

## **DIRECTIONS FOR COMPLETING DECLARATION OF RESTRICTIONS**

1. You must complete the attached Declaration of Restrictions, Junior Accessory Dwelling Unit. You will need to obtain a legal description and attach it to the Declaration of Restrictions as **EXHIBIT A**. You may obtain copies of legal descriptions from the County of Santa Barbara Clerk-Recorder's Office for a fee. A real estate legal advisor or title company can tell you exactly what constitutes a legal description.
  - If you need to obtain a copy of a document that contains the legal description you are looking for, you may visit one of the County of Santa Barbara Clerk-Recorder's offices. Kiosks are available in the lobby for searching the records at no fee. If you request a copy of the document from the County of Santa Barbara Clerk-Recorder's Office, a fee will be due. Office locations, office hours, record searching, and copy fee information may be found at [www.sbcrecorder.com](http://www.sbcrecorder.com).
  - Please Note: The County of Santa Barbara Clerk-Recorder's staff does not perform record searches and is unable to assist with determining whether the legal description is accurate or appropriate for your needs. We suggest that you contact a real estate legal advisor or title company if you need assistance. Sign and submit a copy of the Declaration of Restrictions to the Building and Safety Division for review.
2. Have the signature(s) notarized. The notary will attach a certificate of acknowledgement indicating that the Declaration of Restrictions has been notarized in accordance with California Civil Code § 1189.
3. Submit or mail the completed document with the correct fee to record to one of the following County of Santa Barbara Clerk-Recorder's Offices:

### **Mailing address – standard mail (i.e., USPS)**

County of Santa Barbara Clerk-Recorder  
P.O. Box 159  
Santa Barbara, CA 93102

OR

### **Mailing address – courier service (e.g., UPS, FedEx, or USPS Express)**

County of Santa Barbara Clerk-Recorder  
1100 Anacapa Street, Hall of Records  
Santa Barbara, CA 93101

County of Santa Barbara Clerk-Recorder Office Locations:

### **Santa Barbara Office**

1100 Anacapa Street  
Santa Barbara, CA 93101

OR

**Santa Maria Office**

Betteravia Government Center  
511 E. Lakeside Parkway, Suite 115  
Santa Maria, CA 93455-1341

There is a fee for recording the document. For recording fee information, you may visit the County of Santa Barbara Clerk-Recorder's Office website at [www.sbrecorder.com](http://www.sbrecorder.com) or call 805-568-2250.

4. The County of Santa Barbara Clerk-Recorder's Office will return the original recorded document to Planning and Development. If the property owner needs a copy, please inform the clerk when recording the document, and they will make the copy at the time of recording, for an additional fee.
5. The County of Santa Barbara Clerk-Recorder's Office staff will issue a receipt for the recordation of your document if you submit the document in person. Presentation of that receipt to Planning and Development Department staff will be sufficient proof of recordation so that along with the submittal of the required number and types of plans, the permit may be issued.

The County of Santa Barbara Clerk-Recorder's Office staff will not issue a receipt for the recordation of your document if you mail it in. To provide sufficient proof of recordation of mailed-in documents to Planning and Development Department staff, you must print a copy of the recordation information from the Real Estate Records Index on [www.sbrecorder.com](http://www.sbrecorder.com).

6. All owners of the property must sign the Declaration of Restriction and all signatures must have names typed or printed legibly underneath the signature. If you are signing on behalf of an entity, you must type or print the name of the entity near your printed name and signature.

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

*Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101*

ATTN: \_\_\_\_\_

SPACE ABOVE FOR RECORDER'S USE ONLY

**DECLARATION OF RESTRICTIONS  
JUNIOR ACCESSORY DWELLING UNIT**  
Government Code § 65852.22(a)(3)

This Declaration of Restrictions for Junior Accessory Dwelling Unit, hereinafter called DECLARATION, is made with reference to the following facts:

A. I/We, \_\_\_\_\_  
\_\_\_\_\_

*(names of all property owners of record)*

hereinafter called OWNER(S), own Assessor's Parcel Number \_\_\_\_\_, more particularly described in Exhibit A, the attached legal description incorporated herein by reference, and located at \_\_\_\_\_, in the unincorporated area of Santa Barbara County, California, and hereinafter called the PROPERTY.

B. OWNER(S) submitted an application to the County of Santa Barbara, hereinafter called COUNTY, for Building Permit No. \_\_\_\_\_, for a Junior Accessory Dwelling Unit, hereinafter called JADU, within the single-family dwelling on the PROPERTY.

