

COVENANT AND AGREEMENT FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

*When an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is legally created on or after April 16, 2021, a Covenant and Agreement for Accessory Dwelling Unit/Junior Accessory Dwelling Unit Structure (Covenant) shall be required as specified in Brea City Code (BCC) Section 20.208.040(P)(4). Outlined below is a list of steps necessary to record a Covenant. This checklist should be reviewed with a Planner at the Permit Counter and an unrecorded Covenant must be submitted with your plans. **A Covenant will not be accepted unless accompanied by plans submitted for Plan Check.***

- CONSULT A PLANNER:** Before initiating any work on an ADU or JADU structure, consult a planner to verify compliance with all applicable development standards established in the Zoning Code, (i.e. setbacks, height, size, etc.). Please note this consultation is not intended to cover any building requirements or design issues. It is recommended that you consult with those departments to ensure all other requirements will be met prior to recordation of a Covenant.
- COMPLETE COVENANT:** The form Covenant must be filled out completely. Provide all the requested information, including the legal description of the subject property. The information must be clear and legible in order to produce a readable photographic record. Signature of all property owners must be provided and notarized. (Refer to attached example.)
- SITE PLAN:** The site plan to be approved by Planning Staff must contain the words “**Exhibit A**” on the top of the page in a conspicuous location. The site plan shall be of standard page size of 8-½” by 11”. Other page sizes or additional pages will incur additional recording fees by the Orange County Clerk-Recorder. The site plan must contain the size and location of the primary dwelling unit(s) and all accessory structures on site. An interior floor plan of the accessory structure in question with proposed facilities shall also be provided. The site plan and floor plan must be clear and legible to produce a readable photographic record (refer to attached example).
- COMMUNITY DEVELOPMENT DIRECTOR REVIEW:** When the above items have been completed, along with the notarization of Page One, the Covenant must then be submitted with your plans to the Planning Division. The packet will be reviewed by Planning Staff. Upon review and approval, the Community Development Director will sign the Covenant and affix a City-approved stamp. **Please do not record the Covenant without the Community Development Director’s signature.**
- RECORDING A COVENANT WITH THE COUNTY:** Upon receiving the Community Development Director’s stamp of approval, staff will inform the applicant that the packet is ready to be picked up for recording. The applicant must then go to any of the four Orange County Clerk-Recorder branch offices to record the Covenant (locations are provided on the back of this form). For locations, hours of service, or any other Clerk- Recorder questions, please call (714) 834-2500 or visit <http://www.ocrecorder.com>
- COPY OF COVENANT FOR FILE:** When the Covenant has been recorded, a copy shall be submitted back to the Planning Department for filing. The final plans submitted for a building permit must match the site plan and floor plan contained in the recorded covenant. Any submitted inconsistencies in the plans will delay the issuance of a building permit.

Orange County Clerk-Recorder Branch Office Locations

North County Branch Office

Wells Fargo Building/Parking
222 S. Harbor Blvd., Suite 110
Anaheim, CA 92805
(714) 834-2500

South County Branch Office

24031 El Toro Rd., Suite 150
Laguna Hills, CA 92653
(714) 834-2500

County Administration South

601 N. Ross St.
Santa Ana, CA 92701
(714) 834-2500

RECORDING REQUESTED BY:)
: INSERT PROPERTY OWNERS :)
: MAILING INFORMATION HERE :)
: :)

AND WHEN RECORDED MAIL TO:
: :)
: COMMUNITY DEVELOPMENT :)
: PLANNING DIVISION :)
: 1 CIVIC CENTER CIR. :)
: BREA, CA 92821 :)
: :)

Space for Recorders Use Only

**COVENANT AND AGREEMENT FOR ACCESSORY DWELLING
UNIT/JUNIOR ACCESSORY DWELLING UNIT STRUCTURE**

The undersigned hereby certify that they are the owners of the following described real property in the City of Brea, County of Orange, State of California:

LEGAL DESCRIPTION: : INSERT LEGAL DESCRIPTION OF PROPERTY HERE :
.....
.....

also known as : INSERT PROPERTY ADDRESS HERE : Brea, CA, :
.....

