

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED BY _____
FEE PAID _____
DATE FILED _____
NUMBER _____
PLANNER _____
(For staff use only)

APPLICATION FOR A SECOND UNIT PERMIT

Please complete this application form and submit a \$750 application fee. If you are requesting variances, please add \$710 for 1 variance and \$355 for each additional variance requested.

Property Owner Information

Name(s) of Property Owner(s) _____
Address of Property _____
Mailing Address of Property Owner(s) (if different from above) _____
Telephone Numbers (home, work, mobile) _____
FAX Number _____

Design Professional/Property Owner Agent Information

Name of Design Professional/Agent _____
Address of Design Professional/Agent _____
Telephone Numbers (home, work, mobile) _____
FAX Number _____
Professional License Number _____ Expiration Date _____
Piedmont Business License Number _____ Expiration Date _____
(required for all design professionals/contractors/engineers/agents)
(Please contact the City Clerk at 510-420-3040 for Piedmont Business License information.)

Detailed Description of Proposed Project _____

Second Unit Permit Requirement

A second unit is allowed on any parcel in the City that has a primary residence, subject to the issuance of a Second Unit Permit. There may be no more than one second unit on a parcel. No subdivision of land is permitted that would result in a second unit being located on a separate parcel, unless each parcel meets all of the zoning requirements of the zoning district in which it is located. There are three types of second unit permits with three different review procedures for each type:

- **Ministerial Review of Second Units (Section 17D.4.1).** If your application meets all of the development standards listed in Section 17D.5, your application will be reviewed by Planning staff, and *will* be approved without a public hearing. No notice to your neighbors will be required.
- **Discretionary Review of Second Units with Variance (Section 17D.4.2).** If your application requires a variance from one or more of the development standards in 17D.5 regulating setbacks, lot coverage, height restriction, and floor area ratio (but not parking or unit size), your application will be reviewed pursuant to Section 17D.4.2. Your application will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent. The Planning Commission will review your application to determine if it meets the criteria for approval of a variance in Section 17.21.6 of the Code.
- **Discretionary Review of Second Units with Exceptions (Section 17D.4.3).** If your application does not meet the parking or unit size development standards, your application is eligible for consideration of an exception from those standards pursuant to Sections 17D.4.3 and 17D.6 of the Code. Your application will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent. This option is available to property owners who agree to rent-restrict their second units for 10 years in exchange for the exception from the parking requirement and the maximum unit size.

Development Standards (Section 17D.5)

The following are the development standards for a Second Unit. Please indicate whether the proposed project meets these standards by filling in the blanks and circling “YES” or “NO” for each section. If you answer yes to all of the questions, your application is eligible for ministerial review by staff. If you have answered no to any of the questions, your application will be reviewed by the Planning Commission:

- (a) Size. The maximum unit size of the second unit is 700 square feet.

What is the size of the proposed Second Unit? _____

Does the proposal meet the size standard? YES NO
(If no, your application requires review under Sections 17D.4.3 and 17D.6)

- (b) Floor area ratio. The total floor area of ALL habitable structures on the lot (including all habitable floors of the primary residence and proposed second unit, but not including the garage) shall be less than or equal to the following percentages for the following lot sizes:

55% for 0 - 5,000 sq. ft. lots
50% for 5,001 – 10,000 sq. ft. lots
45% for 10,001 sq. ft. and greater lots

What is the lot size? _____

What is the *existing* Floor Area Ratio for the subject property? _____

What is the *proposed* Floor Area Ratio for the subject property? _____

Does the *proposal* meet the floor area ratio standard? YES NO
(If no, your application requires review under Section 17D.4.2)

- (c) Lot coverage. The lot on which the second unit is located must comply with the lot coverage requirements of the zone in which it is located.

In which zone is your property located? _____

A maximum of 40% of the lot may be covered by structures (including the primary residence, second unit, garage, decks, structural stairs, etc.)

What is the *existing* structure coverage for the subject property? _____

What is the *proposed* structure coverage for the subject property? _____

Does the *proposal* meet the lot coverage/structure standard? YES NO
(If no, your application requires review under Section 17D.4.2)

A maximum of 70% of the lot may be covered by impervious surfaces within Zone A and 60% within Zone E. Impervious surfaces include structures and hardscape surfaces including driveways, walkways, terraces/patios etc.

