



**COMMUNITY DEVELOPMENT
DEPARTMENT
(925) 779-7035**

**Administrative Use Permit Procedures
For Second Residential 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 section 9-5.3805 of the Antioch Municipal Code; a copy of which is attached for your reference.

DEFINITIONS:

1. "Administrative Use Permit" is 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" means the existing single-family or multiple-family dwelling unit currently on the lot;
3. "Second Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the main unit is situated. The owner of the parcel upon which the second unit is located must occupy either the main unit or the second unit. A second unit also includes: (i) an efficiency unit, as defined in Health & Safety Code §17958.1; or (ii) a manufactured home, as defined in Health & Safety Code §18007.

PROCESS

Step 1 - Project Consideration

1. Prior to submitting an application, the applicant should review the zoning requirements for the property.
2. Discuss the proposal with the Planning Staff prior to submission of the formal application.
3. The fees for a second unit may be substantial and the applicant is encouraged to contact all agencies that may have jurisdiction to determine what their requirements/fees will be. Attached to this application is a Fee Estimate Request from the Building Division.

Step 2 - Filing of Application

Submit completed application and drawings to the Community Development Department. Forms and plan requirements are attached. A planner will review the materials and ensure they are complete. A \$500.00 deposit must be paid at the time of submittal. Applicant will be billed twice a month based on staff time plus materials.

Step 3 - Staff Review

Upon receipt of a complete application, the Planning Staff will conduct an investigation of the site and review the proposal's conformance with the Section 9-5.3805 of the Antioch Municipal Code.

Step 4 – Approval/Denial

Typically, it will take from 4 to 8 weeks to process an Administrative Use Permit. The Zoning Administrator may do one of the following:

1. Approve or conditionally approve the project as submitted.
2. Deny the application.

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

APPEAL of the Zoning Administrator decision may be made to the Planning Commission within five (5) working days of the date of the decision being made. An appeal shall be made in writing and filed with the City Clerk within five working days after 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 the City Hall is open for business and shall exclude weekends and holidays observed by employees of City Hall.

ADMINISTRATIVE USE PERMIT SUBMITTAL CHECKLIST

APPLICANT: _____

PROJECT LOCATION: _____

Applicant Submittal Requirement

- Administrative Use Permit Application (attached) _____
- Deposit (\$500.00) _____
- Site Plan – 4 Copies _____
- Building elevations of existing building and proposed building – 4 copies
(photos may be substituted for existing building elevations) _____
- Floor plans for proposed building – 4 copies _____

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.



City of Antioch
Community Development Department
(925) 779-7035

Administrative Use Permit Application
For Second Residential Unit

Ensure information on application is accurate and complete. Application and plans shall be submitted concurrently. Deposit is due at time of submittal.

Date: _____

Project Address: _____

Project Description: _____

Parcel Number: _____ Sq Ft. of Lot: _____

Sq. Ft. of Current Bldg.: _____ Sq. Ft. of Proposed Bldg.: _____

Bill to (circle one) : Applicant Owner

Owner Name: _____

Owner Address: _____

Phone Number: _____

Email Address: _____

Owner Signature: _____

Applicant Name: _____

(If different than owner)

Applicant Address: _____

Phone Number: _____

Email Address: _____

Applicant Signature: _____

For Office Use Only

Account No: _____

Application No: _____ Complete: _____

Date Received: _____ Notes: _____

Deposit Paid: _____

Planner: _____

Decision: _____ Date: _____

Comments/Conditions:

PLEASE SIGN AND RETURN WITH YOUR APPLICATION
STATEMENT OF UNDERSTANDING

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

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.

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: _____

City of Antioch Municipal Code Sec. 9-5.3805.

Second Residential Units.

(A) Definitions.

1. "Administrative Use Permit" is a land use permit defined in §9-5.2701(E) of this Code, and is issued by the Zoning Administrator or his/her designee without notice or public hearing.
2. "Main unit" means the existing single-family or multiple-family dwelling unit currently on the lot;
3. "Second Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the main unit is situated. The owner of the parcel upon which the second unit is located must occupy either the main unit or the second unit. A second unit also includes: (i) an efficiency unit, as defined in Health & Safety Code §17958.1; or (ii) a manufactured home, as defined in Health & Safety Code §18007.

(B) Administrative Use Permit Required.

A second unit may be allowed by administrative use permit in single-family and multiple-family zoning districts. No building permit shall be issued for a second unit until an administrative use permit has been approved. Permit issuance shall be based upon the criteria of this section 9-5.3805 of the Antioch Municipal Code. A copy of this section is attached at the end of this information form.

(C) Restrictions and Regulations.

The Zoning Administrator shall make the following findings before approving an administrative use permit:

1. The second unit is architecturally compatible with the main unit, and the development of the second unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);
2. The second unit, when added to the main unit, may not exceed 60%;
3. The second unit may either be a part of the main unit or be a separate structure;
4. The floor area of the second unit may not exceed fifty (50%) percent of the floor area of the main unit, nor exceed 700 square feet;
5. Height, setback, uniform building codes, architectural review, site plan review, fees and other similar land use requirements of this Code pertaining to main units shall apply to second units;

6. One additional standard off-street parking space shall be provided for the second unit, if consistent with neighborhood standards;
7. The rear yard setback for second units may be reduced to 10 feet. Either the second unit or the main unit may be permitted to face the rear of the other structure, and the second unit may be permitted closer than 10 feet from the main unit where it can be shown that the site design will be improved;
8. The requirement for off-street parking may be waived for 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;
9. The permit may be conditioned upon the main unit being brought up to Code requirements if the main unit is in disrepair or constitutes a public nuisance.

(D) Residential Allocation Exemption.

The issuance of administrative use permits for second units shall be exempt from the provisions of §9-5.4008 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.

- (E) This Section is adopted consistent with, and as required by, State law (Chapter 1062 of the 2002 Statutes).