City of Mill Valley Planning Department
Supplemental Application for
Accessory Dwelling Unit Permit

26 Corte Madera Ave., Mill Valley, CA 94941 • 415-388-4033 • cityofmillvalley.org

Cross-Reference Information
Address/Location of Project Site: Assessor’s Parcel Number:

Application Requirements
- [ ] Completed Application Form
- [ ] Application Fee (see current Planning Fee Schedule)
- [ ] Deed or Title Report
- [ ] Plans - See Design Review Submittal Checklist for requirements. Five sets required.

Review Process

<table>
<thead>
<tr>
<th>Building Permit Only</th>
<th>The following projects do not require an ADU Planning Permit AND are exempt from the City’s lot coverage, Floor Area and rear/side setback requirements:</th>
</tr>
</thead>
</table>
|                      | - Junior ADU
|                      | - ADU Conversions: conversion of existing space (e.g. basements, attics) or legal Existing Structures (garages, pool house). A proposed project may rebuild an existing structure with an expansion up to 150 SF beyond original footprint to accommodate ingress/egress only.
|                      | - New Detached ADUs that are 16’ or less in height; 800 SF or less in Gross Floor Area (measured from the outside walls); setback 4’ or more from the side (interior) and rear property lines. |

<table>
<thead>
<tr>
<th>Planning: Ministerial Approval of ADU Permit</th>
<th>Projects that require an ADU Permit through “ministerial” staff-level review (60-days once application deemed “complete”) without a public hearing:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Projects under the City’s design review threshold (MVMC 20.66.030), such as an Attached ADUs less than 1,000 SF.</td>
</tr>
<tr>
<td></td>
<td>Projects qualifying for “ministerial” review AND are exempt from the City’s lot coverage, Floor Area and rear/side setback requirements:</td>
</tr>
<tr>
<td></td>
<td>- Attached ADUs that are 16’ in height; 800 SF or less; setback 4’ or more from the side (interior) and rear property lines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning: Additional Review</th>
<th>ADUs requiring additional review include:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- ADUs associated with a discretionary permit, such as a tree removal.</td>
</tr>
<tr>
<td></td>
<td>- ADUs combined with a larger development project requiring Design Review, such as a tear down; large addition; or Detached ADU above a garage.</td>
</tr>
</tbody>
</table>

Certification of Owner Occupancy and Application Submittal
I, the undersigned individual listed below, have read this application for an ADU permit. I certify that the information, drawings and specifications submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

| Property Owner’s Signature | Date:
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Signature</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Effective 1/1/2020
## Summary of ADU Development Standards contained in MVMC 20.90 (see page 3 for JADU Standards)

### Definition
An ADU shall include a Kitchen for cooking and eating and other permanent provisions for living and sleeping including a closet or other reasonable storage.

### Land Use Allowances
- **Single Family Zoning Districts:** A maximum of 1 ADU and 1 Junior ADU based on Standards summarized below.
- **Multi-Family Zoning Districts:** at least 1 ADU, and up to 25% of total number of dwelling units and are 16' or less in height.

### Size of ADUs
- **Minimum size:** at least 150 square feet.
- **Maximum:** Up to 1,000 square feet (Gross Floor Area measured from outside walls), except for Internal ADU Conversions within primary dwelling units, which can be up to 1,200 square feet.
- **Attached:** May not exceed 50% of the existing primary dwelling unit, not to exceed the maximum square footages stipulated above.
- **Detached ADU with garage:** ADU may not exceed 1,000 square feet and structure cannot exceed 1,500 square feet, based on Design Review approval for the new garage.

### Required Bedrooms
- **Studio/1 bedroom:** ADUs up to 850 square feet.
- **2 bedroom:** ADUs over 850 square feet.

### Floor Area & Lot Coverage
Exempt from lot coverage and Floor Area (but cannot exceed ADU sizes above):
1. **ADU Conversions.**
2. **Detached or Attached ADUs** that are: 16' or less in height; 800 square feet or less; and setback 4' or more from the side (interior) and rear property lines.

### Height
- **ADU Conversion:** As currently sited. Modifying roof structure, such as adding dormers, may be allowed based on Design Review thresholds (MVMC 20.66.030). Projects that increase height or excavate more than 50 cubic yards do not qualify as an ADU Conversion (not qualifying for Floor Area or lot coverage incentives under state law).
- **Attached ADU:** As permitted by Development Standards, or 16' by right.
- **Detached ADU:** Not to exceed 16 feet unless converting an Existing Structure or associated with a garage. New Detached ADUs with a garage may not exceed 25 feet.

