

## Section 1. Section 30-4.1.b *Uses Permitted*

9. Second Units ~~on a single parcel containing one single family dwelling~~, when in compliance with the following standards:

(a) ~~The subject lot contains one existing single-family dwelling, and the second unit will be the only additional dwelling on the lot. All building coverage, yard areas, and setback requirements of the R-1 District shall be met for new structures and additions to existing dwellings intended for second units, unless the requirements for exceptions provided for in Chapter 30 of the Alameda Municipal Code are met. Second units are not accessory structures.~~

(b) Aggregate lot coverage of building footprint(s) and nonpermeable surfaces shall not exceed sixty (60%) percent.

(c) The minimum lot size on which a Second Unit shall be allowed is ~~seven thousand five hundred (7,500)~~ four thousand (4,000) square feet.

(d) A second unit may be attached to or detached from the primary living unit.

~~(e)~~ When detached from the primary dwelling, second units shall conform to the requirements in Section 30-5.7.f Accessory Buildings. ~~The the design of the all detached second units shall be consistent with that of the primary residence, incorporating the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.~~

~~(f)~~ When attached to the primary dwelling, the design of the second unit shall appear as an integral part of the primary dwelling and incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. Creation of the second unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.

~~(g)~~ An attached second unit shall have no more than one (1) bedroom and contain no more than six hundred (600) square feet of habitable space, including the stairwell contained entirely within the second unit, if any, or be no more than fifty (50%) percent of the primary living unit, whichever is less. In no case shall the attached second unit be less than three hundred fifty (350) square feet.

~~(h)~~ A detached second unit shall have no more than one (1) bedroom and be no more than six hundred (600) square feet of habitable space and no less than three hundred fifty (350) square feet of habitable space., including the stairwell contained entirely within the second unit, if any. ~~Detached second units may not exceed one (1) story when the primary dwelling has more than one (1) story; otherwise, the detached second unit may not exceed sixteen (16) feet in height, unless additional height is required to match the roof pitch of the primary dwelling.~~ The Second Unit shall maintain the scale of and be visually compatible with adjoining residences and the residences in the immediate vicinity.

~~(i)~~ Utilities extended to a detached second unit shall be underground.

~~(j)~~ No protected tree(s) shall be removed to accommodate a second unit.

~~(k)~~ Property owner shall record a deed restriction prohibiting the separate sale of the second unit.

~~(l)~~ The lot on which the second unit is located shall have a minimum of two ~~one~~ permanently surfaced off-street parking spaces, one of which shall be assigned to the second unit. The parking spaces shall be located in accordance with Section 30-7.8, Location of Parking Spaces and Prohibited Parking Areas. ~~(m)~~ The parking space for the second unit shall function independently

of other parking spaces on the site. A tandem parking space shall not count as meeting the required parking for the second unit.

(~~n~~k) Building permits for second units ~~shall~~ may be issued when all the above standards are met. No discretionary action is required.

(~~o~~l) If applications for building permits for second units are rejected because the application fails to meet the standards listed herein, any appeal of that action shall be considered by the Planning and Building Director, who shall take action on the appeal based solely upon the Second Unit approval standards listed in subsection 30-4.1b.9.(a) through (s), of the Alameda Municipal Code.

(~~p~~m) Second units which conform to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which they are located and deemed a residential use consistent with the General Plan and zoning designation of the lot.

(~~q~~n) Second units that do not conform to the standards e. through h. and j. of this section may be established with use permit and design review approval.

(~~r~~o) Before obtaining a second unit building permit, the property owner shall file with the ~~e~~County ~~r~~Recorder a declaration or an 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:

(1) The second unit shall not be sold separately.

(2) 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.

(~~s~~p) Nothing in this section supersedes requirements for obtaining development permits pursuant to this chapter or for properties subject to the preservation of historical and cultural resources set forth in Section 13-21 of Chapter XIII of the Alameda Municipal Code.

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