DEED RESTRICTION
DECLARATION OF RESTRICTIONS OF OCCUPANCY FOR ACCESSORY DWELLING UNIT

The Property Owner(s) ____________________ and _______________ is/are the fee title owner(s) of the property located at _______________________________, Santa Rosa, also identified as Sonoma County Assessor’s Parcel No. _____________________ (hereinafter the Property). The Property is described in the deed recorded as Document No. ______________ in the Office of the Sonoma County Recorder, a copy of which is attached hereto and made a part hereof.

RECITALS

A. Property Owner(s) is the present owner of the Property.

B. Property Owner(s) proposes to construct (or install) an accessory dwelling unit on the Property pursuant to Section 20-42.130 of the City of Santa Rosa Zoning Code.

C. Section 20-42.130 of the City of Santa Rosa Zoning Code conditions the construction and/or conversion, and occupancy of accessory dwelling units as follows:

1. The accessory dwelling unit shall not be sold separately from the single-family residence;

2. The accessory dwelling unit shall be considered legal only so long as either the primary residence or the accessory dwelling unit is occupied by the owner of record of the property; and

3. The accessory dwelling unit shall not be rented for a term of less than 30 days.

D. The purpose of this Declaration of Restrictions of Occupancy for Accessory Dwelling Unit 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 single-family residence (Primary Residence) and the accessory dwelling unit on the Property.

E. This Declaration of Restriction of Occupancy for Accessory Dwelling Unit is the deed restriction recorded pursuant to Section 20-42.130 (G) of the City of Santa Rosa Zoning Code.
NOW, THEREFORE, based on the foregoing, Property Owner(s) agrees as follows:

1. The accessory dwelling unit on the Property shall not be sold separately from the Primary Residence on the Property.

2. The accessory dwelling unit is restricted to the size, design and location consistent with the City of Santa Rosa Zoning Code.

3. The Property Owner shall (i) occupy either the Primary Residence or accessory dwelling unit as its principal place of residence, or (ii) record against the Property a fully executed Affordability Contract pursuant to Section 20-42-130(H) of the City of Santa Rosa Zoning Code.

4. The accessory dwelling unit shall not be rented for a term of less than 30 days.

5. This Declaration of Restriction of Occupancy for Accessory Dwelling Units is intended to be a covenant running with the land and shall be binding upon the heirs, assigns and successors in interest of Property Owners and subsequent purchasers of the Property.

6. Violation of the restrictions set forth in paragraphs 1 through 5, or any one of them, is a good and sufficient ground to warrant civil action against the Property Owner and all other remedies that may be required and/or available to the City of Santa Rosa for a violation of this Declaration of Restriction of Occupancy for Accessory Dwelling Units.

Property Owner(s) has read and understands this Declaration of Restriction of Occupancy for Accessory Dwelling Units and hereby enters into it voluntarily and without inducement.

CITY OF SANTA ROSA  
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Dated: __________________, 2018            _____________________________

BY:   David Guhin
       Director of Planning & Economic Development

OWNER(S)

Dated: __________________, 2018

By:   __________________________
       NAME OF OWNER

Dated: __________________, 2018

By:   __________________________
       NAME OF OWNER
APPROVED AS TO FORM:

_____________________________
City Attorney
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF __________)

On ________________ before me, ____________________________________________, personally appeared ____________________________________________, personally known to me, or proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledge 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.

WITNESS my hand and official seal.

_______________________________
Notary Public
STATE OF CALIFORNIA) 
COUNTY OF__________) SS.

On_______________before me, ____________________________, personally appeared______________________________________, personally known to me, or proved to me on the basis of satisfactory evidence to be the person(s) whose names(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.

WITNESS my hand and official seal.

___________________________ 
Notary Public