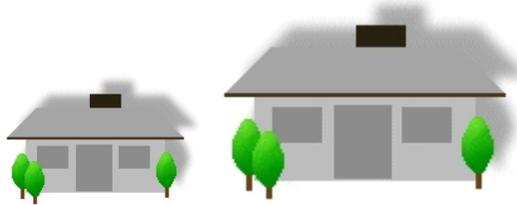




**Community Development Department  
City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449  
Telephone: (805) 773-4658 / Fax: (805) 773-4684**

**So you want to build a second unit**  
*A guide to the City's regulations on secondary dwelling units*



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*Revised 5/26/05*

## Introduction

The City Council adopted regulations permitting secondary dwelling units on October 21, 2003. The regulations allow owners of single-family residences (or lots that will contain a single-family residence) to develop a “secondary dwelling unit” on the same property, without going through a public hearing process.

**Why now?** In 1983, the City adopted a resolution prohibiting secondary dwelling units. The City enforced this law for the next 20 years. In 2003, however, a change (AB 1866) to the State’s law on secondary units became effective. This change essentially requires all jurisdictions to allow secondary units “by right” in residential zones. In response, the City adopted new regulations that set specific standards for the development of secondary units. The City can impose some reasonable restrictions on such units, but must approve them ministerially if they meet the standards.

**Are neighbors notified?** If the property is within the Coastal Zone (most of Pismo Beach is), then neighbors within 300’ of the property are informed of the request for a second unit. This notification allows neighbors to take a look at the plans and ask questions. If the plans meet the City’s standards, however, they will be approved, whether or not there are any objections to them.

**What about environmental effects?** State law (Government Code section 21080.17) exempts ordinances allowing secondary units from environmental review. The City’s ordinance did undergo an environmental initial study, however, resulting in a “Negative Declaration”, which is a determination that the law would not cause significant environmental effects. This document is available for review at the Community Development Department.

## **Frequently-asked questions**

### **What is a “second unit”?**

A “secondary dwelling unit”, or “second unit” for short, is a smaller apartment on the same lot as a single dwelling. The smaller apartment has all facilities needed for independent living.

### **Can I put one on my lot?**

You can if your lot can meet certain basic requirements and can meet the second unit standards. See page 4 for information about these requirements.

### **If my lot has two or more dwellings on it, can I add a second unit to one of them?**

No. The second unit regulations apply only to lots that have or will have only one primary residence on them.

### **What if the house on my lot is small? Can I add a “primary residence” and make the old one the second unit?**

Yes. The order of development is not important.

### **Can I remodel my house to create a second unit inside?**

Yes. Second units may be part of the original house, may be additions, or may be separate buildings on the same lot.

### **Does my grandmother (or some other relative) have to live there?**

No. There are no restrictions on who can live in either unit, except that neither may be used as a vacation rental.

### **Do I have to add more parking spaces to my lot?**

Probably. Your lot must have two spaces for the primary residence, and one additional space for the second unit. The space for the second unit can be in the front yard (paving must be porous or decorative) or can be “in tandem” with a space for the primary unit. This means it can be a space in the driveway. The parking space for the second unit must be at least nine feet wide and 18’ long, regardless of where it is located.

### **My lot already has a second unit. Are these existing units “grandfathered in”?**

No. You may request an “acceptance certificate” if your unit existed before the City’s ordinance was adopted. Existing second units are not required to meet the parking requirements of the ordinance (although the primary dwelling must still have its required parking). These units must be safe for residents, however. This means they must meet Uniform Housing Code requirements.

➤ **Inspection:** When you submit an application for an Acceptance Certificate (ask for a “conformance inspection” through the Building Division), the City will arrange for an inspection of the unit. The Building inspector will determine if the unit meets Uniform Housing Code requirements. If not, s/he will note the corrections that must be made to meet these requirements. When the corrections have been made and been inspected and approved, an occupancy certificate will be issued, stipulating that it is a legal secondary unit.

➤ **Time limit:** You have two years from the date of adoption of the City’s ordinance (until October 21, 2005) to request an Acceptance Certificate. If you choose not to apply for the certificate within those two years, you can obtain approval of the existing unit only by obtaining an “after-the-fact” building permit and meeting all ordinance standards, including current building code standards.

**Do I have to install separate utility lines or pipes for the second unit?**

You can if you want to, but you don’t have to. Your present lines may not be adequate to serve the new unit, however. Check with the utilities (gas and electricity) and the building division (water and sewer) to find out if your current utilities can serve both units.

