

Town of Portola Valley

Second Unit Manual

Prepared by Spangle Associates
January 2012

Introduction

The Town of Portola Valley has prepared this manual to encourage residents to build second units on their properties. Second units are a key way for the town to accommodate new housing while still preserving the rural character of the community. As a result, the housing element of the Portola Valley General Plan calls for the town to encourage the construction of second units by preparing a manual like this one.

Part One of this manual provides detailed information about town requirements and the process for getting approval and permits for a second unit. For those who want information about other aspects of planning, building or potentially renting out a second unit, Part Two provides an overview of these topics. At the end of each section, there is a list of other resources, both online and in print, for additional information.

Hopefully, this manual will help to answer questions residents may have and thereby make the process of building a second unit easier and more understandable.

Part 1: Town Requirements and Permits for a Second Unit

Can you have a second unit on your property?

In Portola Valley, your parcel must be at least one acre in size, have a main house on it, and be located in a residential zoning district in order to be able to build a second unit. Only one second unit no larger than 750 square feet is permitted on each parcel, and you cannot exceed the total amount of allowable floor area or impervious surface for your parcel. To find out your parcel's allowable floor area and impervious surface limit, contact the town's planning department. Other town requirements are discussed later in this chapter.

Types of second units

Second units come in two main types: attached and detached. An attached second unit is attached to another building on the property. Some common types of attached second units would be a unit built over a garage, or a unit within the basement of a house. Attached second units can be in a new addition, or can be created by converting space within an existing building.

Because they are located adjacent to another building, attached second units often need less grading and site preparation. As a result, attached second units may also have fewer impacts on neighbors and can be less expensive.

A detached second unit is a stand-alone building that is different from a workshop, pool house, or other type of accessory building because of the types of amenities it offers. A detached second unit may be built new or created by converting an existing accessory structure into a second unit.

WHAT IS A SECOND UNIT?

A second unit is different from a typical house addition or another type of accessory structure because it:

- Can be closed off from any attached structure;
- Has a separate outside entrance;
- Has its own full bathroom; and
- Has its own kitchen.

A second unit can include a full bathroom, 220 wiring for a kitchen, and more than one main room (with a floor area 75 square feet or more). In contrast, a workshop cannot have a shower or tub, and can only have one main room. A pool house must have bathroom access only from the outside of the building and can only have one main room. For more information, please see the town's policy statement on second units and accessory structures, which is attached at the end of this manual.

Town standards and requirements for second units

The town has a number of standards and requirements for second units to ensure that the second units are compatible with existing development and neighboring uses. The table on the next page summarizes these standards as of 2012. Additional requirements are listed in the box to the right.

Other requirements could also potentially apply to your project. For example, if a significant tree (as defined by the town) is located close to the place where you want to put your second unit, or if you will need to do a lot of grading or vegetation removal, you may need a site development permit from the town. If your property includes historic resources, you will need to document whether adding a second unit will affect the historic character of the resources. The project could have other requirements if your property is, for example, located in a floodplain or along a creek, or if your parcel is subject to landslides or other geologic hazards. To find out the town requirements that would apply to your property, you can talk with staff at the town's Planning Department.

Green building checklist

A completed Build It Green checklist must be submitted as part of the application for every building project in Portola Valley. The box to the right lists several features that provide points on the checklist. You will need to incorporate features that provide points on the Build It Green checklist into your project. A project that needs approval of the ASCC will need to have 25 points, whereas a project that can be approved by

Town Requirements for Second Units

- The second unit must use the same address and vehicular access to the street as the main house.
- The second unit needs to have colors, materials and architecture similar to the main house, or the approval of the ASCC.
- Exterior lighting is limited to one light fixture per entry door, and the minimum number of path lights that are needed for safe access. For more information on lighting restrictions, see Section 18.12.040.B.13 of the zoning ordinance.
- Landscaping needs to conform with the town's landscaping guidelines.
- Second units need to comply with the town's fire safety standards for construction and landscaping.

