



ACCESSORY DWELLING UNIT

APPLICATION

Community Development Department
 Planning Division
 10890 San Pablo Avenue, El Cerrito, CA 94530
 (510) 215-4330 – FAX (510) 233-5401
 planning@ci.el-cerrito.ca.us

Application No:	
Date Received:	
Fee: (6055)	

Please discuss your proposed accessory dwelling unit with Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

Application Information:	
Site Address:	
APN:	
Applicant Name:	Owner Name (if different from applicant's):
Applicant Phone Number:	Applicant Email:

Zoning Ordinance Requirements:
All accessory dwelling units must comply with the requirements of Section 19.20.190, Accessory Dwelling Units.

Application Requirements:
<input type="checkbox"/> Completed application form
<input type="checkbox"/> Filing fee (SEE CURRENT FEE SCHEDULE)
<input type="checkbox"/> One (1) site plan, min. 8.5" x 11" size (See plan submittal checklist on next page)
<input type="checkbox"/> One (1) elevation, min. 8.5" x 11" size (See plan submittal checklist on next page)
<input type="checkbox"/> One (1) floor plan, min. 8.5" x 11" size (See plan submittal checklist on next page)
<input type="checkbox"/> Declaration of Restrictions

Certification:
<i>I, the undersigned owner of the subject property, have read this application for an accessory dwelling unit and certify that the information, drawings, and specifications herewith are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.</i>
Owner's Signature: _____ Date: _____
<i>I, the undersigned applicant, have read this application for an accessory dwelling unit and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.</i>
Applicant's Signature: _____ Date: _____

PLAN SUBMITTAL CHECKLIST

	<i>All pages shall include the following information: project name, owner and architect's information, page number, site address, and revision dates. All drawings shall be to scale.</i>	Provided		
		Yes	No	N/A
Site Plan	Owner and Architect's information			
	Site area and all property and setback lines			
	Building footprint (existing and proposed)			
	Acc. Structures (garages, sheds, etc. greater than 120 sq. ft.)			
	Vicinity Map			
	North Arrow and Bar Scale			
	Outline of Surrounding Structures (adjacent properties)			
	Existing Easements			
	Contour Lines on Lots Greater Than 10% Grade (10' Intervals).			
	Project Information Table: Lot Area and Building Area – existing and proposed Lot Coverage – existing and proposed Setbacks – existing and proposed Parking – existing and proposed (show handicap space) <ul style="list-style-type: none"> • Two off-street spaces for main structure required (can be uncovered, and on a parking pad. Zoning Administrator to review this.) Percentage of Impervious Surface – existing and proposed Percentage of Landscaping – existing and proposed			
	Driveway/Median Cuts			
	Public Right of Way Improvements (street names, sidewalks, curb, trees, fire hydrants, median, utility poles/boxes, etc.)			
	Fences and Retaining Walls			
	Separate entrance for the accessory dwelling unit			
	Roof Lines			
Floor Plan	All floors of the accessory dwelling unit			
	Dimension and label each room			
	Addition/Area of Work (existing and proposed)			
	Scale – Standard and bar			
Elevations	All sides of accessory dwelling unit (front, rear, and both sides)			
	Materials – Roof and siding (show existing and proposed)			
	Height Dimensions (no more than 15 ft. from grade at any point)			
	Finished Grade – Show contour elevation			
	Scale – Standard and bar			
	One Building Section			
Landscaping	Existing Mature Trees (over 24" in diameter)			
	Walkways			

OTHER INFORMATION

		Yes	No	N/A
1.	Will the property owner occupy either the primary or accessory dwelling unit?			
2.	Has the applicant filed a notarized Declaration of Restrictions with the County?			
3.	Is the square footage of the accessory dwelling unit no more than 50% of main dwelling unit or a maximum of 1,200 square feet? Is it at least 150 square feet?			
4.	Is the exterior appearance of the accessory dwelling unit compatible with the main structure and the surrounding neighborhood?			



