

*****Template*****
For ADU Working Group Use

Draft Accessory Dwelling Unit Regulations

Updated: April 4, 2012

Sections:

Purpose.

Applicability

Application for Accessory Dwelling Unit Permits.

Accessory Dwelling Unit Permit

Accessory Dwelling Unit Amnesty Permit

Owner-occupancy compliance.

Purpose. The City of Sausalito finds and declares that residential accessory dwelling units are a valuable form of housing. Residential accessory dwelling units provide housing for family members, students, elderly, in-home health care providers, the disabled and others, at below market rental rates within existing neighborhoods. Homeowners who create residential accessory dwelling units benefit from added income and an increased sense of security.

It is the intent of the City to encourage residential accessory dwelling units and impose standards to enable homeowners to create residential accessory dwelling units that will not aggravate or create neighborhood problems. Additionally, it is the intent of the City to encourage the legalization of existing residential accessory dwelling units that were not built or established with proper permits.

The purpose of this Chapter is also to comply with Section 65852.2 of the California Government Code relating to residential accessory dwelling units.

Applicability. The provisions of this Section shall apply to single-family (R-1-20, R-1-8, R-1-6), two-family (R-2-5, R-2-2.5) and multifamily (R-3) Zoning Districts.

Applications for Accessory Dwelling Unit Permits.

- A. An Accessory Dwelling Unit permit is required to establish a new Accessory Dwelling Unit in a single-family, two-family or multiple family residential zoning district. Any application for an accessory dwelling unit that meets the location and development standards contained in this Section shall be approved ministerially without discretionary review or public hearing unless otherwise specified.
- B. An Amnesty Accessory Dwelling Unit permit is required to legalize an existing illegal Accessory Dwelling Unit in a single-family, two-family or multiple family residential zoning district. Any application for a accessory dwelling unit that meets the location and development standards contained in this Section shall be approved ministerially without discretionary review or public hearing unless otherwise specified.
- C. An application for an Accessory Dwelling Unit Permit or Amnesty Accessory Dwelling Unit Permit shall be made by the property owner and filed with the Community Development Department on a form prescribed by the Community Development Director. The City Council shall set the fees for an Accessory Dwelling Unit Permit application by resolution.

Accessory Dwelling Unit Permit.

A permit allowing a new Accessory Dwelling Unit shall be issued by the Community Development Director upon compliance with the following development standards or requirements:

- A. **Number of Accessory Dwelling Units Per Parcel.** *[No more than one Accessory Dwelling Unit shall exist on the parcel; or No more than one Accessory Dwelling Unit shall exist per primary unit on the parcel].*
- B. **Location.** The Accessory Dwelling Unit shall be located on the same lot or parcel as the principal residence maintained by the owner of record.
- C. **Access and Facilities.** All new attached or detached Accessory Dwelling Units shall have a separate entrance and contain a separate kitchen and bathroom facility.
- D. **Building Permits.** *[All new Accessory Dwelling Units must meet the California Building Code as currently adopted by the City].*
- E. **Building Coverage and Impervious Surfaces.** New construction of an attached or detached Accessory Dwelling Unit shall conform with the building coverage, impervious surfaces, and setback regulations applicable to the parcel upon which the unit is located. *[A Conditional Use Permit may be requested to exceed the building coverage and impervious surface regulations by a specified amount subject to specific findings TBD].*
- F. **Setbacks.** New construction of an attached or detached Accessory Dwelling Unit shall conform with the setback regulations applicable to the parcel upon which the unit is located.
- G. **Floor Area.** Up to 500 square feet of a new attached or detached Accessory Dwelling Unit shall be exempted from the floor area ratio calculation. Any additional square footage beyond 500 square feet shall be counted as floor area. New construction of an attached or detached Accessory Dwelling Unit shall conform with the floor area regulations applicable to the parcel upon which the unit is located.
- H. **Public Services.** The property owner applying for an Accessory Dwelling Unit Permit shall have paid all sewer connection fees to the Sausalito-Marín City Sanitary District and water connection fees to the Marin Municipal Water District.
- I. **Unit Size and Number of Bedrooms.**
 - 1. **Interior Conversions.** The maximum floor area for an interior conversion Accessory Dwelling Unit shall be no less than 500 square feet and no greater than 40 percent of the primary unit up to a 1,000 square foot maximum. There shall be no more than two bedrooms in the Accessory Dwelling Unit.
 - 2. **Attached Units.** The maximum floor area for an attached Accessory Dwelling Unit shall be no less than 500 square feet and no greater than 30 percent of the primary unit up to a 700 square foot maximum. There shall be no more than one bedroom in the Accessory Dwelling Unit. A Conditional Use Permit may be requested to exceed the unit size limitations up to 40 percent of the primary unit up to a maximum of 1,000 square feet.

3. Detached Units. The maximum floor area for a detached Accessory Dwelling Unit shall be no less than 500 square feet and no greater than 30 percent of the primary unit up to a 700 square foot maximum. There shall be no more than one bedroom in the Accessory Dwelling Unit. A Conditional Use Permit may be requested to exceed the unit size limitations up to 40 percent of the primary unit up to a maximum of 1,000 square feet.

J. Height. [TBD]

K. Design. [TBD]

L. **Off-Street Parking.** The design and location of off-street parking for the Accessory Dwelling Unit shall be provided in compliance with Section 10.40.120. Additionally, the following regulations apply:

1. Accessory Dwelling Units 700 square feet or less. One off-street parking space shall be provided for the Accessory Dwelling Unit **[in addition to the off-street parking spaces required for the primary unit(s)]**.
2. Accessory Dwelling Units greater than 700 square feet. Two off-street parking spaces shall be provided for the Accessory Dwelling Unit **[in addition to the off-street parking spaces required for the primary unit(s)]**. [Add finding as required by § 65852.2 (e) to require more than 1 parking space].
3. Exceptions to Parking Requirements
 - a. If it can be demonstrated that it is not feasible to accommodate an unobstructed 19-foot by 20-foot parking space on the parcel, tandem will be allowed without a Conditional Use Permit subject to the following conditions: **[the tandem space must not be located on a shared driveway, it must be provided safely, it cannot be in the public right of way]**
 - b. If it can be demonstrated that it is not feasible to accommodate a parking space on the parcel, the applicant may submit a parking study that shows the availability of on-street parking. If it is demonstrated that there is adequate on-street parking, the parking requirement may be relieved without a Variance, subject to the following conditions: **[the main unit(s) must meet all current parking requirements]**
 - c. **[Uncovered]** off-street parking for Accessory Dwelling Units may be located in required yard areas regardless of structure height.

M. **Owner-occupancy compliance.** **[The property owner shall maintain either the residence or the accessory dwelling unit as a primary residence. In order to assure compliance with the owner occupancy requirements, the property owner, at the request of the City, shall verify under penalty of perjury that the holder of the Accessory Dwelling Unit Permit owns and occupies one of the units on the property as their principal place of residence.]**

Definitions.

Kitchen, kitchen facilities. Any appliances or other facilities for the preparation or preservation of food, including but not limited to gas or electric ranges, ovens or stovetops, microwave ovens, sinks and adjacent counters (located in rooms other than a bathroom or laundry room), refrigerators of more than five cubic feet capacity, or freezers. Does not include wet bars or other small counter/sink arrangements unless they are part of a room that is accessed from the outside. Also does not include specialized home canning/preserving facilities.

Accessory Dwelling Unit. A permanent dwelling that is accessory to a primary dwelling on a site. An accessory dwelling may be either a detached or attached dwelling unit that 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 or parcels as the primary dwelling.

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