

ORDINANCE NO. 2020-01

ACCESSORY DWELLING UNITS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 82-24 of the County Ordinance Code to comply with Government Code Section 65852.2, as amended, which governs the permitting of accessory dwelling units.

SECTION II. Chapter 82-24 of the County Ordinance Code is amended to read:

Chapter 82-24
ACCESSORY DWELLING UNITS

82-24.002 Purposes. The purposes of this chapter are to authorize accessory dwelling units and junior accessory dwelling units; to establish a procedure for reviewing and approving their development to ensure and maintain healthy and safe residential living environments; to establish location and development standards for accessory dwelling units; and to comply with Government Code Section 65852.2, which requires local agencies to consider applications for accessory dwelling unit permits ministerially without discretionary review or a public hearing. (Ords. 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.004 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Accessory dwelling unit” has the meaning set forth in Government Code Section 65852.2.
- (b) “Attached accessory dwelling unit” means an accessory dwelling unit attached to a primary dwelling unit.
- (c) “Detached accessory dwelling unit” means an accessory dwelling unit detached from a primary dwelling unit.
- (d) “Internal conversion” means the establishment of an accessory dwelling unit or junior accessory dwelling unit within an existing or proposed primary dwelling unit or within an existing accessory building.
- (e) “Junior accessory dwelling unit” has the meaning set forth in Government Code Section 65852.22.

- (f) Whenever the term “residential second unit” is used in any ordinance, resolution, order, directive, or regulation of the county, it means “accessory dwelling unit.” (Ords. 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.006 Permitting Procedure.

- (a) Except as otherwise provided in this section, an application for a permit to establish an accessory dwelling unit will be approved ministerially without discretionary review or public hearing if the accessory dwelling unit meets: the location requirements specified in Section 82-24.010; the development standards specified in Section 82-24.012; and all applicable building standards in Title 7 and all applicable sewage and water requirements.
- (b) An application for a permit to establish any of the following types of accessory dwelling units in a residential or mixed-use zoning district is not subject to the location requirements specified in Section 82-24.010 or the development standards specified in Section 82-24.012 and will be approved ministerially without discretionary review or public hearing.
- (1) One internal conversion that is either an accessory dwelling unit or a junior accessory dwelling unit on a lot with a proposed or existing single-family dwelling, if: the internal conversion has independent exterior access; the side and rear setbacks are sufficient for fire safety; and the internal conversion meets all applicable building standards in Title 7 and all applicable sewage and water requirements. If the internal conversion is a junior accessory dwelling unit, it must comply with the requirements of Government Code section 65852.22. An internal conversion under this subsection (b)(1) may include an expansion of not more than 150 square feet beyond the physical dimensions of an existing building, but the expansion must be limited to accommodating ingress and egress.
- (2) One detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling, if: the side and rear setbacks are a minimum of four feet; the detached accessory dwelling unit does not exceed 800 square feet in size; the detached accessory dwelling unit does not exceed 16 feet in height; and the detached accessory dwelling unit meets all applicable building standards in Title 7 and all applicable sewage and water requirements. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit permitted in subsection (b)(1).
- (3) One or more accessory dwelling units that are internal conversions within the non-livable space of an existing multiple-family dwelling, including but not limited to storage rooms, boiler rooms, passageways, attics, basement, or garages. Each internal conversion under this subsection must meet all applicable building standards in Title 7 and all applicable sewage and water requirements. The

number of internal conversions permitted within an existing multiple-family dwelling under this subsection (b)(3) may not exceed 25% of the number of existing multiple-family units in the dwelling.

- (4) One or two detached accessory dwelling units on a lot with an existing multiple-family dwelling, if: the side and rear setbacks are a minimum of four feet; the detached accessory dwelling unit does not exceed 800 square feet in size; the detached accessory dwelling unit does not exceed 16 feet in height; and the detached accessory dwelling unit meets all applicable building standards in Title 7 and all applicable sewage and water requirements. (Ords. 2020-01 § 2, 2017-25 § 2, 2017-11 § 2, 2011-05 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.008 Applications.

