

Division II: Zone Regulations
 Part 1: Base Zones

Chapter 30.20 Residential Zones

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–” Use Not Allowed “(#)” Specific Limitations at the end of the table		
Use Classification	RS	R-2	R-M	R-MH	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	–	A	A	A	
Multi-Unit Residential	–	A(1)	A	A	
Special Residential Unit Types					
<u>Accessory Dwelling Unit</u>	A	A	–	–	§30.185.040, Accessory Dwelling Unit
Additional Residential Unit	PSP	–	–	–	§30.185.050, Additional Residential Unit

30.20.030.A Additional Residential Zone Development Regulations

A. Maximum Floor Area (Floor to Lot Area Ratio).

1. ***Floor Area, Precluded Development–RS Zones.*** No application for a Building Permit may be approved for a project in an RS Zone that will: (1) result in an increase of the floor area on the lot, (2) change the location of any floor area on the second or higher story of any structure on the lot, or (3) increase the height of any portion of a structure on the lot to 17 feet or higher if any of the following will occur:
 - a. The floor area will exceed the allowable maximum floor area for the lot, or
 - b. The floor area will exceed 85 percent of the allowable maximum floor area and any of the following apply:
 - i. The average slope of the lot or the building site is 30 percent or greater;
 - ii. The height of any structure on the lot is more than 25 feet; or
 - iii. The lot is located in the Hillside Design District and 500 or more cubic yards of grading is proposed to occur outside the footprint of the main or accessory buildings. Soil located within five feet of an exterior wall of a main or accessory building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint.

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2. **Measuring Floor Area Pursuant to this Section.** In determining floor area pursuant to this Section see Section 30.15.070, Measuring Floor Area, and the following:
- a. *Below Grade Excluded.* On any floor which is partly below and partly above grade, such as a basement, cellar, or understory, the total floor area of that floor may be excluded from the Floor to Lot Area Ratio (FAR) if no more than a cumulative total width of 12 feet per elevation has a distance from finished grade to ceiling greater than four feet.
 - b. *Partially Below Grade Reduced.* On any floor which is partly below and partly above grade, such as a basement, cellar or understory, the total floor area of that floor may be reduced by 50 percent from the Floor to Lot Area Ratio (FAR) if more than 12 feet, but less than one half the entire length of the perimeter has a distance from grade to ceiling greater than four feet.
 - c. *All Other Floor Area Included.* If more than one half the entire length of the perimeter of any floor has a distance from grade to ceiling greater than four feet, it is included in the Floor to Lot Area Ratio (FAR).
 - d. *Accessory Dwelling Unit ~~Excluded~~ Included.* Floor area within a portion of a structure designed and permitted as an Accessory Dwelling Unit is ~~not~~ included.

TABLE 30.20.030.B: DEVELOPMENT STANDARDS—TWO-UNIT AND MULTI-UNIT ZONES			
<i>Zone</i>	<i>R-2</i>	<i>R-M</i>	<i>R-MH</i>
Lot Size and Street Frontage			
Minimum Net Lot Area for Newly Created Lots (sq. ft.)			
<i>Average Slope less than 10%</i>	7,000	14,000	14,000
<i>Average Slope 10% to 20%</i>	10,500		
<i>Average Slope over 20% to 30%</i>	14,000		
<i>Average Slope over 30%</i>	21,000		
	60	60	60
Minimum Public Street Frontage (ft.)	See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines		
Maximum Base Residential Density			
Less than 5,000 sq. ft. Net Lot Area	1 unit	1 unit	
5,000 to 6,999 sq. ft. Net Lot Area	2 units if Average Slope less than 10%, 1 unit otherwise 1 unit	2 units	
7,000 and more sq. ft. Net Lot Area			
<i>Average Slope less than 10%</i>	1 unit/3,500 sq. ft. of net lot area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	

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TABLE 30.20.030.B: DEVELOPMENT STANDARDS–TWO-UNIT AND MULTI-UNIT ZONES			
Zone	R-2	R-M	R-MH
Average Slope 10% to 20%	1 unit/5,250 sq. ft. of net lot area		
Average Slope over 20% to 30%	1 unit/7,000 sq. ft. of net lot area		
Average Slope over 30%	1 unit/10,500 sq. ft. of net lot area		
Additional Residential Density Allowances			
All lots, in compliance with the applicable section	See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives		
<u>Lots with 5,000 sq. ft. or more Net Lot Area</u>	<u>1 unit plus 1 Accessory Dwelling Unit, See §30.185.040, Accessory Dwelling Unit</u>	N/A	

