



Community Development Department
Planning Division
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INFORMATION REQUIRED FOR THE REVIEW OF **SECONDARY DWELLING UNITS**

SECONDARY DWELLING UNITS

In accordance with Title IV, Chapter 16, Section 16-52.100 of the Tiburon Municipal Code, an application to establish a Secondary Dwelling Unit on a property zoned R-1, R-1-B, RO or RPD shall be acted upon by the Planning Division Staff of the Town of Tiburon.

PROCEDURE

Once an application is submitted, it will be reviewed for completeness by the Staff. If possible, a preliminary completeness check will be conducted at the counter to look for any obvious deficiencies in the application (no site plan, no filing fee, etc.). A more thorough review of the application will be performed in the days following submittal. If additional information is required to make the application complete, the applicant will be notified as soon as possible.

Once an application is deemed complete, Staff may take action to approve or deny the application. A decision on this action may be appealed to the Town Council within ten (10) days.

SUBMITTAL REQUIREMENTS

Below is a list of items typically required in order to properly review and reach a decision on an application for a Secondary Dwelling Unit. Depending on the nature and complexity of the site or the project, additional information may be required by the Town before an application can be found complete or a decision reached. In some instances, not all the items listed below will be required. Applicants are encouraged to consult with Planning Division Staff prior to filing an application.

1. Completed application forms (Land Development Application Form and the Supplemental Application Form for Secondary Dwelling Units).
2. Filing Fee.
3. A recent title report for the subject property.

4. Three (3) full sized sets of plans (usually 24" x 36"). The plans are to contain the following information if deemed necessary by Staff for the type and scope of the proposed project.
 - a. Site plan to scale showing: property lines, setbacks, and all easements or other encumbrances; all adjacent streets, vehicular access points; all proposed and existing structures; parking and driveway areas; dimensions of the lot; contours of the land at a maximum interval of two feet; trees; and significant natural or man-made features such as drainageways, rock outcroppings, landscaped areas, fences, walls, and retaining walls. The scale and north arrow shall be shown.
 - b. Floor plans of existing and proposed structures.
 - c. Elevations of existing and proposed structures and exterior finish (colors and materials).
 - d. Roof plan, including location of story poles, and existing and proposed skylights, chimneys and other rooftop equipment. Story poles shall be installed no more than 14 calendar days after the application is submitted.
 - e. Detailed drawings of proposed items such as fences, retaining walls, trellises or arbors, deck railings and similar items.
 - f. Existing and proposed exterior lighting locations and details of proposed lighting fixtures.
 - g. A landscaping plan, indicating all existing and proposed trees and shrubs in the vicinity of the Secondary Dwelling Unit. The landscaping plan shall include the size, quantity and species for all proposed landscaping; proposed landscape lighting locations, and details of landscape lighting fixtures. The landscaping plan shall also indicate the footprint of all buildings on the subject property and all buildings on adjacent properties within 50 feet of the property boundaries.
 - h. Plans indicating any and all privacy-enhancing techniques to be applied to all windows, doors and other openings that face and are within 20 feet of adjacent property lines, in order to reduce adverse privacy impacts. Such techniques include, but are not limited to, use of frosted windows, window placement at least six (6) feet above floor level, extended roof overhangs, and other permanent structural treatments.
 - i. For a Secondary Dwelling Unit to be located either fully or partially within a new structure, a topographic map indicating the percentage slope in the vicinity of the Secondary Dwelling Unit.
 - j. For a Secondary Dwelling Unit to be located either fully or partially within a new structure, a grading plan indicating the location and amount of grading (cut and/or fill in cubic yards) proposed for the construction of the Secondary Dwelling Unit.
 - k. A parking plan indicating the total number of existing and proposed parking spaces on the property, showing the location and dimensions of all existing and proposed parking spaces, and showing the location of driveway access for all parking spaces.