Build It Green Practices

- Minimize disruption of plants & trees
- Seal duct openings during construction
- Install overhangs and gutters
- Use durable and non-combustible siding materials
- Install insulation with 75% recycled content
- Insulate hot water pipes

Summary of Town of Portola Valley Standards for Second Units

ITEM	REQUIREMENT	THE FINE PRINT
Maximum floor area	750 square feet	<ul style="list-style-type: none"> • If your second unit is less than 400 square feet all together, town staff will be responsible for design review approval. • If your second unit will be created by converting existing floor space within your home, town staff will be responsible for design review approval unless staff refers the project to the Architectural and Site Control Commission (ASCC). • If you plan to build more than 400 square feet of new floor area for your second unit, you will need design approval from the ASCC. • You will also need approval of the ASCC if you want to attach the second unit to the main house on your parcel and the resulting structure (including the house and second unit) will have more than 85% of the maximum floor area permitted for your parcel. • You cannot exceed the maximum floor area for your parcel; if you have already used all the allowable floor area, the only way you will be able to build a second unit will be by converting existing space to a second unit or demolishing a building or part of one.
Maximum height	18' with 24' max	<ul style="list-style-type: none"> • 18' limit applies to the distance between the natural ground level, or the building pad if it was excavated (whichever is lower) to the highest part of the building directly above • 24' maximum height limit applies to the distance between the lowest point of contact with the finished ground surface and the highest point of the building • Second units can be up to 28' with a maximum of 34' with the approval of the ASCC
Parking	1 space for 0-1 bedrooms; 2 spaces for 2+ bedrooms	<ul style="list-style-type: none"> • These parking spaces do not have to be covered • Parking for second units can be provided as tandem spaces (behind other required parking, such as in a driveway) • Parking for second units must be provided in addition to the amount of parking needed for the main house
Setbacks (yards) and Impervious Surface	Varies	<ul style="list-style-type: none"> • The required front, side and rear yards, and the maximum permitted impervious surface, vary depending on the size of the parcel and the zoning combining district within which the parcel is located • Table 1 in Section 18.48.010 of the town's zoning ordinance shows the requirements
Color reflectivity	40% max Light Reflectivity Value (LRV) for main finish	<ul style="list-style-type: none"> • Trim cannot exceed 50% • Roofs cannot exceed 40%

town staff has no minimum number of points required. For any type of second unit, you can self-certify the checklist and do not need to have it certified by a professional reviewer. The checklist can be found on the Build It Green website: <http://www.builditgreen.org/guidelines--checklists/#Checklists>.

Design Review

Depending on the size, type and location of the second unit, you may be able to get design review approval from town staff, or you may need approval from the Architectural and Site Control Commission (ASCC). The box to the right lists second unit projects that need ASCC approval; all other projects can be approved by staff. However, town staff could refer a project to the ASCC for review if the project could have a substantial aesthetic impact.

The application materials you need to submit for your design review may be different depending on the specifics of your project and whether or not ASCC approval is needed. These materials are usually less detailed than those needed for a building permit, but typically include a site plan, floor plans, and elevations. If your second unit will need ASCC approval, you will need a more detailed site plan as well as architectural drawings showing the building floor plans and exterior elevations of the second unit. In addition, you will need to have the perimeter of your proposed second unit staked out on your property and will also need story poles installed to model the form and height of the building. You can find more information about the requirements for submittal for ASCC review in the zoning ordinance in Section 18.64.040. Town staff can tell you exactly what you need to provide for your project.

Second Unit Projects that Need ASCC Approval

- Second units located on parcels with frontage on Alpine or Portola Roads
- Second units that would add more than 400 square feet of new floor area to the parcel
- Attached second units that will bring the total floor area of the largest structure to more than 85% of the maximum allowed for the parcel
- Second units taller than 18 feet or with a maximum height greater than 24 feet

Building Permit

The materials you need to submit to apply for a building permit will be different depending on the specifics of your project, including whether or not you are in the F-P (floodplain) zoning district and whether you need any other town permits such as a site development permit. As part of the application, you will also need to pay a fee. Town staff will help you determine exactly what materials you need to submit with your application. If you have hired an architect, general contractor, or design/build firm, they will be able to submit applications for the second unit for you.

Once you have submitted all of the required materials, town staff will check your application to make sure that it is complete. You may need to provide additional information or revise some of the materials you submitted. Town staff can then make a determination on your application.

