

1 **TRACK CHANGES SHOWN**  
2 **\*\*\*Working Draft\*\*\***  
3 **For ADU Working Group Use**

4  
5 **Chapter 10.XX Accessory Dwelling Unit Regulations**  
6 Updated: July 30, 2012  
7

8 **Sections:**

- 9 .010 Definitions  
10 .020 Purpose.  
11 .030 Applicability  
12 .040 Application Process  
13 .050 Accessory Dwelling Unit Permit  
14 .060 Amnesty Accessory Dwelling Unit Permit  
15

16 **.010 Definitions.**

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18 **Accessory Dwelling Unit.** An Accessory Dwelling Unit is a permanent dwelling that is  
19 accessory to a primary dwelling on a site. An accessory dwelling may be either a  
20 detached or attached dwelling unit that provides complete, independent living facilities  
21 for one or more persons. It shall include permanent provisions for living, sleeping, eating,  
22 cooking, and sanitation on the same parcel or parcels as the primary dwelling.  
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24 **Detached Accessory Dwelling Unit:** A Detached Accessory Dwelling Unit is a new or  
25 existing accessory dwelling unit which occupies a new or existing structure.  
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27 **Attached Accessory Dwelling Unit:** An Attached Accessory Dwelling Unit is a new or  
28 existing accessory dwelling unit that occupies part of the floor area of the existing  
29 primary residence or is attached to the primary residence by one or more common walls.  
30

31 **Interior Conversion Accessory Dwelling Unit:** An Interior Conversion Accessory  
32 Dwelling Unit is a new or existing accessory dwelling unit which has been created by  
33 converting existing primary unit living space into an accessory dwelling unit. This type of  
34 conversion involves no exterior modifications other than the creation of new windows  
35 and/or doors.  
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37 **Affordable Rent:** The amount of monthly rent, including a reasonable utility allowance,  
38 that does not exceed the maximum allowable rent to be charged by property owner and  
39 paid by Very Low Income Households, or Lower Income Households, or Moderate  
40 Income Households, as the case may be, occupying the Accessory Dwelling Unit as  
41 determined pursuant to Section 50053 of the California Health & Safety Code.  
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43 **Very Low Income Household:** A household whose gross annual income does not  
44 exceed fifty percent (50%) of the Marin County median income adjusted for family size  
45 as set forth from time to time by regulation of the California Department of Housing and  
46 Community Development, pursuant to California Health & Safety Code Section 50105.  
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48 **Low Income Household:** A household whose gross annual income does not exceed  
49 eighty percent (80%) of the Marin County median income adjusted for family size as set  
50 forth from time to time by regulation of the California Department of Housing and  
51 Community Development, pursuant to California Health & Safety Code Section 50093.

**Moderate Income Household:** A household whose gross annual income does not exceed one hundred twenty percent (120%) of the Marin County median income adjusted for family size as set forth from time to time by regulation of the California Department of Housing and Community Development, pursuant to California Health & Safety Code Section 50093.

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

It is the intent of the City to encourage accessory dwelling units and impose standards to enable homeowners to create 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 accessory dwelling units that were not built or established with proper permits and ensure that existing accessory dwelling units are safe and habitable.

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

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

**.040 Application Process.**

- 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 Chapter 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 an accessory dwelling unit that meets the location and development standards contained in this Chapter shall be approved ministerially without discretionary review or public hearing unless otherwise specified during the amnesty period effective through March 31, 2014 pursuant to xx.060.D.
- 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 establish by resolution the respective application fees for Accessory Dwelling Unit Permit and Amnesty Accessory Dwelling Unit Permit.

**.050 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:

**Comment [LS1]:** The Working Group decided to limit the areas where ADUs would be allowed to residentially-zoned properties in the R1, R2 and R3 Zoning Districts. No mixed-use properties (CN-1, CC, or CR) or Planned Residential properties (i.e., the Anchorage or Whiskey Springs) would be included.

