall be constructed using the same architectural style, roof pitch, exterior building materials, colors, and finishes as the primary unit if the accessory dwelling unit meets any of the following:

1. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;

2. Located in the Hillside Design District and 20% or greater average slope;
3. Two or more stories tall, or 1~~7~~8 feet or taller in building height;
4. Located in the front yard.
5. Located on a site on which there is a historical resource as follows:
  - a. Listed on the National Register of Historic Places or the California Register of Historic Resources;
  - b. Designated as a City of Santa Barbara Landmark or Structure of Merit; or
  - c. Located in a designated historic district.

J. **PRIVACY STANDARDS.** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 1~~7~~8 feet or taller in building height, shall comply with the following:

1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
2. Upper story unenclosed landings, decks, and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings, or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck, or balcony.
3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

K. **EXCEPTIONS.** Discretionary applications for design review may be requested in the following circumstances:

1. An applicant may propose an accessory dwelling unit that does not meet these ministerial design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
2. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter ~~22.22, 22.68, or 22.69~~ 30.220 of this Code.

#### **28.86.070 Protection for Historic Resources.**

No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource that is listed on the National Register of Historic Places or the California Register of Historical Resources, designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

#### **28.86.080 Parking Standards.**

Consistent with the requirements of the City's Coastal Land Use Plan Policies, sufficient off-street parking must be provided for any new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Automobile parking, therefore, must be provided consistent with the Zoning Ordinance for lots developed with accessory dwelling units or junior accessory dwelling units located in the coastal zone, as follows:

- A. PRIMARY RESIDENTIAL UNIT. Automobile parking for the primary residential unit shall be provided in compliance with Chapter 28.90, except as provided below.

1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or junior accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the existing residential unit. ~~The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration. The replacement spaces shall meet all of the following:~~

2. Parking Standards. If optional new or replacement parking spaces are proposed for either the primary residential unit or the accessory dwelling unit, those spaces may be provided as covered, uncovered, in a mechanical lift, or in a tandem configuration. The new or replacement spaces shall meet all of the following:

- a. Covered parking shall meet the development standards applicable to a residential unit within the zone in which the lot is located.
- b. All parking spaces must meet the minimum dimensions and development standards consistent with the City of Santa Barbara Access and Parking Design Standards and Section 28.90.045.
- c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall not obstruct the sightlines required for the safe operation of motor vehicles, as determined by the Public Works Director.
- d. Required New or replacement uncovered parking spaces may be allowed in a front or interior setback, provided the uncovered parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.

e. New uncovered parking spaces that are not within an existing paved driveway, as described above, may be located in a new paved area three feet from any interior lot line, provided a minimum of three feet in width of planting

area is provided for the length of the paved parking area along the interior lot line, if the paved parking area is parallel to the interior lot line.

~~e. No more than two automobiles shall be placed one behind the other. Tandem parking shall not create any traffic safety issues.~~

f. Tandem parking configuration shall meet all the following:

i. No more than two automobiles shall be placed one behind the other.

~~f. ii.~~ Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.

iii. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.

~~g. iv.~~ Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.

v. Tandem parking shall not create traffic safety issues, as determined by the Public Works Director.

~~h. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.~~

~~2.3.~~ Nonconforming Conditions. If the accessory dwelling unit or junior accessory dwelling unit is developed in accordance with all the requirements of this chapter, ~~and is eligible for ministerial approval,~~ the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed, shall not apply if the new floor area consists solely of a new accessory dwelling unit.

B. JUNIOR ACCESSORY DWELLING UNITS. No automobile parking is required for junior accessory dwelling units, since they are not anticipated to increase parking demand generated by the development.

C. NO PARKING REQUIRED FOR CERTAIN ACCESSORY DWELLING UNITS. The following types of accessory dwelling units are not anticipated to increase parking demand generated by the development and therefore automobile parking is not required for the accessory dwelling unit if it meets all of the following criteria:

1. Outside Key Public Access Areas. The accessory dwelling unit is not located in a key public access parking area (West Beach, Lower State, and East Beach Component Areas) as delineated in Figure 3.1-2 of the Coastal Land Use Plan; and
2. On a Lot Developed with a Single Residential Unit. The accessory dwelling unit is located on a lot developed, or proposed to be developed with, only one single residential unit on the lot; and
3. Measures to Reduce Demand. The accessory dwelling unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
  - a. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station; or
  - b. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District constitutes an architecturally and historically significant historic district and any district hereafter created deemed to be architecturally and historically significant; or
  - c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or
  - d. When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or



e. When there is a carshare vehicle located within a walking distance of 500 feet of the accessory dwelling unit.

D. ALL OTHER UNITS. All other accessory dwelling units shall provide a minimum of one uncovered automobile parking space meeting all of the same parking standards required for the primary residential unit as described in subsection A, above.