## Application Process

### How do I apply?

1. Determine if your property is eligible. See the next page for a checklist.
2. Develop a design of your second unit. You may do the preliminary design work yourself or you may hire a design professional. Be sure that your design meets the second unit development standards. These standards are listed on sheet 6.
3. Submit an application to the Community Development Department. If your property is outside the Coastal Zone (see zoning maps or ask a planner), you will require a **Zoning Clearance**. If your property is inside the Coastal Zone, you will require a **Coastal Development Permit**.

Your application must include **required fees**, two sets of **plans** (including all information needed to determine if your project meets the standards), **a title report or grant deed**, and for property within the Coastal Zone, **mailing labels** for notification of neighbors. Plans do not need to include “working drawings” but should be sufficiently detailed to describe what the project will look like and where it will be on the lot in relation to other buildings on the lot.

A copy of the required application form and checklist are attached.

### What is the review process?

**Checking for completeness:** A planner will review your application for completeness within 30 days of its submittal. If the application is complete, the planner will act on the project. If it is not complete, the planner will send a letter describing what additional information needs to be provided.

**Approval process:** The planner will approve the secondary dwelling unit if it meets the standards. The process is “ministerial”, meaning that if it meets all of the standards the planner must approve it. After your application is approved, you still need a building permit. Check with the building division for information about what is required and how much it will cost.

### What if my project can't meet the standards?

If the second unit project does not meet all of the standards, you may request approval of the Planning Commission instead, at a public hearing. Application requirements and fees are different for Planning Commission applications, and the Planning Commission is not required to approve units that involve exceptions.

## **Checklist: Is your property eligible?**

You must be able to answer yes to the following questions:

- 1. Is your home in a residential zone?**  Yes  No

Check with a planner or consult the zoning map. If your property is in the R-1, R-2, R-3, R-4, R-R, RSL, RSM, or RR zones, check “yes”. If your property is not in one of these zones, you may not build a second unit.

- 2. Is the lot vacant or is there only one residence on the lot?**  Yes  No

Lots with more than one residence may not contain second units.

- 3. If there is a residence on the lot now, are there two parking spaces for that residence? (If the lot is vacant, these spaces will be required when it is developed.)**

Yes  No

- 4. Does your plan meet the standards?**

Secondary dwelling units must meet the standards on the chart on the next page. The chart is based on the Secondary Dwelling Unit ordinance, which is attached for reference. If your project cannot meet the standards, you may request an exception from the Planning Commission. The Planning Commission may approve or deny your request at a public hearing.

- Does your project meet the standards listed in the chart?**

Yes  No

## Secondary Dwelling Unit Standards

Item	Required	Your project	Complies?
Zoning	All residential zones		
Minimum lot area	No minimum		Yes
Maximum second unit size	1,200 s.f.		
Height, setbacks, lot coverage, landscaping, any other property development standards	As provided in underlying zone		
Parking for second unit	One parking space per unit. A space for a second unit may be 9' X 18'. Parking may be in yard or tandem; if in front yard, paving must be porous or decorative.		
Parking for primary unit	Two parking spaces: For lots over 2,700 s.f., both spaces must be in a garage; for lots 2,700 s.f. and smaller, one space may be open.		
Occupancy restrictions	Neither unit may be used as a vacation rental. A deed restriction will be required.		
Utility service connection limitations	Utility services may be provided separately, at the discretion of the owner.		
Plumbing fixtures	Fixtures in both the primary and the secondary units must meet current Title 24 water conservation standards.		
Impact fees	Secondary units are exempt from impact fees imposed in Titles 13 and 15 of the Municipal Code (state water and development)		
Separate ownership	Second units may not be sold or subdivided separately from the primary dwelling.		

**Secondary Unit Ordinance**  
**As modified by the Coastal Commission**  
**May 12, 2004**  
**Modifications accepted by the City Council 7/20/04**  
**Finally approved by the Coastal Commission 9/8/04**

**Section 17.006 Definitions**

**17.006.0847 Primary dwelling unit:** A single dwelling on a lot that contains no other dwellings, other than a secondary dwelling unit as defined in this section.

**17.006.0887 Secondary dwelling unit:** A subordinate dwelling unit added to, or created within, or detached from a single-family dwelling, but on the same parcel, that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.

**17.006.0953 Transient lodging or rental:** any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by persons for periods of fewer than 30 days or one month, whichever is shorter.

