



# City of Santa Barbara

## ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) COMMON QUESTIONS

### What is an Accessory Dwelling Unit?

An Accessory Dwelling Unit (ADU) is an attached or a detached residential unit which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit is situated.

### What is a Junior Accessory Dwelling Unit?

A Junior Accessory Dwelling Unit (JADU) is a residential unit that is no more than 500 square feet in size and contained entirely within the structure of an existing single residential unit. A JADU requires a separate entrance and an efficiency kitchen, and may include separate sanitation facilities, or may share sanitation facilities with the existing single residential unit.

### What regulations apply to my ADU or JADU project?

Effective January 1, 2017, State legislation pertaining to ADUs superseded many of the City's regulations for Secondary Dwelling Units (single unit residential zones) and Accessory Dwelling Units (two-unit residential zone). On May 15, 2018 (*effective date: June 14, 2018*), City Council amended Santa Barbara Municipal Code Section 30.185.040 to permit ADUs and JADUs, consistent with State law. Applicability of Section 30.185.040 within the Coastal Zone will follow certification of Title 30 by the California Coastal Commission.

- **ADU applications submitted after January 1, 2017 and before June 14, 2018:** Complete building permit applications may be processed in accordance with [California Government Code Section 65852.2](#).
- **ADU and JADU applications outside the Coastal Zone submitted on or after June 14, 2018:** Shall comply with Santa Barbara Municipal Code (SBMC) Section 30.185.040, available on the [City's website](#).
- **ADU applications in the Coastal Zone:** Will be processed in accordance with [California Government Code Section 65852.2](#) and shall comply with all requirements of the California Coastal Act and the City's Local Coastal Plan.
- **JADU applications in the Coastal Zone:** May not be permitted until California Coastal Commission certification of Santa Barbara Municipal Code Section 30.185.040.

### What is a “complete application”?

Each building permit application will be reviewed by staff from various City Divisions to determine whether it is complete. A complete application contains all of the required information (see ADU/JADU Submittal Requirements) necessary for project analysis and decision. If an application is incomplete, or if the project does not comply with applicable ordinances and codes, it will be considered disapproved. If your application is determined to be incomplete or disapproved you will receive a building permit *Corrections and Comments* letter with an “incomplete” or “halt” disposition status that contains instructions on how to resubmit the building permit application. If additional information is required, City staff will specify the additional information in writing.

### **How do I get started?**

Approval of a building permit is necessary to allow an ADU / JADU. An *Accessory Dwelling Unit or Junior Accessory Dwelling Unit Submittal and Informational Packet* is available on the [City's website](#). It contains a complete list of submittal requirements, sample plans and diagrams, and a checklist of the zoning regulations for a new ADU / JADU.

### **Is Design Review approval by the Single Family Design Board (SFDB) or Historic Landmarks Commission (HLC) required for my ADU / JADU?**

If your ADU / JADU is proposed pursuant to the City's Ordinance (SBMC §30.185.040), an ADU / JADU is subject to architectural design criteria, which shall be reviewed and acted on ministerially (i.e., without discretionary review or a hearing) by the Community Development Director. There is an *Architectural Review Questionnaire* located in the Submittal and Informational Packet to help determine whether your project complies with these requirements. If your proposed ADU is subject to State law (California Government Code Section 65852.2), there is no design review or architectural design criteria requirement.

### **Do I need to submit a separate application for review of the Architectural Design Criteria for my ADU / JADU?**

No. The administrative review occurs as part of the building permit plan review and does not require a separate submittal nor additional fees.

### **What if my ADU / JADU doesn't meet the Architectural Design Criteria?**

If an ADU / JADU does not meet the architectural design criteria, property owners have the option to submit an application to the Single Family Design Board or Historic Landmarks Commission, as appropriate, for approval of variations on the standards.

### **Is Design Review (SFDB / HLC) required for other improvements on the property?**

Design review by the SFDB or HLC is required for work unrelated to the ADU / JADU if that work requires design review pursuant to Chapters 22.22, 22.68, or 22.69 of the Municipal Code. If any work requires design review, submit a completed *Design Review Application* to the Planning Counter.

### **Are there any protections for historic resources?**

Yes. An ADU / JADU may not be permitted if it would cause a substantial adverse change in the significance of a historic 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 district (Brinkerhoff Avenue Landmark District, Riviera Campus Historic District, and El Encanto Hotel Historic District). All proposals for ADUs / JADUs on sites with historic resources shall be reviewed by Staff for compliance with appropriate Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings*.

### **Can I combine other construction on the same building permit for an ADU / JADU?**

No. Other than the abatement of related violations, or minor site work, an ADU / JADU permit application shall not be combined with other proposed construction unrelated to the ADU / JADU. The ADU / JADU cannot be added to an existing building permit or revision.