Chapter 30.25 Commercial and Office Zones

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table		
Use Classification	O-R	O-M	C-R	C-G	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	A	A	A	
Multi-Unit Residential	A	A	A	A	

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required		“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table	
Use Classification	M-C	M-I	Additional Regulations
Residential Uses			
Residential Housing Types			
Single-Unit Residential	A	–	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	–	
Multi-Unit Residential	A	–	

Chapter 30.35 Coastal-Oriented Zones

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES						
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required				“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table		
Use Classification	CO-HR	CO-HV	CO-H	CO-CAR	CO-MI	Additional Regulations
Residential Uses						
Residential Uses	–	A	–	A	–	§30.185.360, Residential Uses in the CO-HV and CO-CAR Zones §30.185.040, Accessory Dwelling Unit

Division III: Citywide Regulations

Chapter 30.140 General Site Regulations

30.140.020 Accessory Buildings

- A. **Applicability.** The provisions of this Section apply to all attached and detached covered parking, and all other detached accessory buildings and structures having a solid roof supported by columns or walls located on lots developed with Residential, Agriculture, Community Garden, or Market Garden uses. Attached accessory buildings consistent with Section 30.140.030, Building Attachment, are not subject to this Section, and are considered part of the main building subject to all of the standards and regulations of the main building.
- B. **Types of Accessory Buildings.** Accessory buildings may include, but are not limited to, nonlivable buildings used as garages, carports, workshops, barns, greenhouses, agricultural

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buildings, pens, stables, sheds, and storage rooms; and livable floor area such as detached Accessory Dwelling Units, bedrooms, playrooms, or guestrooms.

- C. **Residential Units in Accessory Buildings.** Unauthorized or unpermitted Residential Building Elements listed in Subsection 30.140.150.E Determination of Residential Unit shall not be installed in an accessory building without first obtaining all required City approvals and permits. Bathing facilities, or more than one sink, or a kitchen are prohibited unless approved as a residential unit, or pursuant to Subsection 30.140.020.D, Additional Residential Building Elements, below, and a Performance Standard Permit, Chapter 30.255.
- D. **Additional Residential Building Elements.** The additional residential building elements that may be considered for a Performance Standard Permit, are limited to those which in the determination of the Community Development Director would not result in separate residential occupancy. The Performance Standard Permit shall include a Recorded Agreement providing for the automatic expiration of limited term approvals, or rescission of the permit or approval, if the City determines there is evidence of separate residential occupancy.
- E. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related, with the exception of accessory buildings used for Agriculture, Community Garden, or Market Garden uses, pursuant to Section 30.185.070, Agriculture, and Section 30.185.130, Community and Market Gardens.
- F. **Setbacks.** Accessory buildings shall comply with the minimum setback requirements of the zone. Accessory buildings used for the care and keeping of animals shall be subject to the distance limitations in Title 6 of the Santa Barbara Municipal Code.
- G. **Maximum Height.** Accessory buildings shall not exceed two stories and 30 feet in height.
- H. **Front Yard Limitation.** Detached accessory buildings, except covered parking, are prohibited in a front yard.
- I. **Design Review Required.** Design review approval by the appropriate Design Review body pursuant to Title 22 of the Santa Barbara Municipal Code shall be required for new accessory buildings, and additions or exterior alterations to existing buildings for the following, with the exception of any floor area proposed for use as an Accessory Dwelling Unit approved under Section 30.185.040:
 - 1. Detached accessory buildings greater than 500 square feet, or
 - 2. Buildings, or portions of buildings, providing covered parking, resulting in three or more covered parking spaces on the lot.
- J. **Maximum Floor Area.** In all zones, on lots developed with a single residential unit, Agriculture pursuant to Section 30.185.070, or Community and Market Gardens pursuant to Section 30.185.130, the maximum floor area for attached or detached covered parking and other detached accessory buildings is as follows:
 - 1. **Maximum Total Square Footage Per Lot.**
 - a. *Lots less than 20,000 square feet:* 1,000 square feet
 - b. *Lots 20,000 square feet up to one acre:* 1,250 square feet
 - c. *Lots one acre up to three acres:* 1,500 square feet

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- d. *Lots three acres or larger:* 1,750 square feet
- 2. **Covered Parking.** Detached accessory buildings in excess of 500 square feet shall not be permitted unless the total amount of required covered parking is provided per Chapter 30.175, Parking Regulations.
- 3. **Maximum in a Single Building.** The maximum floor area in any single detached building shall not exceed 1,250 square feet.
- 4. **Maximum Livable Floor Area.** The maximum detached livable floor area per lot shall not exceed ~~500~~600 square feet.