What is the *existing* lot coverage by impervious surfaces for the subject property? _____

What is the *proposed* lot coverage by impervious surfaces for the subject property? _____

Does the *proposal* meet the lot coverage/impervious surface standard? YES NO
(If no, your application requires review under Section 17D.4.2)

- (d) Setbacks. For new construction, the dimension of the front yard setback and all setbacks adjacent to a street or alley shall be at least 20', measured from the property line (exclusive of the City right-of-way).

What is/are the City right(s)-of-way adjacent to your property? _____

What is/are the setback(s) adjacent to all streets/alleys for the proposed construction? _____

Does the proposal meet the front and other street setback standard? YES NO
(If no, your application requires review under Section 17D.4.2)

In Zone A, the dimensions of the side and rear yard setbacks (not adjacent to a street) shall be at least 4'. In Zone E, all side and rear yard setbacks shall be at least 20' except for setbacks for accessory structures which are 4'. What are the side and rear yard setbacks for the proposed construction?

Existing Residence
Right side yard _____
Left side yard _____
Rear yard _____

Proposed Construction
Right side yard _____
Left side yard _____
Rear yard _____

Does the *proposal* meet the side and rear yard setback standards? YES NO
(If no, your application requires review under Section 17D.4.2)

- (e) Off-street parking. The lot on which the second unit is located must conform to the parking requirements of Section 17.16. These requirements are based on the number of rooms that are eligible for use as a bedroom. Please read the following definition and answer the questions below.

17.2.21: ELIGIBLE FOR USE AS A BEDROOM. "Eligible for use as a bedroom" means a room with certain features characteristic of bedrooms generally, which include but are not limited to the following: access to a full bathroom on the same floor or within half a floor, if the house has a split level; access to the bedroom through a common hallway or other common space such as a kitchen, living room and/or dining room; adequate privacy; meets minimum size requirements of the Uniform Building Code [70 square feet, with a minimum dimension of 7'0" and a minimum ceiling height of 7'6"]. A room eligible for use as a bedroom need not have a closet.

Using the above definition, what is the current total number of rooms within the primary residence that are eligible for use as a bedroom? _____

The number of conforming parking spaces required for the primary residence is related to the number of rooms eligible for use as a bedroom as follows:

- 0 – 4 rooms eligible for use as a bedroom requires 2 conforming parking spaces
- 5 – 6 rooms eligible for use as a bedroom requires 3 conforming parking spaces
- 7 – 8 rooms eligible for use as a bedroom requires 4 conforming parking spaces

A conforming parking space is covered (garage or carport), non-tandem, and at least 9 feet wide by 20 feet deep. How many existing covered, non-tandem parking spaces are there currently on the property that measure at least 9 feet x 20 feet? _____

A second unit requires one additional conforming parking space. Including the parking required for the primary residence and the proposed second unit, what is the total number of parking spaces proposed?

Does the proposal meet the off-street parking standard? YES NO
(If no, your application requires review under Sections 17D.4.3 and 17D.6)

(f) Residential Design Review Guidelines. The design of the proposed Second Unit and its required parking shall meet the design criteria in the City's Residential Design Review Guidelines and related policies approved by the City Council. The architectural style, architectural elements, exterior materials, and color of the second unit shall be consistent with that of the primary unit. As provided in Section 17.20.4(a), a second unit application that proposes only interior remodeling of an existing building and does not propose to change the exterior form of the building shall be exempt from the design review requirement.

Please describe how the proposed project meets these Guidelines and policies. Please reference specific guidelines the proposal complies with from the *Residential Design Review Guidelines*:

(g) Owner occupancy. With the exception of existing Exempt Units, the owner of a Second Unit must occupy either the Primary Unit or the Second Unit, if both units are used for habitation. The owner must have submitted the attached signed Declaration of Restrictions, to be recorded before or concurrently with, and as a condition of, issuance of the Second Unit Permit, reflecting this restriction.

My signature below signifies that I:

- have read the background document and have provided all applicable information per the attached Second Unit Permit Submittal Checklist.
- have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan (*Please provide a description here of the easements and restrictions that were indicated on your property deed*) _____
- believe the information provided in this application is accurate to the best of my knowledge.
- am aware that City staff and City officials will be on my property to view the proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms etc.*) _____
- understand that if this application is approved, a building permit (issued within one year from the approval date) is required for construction and that no construction may commence prior to the issuance of the building permit. No changes may be made without City approval, and changes may require a new application.

SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____
_____ date _____

Agent Authorization

This authorization permits City staff to contact your agent if necessary.

