

1 ***Working Draft***

2 For ADU Working Group Use

3
4 **Chapter 10.XX Accessory Dwelling Unit Regulations**

5 Updated: August 23, 2012

6
7 **Sections:**

- 8 .010 Definitions
9 .020 Purpose.
10 .030 Applicability
11 .040 Application Process
12 .050 Accessory Dwelling Unit Permit Standards
13 .060 Amnesty Accessory Dwelling Unit Permit Standards
14 .070 Accessory Dwelling Unit Permit with a Conditional Use Permit

15
16 **.010 Definitions.**

17
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.
23

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 physically
26 separate from the primary dwelling with no shared walls.
27

28 **Attached Accessory Dwelling Unit:** An Attached Accessory Dwelling Unit is a new or
29 existing accessory dwelling unit that occupies part of the floor area of the existing
30 primary residence or is attached to the primary residence by one or more common walls.
31

32 **Interior Conversion Accessory Dwelling Unit:** An Interior Conversion Accessory
33 Dwelling Unit is a new or existing accessory dwelling unit which has been created by
34 converting existing primary unit living space into an accessory dwelling unit. This type of
35 conversion involves no exterior modifications other than the creation of new windows
36 and/or doors.
37

38 **Affordable Rent:** The amount of monthly rent, including a reasonable utility allowance,
39 that does not exceed the maximum allowable rent to be charged by property owner and
40 paid by Very Low Income Households, or Low Income Households, or Moderate Income
41 Households, as the case may be, occupying the Accessory Dwelling Unit as determined
42 pursuant to Section 50053 of the California Health & Safety Code.
43

44 **Very Low Income Household:** A household whose gross annual income does not
45 exceed fifty percent (50%) of the Marin County median income adjusted for family size
46 as set forth from time to time by regulation of the California Department of Housing and
47 Community Development, pursuant to California Health & Safety Code Section 50105.

1
2 **Low Income Household:** A household whose gross annual income does not exceed
3 eighty percent (80%) of the Marin County median income adjusted for family size as set
4 forth from time to time by regulation of the California Department of Housing and
5 Community Development, pursuant to California Health & Safety Code Section 50093.
6

7 **Moderate Income Household:** A household whose gross annual income does not
8 exceed one hundred twenty percent (120%) of the Marin County median income
9 adjusted for family size as set forth from time to time by regulation of the California
10 Department of Housing and Community Development, pursuant to California Health &
11 Safety Code Section 50093.
12

13 **.020 Purpose.** The City of Sausalito finds and declares that accessory dwelling units are a
14 valuable form of housing. Accessory dwelling units provide housing for family members,
15 students, elderly, in-home health care providers, persons with disabilities and others, at below
16 market rental rates within existing neighborhoods. Homeowners who create accessory dwelling
17 units benefit from added income and an increased sense of security.
18

19 It is the intent of the City to encourage accessory dwelling units and impose standards to enable
20 homeowners to create accessory dwelling units that will not aggravate or create neighborhood
21 problems. Additionally, it is the intent of the City to encourage the legalization of existing
22 accessory dwelling units that were not built or established with proper permits and ensure that
23 existing accessory dwelling units are safe and habitable.
24

25 The purpose of this Chapter is also to comply with Government Code Section 65852.2 relating
26 to accessory dwelling units.
27

28 **.030 Applicability.** Accessory Dwelling Units shall only be allowed in single-family residential
29 (R-1-20, R-1-8, R-1-6), two-family residential (R-2-5, R-2-2.5) and multifamily residential (R-3)
30 Zoning Districts. Accessory Dwelling Units shall be prohibited in all zoning districts in which
31 they are not expressly allowed.
32

33 **.040 Application Process.**

- 34 **A.** An Accessory Dwelling Unit Permit is required to establish a new Accessory Dwelling
35 Unit. Any application for an accessory dwelling unit that meets the location and
36 development standards contained in Section 10.xx.050 shall be approved
37 ministerially without discretionary review or public hearing. Accessory Dwelling Units
38 that do not meet the ministerial requirements of Section 10.xx.050 may be approved
39 with a Conditional Unit Permit if certain requirements and findings set forth in
40 10.xx.070 are met.
41 **B.** An Amnesty Accessory Dwelling Unit Permit is required to legalize an existing
42 unpermitted Accessory Dwelling Unit in a single-family, two-family, or multiple family
43 residential zoning district. Any application for an accessory dwelling unit that meets
44 the location and development standards contained in section 10.xx.060 shall be
45 approved ministerially without discretionary review or public hearing unless otherwise
46 specified during the amnesty period effective through March 31, 2014 pursuant to
47 xx.060.D.
48 **C.** An application for an Accessory Dwelling Unit Permit or Amnesty Accessory Dwelling
49 Unit Permit shall be made by the property owner and filed with the Community

Comment [A1]: 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.

