

**Chapter 17.105
SECOND DWELLING UNITS**

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17.105.010 Purpose.

The purpose of this chapter is to permit second dwelling units in single-family residential zoning districts and on residential property consistent with state law (California Government Code Sections 65852.1 through 65852.2). This chapter is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily residential character of the area. Second dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants, consistent with the general plan. (Ord. 1110 § 2 (part), 2008)

17.105.020 Permitted locations.

- A. Second dwelling units shall be permitted in conjunction with existing single-family dwelling units in single-family residential zoning districts as provided under this chapter. Except as herein noted, second dwelling units shall not be permitted in other zoning districts.
- B. Second dwelling units in the historic district shall be subject to the requirements in this chapter and Chapter 17.52 and, in the event of a conflict, the requirements in Chapter 17.52 shall control as to the conflict and the remaining provisions in this chapter shall continue to apply. (Ord. 1110 § 2 (part), 2008)

17.105.030 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- A. "Accessory building or structure" means a detached, subordinate building or structure, the use of which is incidental to that of the main building on the same lot, or to the use of the land but is not used or intended for habitation. Accessory buildings may be located as close as five feet to side and rear property lines.
- B. "Efficiency unit" means a dwelling unit having a living area of not less than one hundred fifty square feet of total floor area and an additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower. The unit shall be provided with a separate closet. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of not less than thirty inches in front. Light and ventilation conforming to the adopted uniform codes shall be provided.
- C. "Guest house/pool house" means an attached or detached habitable structure with only sleeping, living, and bathroom provisions, without indoor kitchen or cooking facilities.
- D. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structures.
- E. "Primary dwelling unit" means an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.
- F. "Second dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. A second dwelling unit may also be referred to as a "granny flat." (Ord. 1110 § 2 (part), 2008)

17.105.040 Ministerial approval.

If the application for a second dwelling unit complies with all of the requirements of this chapter, and the project does not present any adverse impacts on any real property that is listed in the California Register of Historic Places, this application shall be considered ministerially without discretionary review. (Ord. 1110 § 2 (part), 2008)

17.105.050 Guest house/pool house exemption.

One guest house or pool house per parcel is permitted on parcels with a minimum six-thousand-square-foot lot area. For purposes of this chapter, pool houses/guest houses shall comply with all requirements of accessory buildings under this title, including but not limited to a minimum five-foot setback requirement to side and rear property lines. (Ord. 1110 § 2 (part), 2008)

17.105.060 Development standards.

The development standards in this section only apply to second dwelling units.

- A. **Maximum Number.** Only one second dwelling unit shall be permitted per parcel or lot in conjunction with an existing primary dwelling unit, regardless of the number of single-family dwellings on the lot.
- B. **Minimum Lot Size.** The parcel on which the second dwelling unit is proposed shall have a minimum lot area of six thousand square feet.
- C. **Maximum Dwelling Size.** If attached, the second dwelling unit shall have a living area not to exceed thirty percent of the living area of the primary dwelling unit, up to a maximum of one thousand two hundred square feet; however, if the floor area of the primary dwelling unit is less than one thousand two hundred square feet, then, notwithstanding the foregoing, the floor area of an attached secondary dwelling unit may exceed thirty percent of the living area of the primary dwelling unit, up to a maximum of one thousand two hundred square feet, as long as all other requirements of this chapter are met. If detached, the second dwelling unit shall not exceed a maximum of one thousand two hundred square feet of living area.
- D. **Minimum Dwelling Size.** A second dwelling unit shall be no smaller than, and shall at a minimum meet the description of, an efficiency unit.
- E. **Maximum Lot Coverage.** The maximum lot coverage in the single-family residential zoning district may be increased for second dwelling units up to a maximum of ten percent.
- F. **Utilities.** All necessary public and private utilities and services shall be required for the second dwelling unit.
- G. **Severability.** The residential lot, on which a second dwelling unit has been constructed, shall not be subdivided to create separate parcel ownership for the primary dwelling unit or the second dwelling unit.
- H. **Entrance.** A separate entrance, independent of the entrance for the primary dwelling unit, shall be provided. Any entrances to a second dwelling unit shall not be located on the same building elevation as the entrance to the primary dwelling unit.
- I. **Parking.** The second dwelling unit shall be required to provide no more than one off-street parking space per unit. Additional parking may be added; provided, that a finding is made by the director of community development department that the additional parking requirements are directly related to the use of the second dwelling unit and are consistent with any existing neighborhood standards applicable to the existing primary dwelling unit.
- J. **Conformity with Regulatory Requirements.**
 - 1. Attached or detached second dwelling units shall comply with the height, setback, and lot coverage standards as well as fees, charges and other zoning requirements applicable to construction in the permitted single-family residential zoning district.
 - 2. A second dwelling unit may be within, attached to, or detached from the existing primary dwelling unit. If within or attached, the second dwelling unit shall comply with all required building setbacks for the primary dwelling unit. If detached, the second dwelling unit shall be separated from the primary dwelling unit by a minimum of six feet or a separation defined in the California Building Code as being adequate to prevent fires from moving from one building to the next, whichever is the greater requirement to maximize fire safety, and shall maintain a minimum setback from property lines of five feet.
 - 3. Notwithstanding the foregoing, a second dwelling unit may be located as close as five feet from a rear property line; provided, that the structure is no higher than eighteen feet tall measured from the highest part of the structure to natural grade. The maximum allowed height of a second dwelling unit may increase as the distance between the second dwelling unit and the property line increases as follows: for every additional foot of setback, the maximum height may be increased by one-half foot; however, the height of the second dwelling unit may not exceed the height of the primary dwelling unit or the maximum height allowed in the single-family residential zoning district, whichever is lower.