### Setbacks
- **ADU Conversion:** As situated, as long as it meets Fire and Building Code requirements.
- **ADUs** that are up to 16 feet tall and are 800 square feet or less in Gross Floor Area:
  - **Side (interior) and rear setback:** 4' or more.
  - **Front:** 15 feet, or reduced based on slope considerations (MVMC 20.60.080).
- **New ADU above existing structure (such as a garage) that increases height of the existing structure above 16':** Development standards apply, 1' per 1,000 SF of Lot Area (min 5 ft/max 15 ft).
- **All other ADUs:** based on Residential Zoning District Standards.
  - **Side and rear:** If 16' tall setback is 4 feet. Or, if associated with a larger development project may result in the general allowance of: 1' per 1,000 SF of Lot Area (min 5 ft/max 15 ft).
  - **Front:** 15 feet, or reduced based on slope considerations (MVMC 20.60.080).
### Summary of ADU Development Standards contained in MVMC 20.90 (Continued)

<table>
<thead>
<tr>
<th><strong>Required Elements</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• A permanent foundation.</td>
<td></td>
</tr>
<tr>
<td>• A separate address, (primary address plus Unit “A”);</td>
<td></td>
</tr>
<tr>
<td>• A separate kitchen and bathroom.</td>
<td></td>
</tr>
<tr>
<td>• A kitchen shall include, at a minimum, <strong>all</strong> of the following: a sink with hot and cold running water; a range or stove and oven; at least an apartment-sized refrigerator; and built-in dish and utensil storage spaces.</td>
<td></td>
</tr>
<tr>
<td>• A separate exterior entrance. Entry shall preserve privacy for primary residence and adjoining properties to the extent possible.</td>
<td></td>
</tr>
<tr>
<td>• Design, colors and exterior materials shall be similar to the primary residence.</td>
<td></td>
</tr>
<tr>
<td>• Six foot separation between structures, if Detached ADU.</td>
<td></td>
</tr>
<tr>
<td>• Sprinklers are not required if not required for the primary dwelling.</td>
<td></td>
</tr>
<tr>
<td>• Shielded or down-lit exterior lighting.</td>
<td></td>
</tr>
<tr>
<td>• Windows must be located to avoid line of sight to windows of adjacent properties.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Parking</strong></th>
<th>One independent parking space for ADU: 20’ length (covered or uncovered), which can be located in the front setback (see MVMC 20.60 for details).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ADU parking waived if the ADU is: 1) part of an Existing Structure (ADU Conversion); or 2) located 1/2 mile from transit; or associated with a tear down/rebuild.</td>
</tr>
</tbody>
</table>

When parking spaces are eliminated due to conversion of garage or carport to an ADU, parking for the Single Family Residence **does not** have to be replaced, and ADU parking is not required. Should the applicant wish to establish parking on site, parking can be located in the front setback (see MVMC 20.60 for details.)

<table>
<thead>
<tr>
<th><strong>Deed Restriction</strong></th>
<th><strong>All ADUs (New or Legalized)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A deed restriction shall be recorded with the County of Marin and then submitted to the City prior to final inspection. Deed restrictions are required for all ADUs stating that:</strong></td>
<td></td>
</tr>
<tr>
<td>• The ADU may not be sold separately from the primary residence.</td>
<td></td>
</tr>
<tr>
<td>• The ADU shall not be rented for less than 30 consecutive days.</td>
<td></td>
</tr>
<tr>
<td>• The owner and all successors in interest in the subject property shall maintain the ADU in accordance with all applicable City ADU standards.</td>
<td></td>
</tr>
<tr>
<td>• The owner and all successors in interest in the subject property shall agree to respond to the City of Mill Valley’s annual ADU survey.</td>
<td></td>
</tr>
<tr>
<td>• If there is a square footage or lot coverage exemption associated with the ADU, a variance shall not be granted to terminate the ADU and convert the habitable space back for the purposes of the primary residence.</td>
<td></td>
</tr>
<tr>
<td>• Violations of the ADU Ordinance (MVMC 20.90), such as removal of the ADU Kitchen, will be subject to administrative fines and penalties (MVMC 8.02).</td>
<td></td>
</tr>
</tbody>
</table>

