



APPLICATION FOR ACCESSORY DWELLING UNIT

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Amount: No Charge Project Number _____
Assessor's Parcel No: _____ Zone: R1- _____

SECTION 1 • PROJECT SUMMARY

Address of Property: _____

Record Owner of Property: _____

Mailing _____ Daytime Phone: _____

Address: _____ Email: _____

Owner's Representative: _____

Mailing _____ Daytime Phone: _____

Address: _____ Email: _____

Project Description: _____

Zoning Parameters:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	_____	_____	_____
Lot Coverage	_____	_____	_____
Total Floor Area	_____	_____	_____
Floor Area of Accessory Dwelling Unit (incl. in Total Floor Area above)	_____	_____	_____
Front Yard Setback	_____	_____	_____
Left Sideyard Setback	_____	_____	_____
Right Sideyard Setback	_____	_____	_____
Rear Yard Setback	_____	_____	_____
Building Height	_____	_____	_____
Parking Spaces	_____	_____	_____

SECTION 2 • ACKNOWLEDGEMENT OF DEVELOPMENT STANDARDS

The following advises you of the development standards for Accessory Dwelling Units. You are hereby requested to acknowledge this information and agree to conform to the standards set forth below: (Belvedere Municipal Code §19.79)

19.79.050 Accessory Dwelling Units—Standards for compliance and approval. All Accessory Dwelling Units must receive an Accessory Dwelling Unit Permit pursuant to the requirements in this Chapter. Unless otherwise provided for in this Chapter, Accessory Dwelling Units are subject to the following provisions:

- A. Accessory Dwelling Units shall comply with the provisions in this Chapter as well as the underlying Zoning district. In instances where there is a conflict, this Chapter shall govern.
- B. **One Accessory Dwelling Unit is permitted per lot.**
- C. **The lot must contain an existing single-family dwelling.**
- D. **Setbacks.**
 1. No setbacks shall be required for an existing living area or accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an Accessory Dwelling Unit or a portion thereof.
 2. A setback of no more than four feet from the side and rear yard lot lines is required for an Accessory Dwelling Unit that is not converted from an existing structure, or a new structure constructed in the same location and to the same dimensions as an existing structure.
 3. Notwithstanding any provisions in this Chapter, side and rear yard setbacks must be sufficient for fire safety as determined by the Building Department and/or the Fire District.
- E. **Lot Coverage, Floor Area Ratio, and Density.**
 1. If there is an existing primary dwelling, the total floor area of an attached or Interior Accessory Dwelling Unit shall not exceed 50% of the existing primary dwelling. Notwithstanding this provision, an attached or Interior Accessory Dwelling Unit must be allowed at least 800 square feet of floor area.
 2. An Accessory Dwelling Unit shall not be deemed to be an accessory use or an accessory building.
 3. An Accessory Dwelling Unit shall not be considered when calculating the allowable density for the lot upon which it is located; and
 4. An Accessory Dwelling Unit is deemed to be a residential use that is consistent with the General Plan and Zoning designations for the lot.
 5. The Accessory Dwelling Unit shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this Chapter or State law.
- F. **Maximum and Minimum Unit Size & Other Miscellaneous Requirements.**
 1. The minimum floor area for an Accessory Dwelling Unit is 150 square feet, or the minimum square footage for an efficiency unit as defined in California Government Code Section 17958.1 as may be amended from time to time.
 2. An Accessory Dwelling Unit shall include a separate kitchen, bathroom and access from the primary dwelling unit, but it may contain an interior connection to the primary dwelling unit.
 3. Accessory Dwelling Units are not required to have fire sprinklers or other fire safety requirements of not required in the primary dwelling unit.
 4. No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

G. Height.

1. A detached Accessory Dwelling Unit shall not exceed 16 feet in Height and is limited to a single story. If 50% or more of an Accessory dwelling Unit is above a proposed or existing garage, the total combined structure shall not exceed 25 feet in Height.

H. Parking Requirements.

1. One parking space is required per Accessory Dwelling Unit unless otherwise provided by this Chapter.

2. Parking spaces may be located on a contiguous lot if that lot is owned by the record owner of the Accessory Dwelling Unit, however, in such case a parking easement or other deed restriction in a form acceptable to the City Attorney, shall be recorded prior to issuance of a building permit.