Additional Resources:

The website for the Town of Portola Valley has information on the various types of permits, as well as application forms available to be downloaded and the town's zoning ordinance. Check the links from <http://www.portolavalley.net/index.aspx?page=77> in particular. See Portola Valley Municipal Code Section 18.12.040.B (R-E district), 18.14.040.B (R-1 district), and 18.16.040.B (M-R district)

Portola Valley Planning Department: you can reach town staff by calling 650-851-1700, or visit Town Hall to talk with staff between 8:30 am – 1:00 pm or 3:00pm – 4:00 pm Monday through Friday.

Part 2: Designing, Building and Renting a Second Unit

Building a new second unit can be an involved process, from when you first start thinking about the design of the unit all the way through to finding a tenant for the unit if you want to rent it. This chapter provides an overview of the parts of the process in which the town is generally not involved. In particular, this chapter discusses some considerations for the location and design of your second unit, provides information on finding and hiring a contractor, and reviews requirements for renting a second unit. There are many resources, both in print and online, that can help you with these steps as well; some such resources are listed at the end of the chapter.

Choosing a Location for a Second Unit

One of the first things to consider when designing a second unit is the best location for the unit. One possibility would be to convert an existing shed or poolhouse, a basement that is at least 7'6" tall, or a wing of your house into a second unit. If you want or need to build a new structure for your second unit, you could build a unit that is attached to the main house or another accessory structure, or you could build a detached, stand-alone second unit. The box to the right lists some factors to consider when choosing a location for a second unit.

You will also need to choose a location for the parking for the second unit. The town requires one space for studios or one-bedroom units and two spaces for units with two or more bedrooms, in addition to the parking that is required for the main house. Parking for the second unit does not have to be covered and can be provided as tandem parking. This parking should ideally be located in a place convenient to the second unit, but where noise from starting the engine and slamming

Considerations for Locating a Second Unit

- Impacts on privacy for yourself and neighbors
- Proximity to significant trees
- Amount of sun/shade the unit will receive, and where shade from the unit will fall
- Steep or unstable slopes that should be avoided
- Utility access

the doors will not disturb people in the main house or at the neighbors' homes. The path for travelling between the parking and the second unit should also be considered for any effects on privacy.

Talking with your neighbors

An important part of planning a second unit is to talk with your neighbors to see if they have any concerns that you could address. For example, you could add landscaping to reduce visual impacts and increase privacy, or make sure that doors and large windows are placed so that they would not affect your neighbor's privacy. A neighbor with small children may be concerned about construction traffic or noise, and you might be able to address that by limiting the days or hours of outdoor construction. In some cases, a neighbor may also be considering building a second unit, and you might be able to coordinate your efforts to produce better results for both of you.

Concerns Neighbors May Have

- Privacy
- Solar access
- Views
- Parking
- Construction scheduling

Developing a Floor Plan

Once you have reviewed the town's requirements, talked with your neighbors, and thought about where you want the second unit to be located on your property, it's time to start designing the second unit. This design should both meet your immediate needs and address possible future uses. For example, right now you may want a separate office that can double as a guest house, but in ten years you may have grown children who could use a place to stay, or elderly parents you would like to have close by. Eventually you might want to rent the unit to someone who can help you with household tasks. Because your second unit will last for decades, the design should accommodate potential future uses. The box below lists some questions you might want to consider when designing the second unit.

For construction, and to get a building permit, you will need detailed plans that are drawn to scale. Most people hire an architect or professional building designer to help design the second unit and prepare detailed plans. You can also find floor plans for second units that have already been designed. There are books of house plans for small homes, including second units, and some plans are also available online, although these plans may need to be adjusted to fit your particular situation and needs. Another option would be to hire a contractor to both design and build the second unit (a design/build firm). This works best if you can give fairly precise information about exactly what you want and use a design/build firm that has successfully completed similar projects.

Considerations for the Design of a Second Unit

- Is there enough closet and storage space?
- Are the washer and dryer conveniently located?
- Will guests have to walk through the bedroom to get to the bathroom?
- Which rooms will get the most morning and afternoon sunlight?
- Will the unit have a patio, deck, or other outside space?