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**A. Number of Accessory Dwelling Units per Parcel.** No more than one Accessory Dwelling Unit shall be located on ~~the a~~ parcel.

**B. Access and Facilities.** A new ~~attached or detached~~ Accessory Dwelling Unit shall have a separate entrance. An entrance leading to a foyer with entrances leading from the foyer to the main dwelling unit(s) and the accessory dwelling unit is permitted.

**C. Facilities.** ~~and A new~~ Accessory Dwelling Unit shall contain a separate kitchen and bathroom facility.

**D. Building Permits.** A new Accessory Dwelling Unit ~~must shall comply with~~ meet the California Building Code, including local amendments 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 and impervious surfaces regulations applicable to the parcel upon which the unit is located. At its discretion, the Planning Commission may grant exceptions to building coverage and impervious surfaces regulations with approval of a Conditional Use Permit.

1. Exception to Building Coverage. With the approval of a Conditional Use Permit, the Planning Commission may grant an exception to the allowable building coverage permitted on a parcel to permit an accessory dwelling unit, provided the exception does not allow the total building coverage on the parcel to exceed five (5) percent of the maximum allowable building coverage on the parcel.
2. Exception to Impervious Surface. With the approval of a Conditional Use Permit the Planning Commission may grant an exception to the allowable impervious surfaces permitted on a parcel to permit an accessory dwelling unit, provided the exception does not allow the total impervious surfaces on the parcel to exceed five (5) percent of the maximum allowable impervious surfaces on the parcel.
3. The Planning Commission may grant one or both of the an exceptions enumerated above if the Planning Commission makes the following findings:
  - a) The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.
  - b) The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the exception without adversely affecting the views, privacy, or access to light and air of neighboring properties.
  - c) Any modifications to site drainage shall be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off-site.

**Comment [LS2]:** The Working Group wanted to keep the impact on neighborhoods to a minimum and only allow one ADU per parcel.

**Comment [LS3]:** The Working Group decided that the new ADU would not be exempt from demonstrating compliance with the building coverage/impervious surface limits.

Two Working Group members support a process whereby a property owner could request relief from building coverage/impervious surfaces with a Conditional Use Permit application heard by the Planning Commission. Specific findings for the approval of a building coverage/impervious surface exception were crafted to ensure that there would not be an adverse impact on the neighborhood. One Working Group member does not support an exception to the building coverage/impervious surfaces regulations due to the already built-out nature of Sausalito.

1 | **F. Setbacks.** ~~A new construction of an attached or detached Accessory Dwelling Unit~~  
2 | shall conform with the setback regulations applicable to the parcel upon which the  
3 | unit is located. At its discretion, the Planning Commission may grant exceptions to  
4 | side yard setback regulations with a Conditional Use Permit.

- 5 | 1. Exception to Side Yard Setbacks. With the approval of a Conditional Use  
6 | Permit, the Planning Commission may grant an exception to the required  
7 | side yard setback permitted on a lot or parcel to permit an accessory  
8 | dwelling unit, provided that at all times a minimum setback of three feet  
9 | (3') is maintained.
- 10 | 2. The Planning Commission may grant an exception enumerated above if  
11 | the Planning Commission makes the following findings:
  - 12 | a) The exception will not create a significant adverse impact on any  
13 | adjacent property, the surrounding neighborhood, or the general  
14 | public good.
  - 15 | b) The lot and the arrangement of existing and proposed physical  
16 | improvements on the lot can accommodate the exception without  
17 | adversely affecting the views, privacy, or access to light and air of  
18 | neighboring properties.
  - 19 | c) Any new mechanical pumps or equipment shall not create noise  
20 | that is audible off site.

