



APPLICATION FOR SECOND DWELLING UNIT

PLANNING DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
5111 BENITO STREET, P.O. BOX 2308, MONTCLAIR, CA 91763
(909) 625-9477
www.cityofmontclair.org

PERMIT REQUIRED

The establishment of a second unit in the City of Montclair requires the approval of a Second Dwelling Unit Permit. Approval of a Second Dwelling Unit Permit pursuant to Section 11.23 of the Montclair Municipal Code is a ministerial action and is not subject to discretionary review.

The application for such permit shall be made on forms provided by the Department of Community Development together with any applicable fees. The application fee shall be established by resolution of the City Council.

SUBMITTAL REQUIREMENTS

In addition to the attached form, the application package for a Second Dwelling Unit Permit shall be submitted to the Department of Community Development prior to the submittal of an application for building permit. The second unit application package shall include:

1. **Site Plan (drawn to scale):** Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and those structures located within 50 feet of the project site boundaries. Show any easements, trails, and other notable physical features on and/or affecting the property.
2. **Floor Plans:** Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.
3. **Building Elevations:** north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, roof pitch, materials and colors for the existing residence and the proposed second dwelling unit.
4. **Photographs of the site and adjacent properties.** The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.
5. **Declaration of Deed Restriction completed as required, signed and ready for recordation.**

REVOCAION OF APPROVAL

In addition to any other remedy provided by law, in the event a permitted second dwelling unit is maintained in violation of the standards of this Section, standard conditions of approval, or of any other applicable requirements of the Montclair Municipal Code, the Planning Director may, on ten (10) days written notice to the property owner, bring a proceeding before the Planning Commission to revoke the second dwelling unit approval.

APPLICATION FOR SECOND DWELLING UNIT

APPLICANT INFORMATION

Property Owner Name: _____

Property Address: _____

Phone Number: (____) _____ Deed Restriction Submitted: Yes _____ No _____

PROPERTY INFORMATION

Zoning District: _____ APN: _____

Lot Size: _____ Size of Existing Main Residence _____

Existing Number of Dwelling Units _____ Existing Number of Covered Parking Spaces _____

Owner Lives on Property? _____ Yes _____ No Property Connected to Sewer? _____ Yes _____ No

PROPOSED SECOND DWELLING UNIT INFORMATION

Floor Area for Second Dwelling Unit: _____ s.f. Attached _____ or Detached _____
(Not including attached garages or carports)

Number of Bedrooms: _____ Bathrooms: _____ Full Kitchen: _____ Yes _____ No

Number of Parking Spaces Proposed _____ Occupancy by: _____ Owner or _____ Renter

Front Setback: _____ Rear: _____ Side: _____ Side: _____

Distance From Main Dwelling: _____ Lot Coverage _____

I, the undersigned, hereby apply for a second unit dwelling as set forth in the above information, and certify that the above information, to the best of my knowledge, is true and correct. I also certify that I have read and intend to fully comply with the standard conditions of approval listed on the reverse side of this page.

Property Owner Signature: _____ Date: _____

Staff Only	
Case No:	_____
Approved _____ Denied _____	
Signed:	_____
Date:	_____ Fee Paid: \$ _____

STANDARD SECOND DWELLING UNIT CONDITIONS

1. This approval is for the development of one (1) second dwelling unit on the subject site in accordance with the applicable zoning regulations as set forth in Section 11.23 of the Montclair Municipal Code. All other City development standards pertaining to single-family dwelling units and accessory structures, including, but not limited to, height limitations, lot coverage, setbacks, shall be met.
2. This approval is valid for a period of 12 months from the date of final determination. If the second unit, as approved by this action, is not established within the above period of time, this approval shall be terminated and shall thereafter be null and void.
3. Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the City of Montclair.
4. A second dwelling unit shall comply with all applicable requirements of the Building Code as adopted pursuant to Title 10 of the Municipal Code and enforced at the time of application. The applicant shall submit final building plans/construction drawings for review and approval by the Building Department and issuance of required building permits.
5. A second dwelling unit shall not be metered separately from the primary dwelling unit for gas, electricity, and water.
6. All new utilities for a detached second dwelling unit shall be installed underground.
7. A second dwelling unit shall be constructed on a permanent foundation and connected to the public sewer where feasible as determined by the Community Development Director and City Engineer.
8. A second dwelling unit shall not be assigned a separate street address.
9. No additional driveway approaches from public streets shall be permitted for required parking spaces for second dwelling units. Access to an authorized parking space may be provided from an alley.
10. The primary and secondary dwelling units may not be sold separately and no subdivision of land or air rights shall be allowed.
11. Before obtaining a building permit for a second dwelling unit, the property owner shall file with the County Recorder a declaration or 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 stating that:
 - a. The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of the property.
 - b. The second dwelling cannot be sold separately.
 - c. The restrictions shall be binding upon any successors or assigns in ownership of the property, and lack of compliance may result in legal action against the property owner.
 - d. The owner shall be required to complete and submit to the City the annual verification described in Section 11.23.080 of this Chapter.
12. No expansion, enlargement, or change in use of the approved second unit shall be allowed. Any minor alterations, improvements and/or repairs shall require review and approval by the City Planner and issuance of a building permit if applicable.
13. Required parking for the main dwelling unit and approved second unit shall be kept free, clear and accessible for the parking of a vehicle at all times.