- (a) An application for an accessory dwelling unit permit must be submitted to the Department of Conservation and Development before a building permit application is submitted to the county. An application for a junior accessory dwelling unit permit must be submitted in the same manner and form as an application for an accessory dwelling unit permit.
- (b) An application for an accessory dwelling unit permit must be made in writing and contain the following information:
 - (1) Name(s) and address(es) of applicant(s) and property owner(s).
 - (2) Address and assessor's parcel number for the lot.
 - (3) Size, indicating dimensions and square footage of the primary dwelling unit and the proposed accessory dwelling unit.
 - (4) A legible scale drawing, showing:
 - (A) A north arrow to indicate lot orientation.
 - (B) Lot dimensions and labels for all property lines.
 - (C) Siting and location of the primary dwelling unit and the proposed accessory dwelling unit.
 - (D) Floor plan configuration of the primary dwelling unit and the proposed accessory dwelling unit.

- (E) All other existing improvements, including driveways and parking areas.
 - (F) Exterior design of the primary dwelling unit and the proposed accessory dwelling unit. “Exterior design” includes exterior features, such as entrances, windows, and roof.
- (5) Color photographs of the primary dwelling unit and surrounding properties taken from each of the property lines of the project site.
 - (6) Location and description of water and sanitary services for both the primary dwelling unit and the proposed accessory dwelling unit.
 - (7) Property owner’s consent to physical inspection of the premises.
 - (8) A written legal description of the property. (Ords. 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.010 Location.

- (a) One accessory dwelling unit may be located on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a water recreation district (F-1), planned unit district (P-1) for residential uses, or a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29).
- (b) One accessory dwelling unit may be located on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80). If an accessory dwelling unit is proposed for a lot under a Williamson Act contract, an accessory dwelling unit will be allowed subject to the provisions of this chapter unless the Williamson Act contract prohibits an accessory dwelling unit or a residential second unit on the property.
- (c) No subdivision rights are authorized that would result in the accessory dwelling unit being located on a separate lot. (Ords. 2020-01 § 2, 2017-11 § 2, 2011-05 § 3, 2006-19 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.012 Development Standards.

- (a) Accessory Dwelling Unit Size.
 - (1) A detached accessory dwelling unit may not exceed the following size:
 - (A) 1,000 square feet in any zoning district where an accessory dwelling unit is allowed; except on a lot of 12,000 square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.

- (B) 1,200 square feet on a lot of 12,000 square feet or more.
 - (C) 1,200 square feet in an agricultural district.
 - (D) In the Kensington (-K) combining district:
 - (i) 850 square feet if the accessory dwelling unit provides one bedroom;
 - (ii) 1,000 square feet if the accessory dwelling unit provides more than one bedroom.
- (2) An attached accessory dwelling unit may not exceed the smaller of the following sizes:
- (A) The size limitations specified in subsection (a) for detached accessory dwelling units.
 - (B) 50 percent of the living area of an existing primary dwelling unit or 800 square feet, whichever is larger.
- (b) Living Provisions. An accessory dwelling unit must provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (c) Permanent Foundation. A permanent foundation is required for all accessory dwelling units.
- (d) Sewage and Water. If a private sewage disposal system, water system, or both are proposed to be used, it must meet all applicable county regulations and be approved by the health officer before an accessory dwelling unit may be established. Verification that the standard has been met is required prior to final inspection.
- (e) Architecture. An accessory dwelling unit must have independent exterior access separate from that of the primary dwelling unit. The independent exterior access must be: located on the building side or building rear; or not visible from the street; or otherwise subordinate to the primary dwelling unit.
- (f) Types of Accessory Dwelling Units. An accessory dwelling unit may be attached to a primary dwelling unit or detached from a primary dwelling unit.
- (1) If an accessory dwelling unit is attached to a primary dwelling unit, the accessory dwelling unit must be an internal conversion of an attached garage or other area within the primary dwelling unit, or an addition to the primary dwelling unit.