I authorize _____ to act as my agent (architect, contractor, engineer, etc.) in the processing of all matters pertaining to this application. SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____

Pursuant to Sections 17D.4.3 and 17D.6, this form only pertains to applications requesting a parking exception

APPLICANT’S PARKING EXCEPTION FINDINGS

In order for the Planning Commission to approve an application requesting an exception from the parking regulations of the City Code (pursuant to Section 17D.6.(b)1), required findings must be made. Please describe below how the proposed project meets the criteria of Section 17D.6 (b) 2.a through c:

- a. The parking exception will not be detrimental to the health, safety or general welfare of persons residing in the neighborhood and will not negatively impact traffic safety or emergency vehicle access to residences or create hazards by obstructing views to or from adjoining sidewalks and streets.

- b. The parking exception will not adversely affect the character of the surrounding neighborhood.

- c. There is sufficient street parking available to accommodate the parking exception, or the second unit is located within 1/3 mile of a public transit stop.

SECOND UNIT PERMIT SUBMITTAL CHECKLIST

- ___ Application form signed by property owner(s)
- ___ \$750 Fee + \$710 if one variance is requested + \$355 for each additional variance
- ___ 2 sets of plans (plans must be folded, no larger than 24"x 36", and to scale):

Unless otherwise waived by staff, plans submitted for all Second Unit Permits must include:

- ___ **Existing Site Plan** (preferred scale at least 1/8" = 1')
Please indicate the location of all existing structures, hard-surface areas, property lines, and easements. Provide setback dimensions from all existing construction to property lines (setbacks are measured from the property line to the nearest point of the structure including all eaves, sills, cornices and/or other architectural projections). Please provide a North arrow.

- ___ **Proposed Site Plan** (preferred scale at least 1/8" = 1')
Please indicate the location of all existing and proposed structures, hard-surface areas, property lines, and easements. Provide setback dimensions from all proposed construction to property lines (setbacks are measured from the property line to the nearest point of the structure including all eaves, sills, cornices and/or other architectural projections). Please provide a North arrow.

For any application that seeks to construct a new structure or make a building footprint expansion, please include the footprints of all adjacent structures within 20 feet of the proposed new construction in Zone A (50 feet in zone E), excluding structures across the street. The adjacent structures may be indicated with a solid or dotted line that outlines the footprints of the structures, including decks and structural stairs. Please identify the structures by use (i.e. "residence", "deck", "stairs", and "garage", etc.), and indicate the dimensions between the closest point of any adjacent structure and the proposed construction.

- ___ **Roof Plans (Existing and Proposed)** (preferred scale at least 1/8" = 1')
Roof plans should include the materials, pitch, overhangs, skylights, chimneys, vents, and gutters. They may be shown on the existing and proposed site plans.

- ___ **Existing Floor Plans** (preferred scale at least 1/4" = 1')
Please provide plans for all floor levels of both the primary residence and proposed second unit, including basements and attics, and indicate room names, window and door locations, built-in cabinet, appliance and fixture locations, ceiling heights, and parking space dimensions in attached or detached garages.

- ___ **Proposed Floor Plans** (preferred scale at least 1/4" = 1')
Please provide plans for all floor levels of both the primary residence and proposed second unit, including basements and attics, and indicate room names, window and door locations, built-in cabinet, appliance and fixture locations, ceiling heights, and parking space dimensions in attached or detached garages.

- ___ **Existing Elevations** (preferred scale at least 1/4" = 1')
North, South, East and West elevations (proposed to be changed or affected by new construction) including all existing materials, styles and operational characteristics of windows and doors, and roof slopes. Additionally, if the height of the building is changing, please show the average existing building height. Please do not abbreviate architectural terms. If the second unit is proposed to be a separate structure, you may provide photographs (at least 8"x10") of all elevations of the primary residence, along with a list of all existing building materials (walls, roof, windows, doors, railings, etc.).

- ___ **Proposed Elevations** (preferred scale at least 1/4" = 1')
North, South, East and West elevations (proposed to be changed or affected by new construction) including all proposed materials, styles and operational characteristics of windows and doors, and roof

slopes. Please include exterior vents, downspouts, gutters and exterior light fixtures. Additionally, if the height of the building is changing, please show the average proposed building height. Please do not abbreviate architectural terms. If the second unit is proposed to be a separate structure, please show the relationship of the unit to the primary residence.