30.140.150 Residential Unit

- A. **Applicability.** The standards of this Section apply to all Residential Use Classifications except the following:
 - 1. Group Residential.
 - 2. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices (See Section 30.185.140).
- B. **Minimum Size.** Each studio residential unit shall contain a minimum of 220 square feet of livable floor area and all other residential units shall contain a minimum of 400 square feet of livable floor area. Accessory buildings shall not be included in the minimum unit size.
 - 1. **Exception for Affordable Efficiency Units.** An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, with a minimum floor area of 150 square feet, may be permitted; provided that the efficiency unit is provided for occupancy by persons who qualify as either low-income or very low-income households, as defined in the City's Affordable Housing Policies and Procedures, at the time of their initial occupancy, or permitted as an studio Accessory Dwelling Unit, approved under Section 30.185.040, Accessory Dwelling Unit.
- C. **Required Features.** Each residential unit shall contain, at a minimum:
 - 1. A kitchen, consisting of a sink, range or built-in stove-top and oven, and refrigeration facilities a minimum of 6 cubic feet capacity and height of 55”.
 - 2. A separate bathroom consisting of a toilet, sink, and bathtub or shower.
 - 3. A separate living room.
 - 4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
 - 5. Exterior access to the unit, with no interior access between abutting residential units.

Chapter 30.185 Standards for Specific Uses and Activities

30.185.040 Accessory Dwelling Unit

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 small rental units, outside the multi-unit housing areas, 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 while continuing to limit residential density in High Fire Hazard Areas consistent with the General Plan.
2. Allow accessory dwelling units as an accessory use to single residential units, consistent with California Government Code Section 65852.2.
3. Promote accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, preserve the City’s visual resources, promote long-term sustainability, and contribute to a desirable living environment.
4. Ensure that accessory dwelling units are compatible with and sensitive to historic resources and historic districts.

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 single residential unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit is situated. 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. **Principal Place of Residence.** The place 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 is his or her principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar means.
3. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

C. **Allowed Zones.** Accessory dwelling units may be constructed within the RS or R-2 Zones.

D. **Minimum Lot Size.** The lot on which an accessory dwelling unit is constructed shall have no less than 5,000 square feet of lot area.

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- E. **Not Located in a High Fire Hazard Area.** No accessory dwelling unit shall be constructed on a lot located within a High Fire Hazard Area as defined in the City’s Wildland Fire Plan.
- F. **Located on a Lot Developed with a Single Residential Unit.** An accessory dwelling unit shall only be constructed on a lot that is developed with one single residential unit and related accessory buildings or constructed on the lot in conjunction with the construction of the single residential unit.
- G. **Prohibited on a Lot Developed with Additional Units.** Accessory dwelling units shall be prohibited on a lot with an Additional Residential Unit, approved under Section 30.185.050, Additional Residential Unit, or a Caretaker Unit, approved under Section 30.185.120, Caretaker Unit, or similar use.
- H. **Number of Units.** Only one accessory dwelling unit shall be constructed on a lot in addition to one single residential unit. For purposes of this Section, the single residential unit on a lot on which an accessory dwelling unit is constructed may be referred to as the primary residential unit.
- I. **Not to be Sold Separately.** An accessory dwelling unit shall not be sold separately from the primary residential unit, but may be rented for terms of not less than 31 consecutive calendar days.
- J. **Owner Occupied.** The property owner shall reside in and maintain either the Primary Dwelling Unit or the Accessory Dwelling Unit as the property owner’s principal place of residence (“Owner’s Unit”). Owner may re-designate the Primary Dwelling Unit or the 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. The property owner shall not rent or lease both the Primary Dwelling Unit and the Accessory Dwelling Unit simultaneously. Any simultaneous rental of the Primary Dwelling Unit and the Accessory Dwelling Unit shall constitute a violation of this ordinance.
- K. **Configuration.**
1. An accessory dwelling unit may be constructed in the following configurations:
 - a. Incorporated entirely within an existing primary residential unit or existing accessory building located on the same lot as the single residential unit;
 - b. Attached to or increasing the size of a primary residential unit or accessory building located on the same lot as the single residential unit; or
 - c. Detached from and located on the same lot as a 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.
 2. The accessory dwelling unit shall have exterior access that is independent from the primary residential unit.
 3. The accessory dwelling unit shall meet all of the standards for a residential unit, pursuant to Section 30.140.150, Residential Unit.