- (2) If an accessory dwelling unit is detached from a primary dwelling unit, the accessory dwelling unit must be an internal conversion of a detached garage or other accessory building, or new construction. A detached accessory dwelling unit must be located on the same lot as the primary dwelling unit.
- (g) Garage Attached to a Detached Accessory Dwelling Unit. If a garage is attached to a detached accessory dwelling unit, the garage may not exceed the following sizes:
- (1) 500 square feet on lots of 20,000 square feet or less in all zoning districts where an accessory dwelling unit is allowed, except in an agricultural district.
 - (2) 600 square feet on lots larger than 20,000 square feet and smaller than five acres in all zoning districts where an accessory dwelling unit is allowed, except in an agricultural district.
 - (3) 800 square feet on lots of five acres or more.
 - (4) 800 square feet in an agricultural district.
- (h) Yards and Building Height.
- (1) An accessory dwelling unit must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the property is located, except as otherwise provided in this subsection (h).
 - (2) A setback is not required for an accessory dwelling unit that is an internal conversion or that is constructed in the same location and to the same dimensions as an existing building.
 - (3) A setback of four feet from the side and rear lot lines is required for an accessory dwelling unit that is not an internal conversion and is not constructed in the same location and to the same dimensions as an existing building.
 - (4) An accessory dwelling unit permitted in the Kensington (-K) combining district may not exceed 16 feet in height.
- (i) Off-Street Parking.
- (1) A lot containing an accessory dwelling unit must provide an additional off-street

parking space to serve the accessory dwelling unit, except as otherwise provided in this subsection (i). The additional space may be within a setback area or in tandem, unless specific findings are made that parking in a setback area or in tandem is not feasible based on site or regional topographical or fire and life safety conditions.

- (2) Replacement parking spaces are not required if a garage, carport, or covered parking structure that provides off-street parking is demolished or converted in conjunction with the construction of an accessory dwelling unit.
- (3) No additional off-street parking is required for an accessory dwelling unit in any of the following instances:
 - (A) The accessory dwelling unit is located within one-half mile walking distance of public transit.
 - (B) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (C) The accessory dwelling unit is an internal conversion.
 - (D) The accessory dwelling unit is located within a permit-parking area designated pursuant to Chapter 46-10 but an on-street parking permit is not available under that chapter to the occupant of the accessory dwelling unit.
 - (E) A car share vehicle pick-up location is within one block of the accessory dwelling unit. A “car share vehicle” has the same meaning as in Vehicle Code Section 22507.1. (Ords. 2020-01 § 2, 2017-25 § 3, 2017-11 § 2, 2011-05 § 4, 2008-09 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.014 Occupancy. No accessory dwelling unit or junior accessory dwelling unit may be rented or offered for rent for a term of less than 30 days. (Ords. 2020-01 § 2, 2017-25 § 4, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.016 Deed Restrictions. Before obtaining a permit authorizing the establishment of an accessory dwelling unit or junior accessory dwelling unit, the applicant shall do the following:

- (a) Enter into an agreement of restrictions with the county that refers to the deed under which the property was acquired by the applicant and provides the following:

- (1) The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately.
 - (2) The accessory dwelling unit or junior accessory dwelling unit is restricted to the maximum size allowed under the permit.
 - (3) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.
- (b) Record the agreement with the county recorder.
- (c) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

“You are purchasing a property with a permit for an (junior) accessory dwelling unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the (junior) accessory dwelling unit separately. The (junior) accessory dwelling unit is restricted to the maximum size allowed under the permit. The (junior) accessory dwelling unit may not be rented or offered for rent for a term of less than 30 days. The permit is available from the current owner or from the Contra Costa County Department of Conservation and Development.”