3. Parking may be provided through tandem parking on an existing driveway.

4. Off street parking shall be permitted in setback areas in locations determined by the Director of Planning and Building, unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where said parking would impede reasonable emergency and fire access.

5. No replacement parking for the primary dwelling unit shall be required if the Accessory Dwelling Unit was created by the demolition or conversion of a garage, carport, or covered parking structure to an Accessory Dwelling Unit.

I. Parking Exemptions. An Accessory Dwelling Unit shall be exempt from the parking requirements of this Section if the Accessory Dwelling Unit is:

1. Located within one-half mile of a Public Transit Stop;

2. Located within an historic district, as may be designated by the City Council from time to time;

3. Located within one block of a car share vehicle pick up or drop off location as defined in the California Vehicle Code;

4. The Accessory Dwelling Unit is an Interior Accessory Dwelling Unit; or

5. If on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

6. No replacement parking for the primary dwelling unit shall be required if the Accessory Dwelling Unit was created by the demolition or conversion of a garage, carport, or covered parking structure to an Accessory Dwelling Unit.

J. Architectural and Design Standards.

1. Newly constructed Accessory Dwelling Units shall be of the same or similar architectural style, details, colors, and building materials as the primary dwelling unit.

2. Any new windows, doors, or other openings that face an adjoining residential property shall be designed to protect the privacy of neighbors by such techniques including the use of opaque glass and/or sill heights above eye level, and/or including appropriate landscape screening.

3. All exterior lighting shall be low wattage, shielded, and directed downward.

4. Where visible from offsite locations, skylights shall not have white or light opaque colored exterior lenses.

5. An Accessory Dwelling Unit that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property.

6. Accessory Dwelling Units are not subject to Design Review.

K. **Primary views.** No newly constructed Accessory Dwelling Unit shall be sited so as to block to any

L. **Building Codes.** The Accessory Dwelling Unit shall comply with all building, fire, and health and safety codes.

M. An Accessory Dwelling Unit **may not be sold separately** from the existing dwelling unit. An Accessory Dwelling Unit may be rented but no short-term rentals of less than 30 days are allowed. Neither the primary dwelling unit nor the Accessory Dwelling Unit need be owner-occupied.

N. **No Passageway** is required in conjunction with an Accessory Dwelling Unit.

O. Accessory Dwelling Units are **not required to have fire sprinklers** or other fire safety requirements **if they are not required in the primary dwelling unit.**

P. An application for an Accessory Dwelling Unit for exterior alterations or additions to a property that is listed in the California Register of Historic Places shall be referred to the City's Preservation Committee for review and comment prior to action by the Director of Planning and Building on the application; the **application will not be approved if the project may cause an adverse impact on the historical significance** of the property.

Q. Accessory Dwelling Units **must have an exterior entrance separate from the primary dwelling unit.**

R. **Building Permit and Fees.** A building permit shall be required for an Accessory Dwelling Unit if repair, rehabilitation, or work otherwise requiring a building permit is necessary; **an Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for purposes of collecting impact fees, or the provision of water, sewer, and power.**

19.79.060 Interior Accessory Dwelling Units. Notwithstanding anything to the contrary in this Chapter or elsewhere in the Code, an Interior Accessory Dwelling Unit, which is an Accessory Dwelling Unit that is created entirely within an existing or proposed primary dwelling unit or accessory structure and does not add any floor area to an existing structure, shall be approved if the unit is:

- A. Wholly located within an existing or proposed single-family dwelling or accessory structure;
- B. Has independent exterior access;
- C. Has side and rear yard setbacks sufficient for fire safety; and
- D. Satisfies all applicable building code requirements.

SECTION 3 • DECLARATION OF RESTRICTIONS

19.79.90 Deed restrictions. A. Before obtaining a building permit for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit, the property owner shall file a deed restriction with the Marin County Recorder requiring that:

- 1. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit **shall not be sold separately** from the primary dwelling unit;
- 2. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit **may be rented but no short-term rentals of less than 30 days are allowed.**
- 3. **The restrictions** applicable to the unit shall be **binding upon any successor in ownership; and may be enforced against future purchasers;**
- 4. The deed restrictions **shall lapse upon removal** of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit; and

A specimen copy of the Declaration of Restrictions is attached for your information. Upon approval of the application, the City will provide the owner with the Declaration document for signature. You are hereby requested to agree to execute the Declaration of Restrictions upon approval of your Accessory Dwelling Unit application.

