



COMMUNITY DEVELOPMENT DEPARTMENT

(925) 779-7035

www.antiochplanning.com

Procedures for Obtaining an Administrative Use Permit for Accessory Dwelling Units and Junior Accessory Dwelling Units

PURPOSE

A second unit may be allowed in single-family and multi-family zoning districts. An Administrative Use Permit from the Zoning Administrator is required to ensure that the proposed second unit complies with §9-5.3805 of the Antioch Municipal Code; a copy of which is attached for your reference.

DEFINITIONS

1. **ADMINISTRATIVE USE PERMIT.** A land use permit defined in §9-5.2701(E) of the Municipal Code, and is issued by the Zoning Administrator or his/her designee without notice or public hearing.
2. **MAIN UNIT.** The existing single-family or multiple-family dwelling unit currently on the lot;
3. **LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
4. **ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; A manufactured home, as defined in Section 18007 of the Health and Safety Code.
5. **JUNIOR ACCESSORY DWELLING UNIT.** An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

How do I Apply?

Step 1 - Project Consideration

A prospective applicant should review the Municipal Code requirements for the proposed project with the Planning Division staff. You will typically be given a copy of this application at this time. Please carefully consider time and cost as discussed in this brochure when making your decision to move forward with an Administrative Use Permit application. An additional cost variable is preparation of the plans required to complete this application. Hiring a design professional such as an architect, engineer, or surveyor is highly recommended.

Step 2 – Preliminary Review of Plans

This is an optional step. planning staff member can informally review a draft copy of your plans. Note that because all Divisions will not be reviewing the draft plans, this is not a comprehensive review and comments may be made later in the process.

Step 3 - Submit your Application

Please make an appointment with planning staff to submit your application. Necessary forms and material checklists are provided in this brochure.

What Happens to My Application Now?

- ✓ Staff will check your application for completeness against the requirements contained in the following pages. You will receive either a complete or incomplete letter from staff. **Please note the “complete” letter marks the point your application is deemed to be complete for processing timelines.** An “incomplete” letter will provide documentation of items that must be submitted/resubmitted prior to your project being deemed complete.
- ✓ Your plans will be routed to departments and divisions within the City for review and comment. Planning staff will also conduct an investigation of the site and review the proposal’s conformance with Section 9-5.3805 of the Antioch Municipal Code. Then your assigned planning staff member will contact you with a summary of the comments that are received.

At this point, depending on the comments, your project will either require adjustments or responses to comments.

How Long Does All This Take?

Typically, it will take 8- 12 weeks from the time an **application is deemed to be complete** for a project to be processed. The exact timing will depend on the complexity of the project.

How Much Does it Cost?

The City of Antioch bills for staff time and materials related to processing applications on a monthly basis. A security of deposit of \$1,500 must be submitted at the time of application. You will receive a bill for services based on an hourly rate as identified in the master fee schedule <http://ci.antioch.ca.us/CityGov/Finance/Master-Fee-Schedule-07-01-2016.pdf>. The initial deposit is not a fee and monthly charges will not be drawn from this deposit. Actual charges may be in excess of the deposit. The deposit will be returned at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid.

Money saving tips can be found at:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/money-savings.pdf>

Zoning Administrator Action

Upon completion of the review, the Zoning Administrator then may do one of the following:

- 1) Either approve or conditionally approve the project as submitted, or
- 2) Deny the application.

A copy of the findings and decision will be provided to the applicant following the hearing.

Right to Appeal

The decision on your project can be appealed within five working days from the date of the decision. The day the decision is made shall not count in the calculation of the time period. The term WORKING DAY shall mean days upon which City Hall is open for business and shall exclude weekends and holidays observed by employees of City Hall. Appeals may be filed by the project proponent or a member of the public. Appeals must be submitted in writing to the City Clerk with the applicable fee. Appeals of Zoning Administrator items will be heard by the Planning Commission.

USE PERMIT APPLICATION SUBMITTAL CHECKLIST

- Application forms submitted and signed, including:
 - Development Application (attached);
 - Statement of Understanding (attached);

- City of Antioch deposit (refer to the separate deposit / fee schedule for exact amount). A copy of the deposit/fee schedule is available at:
<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/deposit-fee-schedule.pdf>.

- Site Plan: Submit two (2) full size (24"X36") sized copies. See requirements on the following page.

- Building photographs*: Submit one (1) set of 8.5" x 11" sized copies of photographs of all sides of the exterior of the existing building.

- Floor plans*: Submit two (2) full size (24"X36") sized copies of floor plans that show the total floor area of project. The floor plan must be a scaled drawing.

- Other information, such as colored elevations or rendered perspectives, may be required to fully represent the proposal. City staff will inform the applicant during the review process if such additional information is required.