~~E. OPTIONAL PARKING SPACES. If new parking spaces are proposed, but are not required, for either the primary residential unit or the accessory dwelling unit, those optional parking spaces shall comply with the development standards applicable to a residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.~~

#### **28.86.085 Fire Hazard Area Standards.**

All accessory dwelling units or junior accessory dwelling units located in any High Fire Hazard Area including the Coastal, Coastal Interior, Foothill and Extreme Foothill Areas, as defined in the City's Community Wildfire Protection Plan ~~or as may be subsequently retitled in the future as a ("High" or "Very High Fire Hazard Severity Zone") as defined in the Community Wildfire Protection Plan adopted by City Council~~, shall comply with the following standards as applicable to new construction or parking:

A. NO TANDEM PARKING. No parking space shall be developed in a tandem configuration.

B. HIGH FIRE CONSTRUCTION. The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.

C. NO VARIANCE OR MODIFICATIONS. No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.

D. DEFENSIBLE SPACE. The site must meet defensible space requirements, pursuant to Chapter 8.04 of this Code and the policies of the Coastal Land Use Plan, prior to occupancy and those requirements must be maintained.

**28.86.090 Development Standards for Special Accessory Dwelling Units.**

A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.

1. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.

2. Except as otherwise specified in this section, projects developed in accordance with this chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.

B. CONFIGURATION – SINGLE RESIDENTIAL UNIT LOTS. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of special accessory dwelling units:

1. Converted Portion of Main Building. Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or

2. Converted Accessory Building. Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
3. One Unit – New Construction. One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
4. Two Units – Combination. One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed or converted accessory dwelling unit, detached from any other main or accessory building.

C. CONFIGURATION – TWO-UNIT, MULTI-UNIT, OR MIXED-USE LOTS. A lot developed with two or more existing or proposed residential units, or one or more existing or proposed residential units in a mixed-use development, may permit one of the following types of special accessory dwelling units:

1. Converted Non-Livable Space. ~~At least one~~ Up to two accessory dwelling unit ~~s, and or~~ up to 25% of the existing number of residential units on a lot, whichever is greater, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential or mixed-use structure, or detached accessory structure, that is not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, upper-floor commercial areas, attached or detached carports, or garages; or
2. Two Units – New Construction. No more than two newly constructed accessory dwelling units, detached from any other main or accessory building.
3. Two Unit – Combination. One accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed non-livable floor area of a residential or mixed-use structure, or detached accessory structure; plus, one newly

constructed accessory dwelling unit, detached from any other main or accessory building.

**D. MAXIMUM FLOOR AREA.**

1. Detached Accessory Dwelling Unit. The maximum floor area of any detached, new construction, special accessory dwelling unit, approved pursuant to this section, is 800 square feet; and each unit shall have no more than two bedrooms.
2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this section, is not limited in size.
3. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

**E. MAXIMUM HEIGHT – DETACHED ACCESSORY DWELLING UNIT.** The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this section is 16 feet, 18 feet and one story; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit.

**F. EXEMPT FROM OTHER SIZE AND LOCATION LIMITATIONS.** A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to in compliance with this section is exempt from ~~any~~ other size or location limitations, based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open yard, front setback, and minimum lot size, including, but not limited to, the aggregate maximum floor area allowed for detached accessory buildings pursuant to Section 28.87.160 of this title, or the Maximum Net Floor Area (Floor to Lot Area Ratio) for One-Family Residence Zones per Section 28.15.083 of this title, or the provision in Section 28.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed.

~~**G. EXEMPT FROM OPEN YARD.** No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this section. Open~~

~~yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this section.~~

### **28.86.100 Permits and Processing.**

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of Coastal Development Permit and a building permit if required. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

~~A. **COMBINED PERMITS.** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.~~

~~B. **CHANGE IN OCCUPANCY.** The construction of an accessory dwelling unit shall not constitute a Group R occupancy change, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official finds that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. This clause does not apply when changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use.~~

~~C. **REVIEW OF APPLICATIONS.** Applications for a permit to create an accessory dwelling unit or junior accessory dwelling unit shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this section. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by state law. If the City disapproves an application for an accessory~~

dwelling unit or junior accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

D. PRE-EXISTING VIOLATIONS. The City shall not disapprove an application to create an accessory dwelling unit or junior accessory dwelling unit solely due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are unrelated to the construction of the accessory dwelling unit or junior accessory dwelling unit. However, any approvals granted under this section shall not constitute authorization for continuation of the violation, or waiver of or estoppel against any future enforcement action.

E. COMBINED PERMITS. An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit; except that:

1. Demolition permits for a detached garage that is to be replaced with an accessory dwelling unit may be reviewed with the application for the accessory dwelling unit and issued at the same time; and

2. A permit application for an accessory dwelling unit or junior accessory dwelling unit may be submitted at the same time as a permit application for a new primary residential unit; however, approval of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the primary residential unit has been approved and issued. A certificate of occupancy/final inspection for an accessory dwelling unit shall not be issued before a certificate of occupancy/final inspection is issued for the primary residential unit.

**BE.** MODIFICATIONS. An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this chapter may be granted a modification if all the required findings can be met, pursuant to the procedures outlined in Section 28.92.110, Modifications, of this title.

**CG.** POSTED SIGN. Within five calendar days after submitting an initial permit application to the City, the property owner shall install a public notice in the form of a

posted sign on the property in a manner deemed acceptable by the Community Development Director, ~~as follows: The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.~~

1. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn.
2. At the time of application submittal, the applicant shall sign an affidavit stating that the required sign will be posted per this subsection.
3. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.
4. The requirement for a posted sign does not apply to a project that only includes the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

~~DH.~~ **RECORDED AGREEMENT.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Section 28.86.040 of this chapter.

~~EL.~~ **RESIDENTIAL DENSITY.** An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.