**Section 17.117 Secondary Dwelling Units**

**A. Intent and purpose.** These regulations are intended to:

1. Provide additional opportunities for developing housing that would otherwise not be possible under the current density standards;
2. Provide a means for purchasers of homes to assist in making payments on home loans;
3. Provide security for homeowners who fear criminal intrusion and personal accidents while living alone;
4. Provide separate but close living quarters for homeowners' relatives who are in need;
5. Provide for greater occupational, household type, and income-level diversity within neighborhoods;
6. Make more efficient use of existing infrastructure.
7. Provide an opportunity for property owners to create housing that is affordable to lower - and moderate-income renters.

**B. Consistency with adopted plans.** Secondary dwelling units developed in accordance with this section are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**C. Findings.**

1. Secondary dwelling units designed in accordance with this section are consistent with the certified Local Coastal Program.
2. Secondary dwelling units designed in accordance with this section require no discretionary approval, unless as provided for herein.
3. Secondary dwelling units designed in accordance with this section will have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
4. Secondary dwelling units larger than 600 s.f. in area are likely to house more than one adult resident who owns a vehicle. Therefore, additional parking is needed for units that exceed 600 s.f. in area.

**D. Applicability.** Secondary dwelling units are permitted in R-1, R-2, R-3, R-R, P-R zones, on lots or parcels where there is only one existing or planned residence, and where the required number of parking spaces for the primary residence is provided. The requirements in this section apply to new secondary dwelling units and to additions to existing secondary dwelling units.

**E. Permit required.** Secondary dwelling units are permitted with approval of either a Zoning Clearance, consistent with Section 17.121.100, or a Coastal Development Permit, consistent with Section 17.124.030 and as otherwise provided in this section.

1. **Projects outside Coastal Zone.** A Zoning Clearance is required. Action on the permit is final.
2. **Projects in Coastal Appeal Zone.** A Coastal Development Permit is required. The public hearing is hereby waived, in accordance with Section 17.124.100, unless the second unit is a part of a larger project that requires a public hearing or if a variance is requested. Notice shall be provided in accordance with Section 17.125.090. Action on project is final, unless appealed to the Coastal Commission within ten days of the Commission's receipt of the Notice of Final Action.
3. **Projects in Coastal Zone, non-appealable.** A Coastal Development Permit is required. Notice is required, in accordance with Section 17.124.090. Action on the Coastal Development Permit is final.

**F. Density.** For purposes of calculating the density on a lot, the primary and secondary dwelling units together shall be considered to be one density unit. Secondary dwelling units do not exceed the allowable density for the lot upon which the unit is located. Only one primary and one secondary unit are permitted per legal lot or parcel.

**G. State Law Applicability.** The provisions of this section shall be subordinate to and superceded by the controlling provisions of any applicable state law or laws.

**H. Development standards.** The following standards are intended to ensure that second dwelling units do not adversely affect either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner that protects the integrity of the residential district while providing for needed housing opportunities.

1. **Occupancy.** Neither unit may be used as a transient rental (see definition, Section 17.006.0953 ).

A deed restriction shall be recorded against the title of the property that contains the second dwelling unit, prior to issuance of a building permit. Such deed restriction shall stipulate that the second dwelling unit cannot be sold separately or used as a transient rental as long as a transient rental is prohibited by code.

2. **Lot area.** The lot may be any size.
3. **Lot coverage, yards, height, maximum building area.** All new development, when combined with the existing development, shall conform to the development standards of the underlying zone.
4. **Parking.** One additional parking space is required for the secondary unit. Parking spaces may be covered or uncovered, must be paved, and must be at least 9' wide and 18' deep. Spaces may be located within a required setback (see Sections 17.102.020, 17.102.030, 17.102.040) but if located in the front yard additional paving shall be porous, permitting planting, or decorative. The space required for the secondary unit may be in tandem with any parking spaces required for the primary residence.
5. **Unit size.** The primary and secondary dwelling units together may not exceed the building area or lot coverage allowed for a single dwelling in the underlying zone. Within this maximum building envelope and building area, the maximum building area of a secondary dwelling unit, not including any garage, may not exceed 1200 square feet in area.
6. **Services.** The primary and secondary units may be served from the same gas, electricity, and water lines, at the discretion of the property owner. No development shall be approved that would exceed the capacity of the municipal utility systems. Specifically, all applications received for secondary dwelling units shall be accompanied with evidence provided by the municipal utility provider that there are adequate services/capacity to serve the proposed development.
7. **Water conservation.** All plumbing fixtures in both the primary and the secondary dwelling units must meet current Title 24 requirements for water conservation.
9. **Consistency with codes.** New development shall comply with all local, state, or federal regulations that apply to the property, including the applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance.

