

## 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 either at a time when permits were required for the unit or at a time when ADUs were not legal in the city. Until March 31, 2014 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. During this period the permit fee for amnesty will be reduced.

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.

### *How much does it cost?*

The Amnesty ADU Permit fee is \$400. Other fees may apply (e.g., Housing Inspection fees). You can also obtain planning fee information by going to the City's website ([www.ci.sausalito.ca.us](http://www.ci.sausalito.ca.us)) where you can download the fee schedule, application form, and submittal requirements.

## The Amnesty ADU Process Overview

Amnesty for an existing unpermitted ADU may be reviewed at the ministerial staff 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 from 7:30am-4:30pm, Tuesday-Thursday from 7:30am-5pm and on Fridays from 7:30am-noon. The planner will review the amnesty requirements. **Questions will be confidential and anonymous.**

**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. Use the quick checklist of the inside of this brochure to ensure that the application is complete.

**Step 3: Submit your application and plans.** Staff will review your application and let you know if you are missing any materials. Complete applications must be received by **March 31, 2014** in order to be considered for amnesty. Plan for 30-60 days for the processing of the application.

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

**Step 5: Permit issuance.** If the ADU meets all of the staff-level requirements, Staff may issue an Amnesty ADU permit.

**It's in the property owner's best interest to take advantage of the amnesty program while it is offered. Questions about the ADU process will be confidential and anonymous.**

# A Guide To AMNESTY ACCESSORY DWELLING UNIT PERMITS

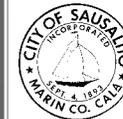


City of Sausalito  
Community Development Department

Planning Division

420 Litho Street  
Sausalito, CA 94965

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## Quick Submittal Checklist

- Completed Amnesty ADU Permit Application Form
- Fees. *Until March 31, 2014, reduced ADU Permit fees are in effect, as noted in the fee schedule*
- Three (3) sets of 24"x36" plans and one (1) set of reduced 8 1/2"x11" plans which include all of the following:
  - **Site plan at 1/8" scale** showing property lines, location of main residence and accessory dwelling unit, and locations of all parking spaces. Site plan must indicate the size of the unit.
  - Accurately scaled and dimensioned **floor plans at 1/4" scale** 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 **architectural elevations at 1/4" scale** for accessory dwelling unit, depicting exterior elements, colors and materials, and height.
- Single-family zoned property: 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 and Fire District for an Accessory Dwelling Unit Housing Inspection. Corrections may be necessary for health and safety
- Contact Marin Municipal Water District, Sausalito Marin City Sanitary District and Marin County Assessor's office 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 regulations related to Accessory Dwelling Units—  
See Municipal Code Section 10.44.080*

## Overview of Amnesty Accessory Dwelling Unit Permit Requirements

Topic	Amnesty Accessory Dwelling Unit Permit (Staff-level review)
<b>Number</b>	One ADU per parcel
<b>Location</b>	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) Districts
<b>Access and Facilities</b>	Must have a separate entrance and must contain a separate kitchen and bathroom facility. A separate entrance from a foyer is permitted; see §10.44.080.E.1.f
<b>Required Documentation</b>	Must provide evidence that the existing Accessory Dwelling Unit proposed for legalization was constructed or established prior to January 1, 2012 (see Quick Submittal Checklist)
<b>Safety Inspections</b>	Satisfactory completion of an Accessory Dwelling Unit Housing Inspection by a Building Division Inspector and a Fire District Inspector is required. Any improvements necessary to meet minimum standards as established by the building or fire codes must be made.
<b>Size</b>	There is no minimum or maximum size of an amnesty ADU. If the size of the existing ADU does not comply with the Accessory Dwelling Unit regulations for new units, it will be considered to be legal non-conforming; see §10.44.080.E.2
<b>Floor Area</b>	The floor area of the amnesty ADU must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty; If the existing floor area does not comply with the ADU regulations for new units, it will be considered to be legal non-conforming; see §10.44.080.E.1.h.2 and §10.44.080.E.2
<b>Parking</b>	Existing parking must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty. <u>Any existing parking must be retained for the exclusive use of the ADU.</u> If the existing parking does not comply with the ADU regulations for new units, the parking will be considered to be legal non-conforming; see §10.44.080.E.1.h.1 and §10.44.080.E.2
<b>Building Coverage and Impervious Surfaces</b>	The building coverage and impervious surfaces of the amnesty ADU must be documented by the Community Development Department but is 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 inclusion of the existing ADU causes the building coverage/impervious surfaces of the site to exceed the maximum allowed, the site will be considered to be legal non-conforming; see §10.44.080.E.1.h.3, §10.44.080.E.1.h.4 and §10.44.080.E.2
<b>Setbacks</b>	The setbacks of the amnesty ADU must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty. If the setback regulations are violated by the existing ADU, the site will be considered to be legal non-conforming; see §10.44.080.E.1.h.5 and §10.44.080.E.2
<b>Owner Restrictions</b>	For single-family districts (R-1-6, -8, -20), the owner of the property must occupy either the primary unit or accessory dwelling unit as their primary residence; owner may be absent for up to 1 year during any 3 year period, except as allowed by the Zoning Administrator; see §10.44.080.E.1.g
<b>Effect of Conversion/ Reversion</b>	Elimination of the required separate entrance, kitchen, or bathroom facilities will require the property owner to demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance

### *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 complete Amnesty Accessory Dwelling Unit Permit application to legalize the unit. The amnesty provisions only apply to complete applications received through March 31, 2014. **An unpermitted accessory dwelling unit is subject to code enforcement actions after expiration of amnesty period.**