(Ords. 2020-01 § 2, 2017-25 § 5, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.018 Nonconforming Units. Notwithstanding the provisions of Ordinance Code Section 82-8.006, if the existing primary dwelling unit is a legal nonconforming unit, an accessory dwelling unit or junior accessory dwelling unit may be constructed only if the nonconformity is not expanded and the accessory dwelling unit or junior accessory dwelling unit meets all current applicable zoning and building standards. (Ords. 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.020 Fees. Fees for accessory dwelling unit permits and junior accessory dwelling unit permits will be in amounts established by the board of supervisors in the Department of Conservation and Development’s fee schedule. Accessory dwelling units and junior accessory dwelling units are subject to all applicable fees for new development. (Ords. 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

SECTION III. Section 26-2.2102 of the County Ordinance Code is amended to read:

26-2.2102 Decisions without public hearing. Unless otherwise required by this article, the zoning administrator may, without public hearing, decide applications for any of the following:

- (a) Variance permits pursuant to subsection 26-2.1204(1).
- (b) Minor subdivisions pursuant to subsection 26-2.1204(3) including applications for improvement exceptions.
- (c) After zoning administrator determination on it, any involved small lot application pursuant to subsection 82-10.002(c).
- (d) Wireless facility access permits pursuant to Chapter 88-24. (Ords. 2020-01 § 3, 2017-11 § 3, 2016-11 § 3, 2011-05 § 5, 95-51 § 3, 80-87 § 2: See Gov. C. § 65901.)

SECTION IV. Section 84-74.604 of the County Ordinance Code is amended to read:

84-74.604 Exemptions. The following developments are exempt from the requirements of this chapter:

- (a) Commercial buildings, churches, public buildings, or schools that meet all applicable code requirements.
- (b) One story accessory buildings with an area of less than one hundred twenty square feet sited within the applicable setbacks.
- (c) Repair or replacement of legally constructed residences destroyed or damaged by fire, explosion, act of God or the public enemy, or other accident or catastrophe, if both of the following conditions are satisfied:
 - (1) The siting and envelope are the same; and
 - (2) The application for repair or replacement is submitted within two years of the destruction.
- (d) Developments within the -K District for which application was accepted as complete before the effective date of this chapter.
- (e) Development within an existing building or structure that does not expand its envelope.

- (f) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24. (Ords. 2020-01 § 4, 2017-25 § 6, 2017-11 § 6, 2011-05 § 7, 2004-46 § 2.)

SECTION V. Section 84-74.606 of the County Ordinance Code is deleted in its entirety.

SECTION VI. Section 84-4.402 of the County Ordinance Code is amended to read:

84-4.402 Uses—Permitted. The following uses are allowed in an R-6 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming;
- (3) Publicly owned parks and playgrounds;
- (4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;
- (5) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (6) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50. (Ords. 2020-01 § 6, 2018-06, § 4, 2017-14, § 5, 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A.)

SECTION VII. Section 84-14.402 of the County Ordinance Code is amended to read:

84-14.402 Uses—Allowed. The following uses are allowed in the R-20 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and

uses normally auxiliary to it;

- (2) Crop and tree farming, and horticulture;
- (3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year;
- (4) Small farming, including the raising of poultry and rabbits or other grain-fed rodents, primarily for home consumption thereon;
- (5) Keeping livestock on lots forty thousand or more square feet in area (with at least forty thousand square feet for each two head of livestock) and all contiguous and in one fee ownership;
- (6) Publicly owned parks and playgrounds;
- (7) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;
- (8) A family day care home where care, protection, and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (9) Aviaries, which shall be not over twelve feet high nor exceeding one square foot (not over 1600) in area for each fifty square feet of net land area per lot, and unless otherwise provided herein, shall be set back at least twenty-five feet from the front property line or any street line and at least ten feet from any side or rear property line, and shall be maintained in a sanitary manner as determined by the county health department;
- (10) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24. (Ords. 2020-01 § 7, 2018-06 § 5, 2017-11 § 4, 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ord. 1269, 1179 § 8, 382 § 4V.)