**I. Acceptance of existing secondary dwelling units.**

1. **Exemption.** Existing secondary dwelling units that meet requirements of the Uniform Housing Code, as determined by the Building Official, on lots that include the required number of parking spaces for the primary dwelling unit, are exempt from the parking and unit size requirements of this section. All new development or modification of existing secondary units shall conform to the development standards of the underlying zone and all applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance.
2. **Acceptance Certificate required.** To obtain an Acceptance Certificate, owners of units existing at the time of adoption of this ordinance must file an application with the Community Development Department for acceptance of the unit.
  - a. **Within one year of adoption.** An application for a certificate filed within one year of adoption of this ordinance (by 9/8/05), must include a site and floor plan, documentation of ownership, and a fee as established by City Council resolution.
  - b. **After one year, but within two years of adoption.** An application for a certificate filed within two years of adoption of this ordinance (by 9/8/06), but filed more than one year after adoption, must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the unit was built, and a fee as established by City Council resolution.

Upon receipt of the application, the building inspector will schedule an inspection. If the unit meets basic health and safety standards as identified in the Uniform Housing Code, an Acceptance Certificate will be issued and the address of the unit will be entered into the City's database, indicating that the secondary unit is legal.

**J. Fire sprinkler requirements.** Primary and secondary dwelling units will not be required to include fire sprinklers except when the units are in a building that is over 4,000 s.f. in area, three stories tall, or over 35' in height.

**K. Exceptions.** Secondary Dwelling Units that do not meet all of the above standards may be allowed, subject to discretionary approval of a Development or Coastal Development Permit by the Planning Commission at a public hearing preceded by proper notification pursuant to section 17.124.90 and 17.124.100. To approve a secondary dwelling unit with exceptions, the Planning Commission must make all of the following findings:

1. The project meets the intent of State law and of the secondary dwelling unit regulations.
2. The exception is reasonably necessary for the development of a primary and secondary unit on the site.
3. The project will be compatible with the neighborhood.

**L. Illegal secondary dwelling units.** The establishment of a secondary dwelling unit without a Zoning Clearance, Coastal Development Permit, or Acceptance Certificate is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.

**Changes to other sections:**

**17.121.200 Application for Permit** Applications for permits shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the Planning Commission of the City of Pismo Beach. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed use to be made of the land or building. Such plans may include:

...

Concurrent with the project application a written commitment from the water purveyor is required that verifies the capability of the system to serve the proposed development. Projects shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permit. The City decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

Concurrent with project application, a written commitment from the wastewater service district is required. A written commitment is a letter, with appropriate conditions, from the wastewater service district guaranteeing that the required level of service for the project will be available prior to issuance of building permits. The City decision making body shall not approve any development project unless it determines that such project has adequate sewage treatment plant capacity.

**17.124.100 Public Hearing Procedures** At least one public hearing shall be held on each application for an appealable or non-appealable coastal development permit application for a project in the R-3, R-4, P-R, R-R, C-R, M-H, C-1, C-2, C-M, OS-1, OS-R or G zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. At least one public hearing shall be held on each application for an appealable coastal development permit application for a project in the R-1 and R-2 zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. Non-appealable coastal developments in the R-1 and R-2 zones may be processed as administrative permits at a staff level pursuant to the noticing standards of this ordinance for non-appealable developments. Such hearings shall occur no earlier than ten (10) calendar days following the mailing of the notices required by this chapter. The public hearing shall be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

**Secondary Dwelling Unit Regulations**  
**1998 Zoning Code (applies outside Coastal Zone)**  
Adopted October 21, 2003

**Section 17.62.020 Definitions**

**P**

**Primary dwelling unit:** A single dwelling on a lot that contains no other dwellings, other than a secondary dwelling unit as defined in this section.

**S**

**Secondary dwelling unit:** A subordinate dwelling unit added to, or created within, or detached from a single-family dwelling, but on the same parcel, that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.

**T**

**Transient lodging or rental:** any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by persons for periods of fewer than 30 days or one month, whichever is shorter.

