



MEMORANDUM

CITY OF SAUSALITO

TO: ADU Working Group

FROM: Lilly Schinsing, Associate Planner

DATE: June 18, 2012

SUBJECT: Topics for Discussion—June 18, 2012

Regulations for Amnesty ADUs

- 1- Affordability Restriction.** In order to receive amnesty, existing units greater than 700 square feet would be required to be deed restricted to maintain affordability.

Staff recommendation:

- Deed restriction of 15 years for low income

Alternatives:

- a. Sliding Scale (property owner chooses an option)

Period of Restriction	Affordability
20 years	Moderate
15 years	Low
10 years	Very Low

- b. Split Scale

- Years 1-7, restricted to low income
- Years 8-15, restricted to moderate income

- 2- Nonconformity Provisions.**

Staff recommendation:

Upon final issuance of an Accessory Dwelling Unit Amnesty Permit obtained through the processes established by this Ordinance, the amnesty dwelling unit shall be deemed a legal nonconforming structure which shall be subject to Chapter 10.62 of the Zoning Ordinance (Nonconformity Use and Structures).

- 3- Sunset Provision and Extension of Amnesty Period.**

Staff recommendation:

The Amnesty period will be in effect until to June 1, 2014, before which time owner/applicants of existing accessory dwelling units created on or before **[date of ordinance]**, may submit a completed Accessory Dwelling Unit Amnesty

Permit application to legalize their units. The Amnesty Program will apply to permits issued after June 1, 2014 only if complete applications are received prior to June 1, 2014. The City Council may, at its discretion, extend the Sunset Provision by resolution through [date]. Code enforcement may be pursued by the City after expiration of amnesty period.

4- Floor Area Ratio.

Staff recommendation.

If an Accessory Dwelling Unit is granted amnesty, its floor area shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. Up to 500 square feet of an amnesty 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 for future development of the property.

Other Issues for Amnesty ADUs- not to be Incorporated into the Regulations

1- Health and Safety Codes.

Staff recommendation:

Amnesty units must meet minimum code requirements identified in California Residential Code R304 (Minimum room area / minimum dimension), R305 (Minimum ceiling height) and R306 (minimum sanitation requirement -- toilet facilities, kitchen, sewage disposal, water supply) - *To be incorporated separately by local ordinance*

2- Fire Codes.

In order to receive amnesty, existing units must meet the following:

- Comply with street addressing requirements consistent with the California Fire Code
- Comply with Fire Department accessibility/egress consistent with the California Fire Code
- Provide Carbon Monoxide/Dioxide detectors in compliance with the California Fire Code
- Provide a sprinkler system if the unit is attached and other portions of the main residence are sprinklered (if the unit is detached or the main residence does not have a sprinkler system, then the existing unit will not be required to be sprinklered)- *To be incorporated separately by local Ordinance*

3- Penalty Fees.

Staff recommendation.

The following penalty fees will be waived during the amnesty period:

- Any retroactive business licensing fees
- Any retroactive planning fees
- Any retroactive building permit fees

If the existing unit is not legalized or removed during the amnesty period the City may begin code enforcement action against the property owner after the conclusion of the amnesty period to either bring the illegal unit into conformance with the Accessory Dwelling Unit regulations or remove the illegal unit. In such cases, the illegal unit may be subject to the applicable penalty fees.

4- Planning Permit Fees.

Staff recommendation.

During the amnesty period the Accessory Dwelling Unit fee shall be reduced by 50% - *Fee to be set by City Council Resolution*

5- Building Permit Fees.

Staff recommendation.

A set fee for plan check and an Accessory Dwelling Unit Housing Inspection by a Building Division Inspector shall be established by the City Council. Any work needed to bring the unit up to required standards would be subject to the building permit at 50% of the building permit fee - *Fees to be set by City Council Resolution*