<p>| <strong>Terminating the use of an ADU</strong> | Owner must request the termination of use in writing to the Planning Director. Habitable space associated with a legal ADU cannot be converted back to the primary dwelling unless Development Standards can be fully satisfied, including parking, setback, lot coverage and Floor Area requirements. Variances will not be granted to terminate an ADU, particularly related to Allowable Floor Area, lot coverage and parking standards. |</p>
<table>
<thead>
<tr>
<th><strong>Summary of Junior ADU Development Criteria</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition</strong></td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td><strong>Owner Occupancy</strong></td>
</tr>
<tr>
<td><strong>Size of JADU</strong></td>
</tr>
</tbody>
</table>
| **Required Elements**                        | • Separate exterior entry from the main entrance.  
  • Efficiency Kitchen, which must include a: (A) sink with a maximum waste line diameter of 1.5 inches; (B) cooking facility with appliances that do not require electrical service over 120 volts, or natural or propane gas; and (C) food preparation counter & storage cabinets of reasonable size in relation to the size of the JADU. |
| **Optional Elements**                        | • Bathroom facilities may be shared or separate from the primary dwelling unit.  
  • Internal connection to the primary dwelling is optional. |
| **Parking**                                   | No additional parking required for the JADU. |
| **Deed Restriction**                         | Required. Same as ADU restrictions, with the addition of owner occupancy requirement. |

Effective 1/1/2020
ADU Conversions

Conversion of existing space or structures

**General Requirements.** Below are the general requirements for all ADU conversions, with additional stipulations listed under each type of ADU Conversion (illustrated below). In general, ADU Conversions:

- Cannot exceed 50% of the maximum Adjusted Floor Area for the primary dwelling. Studio or 1 bedroom ADUs may be up to 850 square feet and 2 bedroom ADUs may be up to 1,000 square feet.
- Are exempt from ADU planning permit and may proceed to the Building Department for a building permit.
- Can build within the existing footprint, regardless of setback or Floor Area if it meets building and fire codes. The footprint may only be expanded by 150 square feet to provide access. Non-conforming conditions do not have to be addressed as part of the ADU conversion.
- Conversions that modify the height or excavate more than 50 Cubic Yards are considered New Construction and not ADU conversions. See page 2 for example projects.
- Do not require parking for the ADU.
- Additional site development and objective design guidelines are provided in MVMC 20.90 and summarized in the ADU application.

---

**Garage Conversion**

- Replacement of garage parking not required.

**Converted (Habitable) Space within Primary Dwelling**

- May be an ADU or JADU.
- May be up to 1,200 Square Feet

**Converted Space from the Primary Dwelling Unit (Basement/Attic Conversion)**

**Converted Space from an Existing Accessory Structure (pool house, shed, work room)**
**New Attached and Detached ADUs**

*ADUs created through new construction (additions, expansions and new structures)*

**General Requirements.** Listed below are the general requirements for newly constructed ADUs, with additional stipulations listed under each ADU type (illustrated below):

- Studio or 1 bedroom ADUs may be up to 850 square feet; all other new ADUs may be up to 1,000 square feet.
- ADU parking not required if within ¼ mile (walking distance) from transit or if attached to the primary dwelling in association with a tear down/rebuild.
- Setback, if ADU is 16’ or less in height: 4’ or more from the rear and side (interior) property line.
- Additional site development standards and guidelines are provided in MVMC 20.90 and summarized in the ADU application.

<table>
<thead>
<tr>
<th>ADU Connected to Primary Dwelling (Attached ADU)</th>
<th>Stand Alone ADU (Detached ADU)</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Attached ADU Diagram" /></td>
<td><img src="image2.png" alt="Detached ADU Diagram" /></td>
</tr>
<tr>
<td>• Cannot exceed 50% of the existing primary dwelling, with maximum sizes cited above.</td>
<td>• Exempt from ADU Permit only requiring a building permit for those Detached ADUs that are: 16’ or less in height; 800 SF or less; and are setback 4’ or more from the interior and rear property lines. “Ministerial” planning review (staff-level, no public hearing).</td>
</tr>
<tr>
<td>• Exempt from Floor Area and lot coverage: Attached ADUs that are 16’ or less in height; 800 SF or less; and are setback 4’ or more from the interior and rear property lines. “Ministerial” planning review (staff-level, no public hearing).</td>
<td>• All other Detached ADUs not meeting criteria above must satisfy Floor Area, lot coverage and heights established by Zoning District, as well as other guidelines established in MVMC 20.90. Example: ADU over 16’ in height or associated with a second story addition.</td>
</tr>
<tr>
<td>• All other Attached ADUs not meeting criteria above must satisfy Floor Area, lot coverage and heights established by Zoning District, as well as other guidelines established in MVMC 20.90. Example: ADU over 16’ in height or associated with a second story addition.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADU over 16’ height limit added to an existing structure (example: ADU above an existing garage)</th>
<th>Other Types of ADUs associated with other required Discretionary Permits or Design Review Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image3.png" alt="ADU Above Garage Diagram" /></td>
<td>• ADU will be processed subsequent to the approval of required permits such as a tree removal permit or design review approval associated with a larger development project.</td>
</tr>
<tr>
<td>• Must satisfy Floor Area and may not exceed 25’.</td>
<td></td>
</tr>
<tr>
<td>• Side/rear setback: 1’ per 1,000 SF of Lot Area (min 5 ft/max 15 ft).</td>
<td></td>
</tr>
<tr>
<td>• ADU will be processed subsequent to the approval of required permits (e.g. tree removal or design review approval).</td>
<td></td>
</tr>
</tbody>
</table>
Need Help Financing the Construction of an ADU?
Marin Housing Authority Offers Construction Loans for ADUs Rented to Low-Income Tenants.
Marin Housing Authority has a program where homeowners are eligible to receive up to $50,000 to build a new ADU and up to $35,000 to build a new Junior ADU that are rented to low-income tenants. Loans are interest-free and payments deferred as long as the low-income tenants reside in the unit! Approval is contingent upon the availability of funds.