Development Department on a form prescribed by the Community Development Director.

- D. The City Council shall establish by resolution the respective application fees for an Accessory Dwelling Unit Permit and an Amnesty Accessory Dwelling Unit Permit.

.050 Accessory Dwelling Unit Permit Standards.

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

- A. **One Accessory Dwelling Unit per Parcel.** No more than one Accessory Dwelling Unit shall be located on a parcel.
- B. **Access.** An 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. **Kitchen and Bathroom Facilities.** An Accessory Dwelling Unit shall contain its own kitchen facility and bathroom facility separate from the main dwelling unit(s). The kitchen facility must include a sink, a refrigerator of more than five cubic feet capacity and a gas/electric range, oven or stovetop.
- D. **Building Permits.** An Accessory Dwelling Unit shall comply with the California Building Code, including local amendments adopted by the City.
- E. **Building Coverage and Impervious Surfaces.** 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.
- F. **Setbacks.** An 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 an Accessory Dwelling Unit shall be exempted from the floor area ratio calculation. Any additional Accessory Dwelling Unit floor area above 500 square feet shall be counted as floor area and shall conform with the floor area regulations applicable to the parcel upon which the unit is located.
- H. **Unit Size and Number of Bedrooms.** An Accessory Dwelling Unit shall comply with the following maximum unit sizes and number of allowed bedrooms:
 1. Interior Conversions. The maximum floor area for an interior conversion Accessory Dwelling Unit shall be no less than 300 square feet and no greater than forty percent (40%) 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 300 square feet and no greater than thirty percent (30%) of the primary unit up to a 700 square foot maximum. There shall be no more than one bedroom in the Accessory Dwelling Unit.
 3. Detached Units. The maximum floor area for a detached Accessory Dwelling Unit shall be no less than 300 square feet and no greater than thirty percent (30%) of

Comment [A2]: The Working Group is recommending the following:

- a. **Penalty Fees**
The following penalty fees will be waived during the amnesty period:
•Any penalty business licensing fees
•Any penalty planning fees
•Any penalty 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.

- b. **Planning Permit Fees.** During the amnesty period the Accessory Dwelling Unit Permit and Amnesty Accessory Dwelling Unit Permit fee shall be reduced by 50%

... [1]

Comment [A3]: The Working Group wanted to keep the impact on neighborhoods to a minimum and only allow one ADU per parcel.

Comment [A4]: 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 ... [2]

Comment [A5]: 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 the ... [3]

Comment [A6]: 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 [A7]: 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. Exceptions to size can be requested through a Conditional Use Permit process up to a certain size, provided that an affordability covenant is recorded against the property.

the primary unit up to a 700 square foot maximum. There shall be no more than one bedroom in the Accessory Dwelling Unit.

I. 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.

Comment [A8]: 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.

J. Design. An Accessory Dwelling Unit shall have a roof slope, window arrangement, siding materials, colors and architectural style compatible with the primary residence.

Comment [A9]: 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.

K. Views. An Accessory Dwelling Unit shall not block or obstruct primary views, as defined in Chapter 10.88, from neighboring properties.

Comment [A10]: 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 a letter/notice 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 under a Conditional Use Permit application.

L. Privacy. An Accessory Dwelling Unit shall be designed so that its exterior windows, decks and doors are not directly opposite the exterior living areas (e.g., decks or patios) 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 or projects that otherwise demonstrate that there is adequate screening.

Comment [A11]: The applicant will be required to demonstrate compliance with this standard by indicating the relationship between the location of adjacent residences' exterior/living areas and the location of the new exterior windows, decks and doors in the ADU.

M. Light and Shadows. An Accessory Dwelling Unit shall be designed so that there are no adverse light/shadow impacts on adjacent properties. If there is the potential for adverse light/shadow impacts, as determined by staff, a shadow study shall be required. In order to determine that there are no adverse light/shadow impacts on adjacent properties the Accessory Dwelling Unit shall be designed such that the incremental light/shadow impact created by the Accessory Dwelling Unit does not impact more than twenty-five percent (25%) of an adjacent parcel more than 30 days per year.

Comment [A12]: The Working Group decided to not allow any light impacts by a new ADU on neighboring properties (i.e., shadowing). The applicant will be required to install story poles and there will be a letter/notice sent to properties within 300 feet to determine light impact. If there is a light impact (as determined by staff) a shadow study will be required. If the study shows that there is a light impact the ADU will be required to be reviewed by the Planning Commission under a Conditional Use Permit application.

