

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

Draft Accessory Dwelling Unit Amnesty Permit
Updated: April 18, 2012

Sections:

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Purpose. The Accessory Dwelling Unit Amnesty Permit process is intended to encourage the legalization of existing accessory dwelling units that were not built or established with proper permits. The purpose of this effort is to:

- 1. Ensure that existing accessory dwelling units are safe and habitable;
- 2. Assist in meeting the City's housing needs by increasing the stock of legal and affordable housing; and
- 3. Encourage the development and permitting of accessory dwelling units by reducing accessory dwelling unit permit fees for the duration of the Accessory Dwelling Unit Amnesty Program.

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. A permit legalizing an existing unpermitted Accessory Dwelling Unit shall be issued by the Community Development Department upon compliance with the following development standards or requirements:

- A. Eligibility. In order to grant an Accessory Dwelling Unit Amnesty Permit, an existing non-permitted accessory dwelling unit shall comply with the following standards.
 - 1. Review Procedure. Accessory Dwelling Unit Amnesty Permits shall be reviewed ministerially by the Community Development Director.
 - 2. Documentation. The existing residential second unit proposed for legalization was constructed or established prior to [***date when the Housing Element was adopted***]. Acceptable means of documenting compliance with this standard include, but are not limited to, the following:
 - a. County Assessor's records;
 - b. Rental contracts and/or receipts;
 - c. Income tax records;
 - d. Utility bills; and/or
 - e. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.
 - 3. Location. No more than one accessory dwelling unit per parcel shall be permitted under the provisions of this program.

- 1 4. Size. **[The unit shall provide a minimum of [xx] square feet of floor**
- 2 **area and shall not exceed a maximum of xx] square feet of floor**
- 3 **area.]**
- 4
- 5 5. Owner Restriction. **[The property owner shall maintain either the**
- 6 **residence or the residential accessory dwelling unit as a primary**
- 7 **residence.]**
- 8

9 C. Development Standards. **[TBD]**

- 10 1. Parking. **[Parking shall not be required for the Accessory Dwelling**
- 11 **Unit Amnesty Permit]**
- 12

13 D. Inspection. Satisfactory completion of an Accessory Dwelling Unit Housing

14 Inspection by a Building Division Inspector shall be required. The existing second

15 unit shall comply with the **[California Building Code]** including the following

16 minimum standards:

- 17 1. The unit shall have independent heating controls.
- 18 2. The unit shall have adequate light and ventilation.
- 19 3. The unit shall have kitchen amenities including a sink, refrigerator, and
- 20 stove.
- 21 4. The unit shall have at least one bathroom with a sink, tub or shower, and
- 22 toilet.
- 23 5. If building or electrical work is necessary to bring the unit into compliance,
- 24 a Building Permit will be required.
- 25 6. Fire **[sprinklersxx]**
- 26

27 E. Fees.

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29 **Sunset Provision. [TBD]** The Amnesty period will be in effect until to **[datex]**, before which

30 time owner/applicants of existing residential second units created on or before **[date]**, may

31 submit a completed Accessory Dwelling Unit Amnesty Permit application to legalize their units.

32 Permits issued after **[datex]** will adhere to the provisions of this Amnesty Program only if

33 complete applications are received prior to **[datex]**.

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