For more information: Marin Housing Authority (415) 491-2525/ info@marinhousing.org

Looking for a Roommate? Home Match Marin Connects Homeowners with Home Seekers
Home Match Marin helps connect homeowners with people seeking an affordable place to live. You’ll benefit from additional income, companionship, or help with chores such as grocery shopping, pet care, or transportation. Home Match connects people based on lifestyle and interests to ensure compatibility. Home Match staff screens applicants through interviews, background checks, and home visits, and also designs a comprehensive Living Together Agreement and continues to work with both parties, even after the match is made, offering on-going support.

For more information: Marin Home Match (415) 456-9068/ swomack@covia.org

Preliminary Steps for Renting an ADU

- **Obtain insurance.** Contact your homeowner insurance company about your ADU. Be sure to consider if your policy covers personal injuries and losses from fire, storms, vandalism or theft.

- **Have an accounting plan.** Working with an accountant or tax advisory can help you understand how to plan your ADU finances and pay for taxes. The law is complicates, but many ADU costs count as deductions. You can obtain accountant referrals at www.calcpa.org

- **Set up utilities.** You will want to make sure all utilities are set up and that you have a plan for who will pay for what. If meters are shared, you must disclose the information with the tenants and have a written agreement for who will pay for the shared utilities.

- **Set up a rental agreement.** There are many online resources for establishing rental agreements for your ADU.

- **Connect with the local community.** ADUs help address local housing needs, and can help provide affordable options to the local community and workforce. Contact your local school, preschools, local business or utilize Next Door to get the word out. Marin Housing Authority also works with homeowners that are interested in renting their ADU to a local, low-income household. The Section 8 Program provides homeowners with security deposits, ensures reliable paid rent, and offers a 24-hour hotline, among other benefits (see contact information above). Marin Home Match (discussed above) also provides services to help house a local community member interested in finding a place to live in Mill Valley.
Applications for Accessory Dwelling Unit building permits require plans and supporting documents. We are providing this handout to assist you in preparing your application for a building permit. Any project that requires design review, or is multiple family housing must have an approved Site Development Planning file with the Planning Division.

Five (5) complete sets of plans are required to be submitted with for building permits. Two (2) copies of structural calculations, Title 24 compliance (and print on plans) and other supporting documents (such as truss calculations, gas pipe sizing calculations, etc.) must be provided. All plans shall be drawn on a minimum size of 11" X 17" sheets and with a minimum scale of ¼" per foot. The site plan may be 1/8" per foot. Larger projects will require larger sheets (36" x 24" maximum). Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of all applicable codes and all relevant laws, ordinances, rules and regulations.

All plan sets shall include the following:

1. Title Block: Must contain the name of owner(s), address of project and assessor’s parcel number as well as noting that “All construction, regardless of details on plans, shall comply with the 2016 California Building Code, 2016 California Residential Code, 2016 California Plumbing Code, 2016 California Mechanical Code, 2016 California Electrical Code, 2016 California Building Energy Standards, and 2016 Green Building Standards.”

2. Site Plan: Fully dimensioned, showing property lines, direction of drainage, streets, driveways and locations of all structures, easements and any off-street parking.