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:

Comment [A13]: One off-street parking space will be required for ADUs less than 700 square feet and two off-street parking spaces will be required for ADUs greater than 700 square feet

1. Accessory Dwelling Units 700 square feet or less. One off-street parking space shall be provided for the Accessory Dwelling Unit.
2. Accessory Dwelling Units greater than 700 square feet. Two off-street parking spaces shall be provided for the Accessory Dwelling Unit.
3. Off-Street Parking Exemptions
 - a) 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 parking will be allowed subject to the following conditions:
 - i. The tandem space shall not be located on a driveway shared with another unit other than the primary unit.
 - 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) Any off-street parking for the Accessory Dwelling Unit may be located in required yard areas, regardless of structure height, up to the maximum height allowed.

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 thirty-six (36) month period.

Comment [A14]: 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. Flexibility was built into the requirement to allow for up to a one year absence every three years.

P. **Effect of Conversion.** For an 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 requirements shall require the property owner to:

Comment [A15]: The Working Group supports the inclusion of a clause which would require the property owner to relinquish any benefits received from the ADU (such as waivers of development standards) if the unit is converted into living space for the main unit

1. Demonstrate compliance of the property 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 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 Standards.

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.** An Accessory Dwelling Unit Amnesty Permit shall be granted by the Community Development Director for an existing non-permitted accessory dwelling unit upon compliance with the following standards.

1. **Documentation.** The existing Accessory Dwelling Unit proposed for legalization must have been constructed or established prior to January 1, 2012, as demonstrated by 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.

Comment [A16]: In order to avoid a situation where a property owner establishes an illegal ADU during the time when the ADU regulations are crafted, and applies for an amnesty permit in order to avoid the new ADU regulations, the ADU must have been established prior to January 1, 2012. This section establishes a variety of ways to demonstrate compliance with this section.

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

3. **One Accessory Dwelling Unit per Parcel.** No more than one Accessory Dwelling Unit shall be located on the parcel.

Comment [A17]: The Working Group wanted to keep the impact on neighborhoods to a minimum and only allow one ADU per parcel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

4. **Access.** An amnesty 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.

5. **Kitchen and Bathroom Facilities.** An amnesty Accessory Dwelling Unit shall contain its own kitchen facility and bathroom facility separate from the main dwelling unit(s). The kitchen facility must include a sink, a refrigerator of more than five cubic feet capacity and a gas/electric range, oven or stovetop.

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 thirty-six (36) month period.

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 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 section, if the amnesty dwelling unit violates any provisions of the Municipal Code 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) shall require the property owner to do both of the following:

Comment [A18]: 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.

Comment [A19]: 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 unit is converted into living space for the main unit

- 1 1. Demonstrate compliance of the main residence with all applicable
- 2 development standards in the Zoning Ordinance (taking into account any
- 3 pre-existing legal non-conformities); and
- 4 2. Re-credit any Floor Area waiver previously received on floor area for the
- 5 Accessory Dwelling Unit back to the parcel. If this causes the parcel to
- 6 exceed the maximum Floor Area Ratio allowed on the parcel the property
- 7 owner shall obtain the approvals necessary to come into compliance with
- 8 the Floor Area Ratio allowances.
- 9

10 **D. Sunset Provision.** The amnesty period will be in effect through March 31, 2014,
 11 before which time the owner of an existing accessory dwelling unit created prior to
 12 January 1, 2012 may submit a completed Amnesty Accessory Dwelling Unit Permit
 13 application to legalize the unit. The amnesty provisions only apply to complete
 14 applications received through March 31, 2014. The City Council may by resolution
 15 extend the conclusion of the amnesty period. An unpermitted accessory dwelling unit
 16 created prior to January 1, 2012 is not subject to code enforcement action prior to
 17 expiration of amnesty period.

Comment [A20]: 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.

18
 19 **.070 Accessory Dwelling Unit with a Conditional Use Permit.**

20
 21 If an application for an Accessory Dwelling Unit Permit does not meet the ministerial
 22 requirements set forth in Section 10.XX.050 above, the application may be processed through
 23 the Conditional Use Permit process if one or more of the specific exceptions set forth in section
 24 10.XX.070(A) below are met. An Accessory Dwelling Unit requiring any of these exceptions
 25 may be approved by the Planning Commission with the approval of a Conditional Use Permit,
 26 as set forth in Section 10.XX.070(B) below and Chapter 10.60. Accessory Dwelling Units that
 27 do not meet the ministerial criteria set forth in Section 10.XX.050 and one or more exceptions
 28 set forth in section 10.XX.070(A) are not conditionally permitted in any zoning district and may
 29 not be considered through the Conditional Use Permit process.