**Section 17.08.155 Secondary Dwelling Units**

**A. Intent and purpose.** These regulations are intended to:

8. Provide additional opportunities for developing housing that would otherwise not be possible under the current density standards;
9. Provide a means for purchasers of homes to assist in making payments on home loans;
10. Provide security for homeowners who fear criminal intrusion and personal accidents while living alone;
11. Provide separate but close living quarters for homeowners' relatives who are in need;
12. Provide for greater occupational, household type, and income-level diversity within neighborhoods;
13. Make more efficient use of existing infrastructure.
14. Provide an opportunity for property owners to create housing that is affordable to lower- and moderate-income renters.

**B. Consistency with adopted plans.** Secondary dwelling units developed in accordance with this section are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**C. Findings.**

5. Secondary dwelling units designed in accordance with this section are consistent with the certified Local Coastal Program.
6. Secondary dwelling units designed in accordance with this section require no discretionary approval.
7. Secondary dwelling units designed in accordance with this section will have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
8. Secondary dwelling units larger than 600 s.f. in area are likely to house more than one adult resident who owns a vehicle. Therefore, additional parking is needed for units that exceed 600 s.f. in area.

**D. Applicability.** Secondary dwelling units are permitted in RSL, RSM, RR zones, on lots or parcels where there is only one existing or planned residence, and where the required number of parking spaces for the primary residence is provided. The requirements in this section apply to new secondary dwelling units and to additions to existing secondary dwelling units.

**E. Permit required.** Secondary dwelling units are permitted with approval of either a Zoning Clearance, consistent with Section 17.42.020, or a Coastal Development Permit, consistent with Section 17.03.020 and as otherwise provided in this section.

4. **Projects outside Coastal Zone.** A Zoning Clearance is required. Action on the permit is final.
5. **Projects in Coastal Appeal Zone.** A Zoning Clearance is required. The public hearing is hereby waived, in accordance with Section 17.58.030. Action on project is final, unless appealed to the Coastal Commission within ten days of the Commission's receipt of the Notice of Final Action.
6. **Projects in Coastal Zone, non-appealable.** A Zoning Clearance is required. Notice is required, in accordance with Section 17.58.040. Action on the Zoning Clearance is final.

**F. Density.** For purposes of calculating the density on a lot, the primary and secondary dwelling units together shall be considered to be one density unit. Secondary dwelling units do not exceed the allowable density for the lot upon which the unit is located. Only one primary and one secondary unit are permitted per legal lot or parcel.

**G. State Law Applicability.** The provisions of this section shall be subordinate to and superceded by the controlling provisions of any applicable state law or laws.

**H. Development standards.** The following standards are intended to ensure that second dwelling units do not adversely affect either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner that protects the integrity of the residential district while providing for needed housing opportunities.

8. **Occupancy.** Neither unit may be used as a transient rental (see definition, Section 17.62.020 (T)).

A deed restriction shall be recorded against the title of the property that contains the second dwelling unit, prior to issuance of a building permit. Such deed restriction shall stipulate that the second dwelling unit cannot be sold separately or used as a transient rental as long as a transient rental is prohibited by code.

9. **Lot area.** The lot may be any size.

10. **Lot coverage, yards, height, maximum building area.** All new development must conform to the development standards of the underlying zone, except where specifically modified herein.

11. **Parking.** One additional parking space is required for the secondary unit. Parking spaces may be covered or uncovered, must be paved, and must be at least 9' wide and 18' deep. Spaces may be located within a required setback (see Table 2-3, Table 2-4) but if located in the front yard additional paving shall be porous, permitting planting, or decorative. The space required for the secondary unit may be in tandem with any parking spaces required for the primary residence.

12. **Unit size.** The primary and secondary dwelling units together may not exceed the building area or lot coverage allowed for a single dwelling in the underlying zone. Within this maximum building envelope and building area, the maximum building area of a secondary dwelling unit, not including any garage, may not exceed 1200 square feet in area.

13. **Services.** The primary and secondary units may be served from the same gas, electricity, and water lines, at the discretion of the property owner.

14. **Water conservation.** All plumbing fixtures in both the primary and the secondary dwelling units must meet current Title 24 requirements for water conservation.

9. **Consistency with codes.** All new development must comply with all local, state, or federal regulations that apply to the property, including grading, tree protection, open space ordinances, and the adopted Building Code, except where specifically modified herein.

**I. Acceptance of existing secondary dwelling units.**

3. **Exemption.** Existing secondary dwelling units that meet requirements of the Uniform Housing Code, as determined by the Building Official, on lots that include the required number of parking spaces for the primary dwelling unit, are exempt from the parking and unit size requirements of this section.