___ **Graphic Calculations (1 set only)**

Please submit plans which graphically illustrate the required calculations. Calculations are expressed as percentages. Three separate graphic calculations are to be submitted for the entire property. They are determined as follows:

___ **Lot Coverage/Structures** equals the number of square feet of all structures covering the lot divided by the number of square feet in the lot. (Eaves are not included in this calculation, but decks and structural stairs are.) For a complete definition of structure coverage, please see Piedmont City Code §17.2.66.

___ **Lot Coverage/Impervious Surfaces** equals the number of square feet of all structures plus the number of square feet of hardscape surfaces, all divided by the number of square feet in the lot. For a complete definition of impervious surfaces, please see Piedmont City Code §17.2.34.

___ **Floor Area Ratio** equals the number of square feet of floor area of both the primary residence and the second unit divided by the number of square feet in the lot. Floor area is defined as the sum of the gross horizontal area of the several floors of a building including: (a) basement space being used for habitation or having characteristics which meet the requirements of the Uniform Building Code; (b) elevator shafts and stairwells at each floor; (c and d) floor space for mechanical equipment or attic floor space where the structural headroom exceed seven and one-half feet; and (e) enclosed porches and lanais. Interior spaces which are actually used for habitation even though they do not meet the requirements of the Uniform Building Code are also included in the floor area calculation. For a complete definition of floor area ratio, please see Piedmont City Code §17.2.27.

___ **Landscape Plans** when required by Section 17.18 of the Piedmont City Code. Landscape Plans should include property lines, the location of all structures and impervious surfaces, and a plant list including the size and spacing of plants to be installed and the location of proposed planting. Irrigation must also be addressed in the landscape plans.

___ **Notarized Declaration of Owner Occupancy** (for all applications)

___ **Story Pole Certification** when required. Please see attached Policy.

___ **Applicant's Variance Findings** (for Discretionary applications pursuant to Sections 17D.4.2)

___ **Notarized Declaration of Rent Restrictions.** (for Discretionary applications pursuant to Sections 17D.4.3 and 17D.6)

___ **Affordable Rent Certification.** (for Discretionary applications pursuant to Sections 17D.4.3 and 17D.6)

Prior to Submitting an Application

If you believe that any of the above requirements do not pertain to your project, please call the Department of Public Works at (510)420-3050 and make an appointment to meet with a planner. Applicants and their agents (architect, contractor, engineer, etc.) are encouraged to discuss the application with the Planning staff early in the planning process. Planning staff will be happy to review all procedures with you and answer any questions you have. There is no fee charged for any meetings or discussions prior to the submittal of an application fee.

Pursuant to Sections 17D.4.3 and 17D.6, this form only pertains to applications requesting a variance.

APPLICANT'S VARIANCE FINDINGS

In order for the Planning Commission to approve an application for a Variance, required findings must be made. Please describe how the proposed project meets the variance criteria of Chapter 17 of the City Code (§17.21).

1. The underlying lot and existing improvements present unusual physical circumstances including but not limited to: (Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations, and explain why the improvements cannot be made in conformity with codes and regulations. Issues of personal hardships -- such as family size, finances, and medical condition -- should not be considered.)

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare as follows: (Explain why, without the variance, the owner cannot use the property in the same manner as others in the same zone, and explain how the variance will not give the owner an advantage over others in the same zone.)

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction as follows: ("Unreasonable hardship" for purposes of this subsection refers to the unusual physical characteristics of the underlying lot and existing improvements on the lot which prohibit development of the lot in a manner consistent with lots conforming to City standards. "Unreasonable hardship" shall not refer to any conditions personal to the applicant.)

Pursuant to Sections 17D.4.3 and 17D.6, this form only pertains to applications requesting a variance.

Piedmont Planning Commission

APPLICATION DUE DATES AND MEETING DATES FOR 2009

APPLICATION DUE DATES:

Planning Commission applications must be submitted to the Department of Public Works, 120 Vista Avenue, **by 4:30 pm**, 30 days prior to the meeting.

FRIDAY, DECEMBER 12, 2008

FRIDAY, JANUARY 9, 2009

FRIDAY, FEBRUARY 6, 2009

FRIDAY, MARCH 13, 2009

FRIDAY, APRIL 10, 2009

FRIDAY, MAY 8, 2009

FRIDAY, JUNE 12, 2009

FRIDAY, JULY 10, 2009

FRIDAY, AUGUST 14, 2009

FRIDAY, SEPTEMBER 11, 2009

FRIDAY, OCTOBER 9, 2009

FRIDAY, NOVEMBER 13, 2009

FRIDAY, DECEMBER 11, 2009

FRIDAY, JANUARY 8, 2010

MEETING DATES:

The Planning Commission meets on the **second Monday of each month at 5 pm**, Piedmont City Hall, 120 Vista Avenue in the Council Chambers.