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**Zoning Requirements for Accessory Dwelling Units (ADUs)
 Effective July 3, 2017**

Zoning Requirements for Staff Review for an Accessory Dwelling Unit	
Allowed Zoning Districts	Allowed in RS, RD or RM zoning districts.
Allowed number of new ADUs	Only one ADU per single family lot.
City Declaration of Restrictions Required	Record a Declaration of Restriction that the Property Owner must live in either the primary residence or accessory dwelling unit. Recordation required prior to issuance of a building permit from the City.
Type of Unit allowed	An ADU may be attached or detached.
Allowed floor area	Minimum floor area is 150 square feet. Maximum floor area is 50% of the habitable floor area of the primary residence, or 1,200 square feet.
Development Standards and Location on the lot	Maximum height of a detached ADU is 15 feet. Must meet the development standards for the zoning district in which the ADU is located. See attached table of development standards. <i>See specific language for the location of detached units on interior, detached units on corner lots and attached units in attached table. The complete language for Accessory Dwelling Units can be found in Section 19.20.190 of the El Cerrito Municipal Code.</i>
Access to Unit	ADUs must have exterior access that is independent from the primary residence.
Conversion of Garages	If the ADU is created through the conversion of an existing attached or detached garage, and is within the footprint of the former garage, the new ADU can maintain the (former) garage setback, even if the setbacks for this structure don't conform to current setbacks.
Parking for the ADU	No off-street parking is required for an ADU.
Parking for the Existing Primary residence	Off-street parking for the primary residence can be removed, and must be replaced onsite. This parking does not have to be covered, and can be created with a parking pad. This parking situation must be approved by the Zoning Administrator. Two off-street parking spaces are required for a single family residence.
Architectural Compatibility	The style and design of the house - exterior colors and materials, roof pitch and style, window type, and trim – shall be substantially the same, and visually harmonious or compatible with the primary residence, as determined by the Zoning Administrator.

Utility Connections	The City cannot require new or separate utility connections or fee for utility service, including water and sewer, for the ADU. Fire sprinklers are not required for the ADU if they're not required for the primary residence.
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Review for an Administrative Use Permit

An Administrative Use Permit (AUP) is required when an exception to development setbacks, parking, or architectural compatibility (as discussed above) is requested. All of the other criteria listed above applies to the request for an AUP.

The process for an Administrative Use Permit is discussed in Chapter 19.34 of the Municipal Code. This requires a 21 day notice in the local newspaper and to property owners within 300 feet of the property where the ADU is requested. The decision of the Zoning Administrator can be appealed to the Planning Commission. The fee for an Administrative Use Permit for an ADU applies, as does the fee for any appeal of the Zoning Administrator's decision.

Development Standards

Zoning District	MINIMUM SETBACKS (FT) FROM PROPERTY LINES				LOT COVERAGE	
	Front	Rear	Interior Side	Street Side of Corner Lot	Where lot slope is less than 30%	Where lot slope is greater than 30%
RS-5	10	15	5	8.5	50%	40%
RS-7.5	20	15	6	8.5	50%	40%
RS-10	20	20	6	8.5	50%	40%
RS-20	30	25	12	12	50%	40%
RD	10	15	5	8.5	50%	40%
RM	10	15	5	8.5	60% (up to 80% if parking is at least 4 feet below grade)	40%

RS = Single family residential

(5 = 5,000 s.f. lot; 7.5 = 7,500 s.f. lot; 10 = 10,000 s.f. lot; 20 = 20,000 s.f. lot)

RD = Duplex residential

RM = Multi-family residential

Location of ADUs on a Lot

	Detached Units – Interior Lots	Detached Units – Corner Lots	Attached Units
Location of ADU	<p>Behind the primary residence in relation to the front lot line.</p> <p>Behind means:</p> <p>All portions of the ADU are behind all portion of the primary residence.</p> <p>ADU is located partially behind the primary residence and the front façade of the ADU is at least 20 feet farther from the front lot line than the front façade of the primary residence.</p> <p>The ADU is located entirely in the rear half of the lot.</p>	<p>Same location as interior lots.</p> <p>Additionally, an ADU shall not be located closer than the primary dwelling unit primary residence to the street-facing lot line.</p>	<p>Exterior entry to the ADU shall be located at least 10 feet behind the exterior entry to the primary residence or shall be located on the side or rear of the dwelling.</p> <p>If an ADU is created through an addition to an existing single-family residence at the second or higher story of the dwelling, the ADU shall be located in the rear half of the structure.</p>



