

15.04.810.020 Second Dwelling Units.**SECTIONS****15.04.810.021 Applicability.****15.04.810.022 Definitions.****15.04.810.023 Location.****15.04.810.024 Permitting Procedures.****15.04.810.025 Second Dwelling Unit Permit.****15.04.810.026 Development Standards.****15.04.810.027 Submittal Requirements and Application Processing.****15.04.810.028 Deed Restrictions.****15.04.810.029 Expiration and Renewal.****15.04.810.029.010 Existing Nonconforming Second Dwelling Units.****15.04.810.029.020 Administrative and Enforcement Procedures.**15.04.810.021 Applicability.

This section is intended to implement the policies contained in the housing element of the Richmond general plan and is in compliance with Government Code State Law Section 65852.2, by allowing second dwelling units in all Residential Districts, Planned Area Districts and in the exclusive agriculture District as a permitted use in compliance with the requirements of this section.

This section provides standards for the development of second dwelling units and ensures that they remain compatible with the existing neighborhood. It is not the intent of this section to override lawful use restrictions as set forth in conditions, covenants and restrictions of any subdivision.

15.04.810.022 Definitions.

A second dwelling unit is an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as a legally created dwelling unit. A second dwelling unit may be created by:

- A. Alteration of an existing residential structure whereby separate cooking, eating, sleeping and sanitation facilities are created, and includes a separate entrance/exit door from the main residential structure;
- B. Conversion of an attic, basement, or other previously uninhabited portion of a residential structure, as specified in this section, that includes a separate entrance/exit door from the main residential structure;
- C. Creation of a separate residential unit onto an existing residential structure;
- D. Creation of a detached residential unit, no larger than 640 square feet, within the building envelope or in the rear yard of the lot and subordinate to the main residential structure;
- E. Manufactured housing may be permitted.

15.04.810.023 Location.

- A. One second dwelling unit may be located on any residentially zoned lot that permits single-family dwellings, which is either undeveloped or contains only a legal single-family detached dwelling, and meets the minimum lot size required for the zoning district.
- B. Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.
- C. Second dwelling units shall be a residential use that is consistent with the current general plan and zoning designation for the lot.

15.04.810.024 Permitting Procedures.

Any application for an attached second dwelling unit that meets the location and development standards contained in this Code shall be approved ministerially without discretionary review or public hearing. Attached second dwelling units that are exempt from design review will be approved only if they meet the criteria outlined below, Section 15.04.810.026, Development Standards.

Design Review. If the creation of a second dwelling unit requires external alterations or additions (other than doors and windows) to the primary dwelling unit, is above 250 square feet in area or above 22 feet in height, or involves the construction, renovation or reuse of a detached structure on the lot, then the application shall be subject to design review pursuant to Section 15.04.930. In approving the design of second dwelling units, the Design Review Board shall make findings that a second dwelling unit conforms to general standards for second dwelling units established by this section and the design review ordinance (Section 15.04.930).

15.04.810.025 Second Dwelling Unit Permit.

Second dwelling unit permit required. A second dwelling unit permit is required for all second dwelling units. Applications for a second dwelling unit permit shall be submitted to the Planning Department accompanied by the required fee and all the supporting documents outlined in Section 15.04.810.027, Submittal Requirements and Application Processing.

15.04.810.026 Development Standards.

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

- A. Setbacks.
 - 1. Residential Districts. For attached second dwelling units, all requirements and regulations of the zoning district in which the lot is situated shall apply, including but not limited to height, lot and yard requirements, and lot coverage. Detached second dwelling units are subject to the height, setbacks and yard area requirements set forth in this section.

No detached second dwelling unit shall be closer than 10 feet to the main dwelling on the same lot and on adjacent lots. A second dwelling unit shall not be closer than 5 feet from any property line or accessory structure on the same lot.

2. PA (Planned Area) Districts. A second dwelling unit shall not be in conflict with any applicable planned area district regulations.
- B. Unit Size.
1. No newly constructed second dwelling unit may have more than two bedrooms, nor contain a floor area in excess of 640 square feet. Efficiency units shall not contain less than 150 square feet.
 2. Internal Conversion. The floor area of an attached second unit shall not exceed 30% of the existing living area of the main dwelling unit or 640 square feet, whichever is less.
- C. Height. A detached second dwelling unit shall not exceed two stories. The maximum building height for a second dwelling unit is 22 feet.
- D. Off-Street Parking. One uncovered paved off-street parking space shall be provided for the second dwelling unit in addition to the covered parking space(s) required for the existing residence. Tandem parking shall not be allowed. The required parking space for the second dwelling unit may be provided in the required front yard if pad and driveway are paved with a decorative treatment such as aggregate, brick, pavers, or similar materials.
- E. Architectural Compatibility. The second dwelling unit shall be clearly subordinate to the main dwelling unit on the lot with regard to size, location and appearance. The exterior design shall be compatible with the main dwelling unit and shall incorporate same or similar building materials, colors, and exterior surfaces and finishes as those on the main dwelling unit.
- F. 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, orienting windows and doors toward the existing on-site residence, and/or screening treatments.
- G. Permanent Foundation. A permanent foundation shall be required for all second dwelling units.
- H. Outside Access. Outside access to a second dwelling unit shall be separate from the main dwelling unit.
- I. Number Per Lot. A maximum of one second dwelling unit shall be permitted on any lot.
- J. Nonconforming Structures (except main dwelling units that are nonconforming due to parking). Where the existing main dwelling unit constitutes a legal nonconforming unit, a second dwelling unit may be constructed only if the nonconformity is not expanded and the second dwelling unit meets all current applicable zoning standards.
- K. Conformance to Applicable City Codes. The second dwelling unit shall be constructed in compliance with all applicable building codes and City regulations.

15.04.810.027 Submittal Requirements and Application Processing.

- A. Submittal—the application package for a second dwelling unit permit shall be submitted to the Planning Department prior to submitting for a building permit. The second dwelling unit application package shall include:
1. Plot Plan (Drawn to Scale). Dimension the perimeter of the parcel on which the second dwelling unit 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. For sloping parcels, 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 items such as 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.
 6. Deed restriction completed as required, signed and ready for recordation.
- B. Issuance—the Planning Department shall issue a second dwelling unit permit if it conforms to the specific standards contained in Section 15.04.810.026, Development Standards.

15.04.810.028 Deed Restrictions.

Before obtaining a second dwelling unit permit, the property owner shall file with the Contra Costa 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:

The second dwelling unit shall not be sold separately;

- A. The second dwelling unit is restricted to the maximum size allowed per the development standards in Section 15.04.810.026;
- B. 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.

15.04.810.029 Expiration and Renewal.

A second dwelling unit permit granted pursuant to this section shall automatically expire and shall be invalid unless building permits are issued for the second dwelling unit no later than one year from the date of approval. A one-year extension for the second dwelling unit may be granted by the Planning Manager if a written request for extension is received not less than 30 days prior to the date of expiration of the permit. If the building permit becomes null and void, the second dwelling unit permit shall become null and void.

15.04.810.029.010 Existing Nonconforming Second Dwelling Units.

An existing second dwelling unit which does not conform to the provisions set forth in this section shall constitute a violation of this Code unless:

- A. A second dwelling unit permit is granted for such second dwelling unit under the provisions of this section; or
- B. The second dwelling unit qualifies as a permitted nonconforming use and building under the provisions of Section 15.04.940.

15.04.810.029.020 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Violations and infractions of the provisions of this section and one or any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