L. **Floor Area.**

1. An accessory dwelling unit that is configured as a studio, as defined in Section 30.300.190, Studio, shall contain a minimum of 150 square feet of livable floor area. All other accessory dwelling units shall contain a minimum of 400 square feet of livable floor area.
2. The maximum floor area of an accessory dwelling unit shall not exceed 600 square feet.
3. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of the primary residential unit, with a maximum floor area of 600 square feet.
4. The combined total net floor area of a detached accessory dwelling unit and any other detached accessory buildings on a lot shall not exceed the maximum total square footage allowed per lot for accessory buildings, pursuant to Section 30.140.020, Accessory Buildings.

M. **Setbacks for Structures.** Except for the special rules stated in this Subsection, the accessory dwelling unit shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.

1. *Special Rule for Garage Conversions.* No setback shall be required for an existing, legally permitted, garage or other accessory building that is converted to an accessory dwelling unit unless it is required to provide sufficient fire safety. However, no addition shall be constructed to the converted garage or accessory building that increases the encroachment into the setback.
2. *Special Rule for an Accessory Dwelling Unit Constructed Above a Garage.* When an accessory dwelling unit is constructed above a new or existing attached or detached garage, a setback of five feet from the interior lot lines shall be required for the accessory dwelling unit. The five foot setback applies only to the upper story portions of the accessory dwelling unit, and not to ground floor additions to the building.
3. *Setback Encroachments.* Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for accessory dwelling units.

N. **Nonconforming Structures.** Additions, alterations, or demolition and replacement of existing nonconforming structures converted to an accessory dwelling unit shall comply with Chapter 30.165.

O. **Building Height.** The construction of an accessory dwelling unit shall comply with the height limitations listed below. The height limitations in Chapter 30.140.180 for the protection and enhancement of solar access shall apply to the construction of an accessory dwelling unit.

1. *Incorporated Accessory Dwelling Unit.* There are no height or story limitations for accessory dwelling units that are incorporated entirely within an existing primary residential unit, or existing accessory building.
2. *Detached Accessory Dwelling Unit.* The construction of an accessory dwelling unit that is detached from the primary residential unit shall not exceed the height or number

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of stories of the primary residential unit, or a maximum of two stories and 25 feet in height, whichever is less, except as provided below.

- a. *Exception for Accessory Dwelling Unit Above a Detached Garage.* An accessory dwelling unit located above a new or existing detached garage may exceed the height or number of stories of the primary residential unit, provided that it is located outside the primary front yard and does not exceed two stories and 25 feet in height.
3. ***Attached Accessory Dwelling Unit.*** The construction of an accessory dwelling unit that is attached to or increasing the size of a primary residential unit shall not exceed the height or number of stories of the primary residential unit.
- P. **No Passageway Required.** No passageway is required in conjunction with the construction of an accessory dwelling unit.
- Q. **Permanent Foundation Required.** The accessory dwelling unit shall be constructed with an approved permanent foundation.
- R. **Front Yard.** An accessory dwelling unit that is detached from the primary residential unit shall not be located in the front yard. However, an existing legally permitted garage or other accessory building that is located in the front yard may be converted to an accessory dwelling unit, provided there is no increase in the size, height, volume, or floor area of the existing structure.
- S. **Open Yard.** An open yard conforming to Section 30.140.140.C, Open Yards for Single Unit Residential Development, shall be provided on the lot. An accessory dwelling unit may be constructed on a lot which is nonconforming to the open yard standards specified in Section 30.140.140.C as long as the nonconformance of the open yard is not increased by the construction of the accessory dwelling unit.
- T. **Automobile Parking.** Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with accessory dwelling units shall be provided as follows:
 1. ***Parking for the Primary Residential Unit.*** Automobile parking for the primary residential unit shall be provided in compliance with Chapter 30.175, Parking Regulations, except as provided below.
 - a. *Special Procedures for Conversion or Demolition of Existing Covered Parking to Accessory Dwelling Unit.* When a garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that were displaced shall comply with the same location requirements as the Accessory Dwelling Unit, pursuant to subsection 30.185.040.T.2.b, Location of Parking, and be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces may be covered, uncovered, in a tandem configuration, or in a mechanical lift.
 2. ***Parking for the Accessory Dwelling Unit.*** Automobile parking for the accessory dwelling unit shall be provided as follows:

