

Existing Chapter 17.37
SECOND DWELLING UNITS

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17.37.010 Purpose.

It is the purpose of this chapter to provide for the creation of second dwelling units as an alternative form of affordable housing without substantially changing the physical or architectural character of the neighborhood or zoning district in which these units are located, and without impinging upon the privacy of surrounding neighbors. To ensure the public health, safety and general welfare of the community, this chapter provides a mechanism for the City to permit second dwelling units and to establish criteria to ensure that these units will conform to certain dimensional standards including, but not limited to, density, parking, setbacks, height, and lot coverage. This chapter also provides a mechanism to ensure the availability of water and wastewater treatment and adequacy of traffic flow prior to approval of a second dwelling unit. In accordance with Government Code Section 65852.2, this chapter shall not be considered in the application of any local ordinance, policy or program to limit residential growth, and does not propose to preclude the creation of second dwelling units or serve as the basis for denial of a building permit in instances where single-family dwellings are allowed by right in a residential zone.

17.37.020 Applicability.

Unless provided elsewhere in this title, this chapter is applicable to all areas within the City that allow single-family dwellings by right or with a conditional use permit.

17.37.030 Permit required.

No person shall develop, construct or occupy a second dwelling unit on any lot within the City without a "second dwelling unit permit" or a conditional use permit obtained pursuant to the provisions set forth in this chapter. A second dwelling unit permit issued by the Planning and Building Director shall be required in all areas within the City which are zoned for residential uses and that allow single-family dwellings by right. A conditional use permit shall be required in all areas within the City which are zoned for residential uses that allow single-family dwellings with a conditional use permit.

17.37.040 Procedures.

- A. **Second Dwelling Unit Permit.** The Planning and Building Director shall review each application for a second dwelling unit permit. The purpose of this review is to determine whether the requirements of this chapter have been met.
1. Written notice of the application for a second dwelling unit permit shall be mailed to all property owners within 300 feet of the proposed second dwelling unit. Such notice shall be given not less than 10 days before the date the application is scheduled for a decision by the Planning and Building Director. 1. The Planning and Building Director shall approve an application and issue a second dwelling unit permit if all of the requirements of CMC 17.37.050 and 17.37.060 have been satisfied.
 2. If the Planning and Building Director denies an application for a second dwelling unit permit, that determination may either be appealed to the Planning Commission in accordance with CMC 1.20.010 and 1.20.020, or an application may be filed for a conditional use permit for review by the Planning Commission in accordance with subsection (B) of this section. Appeals shall be limited to consideration of whether the objective criteria contained in this chapter have been met.
- B. **Conditional Use Permit for Second Dwelling Units.** The Planning Commission shall review each application for a conditional use permit for a second dwelling unit.
1. The Planning Commission shall approve an application and issue a conditional use permit if all of the requirements of CMC 17.37.060 and 17.37.070 have been satisfied.
 2. If the Planning Commission denies an application for a conditional use permit for a second dwelling unit, that determination can be appealed to the City Council in accordance with CMC 1.20.030. Appeals shall be limited to consideration of whether the objective criteria contained in this chapter have been met.

17.37.050 General provisions.

A second dwelling unit shall be permitted in any zoning district that allows single-family dwellings by right provided that the following standards are met:

- A. Only one second dwelling unit is permitted on a lot;
- B. A second dwelling unit shall not be sold separately from the primary dwelling unit and no subdivision of land or air rights is authorized by this chapter;
- C. A second dwelling unit may be rented or leased; provided, that the second dwelling unit is rented or leased for periods of 30 consecutive days or more;
- D. A second dwelling unit may be attached to or detached from a primary dwelling unit on lots 6,000 square feet or larger in size;
- E. A second dwelling unit shall be attached to the primary dwelling unit on parcels less than 6,000 square feet;

- F. If the second dwelling unit is attached to the existing primary dwelling unit, and if both the secondary dwelling unit and the existing primary dwelling unit have an entrance at the front, both units shall be served by a common entrance;
- G. Where a second unit is detached from the primary unit, the utility services, including water, sewer and electricity, shall be separately metered from the primary dwelling;
- H. The floor area of the second dwelling unit shall not be less than 400 square feet or exceed 750 square feet, but shall provide for at least an efficiency unit to be constructed, as defined by the 2001 California Code of Regulations, Title 24
- I. A second dwelling unit may not have more than one bedroom;
- J. The property owner shall occupy either the primary dwelling or second dwelling unit;
- K. The second dwelling unit shall conform to density, height, setback and lot coverage requirements generally applicable to the zoning district in which the property is located;
- L. A detached second dwelling unit shall be located a minimum of six feet away from the primary dwelling unit, excluding eaves which may be within three feet of the eaves of the primary dwelling unit;
- M. The required off-street parking shall be provided for the second dwelling unit and the primary dwelling, as required by CMC 17.36.130(D);
- N. A second dwelling unit shall not be located on a property that is served by a street that has a level of service (LOS) D or worse;
- O. A new second dwelling unit shall not result in a change to the level of service (LOS) of the street serving the property;
- P. Trash and recycling areas for use by the second dwelling unit occupant shall be located on the property screened from public view;
- Q. The second dwelling unit shall comply with the Resource Management System (RMS), as established in Chapter 13.16 CMC;
- R. The second dwelling unit shall be consistent with the design review standards contained in CMC 17.37.060;
- S. The second dwelling unit shall comply with the same setback requirements as primary structures;
- T. A second dwelling unit shall comply with all applicable building, fire, and health and safety codes; and
- U. The second dwelling unit shall be located at an elevation that is at least two feet above the 100-year flood level, as provided in Chapter 18.04 CMC.

17.37.060 Design standards.

A second dwelling unit permit shall be approved; provided, that the standards in this chapter and the following design standards are met:

- A. The second dwelling unit shall be consistent with the roof slope, exterior materials, colors and design of windows, doors and landscaping of the primary dwelling;

- B. The second dwelling unit shall comply with the City's tree ordinance, as established in Chapter 19.01 CMC;
- C. No fence, screens, walls, hedges or other similar means may be used to visually separate a second dwelling unit from the primary dwelling unit;
- D. The second dwelling unit landscaping shall be compatible with the existing landscaping on the site and shall be properly maintained and irrigated;
- E. Window and door openings on a second dwelling unit shall be designed applying methods that will eliminate privacy intrusion for dwellings on adjacent properties to include at least one of the following: obscured glazing, 62-inch windowsill heights; horizontally off-setting windows and doors from adjacent dwellings by at least 10 feet; maintaining a distance of at least 10 feet between doors and windows of adjacent dwellings; installing landscaping or fences of up to six feet between dwellings on adjacent properties; and
- F. Proposed second dwelling units shall not eliminate views of natural features on adjacent properties, including views of the Palisades and/or Mayacamas mountain ranges, Mount St. Helena and agricultural lands in the area.

17.37.070 Findings for Planning Commission approval of conditional use permits for second dwelling units.

- A. The Planning Commission shall approve an application and issue a conditional use permit for a second dwelling unit provided the design guidelines and findings for use permits contained in CMC 17.40.060 and 17.40.070 have been met.
- B. Design review shall be required for all permits on property zoned residential and which single-family dwellings are allowed with a conditional use permit, as established in Chapter 17.06 CMC.

17.37.080 Nonconforming second dwelling units.

Second dwelling units constructed prior to adoption of the provisions contained in this title shall be considered nonconforming and subject to the provisions of Chapter 17.44 CMC pertaining to nonconforming uses and structures. Second dwelling units that were created without approval under applicable laws in place at the time of construction shall be subject to enforcement.