

What is an Amnesty Program for Unpermitted Accessory Dwelling Units (ADUs)?

An Accessory Dwelling Unit (ADU), also known as a "mother-in-law" or "granny" unit, is an additional living unit that has separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit on a lot. An unpermitted ADU is an existing ADU which was constructed without permits at a time when permits were required for the unit or at a time when ADUs were not legal in the city. For a limited amount of time the City will provide an amnesty period, during which time property owners of existing unpermitted ADUs may apply for reprieve and legalization of the unit.

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 unpermitted 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.

The Amnesty ADU Process— In General

Amnesty for an existing unpermitted ADU may be reviewed at the ministerial level if certain criteria are met (see the inside of this brochure for more information).

Step 1: Meet with a Planner. A planner is available Monday-Thursday from 7:30am-5pm and on Fridays from 7:30am-noon. The planner will review the amnesty requirements.

Step 2: Prepare plans and application materials. The plans do not need to be drawn by an architect, but must be neat and to scale.

Step 3: Submit your application and plans. Staff will review your application for completeness and let you know if you are missing any materials.

Step 4: Inspection. Schedule a Accessory Dwelling Unit Housing Inspection with the Building Division and Fire Department. If corrections (i.e. for healthy and safety) are required you must apply for a building permit to make the corrections.

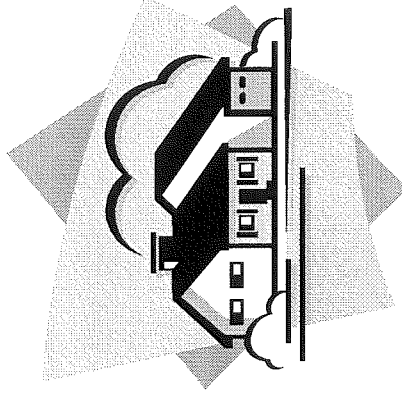
Step 4: Permit issuance. If the ADU meets all of the ministerial requirements Staff may issue an Amnesty ADU permit.

How much does it cost?

Contact the Planning Division for a list of current fees. You can also obtain planning fee information by going to the City's website (www.ci.sausalito.ca.us) where you can download the fee schedule, application form, and submittal requirements.

A Guide To Procedures for

AMNESTY ACCESSORY DWELLING UNITS



City of Sausalito
Community Development Department
Planning Division



420 Litho Street
Sausalito, CA 94965



Overview of Amnesty Accessory Dwelling Unit Permit Requirements

Quick Submittal Checklist

Topic	Administrative Regulations (Staff-level review)
Number	One ADU per parcel
Location	Only allowed in Single Family (R-1-20, R-1-8, R-1-6), Two-Family (R-2-5, R-2-2.5) and Multi-Family (R-3) District
Access and Facilities	Must have a separate entrance and must contain a separate kitchen and bathroom facility. A separate entrance from a foyer is permitted.
Required Documentation	Must provide evidence that the existing Accessory Dwelling Unit proposed for legalization was constructed or established prior to January 1, 2012 (see checklist)
Safety Inspections	Satisfactory completion of an Accessory Dwelling Unit Housing Inspection by a Building Division Inspector and the Fire Department is required. Any improvements necessary to meet minimum standards as established by local amendments to the building or fire codes must be made prior to permit issuance.
Size	There is no minimum or maximum size of an ADU.
Floor Area	Up to 500 square feet of an amnesty Accessory Dwelling Unit will be exempted from the floor area ratio calculation. Any additional square footage beyond 500 square feet will be counted as floor area for future development of the property. If the property already exceeds or the ADU causes the property to exceed the floor area ratio limits the property will be considered to be legal non-conforming.
Parking	Parking for the amnesty Accessory Dwelling Unit is not required. If the existing parking does not comply with the Accessory Dwelling Unit regulations for new units it will be considered to be legal non-conforming.
Building Coverage and Impervious Surfaces	The building coverage and impervious surfaces of the will be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. The building coverage and impervious surfaces of the amnesty Accessory Dwelling Unit will be counted for future development of the property. If the existing building coverage/impervious surfaces do not comply with the Accessory Dwelling Unit regulations for new units they will be considered to be legal non-conforming.
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. If the existing setbacks do not comply with the Accessory Dwelling Unit regulations for new units they will be considered to be legal non-conforming.
Owner Restrictions	The owner of the property must occupy either the primary unit or accessory dwelling unit as their primary residence. The owner may be absent for up to 1 year during any 3 year period
Effect of Conversion	Elimination of any of the required access and facilities elements (i.e., the separate entrance, kitchen, bathroom facilities) shall require the property owner to (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 compliance with the Floor Area Ratio allowances.

How long will the amnesty period last?

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. **An accessory dwelling unit created prior to January 1, 2012 is subject to code enforcement actions after expiration of amnesty period.**

- ☐ Completed/Signed Application
- ☐ Fees
- ☐ Three (3) sets of plans including the following:
 - **Site plan** showing property lines, location of main residence and accessory dwelling unit, and locations of all parking spaces
 - **Accurately scaled and dimensioned floor plans** for accessory dwelling unit. Floor plans must indicate the size of the unit. Floor plans must indicate location of kitchen, bathroom and entrance including any connection to the main unit.
 - **Accurately scaled elevations** for accessory dwelling unit, depicting exterior elements, colors and materials, and height.
- ☐ Proof that owner resides on property in either the main residence or the Accessory Dwelling Unit
- ☐ At least two forms of evidence that the unit was created prior to January 1, 2012. Acceptable forms of evidence include, but are not limited to:
 - Assessor's records
 - Rental contracts and/or receipts;
 - Income tax records;
 - Utility bills;
 - Contractor's bills; and/or
 - Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury
- ☐ Contact Building Division for a Accessory Dwelling Unit Housing Inspection.
- ☐ Contact local water district and sewer district to acknowledge service requirements and applicable fees (recommended)

This handout is intended to provide general information on the ADU process. It is not intended to be exhaustive or used as a substitute for the Ordinance related to Accessory Dwelling Units