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23 | **G. Floor Area.** Up to 500 square feet of a new attached or detached Accessory  
24 | Dwelling Unit shall be exempted from the floor area ratio calculation. Any additional  
25 | Accessory Dwelling Unit floor area above 500 square feet shall be counted as floor  
26 | area. New construction of an attached or detached Accessory Dwelling Unit shall  
27 | conform with the floor area regulations applicable to the parcel upon which the unit is  
28 | located.

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30 | **H. Public Services.** The property owner applying for an Accessory Dwelling Unit Permit  
31 | shall have paid all sewer connection fees to the Sausalito-Marín City Sanitary District  
32 | and water connection fees to the Marin Municipal Water District.

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34 | **I. Unit Size and Number of Bedrooms.** A new Accessory Dwelling Unit shall comply  
35 | with the following maximum unit sizes and number of allowed bedrooms:

- 36 | 1- Interior Conversions. The maximum floor area for an interior conversion  
37 | Accessory Dwelling Unit shall be no less than 300 square feet and no  
38 | greater than forty percent (40%) of the primary unit up to a 1,000 square  
39 | foot maximum. There shall be no more than two bedrooms in the  
40 | Accessory Dwelling Unit.
- 41 | 2- Attached Units. The maximum floor area for an attached Accessory  
42 | Dwelling Unit shall be no less than 300 square feet and no greater than  
43 | thirty percent (30%) of the primary unit up to a 700 square foot maximum.  
44 | There shall be no more than one bedroom in the Accessory Dwelling Unit.  
45 | A Conditional Use Permit may be requested for two bedrooms and/or to  
46 | exceed the unit size limitations up to forty percent (40%) of the primary  
47 | unit up to a maximum of 1,000 square feet.
- 48 | 3- Detached Units. The maximum floor area for a detached Accessory  
49 | Dwelling Unit shall be no less than 300 square feet and no greater than  
50 | thirty percent (30%) of the primary unit up to a 700 square foot maximum.

**Comment [LS4]:** The Working Group decided that the new ADU should not be exempt from demonstrating compliance with setback limitations. They support a process whereby a property owner could request relief from setbacks with a Conditional Use Permit application heard by the Planning Commission as long as a minimum of 3 feet was provided. Specific findings for the approval of a setback exception were crafted to ensure that there would not be an adverse impact on the neighborhood.

**Comment [LS5]:** As an incentive to create ADUs, the Working Group decided that the new ADU could be exempt from counting towards Floor Area up to 500 square feet. Any amount above 500 square feet would count as floor area.

**Comment [LS6]:** The Marin Municipal Water District has indicated that the connection fees could cost between \$2,300-\$10,000 and the meter installation could cost between \$0-\$4,400

The Sausalito Marin City Sanitary District has indicated that the sewer connection fee could be \$6,130

**Comment [LS7]:** Since the size of the unit is a factor in limiting the rent charged, in order to ensure a greater number of affordable units and limit neighborhood impact the Working Group decided to limit both the size of the ADU and the number of bedrooms

There shall be no more than one bedroom in the Accessory Dwelling Unit. A Conditional Use Permit may be requested for two bedrooms and/or to exceed the unit size limitations up to forty percent (40%) of the primary unit up to a maximum of 1,000 square feet.

**J. Height.**

- 1. Attached Units. The height of an attached Accessory Dwelling Unit shall comply with the requirements of Chapter 10.40 regarding the height applicable to the main building.
- 2. Detached Units. The height of a detached Accessory Dwelling Unit shall be no greater than fifteen (15) feet as measured from the average natural grade. At its discretion, the Planning Commission may grant approval of a new Accessory Dwelling Unit which exceeds the fifteen (15) foot height limit with approval of a Conditional Use Permit. The Planning Commission may grant a height exception enumerated above if the Planning Commission makes the following findings:
  - a. The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.
  - b. The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the exception without obstructing views or adversely affecting the views, privacy, or access to light and air of neighboring properties.

