



SECOND DWELLING UNITS

Sec. 41-150.5. Second dwelling units. A second dwelling unit is an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. It shall have the same meaning as "second unit," as that term is defined in California Government Code section 54842.2(i)(4), as it may be amended from time to time.

Sec. 41-194. Second dwelling units--Standards. Notwithstanding any other provision of this chapter, a second dwelling unit may be constructed and maintained on a parcel in the R1, R2, R3, R4, CR, A1, or RE zoning districts, or on a parcel within any Specific Plan or Specific Development zoning district in which residential uses are permitted, on any parcel which is already improved with one (1) single-family dwelling unit and no other second dwelling unit, either as an attached or detached unit, or as a division of space within the existing unit, provided the following ministerially applied standards are met:

- (a) No second dwelling unit shall be permitted on any parcel which the city has designated as deficient in public open space, as shown on the map entitled "Areas of Open Space Deficiency" on file with the clerk of the council.
- (b) The second dwelling unit shall be not less than 300 square feet;
- (c) The second dwelling unit shall be not more than 750 square feet or thirty percent (30%) of the size of the primary dwelling unit on the parcel, whichever is less, provided, however, that the second dwelling unit shall in all cases be permitted to be a minimum of 300 square feet;
- (d) The lot coverage for the parcel, as that term is defined in this chapter, shall not exceed the percentage specified in the underlying zoning district.
- (e) The size and location of the second dwelling unit shall not cause the parcel to be reduced below a total of one thousand two hundred (1,200) square feet of usable, continuous, non-front yard open-space, excluding driveways and parking areas. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous.
- (f) The front yard setback shall be not less than twenty feet (20') from the street. The primary and secondary dwelling units shall comply with the provisions of section 41-603 *et seq.* of this code relating to setbacks.

- (g)** Each side yard shall be a minimum of five feet (5') for the second dwelling unit. On corner lots, the side yard on the street side shall be a minimum of ten feet (10').
- (h)** The rear yard shall be a minimum of ten feet (10').
- (i)** There shall be a minimum of fifteen (15) feet separation between the primary dwelling unit and a detached second dwelling unit and a minimum of five (5) feet between a detached second dwelling unit and an accessory building.
- (j)** There shall be provided (1) parking space provided per bedroom of the second dwelling unit with a minimum on one (1) parking space per second dwelling unit. Said parking space(s) shall not be located in the front setback except in a legal driveway, but may be located in the side or rear setbacks. Any driveway on the parcel shall lead to the garage and shall constitute no more than fifty percent (50%) of the frontage of the parcel. No additional curb cuts may be installed for the second dwelling unit.
- (k)** The height of a detached second dwelling unit shall not exceed fifteen feet (15'). The height of an attached second dwelling unit shall not exceed the height limit applied to a primary dwelling unit in the underlying zoning district.
- (l)** The color, material and texture of the roof, exterior walls and fenestration of a second dwelling unit shall be architecturally compatible with the primary dwelling unit. The roof pitch of a second dwelling unit shall match the roof pitch of the primary dwelling unit.
- (m)** An attached second dwelling unit shall have no exterior stairs.
- (n)** No attached second dwelling unit shall have an outside door on the primary elevation of the primary dwelling unit or visible from a street.
- (o)** The second dwelling unit shall not be a trailer coach, recreational vehicle or mobilehome, as those terms are defined in state law.
- (p)** If the second dwelling unit is to be constructed on a parcel identified on the federal, state or local list of significant historic resources, the second dwelling unit shall not be placed or constructed so as to result in a modification of the existing historic resource on the parcel, unless alterations to the existing primary dwelling unit conform to the United States Secretary of Interior's official Standards for Treatment of Historic Properties.
- (q)** The owner or owners of the parcel shall file with the planning manager a recorded covenant, in a form approved by the City Attorney affirming and consenting that either the primary dwelling unit or the second dwelling unit shall be owner-occupied.

- (r) The second dwelling unit shall conform to the applicable design standards contained in the urban design element of the city's general plan.
- (s) No second dwelling unit may be constructed on a parcel which is already non-conforming to the provisions of this chapter or on which the second dwelling unit would create a non-conformity to this chapter.
- (t) The planning manager shall prepare written procedures for the implementation of this section, which may include standards and forms for plans and drawings.

Sec. 41-194.1. Second dwelling units--Occupation. No person or persons owning any parcel on which a second dwelling unit has been constructed pursuant to section 41-194 shall permit any person to occupy such second unit unless the following conditions are satisfied:

- (1) All development of the site must be in accordance with the plans and drawings approved pursuant to section 41-194.
- (2) The owner or owners of the parcel must reside in either the primary dwelling unit or the second dwelling unit on the parcel. The owner or owners of the parcel must have on file with the planning and building agency a recorded covenant, in a form approved by the City Attorney demonstrating compliance with this requirement.

Sec. 41-194.2. Second dwelling units--Fees. From time to time, the City Council shall by ordinance or resolution establish appropriate application and/or appeal fees for persons seeking approval of plans and drawings for a second dwelling unit. Such fees shall not exceed the reasonable cost of processing such an approval or appeal.

Sec. 41-194.3. Second dwelling units—Appeals of Planning Manager or Zoning Administrator decision. Any person aggrieved by a determination of the planning manager to disapprove plans and drawings submitted pursuant to section 41-194 may file an application for a minor exception which shall be heard by the zoning administrator pursuant to Article V of this chapter. Such application may include a request to vary from the standards of section 41-194. The decision of the zoning administrator on such application or the application of 41-608 may be appealed to the planning commission pursuant to said Article V, whose decision on the matter shall be final.