



## Secondary Living Unit Amnesty Program

### Preface

The purpose of the Secondary Living Unit Amnesty Program is to encourage property owners to legalize unpermitted secondary rental units within the City of San Carlos. It is the City's goal that this process will contribute to our affordable housing units in the City. It is the Building Division's goal to ensure these dwellings are safe and sanitary for residents. Please note this program is only for secondary living units. Contact the Building Division if you have other than an unpermitted secondary living unit you wish to legalize.

With this program, the Building Division has made two significant changes to our procedures to encourage applicants to participate:

- Buildings and projects built without permits and inspections are typically required to expose all work covered without inspection. In this program, we will perform a finish surface inspection only. There are exceptions to this change, but primarily, that will be the procedure.
- With the exception of Health and Safety Codes, the inspection(s) will be based on the date of conversion to a secondary living unit. For example, if there is convincing evidence the secondary living unit was built in 1972, we will use the codes from that era to determine conformance. If there is no evidence when the secondary living unit was built, the Building Division will apply the current building codes in a reasonable manner.

### STEP 1

Research your own property through documents in your possession, old contracts, receipts, and so forth that will determine when the secondary living unit was built. If you have no such documents, contact the San Mateo County Assessor's Office, at 650-363-4500. You may research history of permits prior to City of San Carlos records at the Assessor's Office. It is the property owner's responsibility to establish an approximate date of when the secondary living unit was built. The Building Official may provide assistance if it is difficult to determine such a date.

### STEP 2

Contact the Planning Division, at 650-802-4263, to determine if there is another legal secondary living unit within 400' of your property. Initiate an application for the Secondary Living Unit Amnesty Program after you have gathered all information and are committed toward legalizing your rental unit. There is a Planning review fee due at this time. Obtain and review the entire Secondary Living Unit Amnesty Program ordinance if you have not done so already. Stop by the Building Division to discuss information in this handout and to go over permit history, if available, on your property.

### STEP 3

It is recommended you secure the services of a private building inspection service company to inspect your secondary living unit. This enables the property owner to get a better feel of construction costs required to legalize the work performed without a permit. Ensure your private inspector is competent and experienced to prevent disparity between your inspection report and the field inspection performed by the Building Division. Please note: You may waive the opportunity to have a private inspector review the integrity of the secondary dwelling unit. A site inspection will then be performed by the Building Division as part of the permitting process.

If you choose to complete the permitting process, submit an application with the Building Division to legalize your secondary living unit. The application shall include a plot plan of the property and a floor plan of the secondary living unit. The plans will be routed to the Planning Division for confirmation of zoning requirements and processing.

### **Fees Due**

Contact the Building Official, at 650-802-4262, for information on building permit costs and various City Department fees associated with the Second Living Unit Amnesty Program.

### **Plan Review**

The Building Division will review plans and other information submitted by the applicant to determine when the secondary living unit was built. The plans will be reviewed with consideration given toward what code was in affect at the time the unit was built. If there is little evidence when construction took place, current code requirements will be applied in a reasonable manner.

City Building Inspectors will inspect the property to confirm the findings of the property owner and / or private inspection service. Once this inspection occurs, it is required that you complete the process to legalize the secondary living unit.

## **Inspection Checklist**

### **Site**

- Parking for the secondary living unit shall comply with approved plans.
- The gross floor area for a detached unit shall not exceed 640 square feet.
- The gross floor area for an attached unit shall not exceed thirty percent (30%) of the total living area of the primary residence, or the minimum area of an efficiency unit as described in Section 17598.1 of the California Health & Safety Code, whichever is greater, with a maximum floor area of 1200 square feet.
- The unit shall not be closer than 5-feet to the property line. The Planning Division Manager has the authority to reduce this dimension to 3-feet under extraordinary conditions.

### **Structural / Use**

- The structure shall comply with the Code(s) in effect at the time the unit was built. The Building Division has the authority to apply current code requirements in a reasonable manner if existing code violations exist. *Structural failure and termite damage shall be repaired.*
- 7' – 0" minimum ceiling height required in all habitable rooms.
- Light and ventilation shall meet current code requirements.
- At least one window in each bedroom shall comply with current egress requirements.
- The second unit shall provide separate, independent living quarters for one household. The second unit may be attached, detached, or located within the living areas of the primary dwelling unit on the lot.

### **Electrical Requirements**

- Electrical shall comply with the Code(s) in effect at the time the unit was built. The Building Division has the authority to apply current code requirements in a reasonable manner if existing code violations exist. *No extension cords allowed as permanent wiring.*
- All kitchen, bath, and exterior plug receptacles shall be GFCI-protected.
- Fuses or circuit breakers providing electricity to the unit shall be accessible at all times to the occupant of the secondary living unit.
- A second electric meter may be added as an option.

- A battery-operated smoke detector shall be provided in the assumed bedroom and immediately outside of sleeping area (hallway).

### **Plumbing Requirements**

- Plumbing shall comply with the Code(s) in effect at the time the unit was built. The Building Division has the authority to apply current code requirements in a reasonable manner if existing code violations exist.
- All fixtures shall be provided by approved trap.
- All fixture vents shall extend above the roof.
- Potable water shall be deliverable through approved materials recognized by current code requirements.
- ABS, cast iron, or copper waste lines required. Copper gas lines are not allowed.

### **Mechanical Requirements**

- Mechanical shall comply with the Code(s) in effect at the time the unit was built. The Building Division has the authority to apply current code requirements in a reasonable manner if existing code violations exist.
- Heating equipment shall be capable of heating all rooms to minimum 70-degrees measured 3-feet above interior floor level.
- The heating equipment shall be independent of the main house.
- The heating equipment shall be independently controlled within the secondary living unit.
- A second gas meter may be added as an option.

### **Energy Efficiency Requirements**

- Energy / Title 24 shall comply with the Code(s) in effect at the time the unit was built. The Building Division has the authority to apply current code requirements in a reasonable manner if existing code violations exist.
- When reasonably feasible, compliance with current energy requirements is required. For instance, if there is reason to remove interior or exterior wall finish material, minimum R-13 shall be installed in the wall cavity. If a window is required to be made larger, or simply replaced, a dual-pane window shall then be installed.

### **Final Inspection**

After all Planning and Building Division requirements are complete, the Building Division will sign-off on your permit and issue a Certificate of Occupancy for the secondary living unit. You will then have a legal secondary dwelling unit that will not be a disclosure issue upon sale of your residence.

If you have further questions, please contact Christopher Valley, Building Official, at 650-802-4262. Or, you may email the Building Official, at [cvalley@cityofsancarlos.org](mailto:cvalley@cityofsancarlos.org).