Choosing a Contractor

One of the best ways to find a contractor is by asking friends and neighbors for recommendations, although you can also find contractors by looking in the phone book or online. Once you have the names and contact information for several contractors, you can request written bids from two or three of them for your project. Each bidder should base the bid on the same set of plans and specifications and should include the same fixtures and appliances. In addition, each bid should cover the full cost, including the contractor's overhead, insurance and profit. You can also ask each bidder to include a proposed schedule.

A California Contractor's License is required for all work over \$500. Ask to see the contractor's license together with another form of identification to make sure that the names are the same. To verify the information, you can call the Contractors' State License Board at 800-321-2752 or check on the web at:

<https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/CheckLicense.aspx>. Ask also about insurance, including workers' compensation, property damage and liability. You can verify the insurance by requesting a certificate of insurance or by calling the contractor's insurance agent. To give yourself some extra protection if things go wrong on your project, you may want to ask the contractor to name you as an "additional insured" on the policy. Finally, you can check references for the contractors you are considering.

When you have chosen a contractor, the contractor will usually draw up the contract, but you can add items to the contract that are particularly important to you. The box to the right lists some things you may want to consider including in the contract.

Items you may want to cover in your contract

- Total price
- When payments will be made (California law requires that no more than 10% or \$1,000 be paid up front, whichever is less)
- Whether there is a cancellation penalty
- Clean-up and removal of materials and debris, including recycling of demolition materials as required by the town
- Any special requests, such as saving scrap lumber or bricks
- Requirements for protecting landscaping
- Areas where materials may/may not be stored
- Special instructions regarding children or pets

During Construction

As your project takes shape, you and/or your contractor may have ideas for changes to the project. Written "change order" forms that are signed by both you and the contractor are usually used to incorporate these changes into the contract. Change order forms describe the change to the project, including any corresponding change in the project price and completion schedule. Any changes to the size, height or outside finish of the second unit could require additional town review.

Your project will also need to be inspected during construction. The town building inspector will make sure that the construction complies with the building, plumbing, mechanical and electrical codes, as well as the approved building plans.

Although your contractor will usually arrange the required inspections, it is your responsibility as property owner to make sure that the inspections are conducted as required. You can check with the town's Building Department when you receive your building permit to find out how many inspections will be needed and when they should be scheduled.

Setting the rent and advertising for a tenant

Once your second unit is built, you may want to rent the unit out. If so, a good starting place is to research what others currently charge for similar units in Portola Valley and neighboring towns. You may also want to decide whether you will allow pets (all kinds? small dogs? guinea pigs? fish?) or smoking in your unit and whether the rent will include utilities and/or internet access. There are many places where you can advertise for a tenant, several of which are listed in the box to the right. You can also ask friends and acquaintances if they know of anyone who is looking for a place to rent.

Places to Advertise for a Tenant

- Newspaper
- Craigslist or other online resources
- Rental agent
- Stanford Housing Office, if you are interested in renting to Stanford students, faculty or staff
- Library bulletin board
- Portola Valley forum

Choosing a tenant

Finding the right tenant(s) is probably the most important thing you will do. While you will want to have a tenant you feel comfortable with and confident about, you also need to follow state and federal law requirements that prohibit housing discrimination. Federal law prohibits discrimination based on race, color, national origin or ancestry, religion, sex, familial status, or physical disability. In general, you need to use a fair and objective process for screening applicants and choosing a tenant. The most straightforward way to do this is to define your criteria carefully in writing at the beginning, and then to choose the first applicant who meets those criteria. There are a number of very thorough books that discuss in detail the federal and state laws that landlords have to follow, as well as general good practices. Several of these books are listed as "Additional Resources" at the end of this section.

Executing a lease agreement

Once you have chosen a tenant, the next step is to execute a written lease. The two most common kinds of leases are year-long leases and month-to-month leases. Whichever type you choose, you will be able to find sample lease agreements in books for landlords and in on-line references. You may want to have the agreement reviewed by your attorney before using it. Also, you may want to check with your insurance agent about coverage for your second unit. This can include protection from losses due to fire or burglary, as well as from personal injury or discrimination lawsuits.

Additional Resources for Designing Second Units:

Bix, Cynthia Overbak. *Ideas for Great Backyard Cottages*. Sunset Publishing Corporation, 2002. This book has a lot of interesting pictures and ideas and would be good as you start thinking of what you want.