**Comment [LS8]:** The Working Group decided to limit the ADU in general to the existing height regulations. Attached ADUs would be required to follow the height restriction for the main unit. Detached ADUs would be required to maintain the height restriction for detached accessory structures, unless limited by a slope greater than 10 degrees

**K. Design.** A new Accessory Dwelling Unit shall have a roof slope, window arrangement, siding materials, colors and architectural style compatible with the primary residence. At its discretion, the Planning Commission may grant exceptions to design regulations with a Conditional Use Permit. The Planning Commission may consider applications for Conditional Use Permits for a Detached Accessory Dwelling Unit which has an architectural style, exterior materials and colors a roof slope, window arrangement, siding materials, colors and architectural style which differs from the primary residence

**Comment [LS9]:** In order to maintain design consistency with the main unit and the neighborhood the Working Group decided to require that the ADU match the design of the main residence.

**L. Views.** A new Accessory Dwelling Unit should be designed to not impair views from neighboring properties. At its discretion, the Planning Commission may grant approval of a new Accessory Dwelling Unit which impairs views from neighboring properties with approval of a Conditional Use Permit.

**Comment [LS10]:** The Working Group decided to not allow any view obstructions by a new ADU from neighboring properties. The applicant will be required to install story poles and there will be two city notices sent to properties within 300 feet to determine view obstruction. If there is a view obstruction (as determined by staff) the ADU will be required to be reviewed by the Planning Commission.

- 1. View Impairment Determination. A "view" is defined by Chapter 10.88 of the Zoning Ordinance. In order to determine if a view is are impaired, story poles for the Accessory Dwelling Unit shall be erected. Following receipt of the application, staff shall mail a 40-day "pre-notice" to property owners and /residents within 300 feet informing them of the proposed Accessory Dwelling Unit regarding the opportunity to provide project and inviting comments related to view obstruction. Following installation of the story poles, staff shall mail a second 40-day notice to property owners and /residents within 300 feet of the proposed Accessory Dwelling Unit. The second notice shall provide for a 10-day comment period for comments related to view obstruction. The notices shall contain a statement indicating that if no comments are received on the project by the conclusion of the comment period last day of the notice then staff will may determine that there are no view impairments. If there are

view concerns staff will visit the site and make a view determination as specified by the Zoning Ordinance. If ~~staff determines a view is determined to be potentially impaired,~~ the applicant must apply for and obtain approval of ~~may request a Conditional Use Permit by for the view impairment from the Planning Commission for approval of the project.~~

- 2. ~~Conditional Use Permit Findings for View Impairment. The Planning Commission may grant approval of a new Accessory Dwelling Unit which impairs views from neighboring properties with approval of a Conditional Use Permit may grant an exception enumerated above if the Planning Commission makes the following finding: "The proposed project has been located and designed to minimize obstruction of views from surrounding properties, and with particular care has been taken to protect primary views."~~

**M. Privacy.** A new attached or detached Accessory Dwelling Unit shall be designed so that its exterior windows, decks and doors do not overlook directly the exterior living areas or interior living areas of adjoining properties. This privacy standard is waived for an interior conversion Accessory Dwelling Unit which does not involve new windows, decks, doors, or similar exterior features.

**N. 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.
  - a. If it can be demonstrated that it is not feasible to accommodate an unobstructed 49-foot by 20-foot parking space on the parcel, tandem will be allowed without a Conditional Use Permit subject to the following conditions:
    - i. The tandem space shall not be located on a shared driveway.
    - ii. The design of the tandem space shall be reviewed by the City Engineer in order to verify that it is provided safely.
    - iii. No portion of the tandem space shall be located 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 during daytime and nighttime hours. If it is demonstrated that there is adequate on-street parking, the parking requirement may be relieved without a Variance, subject to the condition that the main unit(s) must meet all current parking requirements.
  - c. Any off-street parking for Accessory Dwelling Units may be located in required yard areas regardless of structure height.

