

Chapter 3: Secondary Dwelling Units

3.1 Purpose (AMC 9-5.010)

This chapter is intended to implement Government Code Section 65852.2, which mandates that the City permit second units in residential zoning districts and which provides that the City may impose certain regulations on the development of second units.

The City recognizes opportunities to implement certain policies and programs of the Atascadero General Plan housing element providing for, and regulating, second units.

Implementation of this chapter is meant to expand housing opportunities for very-low, low and moderate-income and/or elderly households by increasing the number of rental units available within existing neighborhoods. Second units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants.

As mandated in Section 65852.2 of the Government Code, second units that comply with this chapter are considered not to exceed the density limits prescribed within [the municipal code] for residential zoning districts.

3.2 Definitions (AMC 9-5.020)

As used in this chapter:

Primary Unit

A primary unit is a single-family dwelling unit on a single-family residential zoned legal lot of record. All other uses and structures on said lot shall be accessory to the primary unit.

Second Unit

Second residential units are defined as residential occupancy constructions (R) with a kitchen and full bathroom that is accessory to the primary unit and intended for permanent occupancy by a second household.

Guesthouse

Guesthouses are defined as residential occupancy construction (R) with a full bathroom, no kitchen or cooking facilities regardless of number or configuration of rooms and are the same as second units for the purposes of defining use and calculating fees.

Granny Unit

Granny units are defined as residential occupancy construction (R) with a kitchen and a full bathroom and are the same as second units for the purposes of defining use and calculating fees.

Detached Accessory Structure

A detached accessory structure is a structure located on a residential lot occupied by a primary unit, exclusive of second units.

Office/Art Studios

Studios are defined as any type of residential occupancy construction (R) with no kitchens, no overnight stays, cooking facilities and/or no bathing facilities (one (1) water closet is permitted). Studios shall be limited to four hundred fifty (450) square feet. Studios greater than four hundred fifty (450) square feet shall be considered second units. Deed restrictions shall be required for any proposed studio with a water closet limiting the use of the studio.

Workshops & Garages

Workshops and garages are defined as utility occupancy constructions (U) with no kitchens, no cooking facilities and/or no residential occupancy requirements (i.e., Title 24). A utility bathroom with shower or any other plumbing may be installed with a deed restriction that limits the building's use to nonresidential purposes. State-approved wood burning appliances are permissible. Attached structures may be permitted consistent with 9-5.060 and 9-6.106 [of the municipal code].



Residential Additions

Residential additions (additions) are defined as an increase of habitable floor area to a primary residential unit. Additions shall have a continuous, logical internal connection of conditioned space that provides for access to all portions of the primary unit and addition. Doors may not be used to create two (2) separate living spaces.

The addition shall not have a secondary kitchen; however, a wet bar is permissible as defined by Section 9-5.020(j). Additions must have a minimum ten (10) feet of shared common wall. A breezeway or similar roof connection of unenclosed or unconditioned space, regardless of length, shall not be considered a residential addition.

Recreational Vehicle

Recreational vehicles are defined as any vehicle, coach, camper, travel trailer, boat, or similar movable residential facility that does not have a permanent foundation. Recreational vehicles are not permitted to be used as any type of second unit or residential accessory use.

Wet Bar

A wet bar is defined as a small counter equipped with a sink for running water consistent with the following:

- a) A wet bar does not include a stove, built-in microwave, dishwasher, or garbage disposal.
- b) A gas line shall not be installed in proximity to a wet bar.
- c) A wet bar sink shall have a single trap drain size limited to one and one-half (1½) inches maximum.
- d) A wet bar shall include a counter with a maximum eight (8) foot length and not to exceed twenty-four (24) square feet of total counter space.

Any deviations from the above standards may be approved by the Planning Commission through the issuance of a Conditional Use Permit.

3.3 Applicability (AMC 9-5.030)

Permitted Zoning Districts

Second units shall be allowed in the RS, RSF-Z, LSF-Z, RSF-Y, LSF-Y, RSF-X and LSF-X zoning districts.



Planned Developments

Second units shall be allowed in single-family planned development overlay districts only when consistent with an approved Master Plan of Development.

Permit Required (AMC 9-5.040)

A building permit application shall be required for the construction or conversion of any second unit.

3.4 General Requirements (AMC 9-6.050)

Table 3.1: 2nd Unit General Requirements

2 nd Unit General Requirements	
Criteria	Requirement
Water Service	Shall be served by public water system (AMWC)
Sewer Service	Required if lots are less than 1 net acre
Septic Systems	Required if lots are greater than 1 net acre and sewer is not available
Utility Meters	May be installed
Garage Conversion	May be converted provided the following: <ul style="list-style-type: none"> a) Replacement of covered off-street parking is provided for primary unit; b) Off-street parking provided for 2nd unit; c) Converted garage meets building code requirements for dwelling
Recreation Vehicle	Not permitted for use as 2 nd units

Guest House

A second unit may not be developed on a lot containing a guest house (separate living quarters without kitchen facilities). However, a guest house may be converted to a second unit, provided that it complies with the regulations set forth in this chapter and with the regulations for the underlying zoning district.

Nonconforming Use

Only one second unit shall be permitted on a lot. If a lot contains two single-family dwelling units that were legally established as a nonconforming use, a third dwelling unit, to be considered a second unit, shall not be permitted.

Illegal Second Unit

The establishment or continuance of a second unit contrary to the provisions of this chapter is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.)

3.5 Development Standards (AMC 9-6.060)

Second units shall be subject to all development standards of the RS, RSF-Z, LSF-Z, RSF-Y, LSF-Y, RSF-X, or LSF-X zoning districts and/or planned development overlay districts in which the property is located, except as modified in this section.



Table 3.2: 2nd Unit Development Standards

2 nd Unit Development Standards	
Standard	Requirement
Floor Area	Shall be served by public water system (AMWC)
Height	30-feet
Setback	Front Setback – 25 feet Side Setback – 5 feet Rear Setback – 10 feet
Building Separation	10-feet between primary unit and a detached unit
Parking ^{1,2}	a) One (1) covered space for the 1 st bedroom; b) One (1) covered + one (1) uncovered for more than two (2) bedrooms c) Primary dwelling with a three (3) car garage may allow one (1) bay and the driveway space in front of the bay to meet parking requirements
Unconditioned Spaces	Not permitted for use as 2 nd units
Attached Garages / Workshops ³	Maximum 500 square feet
Architectural Design	Compatible with the design and scale of primary dwelling
<p>Notes: 1. Parking spaces for second units may not occupy driveways and back-up areas that serve garages for the primary dwelling, nor may they occupy circular drives or hammerhead turnarounds that serve the primary unit (which are intended to provide means by which vehicles can enter a street head-first).</p> <p>2. If the lot takes access from a collector or arterial street, as designated in the circulation element of the general plan, parking for second units shall be designed so that vehicles exit forward into the street.</p> <p>3. Any additional unconditioned space in excess of five hundred (500) square feet, or any garage area not provided with direct interior access to the second unit, shall no longer be considered accessory to the second residential unit.</p>	

Private Open Space Requirement

A second unit shall have a minimum private open space area of two hundred fifty (250) square feet. This required open space shall not be located within a required front yard setback. No portion of an open space area shall have a dimension of less than ten (10) feet in width.

Attached Second Units

If the second unit is attached to the primary dwelling, each shall be served by separate outside entrances. The interior wall(s) of an attached unit which separate it from the main unit shall be fire-rated according to the most recent Building Code.

3.6 Development Fees (AMC 9-6.070)

Second units, whether attached or detached, shall be considered as single-family units for purposes of determining capital facility impact fees.