4. **Acceptance Certificate required.** To obtain an Acceptance Certificate, owners of units existing at the time of adoption of this ordinance must file an application with the Community Development Department for acceptance of the unit.

a. **Within one year of adoption.** An application for a certificate filed within one year of adoption of this ordinance (by October 21, 2004), must include a site and floor plan, documentation of ownership, and a fee as established by City Council resolution.

b. **After one year, but within two years of adoption.** An application for a certificate filed within two years of adoption of this ordinance (by October 21, 2005), but filed more than one year after adoption, must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the unit was built, and a fee as established by City Council resolution.

Upon receipt of the application, the building inspector will schedule an inspection. If the unit meets basic health and safety standards as identified in the Uniform Housing Code, an Acceptance Certificate will be issued and the address of the unit will be entered into the City's database, indicating that the secondary unit is legal.

**J. Fire sprinkler requirements.** Primary and secondary dwelling units will not be required to include fire sprinklers except when the units are in a building that is over 4,000 s.f. in area, three stories tall, or over 35' in height.

**K. Exceptions.** Secondary Dwelling Units that do not meet all of the above standards may be allowed, subject to discretionary approval of a Development or Coastal Development Permit by the Planning Commission. To approve a secondary dwelling unit with exceptions, the Planning Commission must make all of the following findings:

4. The project meets the intent of State law and of the secondary dwelling unit regulations.
5. The exception is reasonably necessary for the development of a primary and secondary unit on the site.
6. The project will be compatible with the neighborhood.

**L. Illegal secondary dwelling units.** The establishment of a secondary dwelling unit without a Zoning Clearance, Coastal Development Permit, or Acceptance Certificate is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.



City of Pismo Beach  
Community Development Department  
Planning Division  
760 Mattie Road • Pismo Beach, CA 93449  
Tel. (805) 773-4658 Fax (805) 773-4684

## Planning Application

Date: \_\_\_\_\_

Project Address: \_\_\_\_\_ Assessors Parcel No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Project Description (Describe the proposed development or land use change)  
**Secondary dwelling unit**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Property

Owner:

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### CERTIFICATE AND AUTHORIZATION

I certify that the information and exhibits herewith submitted are true and correct. I understand that the processing of this application, and the filing fee paid, in no way obligates the City or its representatives to grant or otherwise authorize my request. I agree to pay any additional expenses for professional services incurred by the City in processing this application, to the extent noted in the application fee schedule below. I also guarantee City access onto and through the project site for purposes of processing this application.

**SIGNATURE OF OWNER(S) OF THE PROPERTY REQUIRED**

Name (please print)

Signature

Date

**Planner complete:**

Zone: \_\_\_\_\_ GP/LCP designation \_\_\_\_\_ Coastal Appeal Zone? \_\_\_yes\_\_\_no

Applicable Zoning Code: \_\_\_\_\_ Review Required: PC/CC \_\_\_\_\_ Administrative \_\_\_\_\_

	TYPE OF APPLICATION	FEE
<b>A</b>	<b>Planning Commission and City Council Permits</b>	
<input type="checkbox"/>	Coastal Development Permits ( <i>only when exceptions are requested</i> )	1457
	Development Permits	1457
	Coastal Development Permit for single family residential additions of less than 25% of the existing building area and for commercial additions less than 20% of the existing building area	728
	Development Permits for single family residential additions of less than 25% of the existing building area and for commercial additions less than 20% of the existing building area	728
	Conditional Use Permit	1246
	Conditional Use Permit monitoring	577
	Sign Permit	443
	Time Extension	814
	Major Modification	70% of current fees for all req'd applications
	Development Agreement	\$9270 deposit; total charged at hourly rates + add'l outside costs
	Variance	577
	Tentative Parcel Map	1854
	Tentative Tract Map	1859 + 118/lot
	Tentative Tract Map Amendment	2132
	Condominium Conversion	\$4120 deposit; total charged at hourly rates + add'l outside costs
	Planned Development Permit	3394
<b>B</b>	<b>Environmental Review</b>	
	Environmental Initial Study: Minor	536
	Environmental Initial Study: Major	Deposit determined by staff: total based on hourly rates + outside costs
	Environmental Impact Report	Deposit determined by staff: total based on hourly rates + outside costs
<b>C</b>	<b>Administrative &amp; Ministerial Actions</b>	
	Administrative Development Permit	242
<input type="checkbox"/>	Administrative Coastal Development Permit ( <i>inside coastal zone</i> )	263
<input type="checkbox"/>	Zoning Clearance ( <i>outside coastal zone</i> )	82
	Home Occupation Permit	154
	Sign Permit	82
	Minor Modification	88
	Temporary Use Permit	211
	Temporary Use Permit monitoring	206
<b>D</b>	<b>Special Actions</b>	
	Appeal of staff action to Planning Commission	515 + 208 deposit
	Annexation	Deposit determined by staff: total

