



Department of Conservation and Development

County Planning Commission

Wednesday, December 11, 2019 – 7:00 .P.M.

STAFF REPORT

Agenda Item #6a

As revised by County Planning Commission on December 11, 2019

(Addition shown with double underlining)

Project Title:	County-Initiated Zoning Text Amendment, Chapter 82-24
County File:	ZT19-0005
Applicant/Owner:	Contra Costa County
Zoning/General Plan:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	CEQA Statutory Exemption, Section 15282(h) and common sense exemption, Section 15061(b)(3)
Project Planner:	Stan Muraoka, AICP, Senior Planner (925) 674-7781
Staff Recommendation:	Adopt a motion recommending Board of Supervisors approval (See Section II for Full Recommendation)

I. PROJECT SUMMARY

This is a County-initiated zoning text amendment to revise the Accessory Dwelling Unit Ordinance, Chapter 82-24 of the County Ordinance Code, to comply with recent legislated changes to the California Government Code. These changes include revisions of Government Code Sections 65852.2 related to the processing of accessory dwelling units and junior accessory dwelling units, 65852.22 related to specific requirements for junior accessory dwelling units, and 65852.26 that allows the sale of an accessory dwelling unit of a qualified nonprofit corporation to a qualified buyer. The revised Accessory Dwelling Unit Ordinance authorizes accessory dwelling units and junior accessory dwelling units, establishes a procedure for review and approval to ensure and maintain healthy and safe residential living environments, and establishes location and development standards.

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission ADOPT a motion recommending that the Board of Supervisors:

- A. FIND for purposes of compliance with the California Environmental Quality Act (CEQA) that the proposed zoning text amendment is statutorily exempt under CEQA Guidelines Section 15282(h) that exempts the adoption of an ordinance regarding second units, and is also exempt under the common sense exemption, CEQA Guidelines Section 15061(b)(3), because CEQA only applies to projects that have the potential for causing a significant impact on the environment.
- B. FIND that the proposed zoning amendment to revise County Ordinance Code Chapter 82-24 is consistent with the County General Plan.
- C. ADOPT the proposed zoning amendment to revise Chapter 82-24 that complies with the provisions of California Government Code Sections 65852.2, 65852.22, and 65852.26.
- D. Direct staff to file a Notice of Exemption with the County Clerk.

III. BACKGROUND

ZT02-0007: On June 3, 2003, the Board of Supervisors repealed Chapter 82-24 of the County Code and replaced it with a new Chapter 82-24 to allow revisions in accordance with Government Code Section 65852.2. The new ordinance authorized residential second units, established location and development standards for second units, and required second unit permits to be considered ministerially without discretionally review or public hearing.

ZT05-0002: On June 6, 2006, the Board of Supervisors approved a text amendment to several Chapters of the County Code relating to residential second units and agricultural zoning districts. Previously, second units were allowed only within residential zoning districts. The text amendment allowed second units in agricultural zoning districts.

ZT07-0001: On April 1, 2008, the Board of Supervisors approved a zoning text amendment to increase the allowable size of a second unit on a parcel of five acres

or more zoned for agricultural uses to allow 1,200 square feet, and if the unit is attached to an accessory structure, increase the maximum size of such structure to 800 square feet.

ZT10-0002: On March 15, 2011, the Board of Supervisors approved a text amendment to allow a) increase for accessory structures, b) more flexibility as it related to the location of the second unit, c) require second units to be architecturally compatible with the neighborhood, rather than with the main residence, d) allow for a discretionary permit review for seconds units that do not meet certain development standards, e) amended the Kensington Ordinance to exempt second unit if seconds units are internally constructed and do not result in the increase of the building envelope of the structure.

ZT16-0004: On May 23, 2017, the Board of Supervisors repealed Chapter 82-24 of the County Code relating to Residential Second Units and replaced it with a new Chapter 82-24 for Accessory Dwelling Units in accordance with changes to Government Code Section 65852.2. The new ordinance provided more flexibility for the establishment of accessory dwelling units.

On October 17, 2017, the Board of Supervisors approved a text amendment to allow a) accessory dwelling units of up to 1,200 sq. ft. except in Kensington, and b) allow accessory dwelling units up to 1,000 sq. ft. on lots larger than 10,000 sq. ft. under the Kensington design review procedures.