K. Design. The second dwelling unit shall be architecturally and aesthetically compatible with adjacent and nearby buildings, and shall appear subsidiary in mass and scale to the primary dwelling unit. The visual relationship between adjacent and nearby buildings shall be consistent and architecturally appropriate in terms of materials, colors, building elements, building mass, and other constructed elements of the urban environment such that abrupt or severe differences are avoided. An appropriate design should emphasize the primary/secondary nature of the buildings' relationship to each other as well as the need to ensure, to the greatest extent possible, the privacy of neighboring parcels. Special care should be taken concerning the location and orientation of the detached second dwelling unit so that it does not materially reduce the privacy otherwise enjoyed by residents of an abutting property. Considerations shall include the slope or grade of the lot, placement of windows, decks, balconies, and landscape.

L. In the historic overlay zoning district, the design of second dwelling units shall be consistent with the design and development guidelines of Chapter 17.52 (H-D, Historic District) and the historic district design and development guidelines (HDDDg).

M. Owner-Occupancy Requirement. Either the primary dwelling unit or the second dwelling unit must be occupied by the owner of the residential lot. If neither of the units is occupied by the property owner, the approval of the second dwelling unit shall terminate immediately and the unit shall not be rented, leased or occupied as a separate dwelling. A restrictive covenant, in a form acceptable to the community development director, shall be recorded prior to the issuance of any building permits for the second dwelling unit which specifies the owner-occupancy requirement.

N. The second dwelling unit may be rented but shall not be sold separately from the primary dwelling unit.

O. All other zoning requirements generally applicable to residential construction in the zone in which the second dwelling unit is located, as well as all applicable building and uniform codes, shall apply to the second dwelling unit.

P. The second dwelling unit must be eligible to receive city water and sewer services.

Q. The creation of a second dwelling unit through the conversion of all or a portion of a garage is prohibited. (Ord. 1110 § 2 (part), 2008)

17.105.070 Density.

Second dwelling units in compliance with this chapter shall not be considered to exceed the allowable density for the lot upon which they are located. (Ord. 1110 § 2 (part), 2008)

17.105.080 Appeal.

A. If an applicant or other person whose property rights may be affected is dissatisfied with any determination made by the director of the community development department, such person may appeal to the planning commission. If an applicant or other person whose property rights may be affected is dissatisfied with any determination made by the planning commission, such person(s) may appeal to the city council.

B. Any such appeal shall be in writing, shall state the specific reason for the appeal and grounds asserted for relief, and shall be filed with the director of the community development department not later than ten calendar days after the date of the action being appealed. The appeal must be accompanied by an appeal fee as established by resolution of the city council. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the appeal is made shall be deemed to have been waived. (Ord. 1110 § 2 (part), 2008)

17.105.090 Appeal hearings.

Appeal hearings shall be conducted no later than the next regularly scheduled meeting following thirty calendar days after the date of filing an appeal. Written notice of the time, date and place of the hearing shall be served on the applicant at least ten calendar days preceding the date of the hearing. Notice specifying the date, time and place of the hearing shall be posted on the subject property at least ten calendar days preceding the date of the hearing. (Ord. 1110 § 2 (part), 2008)

17.105.100 Action on appeal.

The appeal body shall review the entire proceeding relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including granting of a permit. Any hearing may be continued from time to time. At the conclusion of the hearing, the appeal body shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The decision shall be served on the applicant. The decision shall become final upon the date of filing and service. (Ord. 1110 § 2 (part), 2008)