Litchfield, Michael. *In-laws, Outlaws and Granny Flats*. Taunton Press, 2011. This book includes floor plan sketches as well as pictures and includes chapters on choosing appliances and obtaining permits. It also has a number of practical tips.

The City of Santa Cruz has prepared a number of prototype floor plans for second units, which they call Accessory Dwelling Units. Examples can be found online at www.cityofsantacruz.com/index.aspx?page=1158

Additional Resources for Hiring a Contractor:

Contractors' State License Board: 800-321-2752. See also information online from the Contractors' State License Board about hiring a contractor: www.cslb.ca.gov/consumers/hirecontractor

Fishman, Stephen. *Consultant and Independent Contractor Agreements*. Nolo Press, 2009.

Fishman, Stephen. *Working with an Independent Contractor*. Nolo Press, 2008.

Additional Resources for Renting a Second Unit:

California Tenants: A Guide to Residential Tenants' and Landlords; Rights and Responsibilities, by the California Department of Consumer Affairs Legal Division, 2010. 124 pages.

Available free online at: <http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>

<http://www.nolo.com/legal-encyclopedia/landlords/>. This website contains a number of articles for landlords, as well as information about various Nolo Press books for landlords, including *The California Landlord's Law Book: Rights and Responsibilities*, by Portman, Brown and Warner; and *Leases and Rental Agreements*, by Stewart, Portman and Warner.

There are many other books and online resources for landlords. Be sure that any resource you use is up to date and specifically covers California, since landlord laws can vary from state to state.

Conclusion

The Town of Portola Valley is committed to supporting and encouraging residents who want to build second units on their property. To that end, this manual provides a starting place for understanding the process of getting permits for and constructing a second unit, together with lists of additional resources you can consult. One of the most important resources, however, will be town staff. They can explain how the general information provided in this manual and on the town's website will apply to your particular property. Staff can also guide you through each step of the town's permit process, from determining what is permitted on your property through construction.

Portola Valley Policy Statement for Second Units and Accessory Structures

Established by the Portola Valley Town Council
July 29, 1992

Second Units

The zoning ordinance of the town allows one second dwelling unit on parcels of one acre or larger. All second units are limited to 750 square feet and must meet all conditions set forth in the zoning ordinance. Problems have arisen in determining what constitutes a second unit. For instance, what is the difference between a second unit and a cabana? In order to administer this provision it is therefore necessary to set forth guidelines as to what constitutes a second unit as opposed to other normal accessory buildings. The guidelines contained in this policy statement are to be followed by town staff in administering the zoning regulations.

Features	Second Unit	Workshop, Studio, or Entertainment Room	Pool House or Cabana
Toilet	yes	yes	yes*
Wash basin (in bathroom)	yes	yes	yes*
Shower or tub	yes	no	yes*
Regular sink	yes	yes	no
Bar sink	yes	yes	yes
220 wiring	yes	yes	yes
More than one main room**	yes	no	no

*All doors to bathroom facilities must be from outside of the building. Also, plumbing facilities must be located on the wall common with the rest of the building and arranged so as to make any construction of an internal doorway very difficult.

**Baths, closets and other rooms in order not to be considered as a main room must each have a floor area less than 75 square feet.

Accessory Structures

Potential problems exist if accessory structures (roofed and enclosed structures) are constructed with floor areas in excess of 750 square feet. Examples include pressures on the Town at a later date for conversion to a second unit (allowing the building to remain at the same size) or using a combination of rooms in one structure as a second unit in excess of 750 square feet. While accessory structures larger than 750 square feet may be permitted, care will need to be exercised to minimize future problems. Therefore, if the ASCC determines in its reasonable judgement, that either of the following conditions exists, then it shall require that the accessory structure, or structures, be limited to a maximum of 750 square feet:

1. The configuration and relationship of portions of the proposed accessory structure are such that they can be converted or connected, without undue structural change or cost, to form a second unit that would be larger than 750 square feet.
2. Two separate accessory structures, one of which could be a conforming second unit, can be connected and the structures otherwise modified, without undue structural change or cost, to form a second unit that would be larger than 750 square feet.

A conforming 750 square foot second unit and an accessory building may be combined in one structure larger than 750 square feet, if the ASCC finds that condition 1 does not exist.