

RESOLUTION NO. 9-2017

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, RECOMMENDATION ON THE COUNTY INITIATED ZONING TEXT AMENDMENT TO REPEAL CHAPTER 82-24 OF THE COUNTY ORDINANCE CODE, RELATING TO RESIDENTIAL SECOND UNITS, AND REPLACE IT BY ADOPTING A NEW ACCESSORY DWELLING UNIT ORDINANCE FOR CHAPTER 82-24 THAT WOULD COMPLY WITH THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE, SECTION 65852.2. MODIFICATIONS ARE ALSO PROPOSED FOR SECTION 84-14.402 OF THE R-20 DISTRICT, AND SECTIONS 84-74.404, 84-74.604, AND 84-74.606 OF THE KENSINGTON (K) COMBINING DISTRICT. THIS ZONING TEXT AMENDMENT APPLIES TO AREAS WITHIN UNINCORPORATED CONTRA COSTA COUNTY (COUNTY FILE: ZT16-0004)

WHEREAS, on September 27, 2016, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 were approved by the Governor, and those Bills introduced changes to Government Code 65852.2 to allow more flexibility for Accessory Dwelling Units, and became effective on January 1, 2017; and

WHEREAS, in order to comply with Government Code 65852.2, the County initiated a zoning code amendment to repeal Chapter 82-24 of the County Ordinance Code, relating to Residential Second Units, and replace it by adopting a new Accessory Dwelling Unit (ADU) Ordinance for Chapter 82-24, and modifying Section 84-14.402 of the R-20 District, and Sections 84-74.404, 84-74.604, and 84-74.606 of the Kensington (K) Combining District; and

WHEREAS, after notice having been lawfully given, a public hearing on the proposed ordinance was scheduled before the County Planning Commission on Wednesday, April 26, 2017, where all persons interested therein might appear and be heard; and

WHEREAS, on April 26, 2017, the County Planning Commission opened the public hearing on the proposed ordinance and heard testimony from four members of the public; and

WHEREAS, a total of two letters were received by the County Planning Commission on April 26, 2017; and

WHEREAS, on Wednesday, April 26, 2017, the County Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter closed the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission:

1. FINDS that the proposed text amendment to the County Ordinance is covered by a CEQA Statutory Exemption Section 15282(h) which exempts the adoption of ordinances pertaining to residential second units and it also exempt under the general rule of applicability, Section 15061(b)(3), that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and that this CEQA exemption is adequate and complete, has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA Guidelines, and reflects the County's independent judgement and analysis; and
2. FINDS that the proposed zoning text amendment (County File: ZT16-0004) is consistent with the General Plan of Contra Costa County; and
3. RECOMMENDS to the Board of Supervisors approval of the ordinance to replace Chapter 82-24 and modify section 84-14.402, Section 84-74.404, and 84-74.604, and 84-74.606 within unincorporated areas of Contra Costa County; and
4. RECOMMENDS to the Board of Supervisors to add the following language to Section

5. 82-24.014 Occupancy: "The owner of a lot with an accessory dwelling unit shall not occupy either the primary dwelling unit or the accessory dwelling unit and accessory dwelling units approved ministerially shall not be rented for less than 30 days".

This Resolution was approved upon motion of the County Planning Commission on Wednesday, April 26, 2017 by the following vote:

AYES: Clark, Buskirk, Wright, Terrell, Steel


NOES: Allen

ABSENT: Swenson

ABSTAIN: None

DUANE STEEL
Chairman of the County Planning Commission
County of Contra Costa, State of California

ATTEST:


ARUNA BHAT, Secretary
County Planning Commission
County of Contra Costa

