

SECOND UNIT AMNESTY PROGRAM

History: The City of Burlingame first adopted a zoning code in 1921. Revisions to the zoning code in January 1954 prohibited second units on an R-1 property. Because second units were allowed under the zoning code up to January 1954 and because many of units were built during the housing crisis associated with WWII, the focus of the amnesty program is on these early units.

Purpose of the Amnesty Program: The purpose of the program is two fold. First, to retain these second units as a legal part of the city's housing stock, based on the idea that because they are smaller, older, and scattered they are both lower cost and an attractive housing alternative for single individuals with limited incomes. Second, since the targeted units were known to be older, often built without building permits, and designated nonconforming or illegal, many have been neglected and have over time become unsafe and/ or unsanitary. Getting these units made safe and sanitary for current and future tenants is also an important to community priority.

Duration of the Amnesty Program: This is a permanent program.

Qualifying for the Amnesty Program: All of the following requirements must be met in order for an existing second unit to qualify for the amnesty program:

- the second unit must be located in an R-1 zone;
- the second unit must have been built before January 1, 1954;
- on-site parking spaces based on the number of bedrooms in the primary dwelling and one (1) space for the second unit shall be provided as follows:
 - 1) Parking for the primary dwelling as required by chapter 25.70; and
 - 2) No more than two (2) of the required on-site parking spaces shall be in tandem configuration, covered and uncovered; and
 - 3) No required parking may be provided in the front setback or yard, except in the driveway; and
 - 4) All parking shall be provide on a hard , all-weather surface and properly drained to the public street; and
 - 5) Notwithstanding subsection (a)(1) above, up to three (3) of the parking spaces required for the property by this title may be uncovered if, but only if, the secondary dwelling unit is only used for “affordable housing” as defined in chapter 25.63. As a condition of approval under this subsection, the owner of the property will be required to enter in tot and record an agreement

generally in conformance with section 25.63.040 to ensure continued affordability of the secondary dwelling unit. (see attached sheet for most recent income limits for affordable housing)

- no more than two (2) persons may occupy the secondary dwelling unit;
- an owner of the subject property shall reside in at least one of the dwelling units at all times;
- the floor area of the secondary dwelling shall not exceed 640 SF; and
- the secondary dwelling unit shall be able and made to conform to the requirements of the California Health and Safety Code.

How the Program Works: Application to the amnesty program must be initiated by the property owner. The legalization process will progress in the following manner:

1. Applicant submits complete application materials and fees to the Planning Department. Please see the Second Unit Amnesty Application and Submittal Requirements (attached lilac form) for details.
2. An appointment is scheduled for a Building Inspector to inspect the second unit and write a report on its age and its condition in relation to the applicable standards of California Health and Safety Code.
3. Given the Building Inspector's findings, the applicant will decide if he/she wishes to pursue the special permit.
4. If the applicant chooses to pursue the special permit, neighbors within 100' of the property will be noticed of the request to legalize the existing second unit. If no neighbor appeals within 7 days, the special permit will be granted to the property. If an appeal is received by the Planning Department, the request for the special permit to legalize the existing second unit will go before the Planning Commission for review at a public hearing. If the request is denied, the existing second unit will continue to be allowed as a nonconforming dwelling unit subject to the applicable provisions of the zoning code.

Approval of the Special Permit for a Second Unit: Once a special permit for a second unit is approved by the Planning Department, the applicant has one year to complete any necessary building permits to bring the second unit into compliance with the Uniform Building Code and the California Health and Safety Code. If the building permits are not completed within one year, the special permit is revoked. With the granting of amnesty, the following limitations will apply to the property:

- no improvements to the secondary dwelling unit can exceed fifty percent (50%) of the replacement value of the unit (replacement value to be determined by a Building Inspector);

- no increase of more than thirty (30) square feet of floor area of the secondary dwelling unit shall be allowed;
- any remodeling affecting the exterior of the secondary dwelling unit shall be matched to generally conform to the exterior treatment of the primary dwelling unit on the parcel;
- if the secondary dwelling unit is demolished, the special permit shall lapse and be of no further force and effect;
- if the secondary dwelling unit is demolished, the special permit shall lapse and be of no further force and effect, and all on-site parking requirements of chapter 25.70 shall be met for the primary dwelling on the site;
- in no event, shall any increase or improvement in the secondary dwelling unit be allowed to cause the improvements on the subject property to exceed the maximum floor area ration or lot coverage; and
- required on-site parking for the primary dwelling and one on-site uncovered parking space for the second unit shall be provided and maintained

When all Building Permits are issued and the second unit has received a final inspection by the Building Department, notice will be sent to San Mateo County to legalize the second unit.

Note: Property owners and applicants will not be penalized if the second unit on the property does not meet the amnesty requirements.