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ACCESSORY DWELLING UNIT APPLICATION PROCESS

	Responsible Party	Action
1.	Applicant	Review the Zoning Ordinance, Chapter 19.20.190, which details the specifics of Accessory Dwelling Units.
2.	Applicant	Draft site plan, vicinity map and architectural renderings of the Accessory Dwelling Unit.
3.	Planning Division and Applicant	Pre-application meeting at counter to cover basic design and zoning conformance issues.
4.	Applicant	Revise Accessory Dwelling Unit design, if necessary. Submit formal application and necessary fees.
5.	Applicant	<p>Insert the <u>Document Number</u> and the <u>date the deed of trust was recorded</u> for your property on the Declarations of Restrictions form from this website: http://www.criis.com. Make sure you are looking for Contra Costa County Recorded Documents Search.</p> <p>Have City "Declaration of Restrictions" form notarized by a Notary Public. There is a fee for this process. Staff at the Recorder's Office cannot perform this function as it's a conflict of interest.</p> <p>Return the signed Declaration of Restrictions and notarized signature to the City of El Cerrito, Community Development Department. The City will sign this form, and contact the applicant to pick up the form for recordation.</p> <p>Take Declaration of Restrictions to the Contra Costa County Recorder's Office and have this recorded against the property where the ADU will be created.</p> <p>Contra Costa Recorder 555 Escobar Street, Martinez, CA Office hours: 8am-430pm, 925-335-7900 http://www.ccclerkrec.us/clerk/</p> <p>Bring a "conformed copy" to the City of El Cerrito for its files. The City will not issue a building permit for an ADU without this copy.</p>
6.	Planning Division	Place copy of recorded Declaration of Restrictions in file, and process application (including administrative use permit, if necessary).
7.	Applicant	Submit application to the Building Division for a building permit. (Application is routed internally to the Planning Division for review.)

Note: In addition to the above planning fees, separate fees will incur for the Notary, the County Recorder, and the Building Division. Please refer to these individual offices for the specific fees.

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

SPACE ABOVE THIS LINE FOR
RECORDER'S USE

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (the "Declaration") is executed as of _____, 20__, by _____ ("Declarant").

Recitals

A. Declarant is the owner of certain real property located at _____, Assessor's Parcel Number _____ in the City of El Cerrito, California (the "Property"). Declarant's ownership of the Property is reflected in the deed recorded in the Office of the Contra Costa County Clerk-Recorder as Document No. _____ dated _____.

B. Declarant submitted an application for a permit for an accessory dwelling unit on the Property. In order for Declarant to satisfy certain requirements of Section 19.20 of the El Cerrito Municipal Code (the "Code"), Declarant desires to impose certain restrictions on the Property.

C. The City of El Cerrito, a municipal corporation (the "City"), is intended to be a third party beneficiary of this Declaration, such that consent of the City in a form to be recorded in the Official Records of the County of Contra Costa (the "Official Records"), shall be required for the modification or revocation of the restrictions imposed herein.

NOW, THEREFORE, Declarant hereby declares and agrees as follows:

1. Restrictions. The Property may contain one primary dwelling unit and one accessory dwelling unit. The accessory dwelling unit may not be sold, transferred, or assigned separately from the primary dwelling unit, and the Property may not be subdivided. The accessory dwelling unit shall be considered legal only as long as either the primary dwelling or the accessory dwelling unit is occupied by an owner of record of the property, as that person's primary residence.
2. Runs With the Land; Binds Successor and Assigns. Declarant intends that this Declaration runs with the land, and that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions, covenants, and obligations set forth herein. By accepting title, any person who acquires an ownership interest in the Property, agrees to abide by each and every covenant and restriction herein.
3. Modification, Revocation or Termination. This Declaration has been recorded in order to comply with certain requirements of Section 19.20 of the Code and to obtain the approval by the City of certain permits for the Property. The restrictions created herein may not be modified, revoked or terminated, without the written consent of the then record owner of the Property, and any such modification, revocation or termination shall not be effective unless and until the City consents thereto in writing after receiving written notice thereof from the then record owners of the Property, and such modification, revocation or termination, executed by the City, is recorded in the Official Records.

4. Third Party Beneficiary. The City is intended to be a third party beneficiary of this Declaration, with the right to consent to any modification or revocation hereof and the right and authority, at its sole option, to enforce the provisions hereof (including, but not limited to remedies for violation of a building permit); provided, however, that the City shall have no liability whatsoever hereunder with respect to the condition of the Property.
5. Compliance. Failure to comply with the restrictions in this declaration of restrictions may result in legal action against the property owner.
6. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of California.
7. Severability. The invalidity or unenforceability of any provision of this Declaration with respect to a particular party or set of circumstances shall not in any way affect the validity or enforceability of any other provision hereof, or the same provision when applied to another party or a different set of circumstances.

IN WITNESS WHEREOF, Declarant executed this instrument effective as of the day and year first above written, and City has accepted this Declaration.

City Manager or Designee

Date

Property Owner

Date

Property Owner

Date