* Staff may request additional materials if necessary. Additional copies of plan sets will be required if the project is appealed.

ATTACHMENTS

- Development Application Form
- Statement of Understanding

SITE PLAN REQUIREMENTS

All submittals shall be drawn to scale, folded to 8½" X 11", and shall include the following details:

- a. Legend: Scale, north point, date, person preparing plan, and phone number.
- b. Vicinity Map: A map of said property and all adjacent properties including landmarks such as nearby streets/intersections.
- c. Site: All existing lot lines, easements, and lot area.
- d. Existing Features: All existing trees over one foot (1') in diameter, structures, fences and other site features, as well as structures on adjacent parcels within 25 feet of the site. Show structures or trees to be removed.
- e. Structures: Location and dimensions of all proposed structures, fences, walls and indication of stairways, canopy and other projections from buildings.
- f. Setbacks & Yards: Distances between exterior walls of structures and property lines.

BUILDING ELEVATION REQUIREMENTS

- a. Provide of all four architectural elevations of existing and proposed buildings. (Photos may be substituted for existing building elevations)
- b. Type of roof and wall material to be used.
- c. Color and type of materials.

FLOOR PLAN REQUIREMENTS

- a. Total floor area of proposed unit.
- b. Floor plan for proposed unit.



DEVELOPMENT APPLICATION

Community Development Department
P.O. Box 5007
Third & "H" Streets
Antioch, CA 94531-5007
Phone: (925) 779-7035 Fax: (925) 779-7034

SITE LOCATION: _____

ASSESORS PARCEL NO. (S): _____ **TOTAL ACREAGE:** _____

BRIEF DESCRIPTION OF REQUEST: _____

PROPERTY OWNER OF RECORD

Name: _____

Company Name: _____

Address: _____

Telephone No. _____

Fax No. _____

Email: _____

Signature: _____

APPLICANT

Name: _____

Company Name: _____

Address: _____

Telephone No. _____

Fax No. _____

Email: _____

Signature: _____

ANY OTHER PERSON THAT YOU WOULD LIKE THE CITY OF ANTIOCH TO NOTIFY OF THE PUBLIC HEARING

Name: _____

Company Name: _____

Address: _____

Telephone No. _____

Fax No. _____

Email: _____

AGENT/DESIGNER

Name: _____

Company Name: _____

Address: _____

Telephone No. _____

Fax No. _____

Email: _____

For Office Use Only

Date Received: _____ File No: _____

Title: _____

Planner: _____ Account No. _____

Type of Application:

- | | | | |
|--|---|---------------------------------------|---|
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Amend General Plan | <input type="checkbox"/> Minor Subd | <input type="checkbox"/> 2 ND Unit AUP |
| <input type="checkbox"/> Use Permit | <input type="checkbox"/> Amend Spec Plan | <input type="checkbox"/> Lot Line Adj | <input type="checkbox"/> Rezone/Final Dev. Plan |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Amend Zoning Map | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Prelim PD | <input type="checkbox"/> Other _____ | |

Return comments no later than _____

- | | | |
|---|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Engineering/PW | <input type="checkbox"/> Building | <input type="checkbox"/> Police |
| <input type="checkbox"/> Engineering/E. Franzen | <input type="checkbox"/> Fire | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Engineering/CD | <input type="checkbox"/> PHBS | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> DDSD | |

STATEMENT OF UNDERSTANDING

PLEASE SIGN AND RETURN WITH YOUR APPLICATION

In signing this Statement of Understanding in conjunction with the attached application to the City of Antioch, Department of Community Development for the Project titled _____.

I understand that charges for materials and staff time spent processing this application will be billed monthly and is based on an hourly rate as identified in the current fiscal year fee schedule. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, e-mail, and staff report preparation. Further, I understand that my initial deposit is not a fee and actual charges may be in excess of the deposit. The deposit will be returned to me at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Failure to pay invoices on a monthly basis may also result in an application being deemed incomplete; postponement of hearings or meetings; and/or inability to obtain a building permit. Failure to pay invoices on a monthly basis may also result in the placement of a lien on the subject property.

I assume full responsibility for all costs incurred by the City in processing this application.

Further, I understand that approval of my project is NOT guaranteed and may be denied. In the case of a denial, I understand that I am still responsible for all costs incurred by the City in processing this application.

I hereby authorize employees, officials and agents of the City of Antioch to enter upon the subject property, as necessary, to inspect the premises and process this application.

DATE: _____

NAME: _____

SIGNATURE: _____



Property owner signature for authorization to enter property and process the application. This is required only if the applicant is not the property owner.

DATE: _____

NAME: _____

SIGNATURE: _____

§ 9-5.3805 ACCESSORY DWELLING UNITS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; A manufactured home, as defined in Section 18007 of the Health and Safety Code.