The above described real property contains an Accessory Dwelling Unit (ADU) and/or a Junior Accessory Dwelling Unit (JADU) located as set forth in the site plan attached hereto as Exhibit A. The undersigned hereby agree and covenant with the City of Brea that each such structure is consistent with the applicable definition in Brea City Code Section 20.00.070. The undersigned further agree and covenant that each such structure shall be maintained in accordance with Brea City Code Section 20.208.040 including the following restrictions: (1) the structure may not be sold, transferred, or assigned separately from the primary residence; (2) the structure may not be rented for a period of less than 30 consecutive days; (3) if the property contains a JADU, the JADU shall be a legal unit and may be used as habitable space only so long as the main dwelling unit, or the JADU, is occupied by the owner of record of the property unless otherwise permitted by state law; and (4) these restrictions shall run with the land and be binding upon the undersigned and all future owners, and lack of compliance may result in legal action against the property owner to compel compliance with the Brea City Code.

PRINT NAME OF OWNER #1
Print Name of Property Owner

PRINT NAME OF OWNER #2
Print Name of Property Owner

PROPERTY OWNER #1
SIGNATURE HERE

PROPERTY OWNER #2
SIGNATURE HERE

Signature of Property Owner

Signature of Property Owner

INSERT DATE

Dated

INSERT DATE

Dated

ACKNOWLEDGEMENT

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 Orange }

On _____ before me, _____, personally appeared _____, who 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 _____
Signature of Notary Public

(seal)

DO NOT RECORD UNTIL PAGE 3 HAS BEEN COMPLETED BY THE CITY

FOR CITY OF BREA USE ONLY

Dated: _____ By: _____

Signature of
Community Development
Director or his/her designee

Print Name of
Community Development
Director or his/her designee

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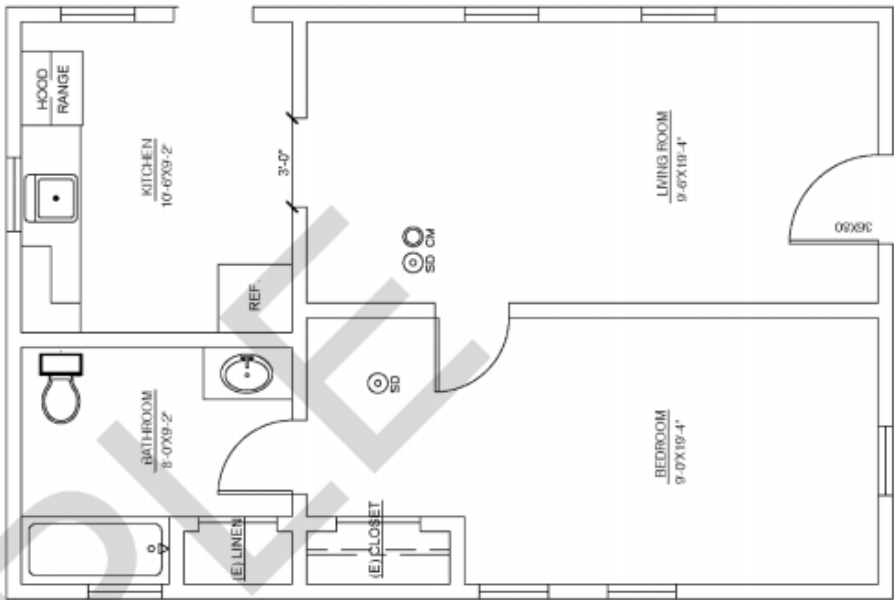
WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

