



### What are the Accessory Dwelling Unit (ADU) Submittal Requirements for a Zoning Application?

- ✓ **General Application Form.** The form must be filled out completely, shall identify all zoning entitlement(s) being requested, and shall be signed by the applicant and property owner. Unsigned applications shall not be accepted for filing.
- ✓ **Fees.** The fee for an ADU review is a flat fee of \$300. Checks should be made payable to the City of San Rafael. Applications shall not be accepted for filing until all required fees are submitted.
- ✓ **Project Plans.** To review the plans for an ADU the Planning Division requires an initial submittal of four (4) hardcopies of plans drawn accurately, legible and to scale. Plans shall be on same-sized sheets (24x36 or 11x17) and be collated.

The project plans initially submitted shall include the following information:

- Site Plan.** The site plan should show the entire property, including the existing and proposed structures/additions, property lines, setbacks, parking spaces, and natural features such as large trees.
- Floor Plan.** The floor plan should show the existing and proposed floor plan. The necessary information needed on the plans is listed below:
  - Floor Levels (1<sup>st</sup> and 2<sup>nd</sup> floor, etc.), Walls, Windows, Doors, Equipment, Rooms and Uses; existing and proposed
  - Location, Dimensions and Square Footage of project area
  - Scale, Graphic Scale and North arrow
  - Orient floor plans to match site plan orientation
- Project Description/Details.** The description should include basic information such as:
  - Building square footage (existing and proposed), primary unit square footage, ADU square footage, and garage square footage.
  - Zoning Designation
  - Scope of work
  - Lot coverage (existing and proposed)

### Exterior Changes? Yes or No

If yes, the following is required at the time of submittal:

- Elevations.** For projects involving exterior building changes or new structures the plans need to contain the following:
  - Elevations for all sides of structure(s), to scale and dimensioned, existing and proposed. Photos may be used to represent existing elevations and elevations that remain unchanged.
- Roof Plan.** Roof plan shall show property lines, outline of building footprint, direction and slope of drainage, location of drainage collectors, rooftop structures (i.e., vents, equipment, screening, access), material, ridge elevations, various roof levels and slopes

\*\*\*\*Applications not providing the information above will not be accepted for processing\*\*\*\*

\*\*\*This is a simplified submittal checklist for ADUs for a complete list of submittal requirements please review the Application Submittal Checklist Handout\*\*\*

## What is an Accessory Dwelling Unit?

An Accessory Dwelling Unit (aka, “second unit,” “in-law unit,” or “granny unit”) is an additional dwelling located on the same lot as a single-family residence. An Accessory Dwelling Unit may be attached to the primary residence, detached from the primary residence, or contained within an existing residence or accessory structure. An Accessory Dwelling Unit cannot be sold separately from the primary residence.

## What is the Review Process?

Accessory dwelling units (ADUs) are subject to ministerial review by the Planning Division. Applicants wanting to establish an ADU need to submit the General Application form, along with an ADU review fee (\$300), and project plans to the Planning Division for review. The Planning Division is required to approve or deny the application within 120 days of receiving the application. When an ADU application has been approved by the Planning Division, the property owner must fill out and sign a deed-restriction before a notary, record the deed-restriction with the county clerk and return the original recorded deed-restriction to the Planning Division prior to the issuance of a building permit. For questions, please contact the Planning Division at (415) 485-3085.

## What Regulations Apply to Accessory Dwelling Units?

On January 1, 2017 new state regulations pertaining to Accessory Dwelling Units ([Government Code 65852.2](#)) became effective and necessitate revisions to San Rafael’s existing accessory dwelling unit ordinance. Until San Rafael adopts a new ordinance, the interim requirements for Accessory Dwelling Units are presented below but may change once the City adopts a new Accessory Dwelling Unit Ordinance.

	<b>Requirement</b>	<b>Accessory Dwelling Unit Contained in Existing Structure</b>	<b>Accessory Dwelling Unit Involving New Construction (Attached or Detached)</b>
<input type="checkbox"/>	<b>Lot Requirements</b>	The lot must be zoned for single-family or multifamily use and must contain an existing single-family residence. Only one accessory dwelling unit (or junior accessory dwelling unit) is allowed per lot.	
<input type="checkbox"/>	<b>Owner Occupancy</b>	The <b>property owner must reside</b> in either the primary residence or the accessory dwelling unit or junior accessory dwelling unit.	
<input type="checkbox"/>	<b>Deed Restriction</b>	A <b>deed restriction must be recorded</b> with the County Recorder so that future owners of the property are aware of requirements and limitations (see sample deed restriction below). The sample format for the deed restriction is attached to this handout. Proof of recordation must be submitted to the Planning Division prior to issuance of a building permit.	
<input type="checkbox"/>	<b>Size Limits</b>	A new ADU is limited to a floor area not to exceed 50% of the primary residence up to a maximum of 1,200 sq. ft.	
<input type="checkbox"/>	<b>Required Facilities</b>	An ADU shall provide a separate bathroom and a separate kitchen from the existing residence.	
<input type="checkbox"/>	<b>Entrance</b>	A new ADU requires a separate exterior entrance.	
<input type="checkbox"/>	<b>Setbacks</b>	Setbacks must be sufficient for fire safety.	Attached - The ADU shall follow the required setbacks for the zoning district in which it is located.  Detached – The ADU is required to provide a minimum setback of three feet (3’) from the property line and the primary residence.
<input type="checkbox"/>	<b>Parking Space Requirements</b>	No additional parking is required.	One (1) parking space per bedroom is required to be provided on-site. However, no additional parking is required when the ADU is located within a half mile of a transit stop, within a designated historic district, within a block from car share facilities, or where on-street parking permits are required but not offered for ADUs. <b>The applicant shall demonstrate meeting of the above condition if parking is not provided.</b>