5. A colors and materials board (8½" x 11") indicating the proposed exterior colors and materials for the Secondary Dwelling Unit, and a written statement that the architectural style, building colors and building materials of the Secondary Dwelling Unit will closely resemble those of the existing Primary Unit.
6. A written statement signed by the owner of the property verifying that the Owner of Record maintains his or her Principal Place of Residence on the subject property, and that the Secondary Dwelling Unit would be the only Secondary Dwelling Unit on the property.
7. For a Secondary Dwelling Unit to be located either fully or partially within an existing structure, submit a memo from the Tiburon Building Division establishing the feasibility of the proposed project to meet current building codes. An inspection will need to be arranged prior to filing of the application for a Secondary Dwelling Unit. The Tiburon Building Division can be reached at
(415) 435-7380.
8. A letter from the appropriate Sanitary District indicating that adequate sanitary service capacity for the additional increment of effluent resulting from the Secondary Dwelling Unit would be available. If the lot is not connected to the public sewer system, submit a letter from the County of Marin Environmental Health Department indicating that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Secondary Dwelling Unit.
9. A letter from the appropriate Fire Protection District indicating that the Secondary Dwelling Unit will comply with all applicable Fire District regulations.
10. A letter from the Marin Municipal Water District indicating that the Secondary Dwelling Unit will comply with all applicable Water District regulations

Optional Items

While not required, the Town of Tiburon strongly encourages that applicants consult potentially affected neighbors as early in the process as possible, and certainly in advance of filing the application.

SUPPLEMENTAL APPLICATION FORM FOR SECONDARY DWELLING UNITS

Indicate whether the proposed Secondary Dwelling Unit is to be located within a(n):

- _____ New accessory building (fill in Section 1 below)
- _____ Existing accessory building (fill in Section 2 below)
- _____ New addition to an existing dwelling unit (fill in Section 1 below)
- _____ Existing dwelling unit (fill in Section 2 below)

1. Secondary Dwelling Unit Entirely Within A New Accessory Building or New Addition to an Existing Dwelling Unit:

Zone: _____ Lot Area: _____ (square feet)

Floor area of proposed Secondary Dwelling Unit: _____ (square feet)

	<u>Existing</u>	<u>Proposed</u>
Front yard setback:	_____ (feet)	_____ (feet)
Left side yard setback:	_____ (feet)	_____ (feet)
Right side yard setback:	_____ (feet)	_____ (feet)
Rear yard setback:	_____ (feet)	_____ (feet)
Lot coverage:	_____ (%)	_____ (%)
Floor area: (living area)	_____ (square feet)	_____ (square feet)
(garage)	_____ (square feet)	_____ (square feet)
Number of Bedrooms (in Secondary Dwelling Unit)	NA	_____
Building height:	_____ (feet)	_____ (feet)
Parking:	_____ (# of spaces)	_____ (# of spaces)

Existing slope in area of Secondary Dwelling Unit (%) _____

Estimated amount of grading (in cubic yards) necessary for construction of Secondary Dwelling Unit

2. **Secondary Dwelling Unit Entirely Within An Existing Accessory Building or Existing Dwelling Unit:**

Zone: _____ Lot Area: _____ (square feet)

Floor area of proposed Secondary Dwelling Unit: _____ (square feet)

Existing Structure

Front yard setback: _____ (feet)
Left side yard setback: _____ (feet)
Right side yard setback: _____ (feet)
Rear yard setback: _____ (feet)
Lot coverage: _____ (%)
Floor area: (living area) _____ (square feet)
(garage) _____ (square feet)
Bedrooms (within
Secondary Dwelling Unit) _____
Building height: _____ (feet)
Parking: _____ (total # of spaces on the property)