MONDAY, JANUARY 12, 2009

MONDAY, FEBRUARY 9, 2009

MONDAY, MARCH 9, 2009

MONDAY, APRIL 13, 2009

MONDAY, MAY 11, 2009

MONDAY, JUNE 8, 2009

MONDAY, JULY 13, 2009

MONDAY, AUGUST 10, 2009

MONDAY, SEPTEMBER 14, 2009

MONDAY, OCTOBER 12, 2009

MONDAY, NOVEMBER 9, 2009

MONDAY, DECEMBER 14, 2009

MONDAY, JANUARY 11, 2010

MONDAY, FEBRUARY 8, 2010

CITY OF PIEDMONT POLICIES AND PROCEDURES

SUBJECT: Story Poles
SECTION: Planning

PURPOSE: The purpose of this policy is to enable neighbors, Planning Commissioners and staff to envision the proposed construction of design review applications and ensure the accuracy of the story pole representations, in accordance with Piedmont City Code Sections 17.20.1, and 17.20.3.

POLICY: It is the policy of the Department of Public Works and Planning Department to require the installation and verification of story poles for design review applications when:

1. A new residence and/or any other detached structure requiring design review is proposed;
2. An upper level expansion of an existing residence (including decks and dormers) is proposed, when a neighbor=s light, view and/or privacy is in question; and
3. As needed by the staff or Planning Commission to assess the proposed height and/or bulk of large single story expansions or any other proposed expansions.

PROCEDURES: Story poles are to be erected by the applicant or the applicant=s representative and verified by a California Licensed Land Surveyor or Licensed California Civil Engineer, along with photographs of the story poles. The verification shall state that the story poles are in compliance with the proposed application and shall be submitted in writing to the Department of Public Works no later than 12:00 noon, 14 days before a scheduled Planning Commission hearing in accordance with the schedule on the reverse side of this policy. **Without exception, applications that do not have written verification received by noon on the required deadline date will not be eligible for the Planning Commission agenda.** For Staff Design Review applications, staff will not consider the application to be complete or send the required notice to neighbors until verification is received, and will not take action on the application until at least 14 days from the receipt of the story pole verification. Applicants are encouraged to install and verify well in advance of the deadline to avoid problems with weather and surveyor scheduling.

Story poles shall be installed to define the outlines of the proposed construction in order to show the proposed height and mass of the construction. Typically there will be a pole at every proposed corner to indicate the wall planes, and poles that represent roof points, with tape or strings that connect the poles to indicate the roof height, ridges, slopes and relationship to the walls. There are no required materials for the poles, but the poles must be clearly visible and stable (wood and aluminum stud framing and rigid PVC pipes are typical materials), and the tape or strings should be brightly colored, clearly visible and strongly attached. Staff and the Planning Commission may require colored flags or plastic construction netting to help understand the proposed construction. Please contact staff if you have questions about a specific project.

Story poles shall remain during the 10 day appeal period after the staff or Planning Commission decision, and shall be removed within 14 days after the appeal period ends, unless an appeal is filed, in which case the story poles shall remain until a final decision is made by the Planning Commission or City Council.

INITIATED: Planning Commission
APPROVED: October 11, 2004
COMPUTER FILE: f:\planning\policies\story pole.904

Pursuant to Sections 17D.4.3 and 17D.6, this form only pertains to applications requesting a variance.

STORY POLE VERIFICATION DEADLINE SCHEDULE

APPLICATIONS SUBJECT TO PLANNING COMMISSION REVIEW

Verification from a California Licensed Surveyor or California Licensed Civil Engineer shall be received in writing to the Department of Public Works no later than 12:00 noon, 14 days before the scheduled hearing in accordance with the Story Pole Policy and Procedures on the reverse side of this schedule. *Without exception, applications that do not have written verification received by noon on the required deadline date will not be eligible for the Planning Commission agenda.* Applicants are encouraged to install and verify well in advance of the deadline to avoid problems with weather and surveyor scheduling.