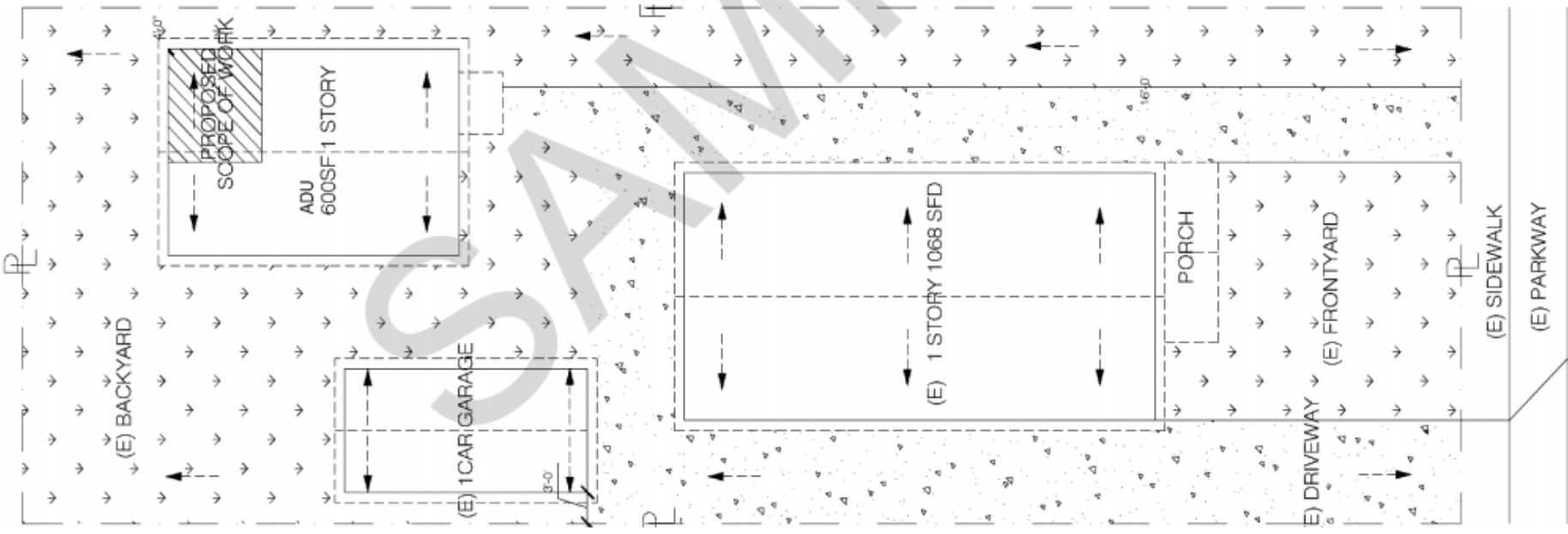
(seal)

EXHIBIT A

Lot Size: 7,400 sq. ft.
 Existing and proposed square footage (all structures): 1,968 sq. ft.
 Proposed lot coverage: 26%
 Proposed accessory dwelling unit square footage: 600 sq. ft.



FLOOR PLAN - ADU



SITE PLAN

RECORDING REQUESTED BY:)
)
)
)
_____)

AND WHEN RECORDED MAIL TO:)
Community Development Dept.)
Planning Division)
1 Civic Center Drive)
Brea, CA 92821)

Space for Recorders Use Only

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ACCESSORY DWELLING UNIT STRUCTURE**

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LEGAL DESCRIPTION: _____

also known as _____ Brea, CA. 9 _____

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Print Name of Property Owner

Print Name of Property Owner

Signature of Property Owner

Signature of Property Owner

Dated

Dated

ACKNOWLEDGEMENT

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State of California }
County of Orange }

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WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

(seal)

DO NOT RECORD UNTIL PAGE 3 HAS BEEN COMPLETED BY THE CITY

FOR CITY OF BREA USE ONLY

Dated: _____ By: _____
Signature of Community Development Director or his/her designee Print Name of Community Development Director or his/her designee

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(seal)