- 2. Accessory Dwelling Units greater than 700 square feet. Two off-street parking spaces shall be provided for the Accessory Dwelling Unit.

- ~~4-a. Relief from one off-street parking space for a total requirement of one off-street parking space, may be granted if the Accessory Dwelling Unit is deed restricted as an Affordable Rent Unit.~~

**Comment [LS11]:** Pursuant to Government Code § 65852.2 (e), the City Council has made the finding that the two parking space requirement for an Accessory Dwelling Unit that exceeds 700 square feet is directly related to the use of the Accessory Dwelling Unit and is consistent with existing neighborhood standards. The City has a severe shortage of street parking due to the topography of Sausalito which results in many narrow and winding streets. This parking shortage led to the existing off-street parking requirement of 2 spaces per dwelling regardless of floor area for a single-family residence. As Accessory dwelling units with over 700 square feet generally have more than one adult occupying the unit, two parking spaces are needed for these units.

**Comment [LS12]:** The Working Group decided that in order to maintain affordability of the ADUs any unit over 700 square feet should be deed restricted to ensure that the unit is affordable. The City Attorney has opined that as the affordability covenant is an exaction, the deed restriction (2) should be optional and (2) the City should provide something to the applicant in exchange for consenting to a deed restriction

i. Prior to deed restriction as an Affordable Rent Unit, the property owner shall select the level of affordability and associated period of deed restriction:

<u>Period of Restriction</u>	<u>Affordability</u>
<u>10 years</u>	<u>Very Low – Affordable Rent</u>
<u>15 years</u>	<u>Low – Affordable Rent</u>
<u>20 years</u>	<u>Moderate – Affordable Rent</u>

ii. If the Accessory Dwelling Unit is removed or converted pursuant to Section xx.050.P the deed restriction shall be rescinded.

b. If it can be demonstrated that it is not feasible to accommodate an unobstructed 9-foot by 20-foot parking space on the parcel, tandem will be allowed without a Conditional Use Permit subject to the following conditions:

i. The tandem space shall not be located on a shared driveway.

ii. The design of the tandem space shall be reviewed by the City Engineer in order to verify that it is provided safely.

iii. No portion of the tandem space shall be located in the public right of way.

c. 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 during daytime and nighttime hours. If it is demonstrated that there is adequate on-street parking, the parking requirement may be relieved without a Variance, subject to the condition that the main unit(s) must meet all applicable parking requirements.

d. Any off-street parking for Accessory Dwelling Units may be located in required yard areas regardless of structure height.

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**O. Owner-occupancy compliance.** The owner of the property shall occupy either the primary unit or accessory dwelling unit as their primary residence. An owner may be absent from the primary or accessory dwelling unit for up to twelve (12) consecutive months during any twenty-four (24) month period.

**Comment [LS13]:** After reviewing other Marin County jurisdiction's regulations, the Working Group decided to require that the property owner live in either the main or accessory unit. The likelihood of the property being properly maintained is greater if the property owner lives on site.

**P. Effect of Conversion.** For any new Accessory Dwelling Unit, elimination of any of the required access and/or facilities elements (i.e., the separate entrance, kitchen, bathroom facilities), or non-compliance with any required deed restriction shall require the property owner to do both of the following:

1. Demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance; and

2. Re-credit any Floor Area waiver previously received on floor area for the Accessory Dwelling Unit back to the parcel. If this causes the parcel to exceed the maximum Floor Area Ratio allowed on the parcel the property owner shall obtain the approvals necessary to come into demonstrate compliance with the Floor Area Ratio allowances.

Q. Fees. Fees as established by City Council resolution shall be paid.

**.060 Amnesty Accessory Dwelling Unit Permit.**

A permit allowing an Amnesty Accessory Dwelling Unit shall be issued by the Community Development Director upon compliance with the following development standards or requirements during the amnesty period effective through March 31, 2014 pursuant to subsection D:

**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. **Documentation.** The existing Accessory Dwelling Unit proposed for legalization was constructed or established prior to January 1, 2012 by providing two forms of evidence. 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;
  - e. Contractor’s bills; and/or
  - f. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.