MEETING DATES

For the meeting of:

MONDAY, DECEMBER 8, 2008

MONDAY, JANUARY 12, 2009

MONDAY, FEBRUARY 9, 2009

MONDAY, MARCH 9, 2009

MONDAY, APRIL 13, 2009

MONDAY, MAY 11, 2009

MONDAY, JUNE 8, 2009

MONDAY, JULY 13, 2009

MONDAY, AUGUST 10, 2009

MONDAY, SEPTEMBER 14, 2009

MONDAY, OCTOBER 12, 2009

MONDAY, NOVEMBER 9, 2009

MONDAY, DECEMBER 14, 2009

MONDAY, JANUARY 11, 2010

VERIFICATION RECEIPT DEADLINE

Verification *must* be received by:

NOON, MONDAY, NOVEMBER 24, 2008

NOON, MONDAY, DECEMBER 29, 2008

NOON, MONDAY, JANUARY 26, 2009

NOON, MONDAY, FEBRUARY 23, 2009

NOON, MONDAY, MARCH 30, 2009

NOON, FRIDAY, APRIL 27, 2009

NOON, MONDAY, MAY 25, 2009

NOON, MONDAY, JUNE 29, 2009

NOON, MONDAY, JULY 27, 2009

NOON, MONDAY, AUGUST 31, 2009

NOON, MONDAY, SEPTEMBER 28, 2009

NOON, MONDAY, OCTOBER 26, 2009

NOON, MONDAY, NOVEMBER 30, 2009

NOON, MONDAY, DECEMBER 28, 2009

APPLICATIONS SUBJECT TO STAFF REVIEW

Staff will not consider an application to be complete or take action on the application until at least 14 days from the receipt of the story pole verification from a California Licensed Surveyor or California Licensed Civil Engineer.

Rev. 12/2008

Recorded by and when recorded return to:

City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

**DECLARATION OF RESTRICTIONS
PROPERTY WITH APPROVED SECOND DWELLING UNIT**

This Declaration is made on _____, by _____, and _____, referred to as "Declarant".

WHEREAS the Declarant is the owner of real property (Property) located at _____ in the City of Piedmont, Alameda County, more particularly described in Exhibit "A", attached to this Declaration; and

WHEREAS, the Declarant applied for and the Director of Public Works approved a Second Dwelling Unit Permit, application number _____, on

_____, subject to the condition(s) that: _____

_____ ; and

WHEREAS, the Declarant desires and intends to impose on the Property the beneficial restrictions contained in this Declaration for the benefit of the Property and its present and future owners.

NOW, THEREFORE, Declarant declares that the Property described in Exhibit "A" shall be held, conveyed, leased, rented, used, occupied and improved in accordance with Chapter 17D of the City Code, subject to the following restrictions:

1. Declarant acknowledges and declares that Declarant shall occupy for habitation either the Primary Dwelling Unit or Second Dwelling Unit on the Property if Declarant leases, rents, or permits the use of one of the units as separate living quarters for other persons.
2. Declarant acknowledges and declares that if Declarant does not reside at the Property, only one of the units may be leased, rented or used as living quarters for other persons.
3. These restrictions shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the property or any part of it.

City of Piedmont
RENT-RESTRICTED SECOND UNIT
AFFORDABLE RENT CERTIFICATION

This Certification is to be completed on an annual basis, effective each December 31 and submitted by the Owner concurrently with the Owner's application for and/or renewal of the City's business license, and upon any change in occupancy or any change in the composition of the second unit household. Please provide all required information below.

Primary Unit Address: _____

Rent-Restricted Second Unit for (please check one):

- Low Income Households Very Low Income Households

Second Unit Type (please check one):

- Studio 1-Bedroom 2-Bedroom 3-Bedroom

Owner's Name: _____

Owner's Mailing Address: _____

Is second unit currently occupied? Yes _____ No _____

If second unit is rented, date current lease expires _____

Please provide a copy of the written lease agreement, if any.

Monthly Rent for the Second Unit*: _____

Utilities Provided by Owner, the cost of which is Included in the Monthly Rent:

____ Electricity

____ Gas

____ Water and Sewer Service

____ Garbage Collection

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Owner(s)

Date

* As per your Declaration of Rent Restrictions, the second unit must be rented to a very low or low income household at an affordable rent level. The California Department of Housing and Community Development defines these income categories and establishes State Income Limits on an annual basis. Please see the Planning Staff for a copy of current State Income Limits and a schedule of Maximum Affordable Rent Levels.

