DEPARTMENT OF RESOURCE MANAGEMENT

Planning Services Division

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Second Kitchen Application Instructions

1) <u>GENERAL COMMENTS</u> - Chapter 28 of the Solano County Code governs the use of second kitchens in the unincorporated areas of Solano County. Section 28-10 defines a Kitchen as follows:

Kitchen - Any room or portion of room that contains facilities for the preparation, cooking and/or serving of food, and includes a sink and either a stove, range, grill, or oven.

Effective June 13, 2008, a new second kitchen is allowed in a detached, single-family dwelling, provided that it is first registered with and approved by the Zoning Administrator, and complies with all other requirements of Section 28-50(b)(2) of the Solano County Zoning Regulations.

The applicant should discuss the intended use in person with a member of the Planning Division staff prior to submission of an application.

- 2) <u>APPLICATION</u> The minimum information required to file the application with Resource Management includes:
 - **A)** Completed Second Kitchen Registration Application provided by Resource Management, together with accompanying required information.
 - B) Application Filing Fee: \$ _____
 - **C)** Agreement Recording Fee: (To be determined by County Recorder Division and due at the time of recordation)

The Application Filing Fee includes the combined cost of time and materials for Planning Division processing, reporting, and public notice for this type of application. The fee to record the Agreement required in these instructions is determined by the County Recorder Division. The regular recording fee is \$13 for the first 8-1/2" x 11" page, plus \$3 for each additional page. The recording fee is subject to later increase(s).

- 3) <u>PUBLIC NOTICE</u> A Notice of Intent will be sent by the Zoning Administrator to adjacent property owners for a 10-day appeal period. No public hearing is required unless an appeal is filed.
- 4) <u>DECISION</u> In order to approve a second kitchen, the Zoning Administrator shall find that the following regulations are met:
 - **A)** A second kitchen may be approved only for a detached, single-family dwelling, and a dwelling shall not have more than one second kitchen.
 - B) The second kitchen must be for the use of the family occupying the dwelling unit.
 - **C)** The second kitchen shall not be used for any commercial purposes other than a licensed home occupation.
 - **D)** The second kitchen must be arranged and located to be available for use by, and readily accessible to, all residents of the dwelling. The second kitchen shall not have primary access from a bedroom or other private area of the dwelling, or any similar arrangement that could limit its use to only some of the residents.

- **E)** The dwelling in which the second kitchen is located must have only one electric service drop and electric meter, one water meter if the dwelling is served by public water, and one assigned address.
- **F)** The dwelling in which the second kitchen is located may not be represented in any way as having a secondary dwelling or any other quarters that can be rented or otherwise used as a private, separate or independent living area.
- **G)** The required application fee has been paid.
- **H)** The property owner shall enter into an Agreement for Registration of Second Kitchen with the County, on the form provided by the Department of Resource Management. Such Agreement shall be recorded with the County Recorder and shall remain in effect, and be binding on all future owners of the property, unless/until the second kitchen is removed from the dwelling in compliance with County Building Codes.
- 5) <u>APPEALS</u> Any person or party aggrieved or affected by any determination of the Zoning Administrator may file an appeal pursuant to Section 28-63 of the Solano County Code. The appeal must be in writing outlining the reasons of the appeal and filed within ten days of the decision to be appealed.
- 6) AGREEMENT & RECORDATION Upon approval of a second kitchen by the Zoning Administrator, the property owner shall enter into an Agreement for Registration of Second Kitchen with the County, on a form to be provided by the Department of Resource Management. Such Agreement shall be recorded with the County Recorder by the applicant. The applicant shall return a conformed copy of the recorded Agreement prior to obtaining a building permit. The Agreement shall remain in effect, and be binding on all future owners of the property, unless/until the second kitchen is removed from the dwelling in compliance with County Building Codes.
- 7) REGISTRATION APPROVAL The second kitchen is not valid until it has been approved by the Zoning Administrator, the ten day appeal period has expired, and the Agreement For Registration of Second Kitchen has been executed and recorded with the County Recorder. Applicants are strongly advised not to expend funds establishing a second kitchen in anticipation of its approval by the County. Premature expenditure of funds will not be considered justification for approval. The County is in no way obligated to applicants for investments made on the premise that the requested permit will be granted.
- 8) <u>REGISTRATION REVIEW</u> Resource Management or other County departments may periodically inspect the second kitchen site to insure that the terms of the Agreement For Registration of Second Kitchen are being met. The violation of any terms is grounds for revocation of the approved use.

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