3. Floor Plan: Show the size and intended use of all rooms. Show type, size and locations of all doors and windows (including egress and safety glazing), smoke detectors, CO sensors, address numbers, furnace(s), water heater(s), electrical and gas service and subpanels. For additions and alterations show an existing floor plan and provide details at all rooms adjoining addition or area(s) of alterations. Clearly delineate between existing and new conditions. Use separate sheets if necessary.

4. Elevations: Provide at least two exterior elevations indicating general appearance, windows, doors, finishes, roof covering, etc. For additions and alterations show existing as well as new.

5. Structural Plans: Provide plans for foundation, floor framing, roof framing, and wall framing. Clearly show all structural connections. Provide details as needed. For additions and alterations, clearly show tie-in from new to existing. For slabs on grade show minimum 3 ½” thick, gravel or sand sub-base and minimum 6 mil vapor barrier.

6. Plans for Group R, Division 3 and Group U occupancies and accessory buildings must be signed by the person who drew the plans. Business & Professions Code 5536.1.

7. General: Provide details for any special features (e.g. stairs, grasable handrails, guardrails, roof ventilation, underfloor ventilation, attic access, underfloor access, fireplaces, spark arrestor at new or existing chimneys, and sound transmission control between residential units).

8. Accessory Dwelling Units are subject to Subchapter 7 of the 2013 California Energy Code “Low Rise Residential Buildings” as well as the provisions of Subchapter 2- “All Occupancies-Mandatory Requirements for the Manufacture, Construction and Installation of Systems, Equipment and Building Components”-Mandatory Features and Devices”. Provide required Title 24 documentation (CF1R) for low-rise residential as applicable and print on plans.

9. Green Building: All residential projects that add conditioned space must submit a CalGreen Checklist to the Building Division with any application for a Building Permit. See Mill Valley Municipal Code Section 20.95 for additional requirements.

10. Upon the issuance of any "retroactive" permit the applicant shall schedule the building inspector to perform a site visit to determine the amount of finishes to be removed as necessary to inspect and verify that the construction, mechanical, electrical and plumbing installations comply with required codes.
CITY OF MILL VALLEY
ACCESSORY DWELLING UNIT DEED RESTRICTION
(PL ___ / (B __________)

Declarant(s) __________________________ and __________________________
is/are the fee title Owner(s) of the property at __________________________,
Mill Valley, California (hereafter the “Property”), also identified as Marin County Assessor’s Parcel No.
________________________.

RECITALS

A. Declarant(s) has/have received approval from the City of Mill Valley for (indicate project type):
   ☐ An Accessory Dwelling Unit (ADU), as defined in Chapter 20.90 of the Mill Valley
   Municipal Code (MVMC), on the Property.
   ☐ A Junior ADU (JADU), as defined in MVMC 20.90, on the Property.

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 ADU on the Property.

NOW THEREFORE, based on the foregoing, Declarant(s) agree to the following restrictions:

1. 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 pursuant to MVMC
   Chapter 8.02.

2. The Owner and all successors in interest in the Property shall maintain the ADU or JADU in
   accordance with all applicable City standards set forth in Chapter 20.90 of the Mill Valley Municipal
   Code. Termination of the use of an ADU or JADU requires approval of the Planning Department,
   subject to 20.90.070.

3. The ADU or JADU may not be sold separately from the primary residence on the Property.

4. The ADU or JADU may be rented. ADU units may not be rented out for less than 30 consecutive
days.

5. Owner-occupancy is required for those Properties with a JADU, consistent with MVMC 20.90.060.
6. The owner and all successors in interest in the Property agree to respond to the City of Mill Valley's annual survey of owners of all Accessory Dwelling Unit to determine the use and code consistency and for reporting purposes of the State Department of Housing and Community Development (HCD).

7. The ADU or JADU shall be restricted to the Gross Floor Area granted at the time of building permit. Any Owner wishing to incorporate the Gross Floor Area of the ADU OR JADU back into the primary Dwelling Unit must request termination of the ADU OR JADU use under this Chapter, satisfying all Zoning and development standards such as setbacks, Floor Area, parking and Lot Coverage.

8. The Owner and all successors in interest in the subject property shall maintain the ADU OR JADU in accordance with all applicable regulations established in this Chapter. Violations and lack of compliance with any provisions of this Section may result in legal action against the property Owner, including revocation of any right to maintain an ADU OR JADU on the property as outlined in MVMC 20.90.070-080, and shall be subject to administrative fines and penalties as contained in MVMC Chapter 8.02.

DATED: ____________________  BY: ____________________

Owner

____________________________________
(Print Name)

DATED: ____________________  BY: ____________________

Owner

____________________________________
(Print Name)

[Attach Notary Certificates (Acknowledgements)]