IV. STATE LEGISLATION

Assembly Bill 68, Assembly Bill 587, Assembly Bill 881, and Senate Bill 13 were approved by the Governor on October 9, 2019. These Bills become effective on January 1, 2020. Assembly Bill 68, Assembly Bill 881, and Senate Bill 13 revise Government Code Section 65852.2, which regulates the processing of accessory dwelling units (ADUs) and junior ADUs. The intent of the state legislation is to remove discretionary review of ADUs. Assembly Bill 68 also revises Government Code Section 65852.22, which includes specific requirements for junior ADUs. Assembly Bill 587 revises Government Code Section 65852.26, whereby a local government may allow the sale of an ADU of a qualified nonprofit corporation to a qualified buyer.

V. REVISED ACCESSORY DWELLING UNIT ORDINANCE

The proposed revised Accessory Dwelling Unit Ordinance includes changes required

by Government Code Section 65852.2, and references Government Code Section 65852.22 in the definition of a “Junior Accessory Dwelling Unit.” The proposed revised Ordinance does not reference Government Code Section 65852.26 related to the sale of an ADU to a qualified buyer as it is a policy decision and not a statutory requirement. Thus, the proposed revised Accessory Dwelling Unit Ordinance is consistent with the changes to Government Code Sections 65852.2, 65852.22, and 65852.26, and includes the following changes.

- A. Junior ADUs. The revised Ordinance allows for one ADU or one Junior ADU as an internal conversion on a single-family residential lot. Pursuant to Government Code Section 65852.22, a Junior ADU is an internal conversion of an existing single-family residence that can have separate sanitation facilities or share sanitation facilities with the existing residence.
- B. ADUs on Multiple-Family Lots. The revised Ordinance allows at least one ADU in an existing multiple-family building up to 25 percent of the existing multiple-family dwelling units. The revised Ordinance also allows up to two detached ADUS on a multiple-family residential lot.
- C. Changes to ADU Development Standards. There are a number of changes to ADU development standards that are now included in Government Code Section 65852.2.
 1. Minimum Lot Size. The revised Ordinance does not include a minimum lot size requirement.
 2. Lot Coverage. The revised Ordinance does not include a limit on lot coverage.
 3. ADU Size. An ADU of up to 850 sq. ft. and up to 1,000 sq. ft. for an ADU that provides more than one bedroom is allowed in the Kensington (-K) combining district.
 4. Building Height. The revised Ordinance allows a detached ADU with a maximum height of 16 feet in the Kensington combining district.
 5. Setbacks and Yards. Side and rear yards of four feet are allowed for a new detached ADU, an ADU that is an addition to an existing residence, and an ADU that is an addition of an existing accessory structure.

There are no setback or yard requirements for a new ADU structure constructed in the same location and to the same dimensions as an existing structure that has been converted into an ADU.

6. Parking. The parking requirement is waived for an ADU that is an internal conversion.

Replacement of parking spaces is not required for a garage, carport, or covered parking structure that has been converted to an ADU or one that is demolished and replaced by a new ADU structure.

7. Deed Restrictions. Renting the ADU or Junior ADU cannot be for a term of less than 30 days.

The proposed revised Accessory Dwelling Unit Ordinance includes one change that is not related to the changes to Government Code Sections 65852.2, 65852.22, and 65852.26.

8. Location. The F-1 Water Recreation District is added as a location for an ADU, as a single-family residence is an allowed use in the F-1 District.

VI. STAFF ANALYSIS

- A. General Plan Consistency: The proposed revised Accessory Dwelling Unit Ordinance is consistent with the General Plan, as discussed below.

The Housing Element, of the County General Plan, includes eight general goals for housing. By facilitating the development of ADUs and Junior ADUs, the proposed Ordinance is consistent all of the eight goals. The revised Ordinance will specifically promote the following goals:

Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhood in Contra Costa County.

Goal 2: Preserve the existing affordable housing stock in Contra Costa County.

Goal 3: Increase the supply of housing with a priority on the development of affordable housing.

Goal 4: Increase the supply of appropriate and supportive housing for the special needs populations.

- B. Zoning Compliance: The proposed revised Accessory Dwelling Unit Ordinance amends Chapter 82-24 of the County Ordinance Code. As proposed, the revised Ordinance allows the creation of Junior ADUs on single-family residential lots as an internal conversion of the primary residence, updates requirements for the location and development standards for ADUs and Junior ADUs to ensure health, safety and general welfare of the community, and allow the sale of ADUs of a qualified nonprofit corporation to a qualified buyer. The revised Ordinance will be consistent with the Government Code and will not conflict in any manner with the County Zoning Code.

VII. CONCLUSION

The proposed revised Accessory Dwelling Unit Ordinance is consistent with Government Code Sections 65852.2, 65852.22, and 65852.26, as well as the County General Plan and Zoning Code. Staff recommends adoption of a motion to the Board of Supervisors for approval of the revised Ordinance.