### **Can I propose a new ADU / JADU if a new primary residence is proposed, but not yet constructed?**

Yes. An ADU may be proposed on a lot where a primary residence is proposed, but not yet constructed; however, the primary residence must be on a separate permit and must be issued prior to the ADU permit. In the Residential Single Unit (RS) Zone, proof that one of the units is owner-occupied must be submitted prior to issuance of Final Certificate of Occupancy on the permit for the ADU. A JADU must be proposed within an existing residence and cannot be proposed at the same time as construction of a new residence.

### **When does the 120-day time period apply?**

In accordance with State law, an ADU / JADU building permit application will be approved or disapproved by the City within 120 days of receiving a complete application. The 120-day period only includes time that the City of Santa Barbara spends reviewing the submitted information. The “clock” stops when the City has completed its review and either plan corrections are available for pick up or the permit is “ready to issue”. The applicant’s time spent preparing plans or responding to plan corrections is not included in the overall 120-day time period.

### **What is a Recorded Covenant?**

Before obtaining a building permit for an ADU / JADU, the property owner is required to execute an agreement (deed restriction) which provides notice to future owners and enforces the limitations regarding the sale, rental, and owner occupancy (where applicable) of lots developed with an ADU / JADU. This agreement is recorded by the City.

### **When is Owner-Occupancy required and why?**

State law allows local agencies to require an applicant to be an owner occupant. On May 15, 2018, the City Council approved a Resolution adopting three different types of Recorded Covenants for ADUs / JADUs. Beginning on June 14, 2018, owner-occupancy shall be required as follows for all ADU and JADU projects, whether or not they are processed in accordance with State law or the City’s ADU ordinance (SBMC §30.185.040):

- **ADUs in Residential Single Unit (RS) Zones:** Either the primary residential unit or the ADU must be owner-occupied for as long as the ADU exists on the property.
- **ADUs in Zones Other than RS Zones:** No owner occupancy required.
- **JADUs in All Zones:** Either the primary residential unit or the JADU must be owner-occupied for as long as the JADU exists on the property.

**Why?** JADUs are required to be owner-occupied by State law due to the configuration (they share central systems, require no fire separation, etc.). The intent of the owner-occupancy requirement for ADUs is to protect neighborhood stability and to discourage speculation, absentee ownership, and provide some safeguard to nuisance behavior.

### **Who qualifies as an “Owner-Occupant”?**

Per SBMC §30.185.040.G, the property owner’s unit must be their “principal place of residence” which means the place where the owner actually lives for the greater part of time. There may be only one “principal place of residence”. An owner can establish their principal place of residence by qualifying for the homeowner’s tax exemption, or similar methods that demonstrate owner-occupancy. If multiple persons own the property, a person or persons representing at least 50 percent of the ownership interest in the property shall reside on the property.

**What if I want to live in the ADU after it's built? How do I prove I will be an owner-occupant?**

The owner will submit a letter stating their intent to occupy the ADU after it is constructed. Proof that one of the units is owner-occupied must be submitted prior to issuance of Final Certificate of Occupancy on the permit for the ADU.

**Can either the ADU /JADU or the Primary Unit be used as a short term rental?**

No. An ADU / JADU shall not be used as a short term (less than 30 days) rental / hotel. Rental terms 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. The primary unit also cannot be used as a short term rental since a hotel is a nonresidential use and an ADU / JADU may only be permitted on a lot developed with a single residential unit.

**Is an ADU / JADU allowed in the High Fire Hazard Areas?**

- An ADU processed in accordance with State law is allowed in High Fire Hazard Areas and there are no additional restrictions.
- An ADU / JADU processed in accordance with the City's ADU ordinance (SBMC §30.185.040) are allowed, or not allowed, as described below:
  - A JADU is permitted in any High Fire Hazard Area.
  - ADUs shall not be permitted on a lot located within the Extreme Foothill High Fire Hazard Area as defined in the City's Wildland Fire Plan.
  - ADUs shall not be permitted on a lot located within the Foothill High Fire Hazard Area as defined in the City's Wildland Fire Plan, unless certain requirements are met as described in the ordinance.

**Why is an ADU / JADU posting sign required to be placed on the property?**

City Council required an on-site sign to provide notice to interested parties and encourage communication between neighbors on ADU / JADU projects.

**Can interested parties view plans, comment, or appeal the project?**

All submittal information, including building permit plans, is subject to the Public Records Act and may be viewed or reproduced for the public. The request must be in writing and submitted to the Records and Archives Counter or via email to [CDRecords@SantaBarbaraCA.gov](mailto:CDRecords@SantaBarbaraCA.gov).

- The City has 10 days to respond to the request. All submittal information, including plans, may be viewed by appointment only.
- Copies of plan check corrections, and submittal paperwork (master applications, etc.) may be made for a fee.
- Copies of plans may be available only with property owner/architect permission. Processing and duplication fees shall apply.

State law mandates that ADUs and JADUs be reviewed ministerially. No public hearings are required; therefore, there is no opportunity for public comment.

Since ADU / JADU building permit applications are ministerial, there is no land use appeal process. Questions regarding appeals of building code items to the Building and Fire Code Board of Appeals should be directed to the Building and Safety Counter.