STANDARDS FOR SECONDARY DWELLING UNITS

1. The proposed **Secondary Dwelling Unit** would be located in one of the following residential **Zones**: R-1, R-1-B, RO, or RPD.
2. The proposed **Secondary Dwelling Unit** would be the only **Secondary Dwelling Unit** on the Lot.
3. The proposed **Secondary Dwelling Unit** would be located on a **Lot** with a **Lot Area** of not less than 10,000 square feet.
4. The proposed **Secondary Dwelling Unit** would be located on the same **Lot** on which the **Owner of Record** maintains his or her **Principal Place of Residence**.
5. The proposed **Secondary Dwelling Unit**, if any portion thereof constitutes new construction or an addition to an existing building (as opposed to the conversion of an existing building) and is not proposed as part of a project for which any other **Zoning Permit** is required, would:
 - a. Not exceed a maximum **Floor Area** of 500 square feet.
 - b. Conform to the minimum required setback regulations for the **Zone** or **Planned Development** in which it is located, as set forth in Article 2 of Chapter 16 of the Tiburon Municipal Code. In addition, the **Primary Unit** and proposed **Secondary Dwelling Unit** together shall conform to the lot coverage limit and floor area ratio guideline or limit for the **Zone** or **Planned Development** in which they are located, as set forth in Article 2 of Chapter 16 of the Tiburon Municipal Code. No variances or floor area exceptions are permitted.
 - c. Be single story and would not exceed fifteen (15) feet in **Height**, as defined in Section 16-30.050 of the Municipal Code.
 - d. Not require more than 100 cubic yards of grading (earth movement).
6. The proposed **Secondary Dwelling Unit**, if located in an existing **Primary Unit**, or if proposed as a part of a project for which at least one other **Zoning Permit** is required, would not exceed one-third (1/3) of the maximum **Floor Area Ratio** guideline or limit for the property (as prescribed in Section 16-52.020 (I) of the Municipal Code), or 1,000 square feet of **Floor Area (Gross)**, whichever is less. In no case shall the 1/3 requirement above reduce the floor area allowed below that required to meet the minimum floor area required for an efficiency unit as defined by California Health & Safety Code section 17958.1.
7. The proposed **Secondary Dwelling Unit**, if converted from a lawfully existing detached **Accessory Building or Structure** and not proposed as part of a project for which any other **Zoning Permit** is required, would meet all minimum required yard regulations as set forth in Sections 16-21.040(A) and 16-30.030(E)[1] of the Tiburon Municipal Code.

8. The proposed ***Secondary Dwelling Unit*** would provide one (1) off-street ***Parking Space*** for each bedroom within the ***Secondary Dwelling Unit***, but in no case less than one (1) ***Parking Space***. The ***Parking Spaces*** would comply with all Town standards and regulations regarding ***Parking Spaces***, including parking in setbacks. Tandem parking is not permitted.
9. The required ***Parking Spaces*** for the proposed ***Secondary Dwelling Unit*** would be served by the same driveway access to the street as the ***Primary Unit***.
10. Landscaping, including trees and shrubs, would be installed as part of the project to minimize the visual impacts of the project, including the screening of parking areas; to provide shade; and to provide a visual buffer between the ***Secondary Dwelling Unit*** and its surroundings. Proposed trees would comply with provisions of Chapter 15A of the Tiburon Municipal Code.
11. The exterior appearance of the proposed ***Secondary Dwelling Unit*** would closely resemble the architectural style, building materials, and building colors of the ***Primary Unit***.
12. The design of the proposed ***Secondary Dwelling Unit*** shall include privacy-enhancing techniques to be applied to all windows, doors and other openings that face and are within twenty (20) feet of adjacent property lines, in order to reduce adverse privacy impacts. Such techniques include, but are not limited to, use of frosted windows, window placement at least six (6) feet above floor level, extended roof overhangs, and other permanent structural treatments.
13. The ***Secondary Dwelling Unit*** would be in conformance with the current building codes adopted by the Town. Unless the project constitutes new construction or an addition to an existing building (as opposed to the conversion of an existing building), a building inspection shall be performed by the Town's Building Division, and a memo establishing the feasibility of the project to meet current building codes shall be provided to the ***Director of Community Development***, prior to approval of a ***Secondary Dwelling Unit*** permit.
14. Adequate sanitary service capacity for the additional increment of effluent resulting from the ***Secondary Dwelling Unit*** would be available. If the ***Lot*** is connected to the public sewer system, the ***Applicant*** has submitted a letter from the appropriate Sanitary District to that effect. If the ***Lot*** is not connected to the public sewer system, the ***Applicant*** has submitted a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the ***Lot*** has adequate capacity to accommodate the proposed ***Secondary Dwelling Unit***.
15. The ***Secondary Dwelling Unit*** would comply with all applicable Fire District regulations.
16. The ***Secondary Dwelling Unit*** would comply with all applicable Water District regulations.

NOTE: *Bold and italics* indicates a term defined in Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code.

(Source: Town Council Resolution No. 39-2010)

Excerpt from Tiburon Municipal Code Title IV, Chapter 16 (Zoning)

16-52.100 SECONDARY DWELLING UNIT PERMITS.