SECTION 4 • SUBMITTAL REQUIREMENTS FOR ACCESSORY DWELLING UNIT PERMITS

19.79.040 Accessory Dwelling Units—Submittal requirements. Unless the Director of Planning and Building determines that a particular item is not necessary, an application for an Accessory Dwelling Unit shall include the following:

- A. A completed application form signed by the property owner.
- B. A site plan to scale, or approximate equivalent engineering scale, showing the following:
 - 1. All property lines, setback lines, rights-of-way and easements, including the edge of street pavement on both sides of the street frontage, as well as the high water line for properties along Belvedere Lagoon, Belvedere Cove, or San Francisco Bay, where applicable;
 - 2. Outlines of existing and proposed structures;
 - 3. Distances from existing and proposed structures to property lines and dimensions of the parcel; a boundary survey may be required in the discretion of the Director of Planning and Building;
 - 4. Driveways and off-street parking spaces;
 - 5. Existing and proposed contours in areas where they in any way affect the placement of structures;
 - 6. Existing and proposed exterior building elevations drawn to scale; and
 - 7. A computation table indicating the square footage of the property and the square footage of the lot coverage and floor area of all existing/proposed buildings, including garages and all other covered structures, but excluding roof overhangs.
- C. Floor plans. Floor plans to scale, showing floor plans of all floor levels, indicate gross square footage of each floor, including any unfinished space. Indicate the existing and proposed values for lot coverage and total floor area.
- D. Elevation to scale showing all existing and proposed exterior building elevations.
- E. Indicate exterior building materials and colors of existing and proposed structures, submitting samples if different from the primary dwelling unit.

After the Accessory Dwelling Unit Permit approval, the applicant must apply for any necessary building or inspection permits.

**STATEMENT OF PROPERTY OWNERSHIP,
CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE**

All property owners must complete this Section.

Street address of subject property: _____

Assessor's Parcel No(s) of subject property: _____

➤ **Properties Owned by Individuals**

I, _____, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the Accessory Dwelling Unit permit requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Signed this _____ day of _____, 20____, at Belvedere, California.

I understand that the contents of this document are a Public Record.

Signature _____

➤ **Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity**

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

I, _____, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.

I hereby make application for approval of the Accessory Dwelling Unit permit requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any.

I understand that the contents of this document are a Public Record.

Signed this _____ day of _____, 20____, at Belvedere, California.

Signature _____ Signature _____

Title(s) _____ Title(s) _____

Trustee(s) Partners: Limited or General Corporation Other _____

Name of trust, LLC, corporation, or other entity: _____

➤ **Designation of Owner's Representative (Optional)**

I, _____ hereby authorize _____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finalized or until the designation is rescinded in writing.

I understand that the contents of this document are a Public Record.

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____

Recordation requested by,
and when recorded return to:

City Clerk
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920-2336

Specimen

A.P. No. 000-00-000

**DECLARATION OF RESTRICTIONS
REGARDING ACCESSORY DWELLING UNIT**

Declarant John Doe is the fee title owner of the property at 100 Main Street, Belvedere (hereafter the "Property") also identified as Marin County Assessor's Parcel No. 000-00-000.

RECITALS

- A. Declarant has been issued an Accessory Dwelling Unit Permit to construct on the Property an Accessory Dwelling Unit, as defined in Title 19 of the Belvedere Municipal Code. But for the Accessory Dwelling Unit Permit, the Property would be restricted under the applicable zoning requirements of Title 19 of the Belvedere Municipal Code to being improved with a single dwelling unit.
- B. The purpose of this Declaration is to set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the use of the two dwelling units on the property.

NOW THEREFORE, based on the foregoing, Declarant declares as follows:

- 1. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling unit;
- 2. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented but no short-term rentals of less than 30 days are allowed.
- 3. The restrictions applicable to the unit shall be binding upon any successor in ownership; and may be enforced against future purchasers;
- 4. The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

OWNER

DO NOT SIGN HERE -- THIS IS A SPECIMEN ONLY -- YOU WILL BE PROVIDED WITH A FINAL DOCUMENT FOR RECORDATION AFTER APPROVAL OF YOUR APPLICATIONS.

John Doe

Date

(Attach notary acknowledgement)