

August 1, 2019



OWNER OCCUPANCY REQUIREMENTS FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS NEWLY CONSTRUCTED OR CONVERTED IN THE CITY OF SAN PABLO

The City of San Pablo (“City”) requires a Deed Restriction (Restriction) to be recorded against the property when the City has approved an application or a plan check review to construct or convert an existing space (garage) into a new Accessory Dwelling Unit (“ADU”).

The Restriction requires the property owner to live in either the main residence or the ADU. The City can require an owner occupancy requirement pursuant to recent state legislation that became law as of January 1, 2017. These two bills are Assembly Bill 2299 (AB 2299), and Senate Bill 1069 (SB 1069).

The City’s legislation on ADUs is in Section 17.60.070, and can be found here on the City’s website: www.sanpabloca.gov. Please look for the Municipal Code on the City’s homepage, click on Title 17, and scroll to Special Residential Uses, Accessory Dwelling Units.

The City’s Deed Restriction is attached to this Memo so persons interested in creating a new ADU or converting an existing garage into an ADU are aware of this memo, and Restriction. Please indicate below that you received this Memo, and Restriction. A copy of this form will be kept by the City of San Pablo.

Thank you.

I received this form on _____ for my property at _____
(DATE)

_____.

_____ Property Owner _____ Architect/Designer/Representative

R:\Dev Serv\Planning\ADU Deed Restriction Form\ADU Memo on Requiring a Deed Restriction

Recording requested by and
After recording return to:

City Clerk
City of San Pablo
13831 San Pablo Avenue, Bldg. 1
San Pablo, CA 94806

[exempt from recording fees pursuant to Government Code section 27383]

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That _____ and _____
owner(s) of the real property in the County of Contra Costa, State of California, described as
_____ Subdivision, Lot _____, Block _____, records of said county, does certify and declare
that he/she does hereby establish the provisions and restrictions upon the subject lot designated above
which shall be sold, or conveyed by him/her as such owner, in this subdivision and shall apply to and bind
the respective successors in interest of the present owner thereof, and are imposed upon said lot in this
subdivision, to wit:

The covenant, condition, and restriction (Restriction) is to establish that this property contains an approved Accessory Dwelling Unit (ADU), pursuant to Section 17.60.070 of the San Pablo Municipal Code (SPMC), and is subject to the restrictions and regulations set forth in that Section. These restrictions and regulations generally address development prohibitions, owner occupancy requirements, parking requirements, and participation in the City's annual certification program. Current restrictions and regulations may be obtained from the City of San Pablo Community and Economic Development Department.

Now, therefore, the Owner agrees as follows:

1. The current owner(s) of Property must have a legal, permanent residence in either the main residential unit on the Property or in the accessory dwelling unit.
2. The restrictions set forth in this Restriction shall run with the land, and shall be binding upon any successor in interest to the Property.
3. This Restriction shall not be amended, released, terminated or removed from the Property without the prior written consent of the City of San Pablo.
4. This Restriction shall be recorded in the Contra Costa Recorder's Office.

Provided that a breach of any of said provisions and restrictions above mentioned shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to said lot or property, or any part thereof, but such provisions or restrictions shall be binding and effective against any owner of said property whose title thereto is acquired by foreclosure, trustee's sale or otherwise. It is agreed that in the event that any restrictions herein contained is invalid or is held to be invalid or void by any court of competent jurisdiction, such invalidity shall in no way affect any other restriction herein contained.

R:\Planning\ADU Deed Restrictions Forms\SAMPLE OF Covenants, Conditions and Restrictions

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No delay or omission on the part of _____ or _____ or his/her successors in interest as owners of the rights herein provided for or remedy herein provided, in the event of any breach of the provisions or restrictions herein contained, shall be constructed as a waiver thereof acquiescence therein.

IN WITNESS WHEREOF this declaration has been executed by the party above named this _____ date of _____, 20_____.

_____ AND _____

Property Owner (s)