ADMINISTRATIVE USE PERMIT. A land use permit defined in § 9-5.2701(E) of this Code, and issued by the Zoning Administrator or his/her designee without notice or public hearing.

JUNIOR ACCESSORY DWELLING UNIT. An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

MAIN UNIT. The existing single-family or multiple-family dwelling unit currently on the lot.

(B) *General Requirements.* An accessory dwelling unit may be allowed by administrative use permit in single-family and multiple-family zoning districts. No building permit shall be issued for an accessory dwelling unit until an administrative use permit has been approved by the Zoning Administrator. A building permit shall be issued within 120 days of receipt of an application if all of the following development standards are met:

- 1) The lot is zoned for single-family or multi-family residential use and is improved with a single-family dwelling unit.
- 2) There shall be no more than one accessory dwelling unit per legal parcel.
- 3) The lot on which the accessory dwelling unit is to be placed shall not be subdivided and neither unit can be sold independently of the other. The City shall require recordation of a deed restriction setting forth this subdivision limitation.

- 4) The lot on which an accessory dwelling unit is to be placed must be able to provide adequate sewer and water services for both the existing primary dwelling unit and the accessory dwelling unit as determined by the City Engineer. Approval by the Contra Costa County Health Department shall be required if a private sewage disposal system or well system is being used.
- 5) The accessory dwelling unit is architecturally compatible with the main unit, and the development of the accessory dwelling unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);
- 6) The total combined maximum lot coverage ratio for the existing dwelling unit and the accessory dwelling unit and all accessory buildings located on the lot shall not exceed 60%;
- 7) The accessory dwelling unit may either be attached to the main unit, located within the living area of the main unit, or be detached from the main unit;
- 8) The floor area of an attached accessory dwelling unit may not exceed 50% of the floor area of the main unit, with a maximum increase in floor area of 1,200 square feet;
- 9) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- 10) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;
- 11) Height, setback, uniform building codes, architectural review, site plan review, and other similar land use requirements of this Code pertaining to main units shall apply to accessory dwelling units. 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. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.
- 12) No passageway shall be required in conjunction with construction of an accessory dwelling unit.
- 13) Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- 14) Junior accessory dwelling units must be constructed within the existing walls of the structure and must include an existing bedroom.
- 15) Junior accessory dwelling units must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- 16) Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- 17) Junior accessory dwelling units must include an efficiency kitchen, which shall include:
 - a) a sink with a maximum waste line diameter of 1.5 inches;
 - b) a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural gas or propane;
 - c) a food preparation counter and storage cabinets that are of reasonable size in relation to junior accessory dwelling unit.

18) Parking.

- a) One additional standard off street parking space shall be provided per unit or per bedroom. The additional space may be in tandem, or on an existing driveway.
- b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the off-street parking spaces are required to be replaced per the requirements of §9-5.1703.1, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
- c) The requirement for off-street parking may be waived for an accessory dwelling unit in any of the following instances:
 - i) Lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;
- d) Parking standards shall not be imposed in the following instances:
 - i) The accessory dwelling unit is a Junior Accessory Dwelling as defined in this section or located in an existing accessory structure;
 - ii) The accessory dwelling unit is located within one-half mile of public transit;
 - iii) There is a car share vehicle located within one block of the accessory dwelling unit.
 - iv) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - v) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

19) The rear yard setback for accessory dwelling units may be reduced to 10 feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit may be permitted closer than 10 feet from the main unit where it can be shown that the site design will be improved;

20) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;

21) The main unit shall comply with applicable Building Code requirements for detached dwellings.

22) The accessory dwelling unit shall have a permanent foundation.

(C) *Residential Allocation Exemption.* The issuance of administrative use permits for accessory dwelling units shall be exempt from the provisions of Article 40 of this Code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

(D) *Occupancy.* The owner of the parcel upon which the accessory dwelling unit or junior accessory dwelling unit is located must occupy either the main unit or the accessory dwelling unit or junior accessory dwelling unit, as applicable.

Accessory dwelling units may be used for rentals of terms longer than 30 days. Owner occupancy of a junior accessory dwelling unit shall not be required if the owner is another governmental agency, land trust, or housing organization.

- (E) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit, the applicant shall do the following:
- 1) Enter into an agreement of restrictions with the City that refers to the deed under which the property was acquired by the applicant and provides the following:
 - a) The second unit shall not be sold separately;
 - b) The second unit is restricted to the maximum size allowed under Ordinance Code Section § 9-5.3805 (C);
 - c) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the County against the property owner.
 - 2) Record the agreement with the County Recorder.
 - 3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows: "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under City of Antioch Zoning Ordinance Code Section § 9-5.3805 (C). The permit is available from the current owner or from the City of Antioch Community Development Department."
- (F) This section is adopted consistent with, and as required by, state law.