C. Government Code §§ 65852.2(e)(1)(A)(iv) and 65852.22(a)(3) require the recordation of a deed restriction, which shall run with the land, shall be filed with the COUNTY, and shall include the following:

1. The JADU shall not be sold separately from the sale of the single-family dwelling [Gov. Code § 65852.22(a)(3)(A)];

2. The JADU shall be no more than 500 gross square feet in size, as measured in gross square feet per California Building Code § 202 [Gov. Code § 65852.22(h)(1)];
3. Only one JADU shall be allowed per residential lot [Gov. Code § 65852.22(a)(1)];
4. The JADU shall be contained/constructed entirely within the walls of the single-family dwelling [Gov. Code § 65852.22(a)(4) and (h)(1)];
5. The JADU shall include either separate sanitation facilities or shared sanitation facilities with the single-family dwelling [Gov. Code § 65852.2(h)(1)];
6. The JADU shall include a separate entrance from the main entrance to the single-family dwelling [Gov. Code § 65852.22(a)(5)]; and
7. The JADU shall include an efficiency kitchen, which shall include (1) a cooking facility with appliances, and (2) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU [Gov. Code § 65852.22(a)(6)(A) and (B)].

D. OWNER(S) desire to enter into and record this DECLARATION on the PROPERTY to meet the requirements of Government Code §§ 65852.2 and 65852.22 for issuance of a permit and to give notice to successors in interests and others who may have interest in the PROPERTY of the restrictions on the JADU that run with the land and are binding on all successors.

E. As used in this DECLARATION the term OWNER(S) includes all heirs, assigns, future owner(s), and successors in interest to the PROPERTY.

Therefore, OWNER(S) hereby acknowledge(s), agree(s), and declare(s) as follows:

1. OWNER(S) shall abide by all the requirements and standards of the COUNTY for the JADU, as listed above, and as included in Government Code §§ 65852.2 and 65852.22, as they exist on the date of this DECLARATION.
2. OWNER(S) shall reside on the PROPERTY in either the remaining portion of the single-family dwelling or the JADU as required by Government Code §§ 65852.2(e)(1)(A)(iv) and 65852.22(a)(2) and Condition No. \_\_\_\_ of Building Permit No. \_\_\_\_\_.

3. The JADU shall not be used or permitted to be used in violation of Government Code §§ 65852.2 and 65852.22, and the conditions of Building Permit No. \_\_\_\_\_. OWNER(S) shall obtain permits and any necessary approvals from the COUNTY and other agencies having jurisdiction for subsequent conversions of and improvements to the JADU or single-family dwelling, including, but not limited to, alternation, modification, replacement, reconstruction, or relocation. Violations of such laws and/or conditions may be subject to criminal, civil, and/or administrative penalties and enforcement.
4. In the event that OWNER(S) no longer comply/complies with the requirements above, OWNER(S) shall discontinue the use of the JADU and remove or convert the JADU to a legal use.
5. The COUNTY is hereby designated as the beneficiary of this DECLARATION, and shall have the right, but not the obligation, to enforce the provisions herein. OWNER(S) shall pay all costs incurred to enforce these restrictions.
6. This DECLARATION shall be binding upon OWNER(S) and all heirs, assigns, future owner(s), and successors in interest to the PROPERTY, and shall run with the PROPERTY or any part thereof. If the PROPERTY is conveyed to any person or entity, the instrument that conveys title or any interest in or to the PROPERTY shall contain a restriction limiting the use of the JADU pursuant to this DECLARATION. If at any time these restrictions are determined by a court of competent jurisdiction not to constitute a covenant running with the land, it is OWNER(S) intent that these restrictions shall form an equitable servitude on the PROPERTY, bind OWNER(S) and successors in interest, and remain in effect during the existence of the JADU, including any alternation, modification, replacement, reconstruction, or relocation of the JADU.
7. No modification, release, or elimination of these restrictions shall be valid unless notice thereof is recorded in the Official Records of Santa Barbara County by the Director (or his/her designee) of the County of Santa Barbara Planning and Development Department.
8. It is the responsibility of OWNER(S) to ensure that the PROPERTY is used and maintained in accordance with this DECLARATION and Building Permit No. \_\_\_\_\_.

Executed at \_\_\_\_\_, California on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**OWNER(S):**

Signature\*:

Signature\*:

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Print name:

Print name:

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\* Signatures of OWNER(S) must be acknowledged by a notary public before recording.

**COUNTY OF SANTA BARBARA:**  
Planning and Development Department

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name, Title: \_\_\_\_\_

**CERTIFICATE OF ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California                    )  
County of Santa Barbara         )

On \_\_\_\_\_ before me, \_\_\_\_\_ [Name of Notary], a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

**Exhibit A**

**Legal Description**