SECTION VIII. Section 84-26.402 of the County Ordinance Code is amended to read:

84-26.402 Uses—Permitted. The following uses are allowed in an M-29 district:

- (1) A detached single family dwelling on each lot and the accessory structures normally auxiliary to it.
- (2) Duplex.
- (3) Multiple family buildings, but not including motels or hotels.
- (4) Crop and tree farming, not including retail nurseries or the raising or keeping of any animals other than ordinary household pets.
- (5) A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.
- (6) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.
- (7) A residential care facility for the elderly, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside or members of the licensee's family or persons employed as facility staff.
- (8) Accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (9) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.
- (10) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside. (Ords. 2020-01 § 8, 2017-14, § 7, 2003-17 § 6, 86-43 § 6, 78-83 § 3, 78-40 § 1, 72-44 § 2, 68-25 § 2, 1761, 1569 prior code § 8151(a): Ord. 1224.)

SECTION IX. Section 84-34.402 of the County Ordinance Code is amended to read:

84-34.402 Uses—Permitted. Uses permitted in the F-1 district shall be as follows:

- (1) A detached single-family dwelling on each lot and accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming, not including the raising or keeping of any animals other than ordinary household pets;

- (3) Noncommercial boating facilities with a maximum of two boat berths, provided that the boating facilities have adequate sanitary facilities provided on the lot onto which the boat berths are attached or on the piers which are attached to the subject lot. Also, for each boat berth there shall be provided two off-street parking spaces on the lot onto which the boat berth is attached. The residential off-street parking requirement may be used to satisfy the parking requirement for one boat berth;
- (4) Foster home or family care home operated by a public agency, or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six minors reside on the premises with not more than two supervisory persons;
- (5) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (6) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24. (Ords. 2020-01 § 9, 86-43 § 10, 68-25 § 2, 1958: Ord. 67-38 § 1 (part), 1967: prior code § 8154(a): Ords. 671, 613.)

SECTION X. Section 84-38.402 of the County Ordinance Code is amended to read:

84-38.402 Permitted. The following uses are allowed in an A-2 district:

- (1) All types of agriculture, including general farming, wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses.
- (2) Other agricultural uses, including the erection and maintenance of buildings for the storage of agricultural products and equipment; sheds; warehouses; granaries; dehydration plants; hullers; fruit and vegetable packing plants; and agricultural cold storage plants on parcels at least ten acres in size.
- (3) A grower stand or farm stand.
- (4) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it.
- (5) A foster family home or a small family home, as those terms are defined in Health

and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.

- (6) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.
- (7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (8) A farmworker dwelling.
- (9) Farmworker housing complex. (Ords. 2020-01 § 10, 2017-14 § 9, 2007-23 § 3, 2006-19 § 4, 94-28 § 2, 86-43 § 13, 68-25 § 2, 1968, 1569, 1555, 1535: prior code § 8156(a): Ord. 1406.)

SECTION XI. Section 84-42.402 of the County Ordinance Code is amended to read:

84-42.402 Uses—Permitted. The following uses are allowed in an A-4 district:

- (1) All types of commercial, agricultural production, including general farming, wholesale horticulture and floriculture, livestock production, aviaries, apiaries, forestry and similar agricultural uses, excepting those uses requiring a permit in Section 84-42.404.
- (2) Those agricultural and compatible uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement.
- (3) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24, provided a land use permit has been obtained pursuant to Section 84-42.404 for the detached single-family dwelling on the parcel.
- (4) A grower stand or farm stand.
- (5) A farmworker dwelling.
- (6) Farmworker housing complex. (Ords. 2020-01 § 11, 2017-14 § 11, 2007-23 § 5, 2006-19 § 7, 68-54 § 1 (part), 1968: prior code § 8169(a).)

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:

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