16-52.100 - Secondary Dwelling Unit

This Section provides for the establishment and reasonable regulation of secondary dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

- A. Application and fee.** Application for a Secondary Dwelling Unit Permit shall be made in compliance with the provisions of Section 16-50 (Application Filing and Processing) and shall be accompanied by the appropriate fee.
- B. Director of Community Development as Review Authority.** Applications for secondary dwelling units shall be acted upon by the Director without discretionary review or a public hearing.
- C. Grant of Secondary Dwelling Unit Permit.** In order to grant a Secondary Dwelling Unit Permit, the Director shall find that the secondary dwelling unit would comply with all of the standards set forth in the Town's Standards for Secondary Dwelling Units as adopted by Council resolution.
- D. Building Permits.** A Building Permit shall be required in conjunction with the issuance of a Secondary Dwelling Unit Permit if repair, rehabilitation, or other work otherwise requiring a Building Permit is necessary.
- E. Approved Conditional Use Permits still valid.** Any secondary dwelling unit legally established with an approved Conditional Use Permit prior to July 1, 2003 shall continue to be considered a legal, conforming dwelling unit. Secondary dwelling units established by any such Conditional Use Permit shall continue to comply with all conditions of the permit approval.
- F. Premises identification.** Approved numbers or addresses shall be provided for each dwelling unit and said numbers or addresses shall be plainly visible and legible from the street fronting the property.
- G. Expiration.** Secondary Dwelling Unit Permits issued in compliance with this Section shall expire and become null and void three years after issuance unless a Certificate of Occupancy has been issued by the Building Division.
- H. Revocation.** Upon written notice to the holder of a Secondary Dwelling Unit Permit, and a hearing before the Director, the Director may revoke or modify any Secondary Dwelling Unit Permit, on any one or more of the following grounds:
 - 1. That the approval was based on false information submitted by the applicant.
 - 2. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
 - 3. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
- I. Periodic update.** The Department shall maintain a record of all legal secondary dwelling units and shall review and update the record every two years. At the review, the owner of record shall verify in writing under penalty of perjury that the secondary dwelling unit is in compliance with all conditions of the Secondary Dwelling Unit Permit, or with all conditions of the Conditional Use Permit if the secondary dwelling unit was established under a Conditional Use Permit issued prior to July 1, 2003.

- J. **Reporting of violations.** All reporting of secondary dwelling unit violations shall be in writing and directed to the Department. The Director shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The Director shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.
- K. **Violations considered an infraction.** Violations of this Section shall be punished as infractions or by administrative citation, in the discretion of the Director and shall be subject to the provisions of Section 16-56.030 (Violations and Penalties) and/or Municipal Code Chapter 31 (Enforcement of Code). This Subsection also applies to violations of conditions of approval issued in association with any secondary dwelling unit approval.
- L. **Violations--Additional remedies--Injunctions.** As an additional remedy, the existence and/or maintenance of any secondary dwelling unit in violation of any provisions herein, or of any conditions of approval placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with Municipal Code Chapter 31 [Enforcement of Code]), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the Town shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.
- M. **Appeals.** Any person aggrieved by any decision involving the approval, denial, or revocation of a Secondary Dwelling Unit Permit (or a Conditional Use Permit if the secondary dwelling unit was established under a Conditional Use Permit issued prior to July 1, 2003), may appeal such decision to the Town Council in compliance with Section 16-66 (Appeals).

Definition of Secondary Dwelling Unit (Section 16-100)

Secondary dwelling unit. An attached or detached additional dwelling unit on a single-family lot, which provides independent living facilities for not more than three persons, and which has kitchen/cooking, sleeping and sanitation facilities on the same lot as the primary unit is situated. See Section 16-52.100 (Secondary Dwelling Unit). The following definitions are used for secondary dwelling units:

1. **Attached secondary dwelling unit.** A secondary dwelling unit that shares a common wall with the primary unit.
2. **Legal nonconforming secondary dwelling unit.** A secondary dwelling unit that currently does not conform to the regulations for the zone in which it is situated but which did conform at the time it was constructed or erected.
3. **Owner of record.** The owner of at least fifty percent interest in the subject real property.
4. **Primary unit.** The building (or portion of the building in cases of an attached secondary dwelling unit) in which the principal residential use of the lot takes place. A secondary dwelling unit cannot constitute the primary unit.
5. **Principal place of residence.** A dwelling unit that is occupied by the owner of record as a primary place of residence.