Second unit is occupied by _____ Owner _____ Tenant

Tenant's Name (if applicable): _____

Second Unit Occupants' Mailing Address: _____

Number of Occupants in the Second Unit _____

Occupants:

	Name	Age
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Second Unit Household's Gross Annual Income
Include only income from occupants age 18 and over.

	Occupant 1	Occupant 2	Occupant 3
Wages	_____	_____	_____
Child/Spousal Support (deduct if paid out)	_____	_____	_____
Social Security Benefits	_____	_____	_____
Pensions and Annuities	_____	_____	_____
Unemployment Compensation	_____	_____	_____
Welfare	_____	_____	_____
Disability Benefits	_____	_____	_____
VA Benefits	_____	_____	_____
IRA Distributions	_____	_____	_____
Interest and Dividends	_____	_____	_____
Business Net Income	_____	_____	_____
Capital Gains	_____	_____	_____
Other Income	_____	_____	_____
TOTAL	_____	_____	_____

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Second Unit Occupant

Date

WHEN RECORDED RETURN TO:

Piedmont City Planner
Piedmont City Hall
120 Vista Avenue
Piedmont, CA 94611

**DECLARATION OF RENT RESTRICTIONS FOR
SECOND UNIT AFFORDABLE TO LOW INCOME HOUSEHOLDS**

This Declaration, recorded in Alameda County, State of California, is made by _____
_____ (“Owner”). Owner owns real property described in
Exhibit “A” (property description), known as:

Assessor’s Parcel Number: _____

Address: _____, the “property”).

Owner hereby declares that all of the Property shall be held, sold, and conveyed subject to the following restrictions and conditions, which are for the purpose of satisfying certain exemption requirements set forth in the City of Piedmont City Code as described below, and which shall run with the title to the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors, and assigns, and shall apply to each owner thereof.

ARTICLE I

Owner intends to construct/maintain a Second Unit on Owner’s Property and has requested an exemption from the second unit parking requirement and/or maximum second unit size of the Piedmont City Code based on Owner’s assurance that any rental or occupancy of said unit will be to or by a very low income household at an affordable rent level.

ARTICLE II

Owner hereby restricts rental or occupancy of the Second Unit to only households that qualify as very low income households as those terms are defined in the State Income Limits for Alameda County most recently published by the California Department of Housing and Community Development or, in the event that the most recent such report is more than five years old, in accordance with the definitions set forth in California Health and Safety Code Sections 50079.5, 50093, 50105, and 50106, as those sections exist as of the effective date of this restriction.

ARTICLE III

If rent is charged for the Second Unit, the monthly rent and the cost of all utilities, including electricity, gas, water and sewer service, and garbage collection, for the Second Unit shall not exceed the maximum affordable rent level as determined by the City of Piedmont. If all utilities for the second unit are separately metered and billed, and if the second unit household is responsible for the costs of the that household’s use of utilities, the maximum rent shall be set at 90% of the affordable rent level.

ARTICLE IV

Upon execution of this Declaration, and on an annual basis thereafter, effective December 31 and filed concurrently with the application and renewal of the City’s business license, and upon any change in occupancy, Owner shall provide a Second Unit Affordable Rent Certification to the City Clerk of the City of Piedmont. This Certification shall state (a) whether the unit is being rented; (b) the monthly rent being charged; (c) the utilities included in the monthly rent; (d) the household size of the second unit; (e) the name(s) and age(s) of the occupant(s) of the second unit; and (f) the gross household income of the occupant(s) of the second unit. The Certification shall be accompanied by a declaration by both Owner and tenant under penalty of perjury under the laws of the State of California that the Certification is true and correct.

ARTICLE V

Owner confirms that Owner has voluntarily requested and agreed to the rent restrictions set forth herein and pursuant to the Piedmont City Code, that Owner understands that such agreeing to rent restrictions allows Owner to construct/maintain a Second Unit that would not otherwise be permitted under either State law or the Piedmont City Code, and Owner agrees that such rent restrictions are a fair exchange for the exceptions to normal legal requirements that will allow Owner to construct/maintain such Rent-Restricted Second Unit.

ARTICLE VI

The City of Piedmont may recover reasonable attorneys’ fees and costs incurred in bringing legal action to enforce this Declaration. In addition, the City may recover from Owner any rents received or receivable during any occupancy not authorized by the terms of this Declaration, or, in the alternative, the City may recover the reasonable value of such unauthorized occupancy.