	<b>TYPE OF APPLICATION</b>	<b>FEE</b>
		based on hourly rates + outside costs
	Conceptual Review: Administrative action (Fee paid towards Conceptual review is deducted from the cost of an project's future discretionary permit application fees.)	324
	Conceptual Review: Planning Commission action (Fee paid towards Conceptual review is deducted from the cost of an project's future discretionary permit application fees.)	1926
	Sphere of Influence Change	Deposit determined by staff: total based on hourly rates + outside costs
	Specific Plan	Deposit determined by staff: total based on hourly rates + outside costs
<b>E</b>	<b>Amendments</b>	
	Local Coastal Plan - major	7210 deposit: total based on hourly rates + outside costs
	Local Coastal Plan - minor	3090 deposit: total based on hourly rates + outside costs
	General Plan: minor	1015
	General Plan: major	6180 deposit: total based on hourly rates + outside costs
	Specific Plan Environmental evaluation/CEQA status determination	Deposit determined by staff: total based on hourly rates + outside costs
	Zoning Map or Text	2086
<b>F</b>	<b>Miscellaneous</b>	
	Request for special PC or CC meeting	809
	Special Consultant Services	Deposit determined by staff: total based on hourly rates + outside costs
	Address change: applicant's request (based on preference, not necessity)	283
	Protected tree removal review	201 per inspection + arborist cost
	Agenda mail service	26 a year plus self addressed stamped envelopes
	Tape excerpt Service	Applicant provides tape – 7.75 City provides tape – 13.10
	Document notarization or certification	10 per document
	Document reproduction	.77 – first page .21 each additional page
	Records Research service	Fully allocated hourly rate of personnel

TOTAL FEE: \_\_\_\_\_

Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_ Received By: \_\_\_\_\_

**SUBMITTAL CHECKLIST**  
**Planning Commission and Staff-level Applications**

*Please note:* The following items are required for both Planning Commission and staff-level applications. Where there are differences between the two, the *staff-level requirements* are indicated in [**bold italicized brackets**].

**Applications are required to include the following:**

1. \_\_\_\_ Application fees
2. \_\_\_\_ Completed and signed application form
3. \_\_\_\_ Copy of recent title report (within last six months) [*Title report required for new single-family residences; deed alone may be accepted for other projects, at the discretion of the planner*]
4. \_\_\_\_ Six [*Two*] sets of full-size plans (normally 24" X 36") to scale, **FOLDED** to fit a legal-size file folder. Additional sets will [*may*] be required after the plans are reviewed for completeness. Please see attached list of items that should be on plans.
5. \_\_\_\_ Six [*Two*] legible sets of photo-reduced (8-1/2" X 11" or 11" X 17") plans, **FOLDED** if necessary. Additional sets will [*may*] be required after the plans are reviewed for completeness.
6. \_\_\_\_ Eight copies of front elevation in color (8-1/2" X 11") [*For new single-family residences only, one copy*]
7. \_\_\_\_ Completed environmental evaluation form, when required by planner
8. \_\_\_\_ Notification materials: two sets of standard mailing labels, including [*required only if in Coastal Zone or if project requires architectural review*]:
  - A. Names and addresses of **property owners**, with Assessor's Parcel Numbers (APNs), for all property within 300' of the site
  - B. Addresses and APNs for all parcels within 300' of the site, addressed to **Occupant**.
  - C. Receipt or letter from title company or person who completes items A & B above, certifying that the labels are correct, to the best ability of the preparer.
9. \_\_\_\_ Poster board (8-1/2" X 11") with color and material samples for project [*not normally required*]
10. \_\_\_\_ A geologic report for all bluff-top developments [*not applicable to staff-level review*]
11. \_\_\_\_ An archaeological surface survey ("phase I report") for all properties located within the Archaeology/Historic Site Overlay Zone, or property that is otherwise designated as archaeologically sensitive.
12. \_\_\_\_ Projects within the Floodplain Overlay Zone or in any other areas subject to flooding must submit proof that they comply with Federal Emergency Management Agency (FEMA)

regulations for construction within a 100-year flood zone. Finish floor elevations must be proven to be one foot above the 100-year flood elevation, or the applicant must submit engineering data verifying that the property is outside the 100-year flood zone.