2. Fees. Fees as established by City Council resolution shall be paid.

3. Number of Accessory Dwelling Units per Parcel. No more than one Accessory Dwelling Unit shall be located on the parcel.

4. Access. An amnesty Accessory Dwelling Units shall have a separate entrance. An entrance leading to a foyer with entrances leading from the foyer to the main dwelling unit(s) and the accessory dwelling unit is permitted.

2. Facilities. An amnesty Accessory Dwelling Units shall contain a separate kitchen and bathroom facility.

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3.6. Owner Restriction. The owner of the property shall occupy either the primary unit or accessory dwelling unit as their primary residence. An owner may be absent from the primary or accessory dwelling unit for up to twelve (12) consecutive months during any twenty-four (24) month period.

4.7. Development Standards.

- a. **Parking.** Parking for the amnesty Accessory Dwelling Unit shall not be required.
- b. **Floor Area Ratio.** The floor area of the amnesty Accessory Dwelling Units shall be documented by the Community

**Comment [LS14]:** The Working Group wanted to keep the impact on neighborhoods to a minimum and only allow one ADU per parcel.

**Comment [LS15]:** After reviewing other Marin County jurisdiction’s regulations, the Working Group decided to require that the property owner live in either the main or accessory unit. The likelihood of the property being property maintained is greater if the property owner lives on site.

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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

- c. Building Coverage. The building coverage of the amnesty Accessory Dwelling Units shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. The building coverage of the amnesty Accessory Dwelling Unit shall be counted for future development of the property.
- d. Impervious Surface. The impervious surfaces of the amnesty Accessory Dwelling Units shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. The impervious surfaces of the amnesty Accessory Dwelling Unit shall be counted for future development of the property.
- e. Setbacks. The setbacks of the amnesty Accessory Dwelling Units shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty.

**B. Non-conformity Provisions.** Upon final issuance of an Accessory Dwelling Unit Amnesty Permit obtained through the processes established by this Ordinance, if the amnesty dwelling unit violates any provisions of the Zoning Ordinance it shall be deemed a legal nonconforming structure which shall be subject to Zoning Ordinance Chapter 10.62 (Nonconformity Use and Structures).

**C. Effect of Conversion.** For any amnesty Accessory Dwelling Unit, elimination of any of the required access and facilities elements (i.e., the separate entrance, kitchen, bathroom facilities), or non-compliance with any required deed restriction shall require the property owner to do both of the following:

- 1. Demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance (taking into account any pre-existing legal non-conformities); and
- 2. Re-credit any Floor Area waiver previously received on floor area for the Accessory Dwelling Unit back to the parcel. If this causes the parcel to exceed the maximum Floor Area Ratio allowed on the parcel the property owner shall obtain the approvals necessary to come into compliance with the Floor Area Ratio allowances.

**D. Sunset Provision.** The amnesty period will be in effect through March 31, 2014, before which time the owner of an existing accessory dwelling unit created prior to January 1, 2012 may submit a completed Amnesty Accessory Dwelling Unit Permit application to legalize the unit. The amnesty provisions only apply to complete applications received through March 31, 2014. The City Council may by resolution extend the conclusion of the amnesty period. An accessory dwelling unit created prior to January 1, 2012 is subject to code enforcement actions after expiration of amnesty period.

**Comment [LS16]:** The Working Group supports the inclusion of a clause which would require the property owner to relinquish any benefits received from the amnesty ADU (such as waivers of development standards) if the property owner does not comply with the deed restriction or if the unit is converted into living space for the main unit

**Comment [LS17]:** The amnesty period would end at the conclusion of the current RHNA cycle. The Working Group supports a clause which would allow the amnesty provisions to be extended by Council resolution.