ARTICLE VII

Owner fully understands that if Owner violates the terms of this Declaration, that City may pursue a number of alternative remedies against Owner, as more specifically spelled out in Section 17D.8 of the Piedmont City Code, and by signing this Declaration Owner acknowledges that Owner is subject to the provisions of Section 17D.8. Owner further acknowledges that if Owner withdraws the Property from use as a Rent-Restricted Second Unit, even in conformance with the provisions of Chapter 17D.6 of the Piedmont City Code the owner will be required to make modifications to the property to comply with current Building Code requirements and to comply with the Planning Code requirements in effect at the time the exception(s) was granted or obtain a variance from such requirements.

Executed on _____

Owner’s signature(s): _____

OWNERS’ SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGEMENT SHALL BE ATTACHED.

WHEN RECORDED RETURN TO:

Piedmont City Planner

Piedmont City Hall

120 Vista Avenue

Piedmont, CA 94611

**DECLARATION OF RENT RESTRICTIONS FOR
SECOND UNIT AFFORDABLE TO VERY LOW INCOME HOUSEHOLDS**

This Declaration, recorded in Alameda County, State of California, is made by _____
_____ (“Owner”). Owner owns real property described in
Exhibit “A” (property description), known as:

Assessor’s Parcel Number: _____

Address: _____, the “property”).

Owner hereby declares that all of the Property shall be held, sold, and conveyed subject to the following restrictions and conditions, which are for the purpose of satisfying certain exemption requirements set forth in the City of Piedmont City Code as described below, and which shall run with the title to the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors, and assigns, and shall apply to each owner thereof.

ARTICLE I

Owner intends to construct/maintain a Second Unit on Owner’s Property and has requested an exemption from the second unit parking requirement and/or maximum second unit size of the Piedmont City Code based on Owner’s assurance that any rental or occupancy of said unit will be to or by a very low income household at an affordable rent level.

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Executed on _____

Owner’s signature(s): _____

OWNERS’ SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGEMENT SHALL BE ATTACHED.

Certificate of Acknowledgment

STATE OF CALIFORNIA)
)ss.
COUNTY OF _____)

On _____, before me, _____, a Notary Public

for the State of California, personally appeared _____,
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary seal)

Staff Use Only

Application # _____ ADR / SDR / PCDR Building Permit # _____

Date: _____

CITY OF PIEDMONT PLANNING AND BUILDING APPLICATION INFORMATION: IMPERVIOUS SURFACE FORM

Purpose:

The Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, which is issued and enforced by the San Francisco Regional Water Quality Control Board (SFRWQCB), requires that the City of Piedmont, as a member agency of the Alameda Countywide Clean Water Program, track and report the development of impervious surface.

Instructions:

This form must be submitted for **ALL Development Projects on lots $\geq 10,000$ Sq. Ft.**

Impervious Surface Definition:

Any surface that cannot be effectively (easily) penetrated by water, thereby resulting in runoff. Examples: pavement (asphalt, concrete, etc.), buildings/structures, decks, driveways/roadways, parking lots and sidewalks.

Date of Application: _____

Type of application: Planning Building Permit Other - _____

Project Location or Address: _____

Type of Project:

Residential Commercial Public Agency Other - _____

Property Owner's Name: _____

Applicant's Name: _____

Owner Contractor Architect / Engineer Developer

Applicant's Address: _____

Applicant's Phone: _____ Fax: _____ Email: _____

Total Lot (or parcel/tract) Area in Sq. Ft. _____ APN # _____

Type of Impervious Surface	Existing Impervious Surface Area Calculation in Sq. Ft.	Proposed Impervious Surface Area Calculation in Sq. Ft.
Building(s) Footprint (including attached garage)		
Driveway(s), Patios(s), Parking Lot(s), Shed(s), Decking, walkways, pavers		
Detached/Attached Garage(s), Carports(s), Shed(s), Other misc. structures		
Off-lot Impervious Surface (Streets, Sidewalks)	N/A	
Total Impervious Surface in Square Feet		

Check box if proposed project's impervious surface is over: 43,560 sq. ft. 10,000 sq. ft.

Check box for phase of project: Planning / Design Review Application Building Permit Application

I declare under penalty of perjury, that to the best of my knowledge, the square footage presented herein is accurate and complete. Incorrect impervious area calculations may delay your project application(s) and/or permit(s).

Signature of Applicant

Date