13. \_\_\_\_ All residential development applications within the Noise Problems Overlay Zone must include an acoustical engineering report that addresses noise impacts and mitigating measures, including use of insulation, site planning, landscaping, setbacks, walls, and other techniques appropriate for the use.
14. \_\_\_\_ Applications for projects within the View Considerations Overlay Zone must include cross-sectional and elevational drawings consistent with requirements of this overlay zone, demonstrating that views from protected locations are preserved.

**Applicant's statement:**

**I have submitted the above information and materials. I understand that planning staff has thirty days to review my application for completeness. When the application is determined to be complete, planning staff has thirty days to determine the required level of environmental review. Additional fees may be charged to me at that time.**

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

**CHECKLIST**  
**For complete plans**

Plans shall include at least the following:

1. \_\_\_ Vicinity map including project location, address, and Assessor's Parcel Number
2. \_\_\_ North arrow
3. \_\_\_ Scale (usually  $\frac{1}{4}''=1'$ ,  $\frac{1}{8}''=1'$ , or  $1''=10'$ )
4. \_\_\_ Name, address, telephone number of:
  - \_\_\_ Designer
  - \_\_\_ Engineer
  - \_\_\_ Property owner
  - \_\_\_ Project representative
5. \_\_\_ Zoning and General Plan designations
6. \_\_\_ Tract number
7. \_\_\_ Total number of units
8. \_\_\_ Lot size
9. \_\_\_ The following calculations, in square feet and as a percentage of lot area:
  - \_\_\_ Building areas: total, first, second, any additional floors
  - \_\_\_ Lot coverage
  - \_\_\_ Total landscaped area
10. \_\_\_ Complete **site plan**:
  - \_\_\_ all property lines with dimensions
  - \_\_\_ adjoining streets and rights-of-way, dimensioned
  - \_\_\_ any public street or other dedication to be made
  - \_\_\_ topographic contours: minimum 5' intervals
  - \_\_\_ Existing and proposed improvements, including the outlines of all structures, within 100' of the site, sidewalks, street lights, utilities, other improvements.
  - \_\_\_ Driveway location and width
  - \_\_\_ On-site parking spaces, with dimensions
  - \_\_\_ All yard setbacks
  - \_\_\_ Paved areas, fencing, and walls, and any hardscape
  - \_\_\_ Outline of canopies of existing trees and major shrubs
  - \_\_\_ Species of existing trees and shrubs, and condition of existing vegetation
  - \_\_\_ Any existing or proposed easements, identified by location, type, and jurisdiction
  - \_\_\_ location of nearest fire hydrant
  - \_\_\_ proposed landscaping
11. \_\_\_ **Floor plan(s)**:

- Calculations of total area (including garages) of each level
- Dimensions of all interior rooms
- Dimensions of main exterior components

12.  **Elevations** of each building face, fully dimensioned to scale:

Front elevation to include at least the project's front elevation and the front elevations of the adjoining properties (including existing structures and vegetation). If on a corner lot, elevations from both street frontages are required.

Building materials indicated

Building height (see Zoning Regulations for how height is measured)

For lots with an average slope greater than 10%, a cross-section through the center of the lot and proposed structure is also required.

13.  Other information:

Massing model (for commercial or multi-family projects) *[not applicable]*

For residential subdivisions or large commercial projects: conceptual landscape plans *[not applicable]*

Any other information required by staff

**State Law**  
**Secondary Dwelling Units**  
**As of July 1, 2003**

65852.150. The Legislature finds and declares that second units are a valuable form of housing in California. Second units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create second units benefit from added income, and an increased sense of security.

It is the intent of the Legislature that any second-unit ordinances adopted by local agencies have the effect of providing for the creation of second units and that provisions in these ordinances relating to matters including unit size, parking, fees and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.

65852.2.

(a)

(1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.

(b)

(1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision

unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:

- (A) The unit is not intended for sale and may be rented.
- (B) The lot is zoned for single-family or multifamily use.
- (C) The lot contains an existing single-family dwelling.
- (D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
- (E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.
- (F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.
- (G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.
- (H) Local building code requirements which apply to detached dwellings, as appropriate.
- (I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.

(5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance

may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Second unit" means an attached or a 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 the single-family dwelling is situated. A second unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.