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- a. Required Parking. One automobile parking space shall be provided for the accessory dwelling unit, unless the accessory dwelling unit has two or more bedrooms, in which case one automobile parking space shall be provided for each bedroom.
- b. Location of Parking.
 - i. Covered parking shall comply with the setback standards applicable within the zone in which the lot is located.
 - ii. Uncovered parking may be allowed in an interior setback, 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, and permeable paving material is used on any new paved areas as feasible. If existing site constraints prohibit the installation of a three foot planting area, the Community Development Director may reduce or waive this requirement.
 - iii. Uncovered parking in the front setback is prohibited.
 - iv. Uncovered parking in the front yard is prohibited unless it is hidden from public view with a fence, landscaping, or driveway gate. This requirement may be reduced or waived by the Community Development Director if the uncovered vehicle area is determined to be adequately screened pursuant to Section 30.15.120, Screening, including consideration of existing site constraints or to achieve a superior aesthetic or environmental design.
- c. 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, and the Lower Riviera Special Design 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.
- U. Utility Connection or Meter. Provision of utility connection or meter shall comply with Title 14, Section 14.08.150.

V. **Special Procedures for Accessory Dwelling Units Constructed Entirely Within Existing Structures.** Notwithstanding any other provision of this Section, the City shall ministerially approve an application for a building permit to create an accessory dwelling unit if all of the following requirements are satisfied:

1. The lot is located within an RS or R-2 Zone,
2. The construction will result in no more than one primary residential unit and one accessory dwelling unit on the lot,
3. The proposed accessory dwelling unit will be contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building on the same lot as the primary residential unit,
4. The proposed accessory dwelling unit meets all of the configuration standards provided in Section 30.185.040.K, Configuration,
5. When a garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that were displaced shall comply with the same location requirements as the Accessory Dwelling Unit, pursuant to subsection 30.185.040.T.2.b, Location of Parking, and be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces may be covered, uncovered, in a tandem configuration, or in a mechanical lift.
6. The interior setbacks of all structures on the lot are sufficient for fire safety, and
7. Accessory dwelling units constructed pursuant to this Subsection shall not be required to provide fire sprinklers if they are not required for the primary residential unit.

For purposes of this Subsection, in order to be considered an existing primary residential unit or an existing accessory building, the structure must be a legally permitted structure constructed on the site with a Final Inspection or Certificate of Occupancy as of January 1, 2017, and conforms to current zoning or is legal nonconforming as to current zoning.

W. **Architectural Review.** The construction of an accessory dwelling unit shall be subject to administrative architectural review. The Community Development Director will review the proposal to ensure that the design of the accessory dwelling unit is compatible with the surrounding neighborhood and consistent with the design and appearance of the existing structures on the lot, pursuant to the Single Family Design Board General Design Guidelines & Meeting Procedures regarding Administrative Staff Review Standards.

Discretionary design review is required for any exterior alterations to the site or primary residential unit that are not a part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, pursuant to Chapters 22.22, 22.68 or 22.69 of this Code.

X. **Protection for Historic Resources.** No accessory dwelling unit shall be constructed 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 Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic or landmark district. The Community Development Director shall make

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this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards.

- Y. **Recorded Agreement.** Before obtaining a building permit for an accessory dwelling unit, the property owner shall execute and record 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 and stating that:
1. The accessory dwelling unit shall not be sold separately from the primary residential unit.
 2. Either the primary residential unit or the accessory dwelling unit shall be owner occupied.
 3. The accessory dwelling unit shall be rented for terms of not less than 31 consecutive days.
- Z. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing General Plan and zoning designations for lots within the allowable residential zones. Any accessory dwelling unit constructed pursuant to this Section does not exceed the allowable density for the lot upon which the accessory dwelling unit is located.