30
 31 **A. Exceptions.** An application for an Accessory Dwelling Unit that does not meet all of the
 32 requirements in 10.XX.050 may be processed through the Conditional Use Permit
 33 process if the Accessory Dwelling Unit meets one or more of the following exceptions:

- 34 1. Building Coverage. Building coverage on the parcel exceeds the applicable
- 35 regulations up to five (5) percent of the maximum allowable building coverage on
- 36 the parcel.
- 37 2. Impervious Surface. Allowable impervious surfaces on a parcel exceeds the
- 38 applicable regulations up to five (5) percent of the maximum allowable
- 39 impervious surfaces on the parcel.
- 40 3. Side Yard Setbacks. Required side yard setbacks maintain a minimum setback of
- 41 three feet (3).
- 42 4. Height. Height exceeds the fifteen (15) foot height limit.
- 43 5. Design regulations. With respect to a Detached Accessory Dwelling Unit, the
- 44 architectural style, exterior materials and colors, roof slope, window arrangement,
- 45 or siding materials differ from the primary residence
- 46 6. Views. Views standards are not met.
- 47 7. Light/Shadows. Light/shadow standards are not met.
- 48 7. Parking. Parking standards for the Accessory Dwelling Unit are not met.
- 49

1 8. Bedrooms and Size. Bedrooms exceed one bedroom, up to two bedrooms,
2 and/or unit size limitations for Attached and Detached Accessory Dwelling Units
3 are exceeded up to forty percent (40%) of the primary unit up to a maximum of
4 1,000 square feet, provided the Accessory Dwelling Unit is intended to be deed
5 restricted as an Affordable Rental Unit as set forth below.

6 a. Prior to deed restriction as an Affordable Rental Unit, the property
7 owner shall select the level of affordable rent and associated period of
8 deed restriction:
9

<i>Period of Restriction</i>	<i>Affordable Rent</i>
10 years	Very Low
15 years	Low
20 years	Moderate

10
11 b. If the Accessory Dwelling Unit is removed or converted pursuant to
12 Section xx.050, the deed restriction shall be rescinded.
13

14 **B. Findings.** The Planning Commission shall consider applications for Accessory Dwelling
15 Units that meet one or more of the exceptions listed in 10.XX.070(A) through the
16 Conditional Use Permit process and shall approve the Accessory Dwelling Unit Permit
17 and Conditional Use Permit if the following findings and the Conditional Use Permit
18 findings are met.
19

- 20 1. The exception will not create a significant adverse impact on any adjacent property,
21 the surrounding neighborhood, or the general public good.
- 22 2. The lot and the arrangement of existing and proposed physical improvements on the
23 lot can accommodate the exception without adversely affecting the views, privacy, or
24 access to light and air of neighboring properties.
- 25 3. Any modifications to site drainage have been designed by a licensed engineer and
26 result in no net increase to the rate or volume of peak runoff from the site compared
27 to pre-project conditions.
- 28 4. Any new mechanical pumps or equipment comply with applicable noise regulations.
- 29 5. With respect to a view exception, the project has been located and designed to
30 minimize obstruction of views from surrounding properties, and particular care has
31 been taken to protect primary views, consistent with required Design Review Permit
32 findings in Section 10.54.050.
- 33 6. With respect to a light/shadow exception, the project has been designed and located
34 to provide adequate light for the project site, adjacent properties and the general
35 public, consistent with required Design Review Permit findings in Section 10.54.050.
- 36 7. With respect to a parking exception, it has been demonstrated that it is not feasible
37 to accommodate a parking space on the parcel. This infeasibility has been
38 demonstrated with a parking study that shows the availability of on-street parking
39 during daytime and nighttime hours that shows there is adequate on-street parking.
40 To receive this exception the main unit(s) meet all applicable parking requirements.
- 41 8. With respect to bedroom or size exceptions, the property owner shall record an
42 Affordable Housing Covenant against the property in a form approved by the City
43 Attorney, restricting the use and rental of the Accessory Dwelling Unit to the
44 applicable level of affordability for 10, 15 or 20 years, as applicable.
45
46

The Working Group is recommending the following:

a. Penalty Fees

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

- Any penalty business licensing fees
- Any penalty planning fees
- Any penalty 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.

b. Planning Permit Fees. During the amnesty period the Accessory Dwelling Unit Permit and Amnesty Accessory Dwelling Unit Permit fee shall be reduced by 50%

c. Building Permit Fees. A set fee for plan check and an Accessory Dwelling Unit Housing Inspection by a Building Inspector shall be established by the City Council. Any work needed to bring the unit up to required standards would be subject to the construction permit at 50% of the respective construction permit fee during the amnesty period.

Information on other fees should be provided on the brochures. For example, 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

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.

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.