

Article 6 - Second Dwelling Unit

20-03.111 Purpose.

The purpose of this article is to comply with amendments made in 2002, to State Law §65852.2 which provides for City's to set standards for the development of second dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with *the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.*

20-03.112 Definitions.

(A) Second Dwelling Unit: Any residential dwelling unit which provides complete independent living facilities on the same parcel as a legal single family residence and including, but not limited to, the permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes efficiency units and manufactured homes. Second dwelling units are not "accessory uses" as defined in Article 4.1 of Chapter 20-05.

- (1) Efficiency Unit: A separate living space with a minimum floor area of 150 square feet intended for occupancy by no more than two persons which contains partial kitchen and bathroom facilities. *For the purpose of this section, efficiency unit has the same meaning as Section 17958.1 of the Health and Safety Code.*
- (2) Manufactured home: A transportable structure which in the traveling mode is 8 feet or more in width and 40 feet or more in length and is a minimum of 320 square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation. *For the purpose of this section, manufactured home has the same meaning as Section 18007 of the Health and Safety Code.*
- (3) Neighborhood: An area commonly identified as such in planning documents and among individuals who reside and work within close proximity.

20-03.113 Location.

(A) One second dwelling unit may be located on any residentially zoned lot that principally allow single family dwellings and which is either undeveloped or contains only a legal single-family detached dwelling.

(B) Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

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(C) Second dwelling units are not required to meet the density requirements of the General Plan, but shall otherwise be consistent with General Plan text and diagrams.

(D) No second dwelling unit may be approved if located on, or adjacent to, real property that is listed in the California Register of Historic Places.

20.03.114 Permitting Procedures.

Any application for second dwelling unit that meets the location and development standards, contained in this code, shall be approved ministerially without discretionary review or public hearing.

20.03.115 Submittal Requirements and Application Processing.

(A) Step One- Submittal- The application package for a second dwelling unit permit shall be submitted to the Department of Community Development concurrent with the submittal of an application for building permit. In addition to the standard submittal requirements for a building permit, the second dwelling unit application package shall include:

- (1) Plot plan (drawn to scale): Dimension the perimeter of parcel on which the second dwelling will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50 feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included. Provide average slope calculations for the project site.
- (2) Floor Plans: Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.
- (3) Elevations: north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed second dwelling unit.
- (4) Cross Section: Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
- (5) Color photographs of the site and adjacent properties. The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.

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(6) Deed restriction completed as required, signed and ready for recordation.

(B) Step Two -- Issuance. The Department of Community Development shall issue a second dwelling unit building permit if it conforms to the specific standards contained in §20.03.116 Development Standards

Section 20.03.116 Development Standards.

A second dwelling unit permit will only be issued if it complies with the following development standards:

(A) Setbacks:

- (1) Residential Districts: The main dwelling unit setbacks, based on the zoning district in which it is located, shall also apply to the second dwelling unit. No second dwelling unit shall be closer to the main dwelling (on the same lot) than that permitted by the Uniform Building Code. A second dwelling unit shall not be closer than 10 feet to a main building on an adjacent lot. A second dwelling unit shall be located within 100 feet of the main dwelling unit.
- (2) Second Dwelling Unit Setbacks in -PD Districts in effect on or before October 4, 1985, and without specified setbacks identified in a Policy Statement or Development Plan shall maintain a rear setback of 15 feet, an interior side yard setback of 5 feet for a one-story portion and 10 feet for a two-story portion and an exterior side yard setback of 15 feet

(B) Unit Size.

- (1) No newly constructed second dwelling unit may have more than one bedroom, nor contain a floor area in excess of 700 square feet. Efficiency units shall not contain less than 150 square feet.
- (2) Internal Conversion: A second dwelling unit created by the internal conversion of an existing single family dwelling shall not occupy more than 45 percent of the habitable floor area of the building, excluding the garage area.

(C) Height: A second dwelling unit shall not exceed two stories. The maximum building height for a second dwelling unit is 27 feet.

(D) Lot Coverage: A second dwelling unit shall adhere to the lot coverage requirements applicable to the main dwelling unit.

(E) Off-Street Parking: The second dwelling unit shall provide one more off-street parking space than required for a single-family dwelling. This additional parking space may be uncovered, compact, tandem and located within the front yard setback

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when located in the driveway. If there is no on-street parking directly in front of the lot to be developed with a second dwelling unit, then the additional parking space shall be located outside any setback but may be compact and uncovered.

(F) **Architectural Compatibility:** The second dwelling unit shall incorporate the same or similar architectural features, building materials and colors as the main dwelling unit or *compatible* dwellings located on adjacent properties.

G) **Privacy:** Any window or door of a 2nd story second dwelling unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include, use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments.

(H) **Permanent Foundation:** A permanent foundation shall be required for all second dwelling units.

(I) **Existing Development:** A single-family dwelling must exist on the lot or shall be constructed on the lot in conjunction with the construction of the second dwelling unit.

(J) **Number per Lot:** A maximum of one second dwelling unit shall be permitted on any lot.

(K) **Occupancy.** The property shall be the primary residence of the property owner. The owner may occupy either the main dwelling unit or second dwelling unit as their principal residence.

Section 20.03.117 Deed Restrictions.

Before obtaining a second dwelling unit building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

- (A) The second dwelling unit shall not be sold separately;
- (B) The second dwelling unit is restricted to the maximum size allowed per the development standards in Section 20.03.116
- (C) The second dwelling unit shall be considered legal only so long as either the primary residence, or the second dwelling unit, is occupied by the owner of record of the property;
- (D) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

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