	<b>Requirement</b>	<b>Accessory Dwelling Unit Contained in Existing Structure</b>	<b>Accessory Dwelling Unit Involving New Construction (Attached or Detached)</b>
<input type="checkbox"/>	<b>Utilities</b>	New or separate utility connections are not required.	New or separate utility connections may be required, but connection fees or capacity charges shall be proportional to the impact of the ADU on the water or sewer systems. Contact the following entities for additional information related to utility connections:  Marin Municipal Water District – (415)945-1455 San Rafael Sanitation District – (415)485-3132 Las Gallinas Valley Sanitary – (415)472-1734 PG&E – (877)660-6789
<input type="checkbox"/>	<b>Fire Protection</b>	Fire sprinklers are not required for a new ADU if they are not required for the primary residence. However, fire sprinklers may be required if the remodel is considered substantial by the Fire Prevention Bureau.  Fire Prevention Bureau – (415)485-3308.	Fire sprinklers are not required for a new ADU if they are not required for the primary residence.  Although not required, applicants planning new detached ADUs are encouraged to seek Fire Department recommendations on fire sprinklers.  Fire Prevention Bureau – (415)485-3308.
<input type="checkbox"/>	<b>Height</b>	The ADU shall comply with the height requirement for the applicable Zoning District.	Attached - The ADU shall follow the required height limit for the applicable Zoning District.  Detached – The ADU shall not exceed fifteen feet (15') in height, measured from grade to roof peak.
<input type="checkbox"/>	<b>Architectural Compatibility</b>	Prior to approval, a representative from the City's Planning Department will review the design plans (and visit the project site in the case of legalizing an existing ADU) to ensure that modifications associated with the ADU incorporate the same or similar exterior colors, architectural detailing, roof pitch, and window style, as the structure containing the primary residence.	
<b>Conversion of a Legal Garage and ADU Addition Above Garage</b>			
<input type="checkbox"/>	<b>Parking</b>	When a garage, carport, or covered parking structure is converted into an accessory dwelling unit the required parking for the single-family residence shall be replaced. The replacement parking may be in any configuration on the same lot as the accessory dwelling unit. This includes but not limited to, covered spaces, uncovered spaces, tandem spaces, or use of mechanical automobile parking lifts.  No additional parking is required for the ADU.	
<input type="checkbox"/>	<b>Setback</b>	No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.	

RECORDED AT REQUEST OF  
CITY OF SAN RAFAEL

WHEN RECORDED RETURN TO:  
City of San Rafael  
Community Development Director  
P.O. Box 151560  
San Rafael, CA 94915-1560

**DECLARATION OF RESTRICTIONS**  
**RE: ACCESSORY DWELLING UNIT**

Declarant(s) \_\_\_\_\_ and \_\_\_\_\_ is/are the fee title owner(s) of the property at \_\_\_\_\_, San Rafael (hereafter the "Property") also identified as Marin County Assessor's Parcel No. \_\_\_\_\_.

**RECITALS**

- A. Declarant(s) acquired title to the Property by Deed No(s). \_\_\_\_\_.
- B. Declarant(s) has/have applied to the City of San Rafael for approval of an Accessory Dwelling Unit on the Property.
- C. 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(s), declares/declare as follows:

- 1. The Accessory Dwelling Unit on the Property shall not be sold separately from the primary residence on the Property.
- 2. The Accessory Dwelling Unit shall be restricted to the maximum size allowed per the development standards.
- 3. The Accessory Dwelling Unit shall be considered legal only so long as either the primary residence, or the Accessory Dwelling Unit, is occupied by the owner of record of the Property.
- 4. The restrictions shall be binding upon any successor in ownership of the Property and lack of compliance may subject the Property owner to enforcement action by the City.

DATED: \_\_\_\_\_ BY: \_\_\_\_\_  
Owner \_\_\_\_\_  
(Print Name)

DATED: \_\_\_\_\_ BY: \_\_\_\_\_  
Owner \_\_\_\_\_  
(Print Name)

[Attach Notary Certificates (Acknowledgements)]