

ORDINANCE NO. 2022-14

TWO-UNIT RESIDENTIAL DEVELOPMENTS AND LOT SPLITS
IN SINGLE-FAMILY RESIDENTIAL ZONES

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 adds Chapter 88-36 to the County Ordinance Code to authorize and regulate the development of up to two residential units on a parcel located in a single-family residential zone in accordance with Government Code Sections 65852.21 and 66411.7. This ordinance also adds Article 94-4.10 to the County Ordinance Code to authorize the ministerial approval of a parcel map for a subdivision of an existing lot in a single-family residential zone into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7.

SECTION II. Chapter 88-36 is added to the County Ordinance Code, to read:

Chapter 88-36
TWO-UNIT RESIDENTIAL DEVELOPMENTS
IN SINGLE-FAMILY RESIDENTIAL ZONES

88-36.002 Purposes. The purposes of this chapter are to authorize and regulate the development of up to two residential units on a qualifying lot located in a single-family residential zones; to establish a procedure for reviewing and approving the developments to ensure and maintain healthy and safe residential living environments; to establish location and development standards for the developments; and to comply with Government Code Sections 65852.21 and 66411.7, which require local agencies to consider applications for two-unit residential developments ministerially without discretionary review or public hearing. (Ord. 2022-14 § 2.)

88-36.004 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) “Junior accessory dwelling unit” has the meaning set forth in Government Code Section 65852.22.
- (c) “Residential unit” means a single-family dwelling, but does not include an accessory dwelling unit or junior accessory dwelling unit.

- (d) “Urban housing development” means any of the following:
 - (1) A housing development containing no more than two residential units on a lot within a single-family residential zoning district that meets all of the requirements set forth in Government Code Section 65852.21.
 - (2) Any development on a lot created by an urban lot split.
- (e) “Urban lot split” means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.410 of this code. (Ord. 2022-14 § 2.)

88-36.006 Permitting procedure.

- (a) Except as otherwise provided in this section, an application for a permit to establish an urban housing development will be approved ministerially without discretionary review or public hearing if the development meets: the location requirements specified in Section 88-36.010; the development standards specified in Section 88-36.012; all applicable building standards in Title 7; and all applicable sewage and water requirements.
- (b) Notwithstanding subsection (a), the Department of Conservation and Development may deny an application for a permit to establish an urban housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. (Ord. 2022-14 § 2.)

88-36.008 Applications.

- (c) An application for an urban housing development permit must be submitted to the Department of Conservation and Development before a building permit application is submitted to the county.
- (d) An application for an urban housing development 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) Whether the lot was created by an urban lot split.
- (4) Size, indicating dimensions and square footage, of the existing and proposed dwelling units.
- (5) 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 existing and proposed dwelling units.
 - (D) Floor plan configuration of the existing and proposed dwelling units.
 - (E) All other existing improvements, including driveways and parking areas.
 - (F) Exterior design of the existing and proposed residential units. “Exterior design” includes exterior features, such as entrances, windows, and roof.
- (6) Color photographs of the existing dwelling units and surrounding properties taken from each of the property lines of the project site.
- (7) Location and description of water and sanitary services for the existing and proposed dwelling units.
- (8) A preliminary drainage plan.
- (9) Property owner’s consent to physical inspection of the premises.
- (10) A written legal description of the property. (Ord. 2022-14 § 2.)

88-36.010 Location. An urban housing development may be established on any lot that meets all of the following requirements.

- (a) The lot is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).
- (b) The lot is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (c) The lot meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).

- (d) The lot is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors. (Ord. 2022-14 § 2.)

88-36.012 Development standards.

- (a) Uses Allowed. Only residential uses and structures ancillary to residential uses are allowed in an urban housing development.
- (b) Residential Units. An urban housing development may not include more than two residential units.
- (c) Lot Size. The minimum size of a lot with an urban housing development is the 1,200 square feet. Section 82-10.002(c) does not apply to an application for an urban housing development permit.
- (d) Lot Coverage.
 - (1) Except as otherwise provided in this subsection (d), the structures included in an urban housing development may not cover more than:
 - (A) 67 percent of the lot area on a lot of less than 3,000 square feet.
 - (B) 50 percent of the lot area on a lot of 3,000 square feet or more but less than 6,000 square feet.
 - (C) 40 percent of the lot area on a lot of 6,000 square feet or more but less than 12,000 square feet.
 - (D) 30 percent of the lot area on a lot of 12,000 square feet or more.
 - (2) The lot coverage limitations of this subsection may be exceeded to allow construction of one new residential unit on a lot with an existing residential unit, if the new residential unit does not exceed:
 - (A) 800 square feet in size on a lot of less than 6,000 square feet.
 - (B) 1,000 square feet in size on a lot of 6,000 square feet or more but less than 12,000 square feet.

(C) 1,200 square feet in size on a lot of 12,000 square feet or more.

(e) Yards and Building Height.

- (1) Residential units included in an urban housing development 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 lot is located, except as otherwise provided in this subsection (e).
- (2) A setback is not required for an existing residential unit or a residential unit 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 a residential unit that is not an existing residential unit or is not constructed in the same location and to the same dimensions as an existing building.
- (4) A residential unit or any portion of a residential unit that is located within a front, back, or side yard area applicable to residential construction in the zone in which the lot is located may not exceed 16 feet in height.

(f) Off-Street Parking.

- (1) A lot containing an urban housing development must provide at least one off-street parking space per residential unit, except as otherwise provided in this subsection (f).
- (2) No off-street parking is required for an urban housing development in any of the following instances:
 - (A) The urban housing development is located within one-half mile walking distance of a major transit stop, as defined in Public Resources Code Section 21064.3.
 - (B) The urban housing development is located within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155(b).
 - (C) A car share vehicle pick-up location is within one block of the urban housing development. A “car share vehicle” has the same meaning as in Vehicle Code Section 22507.1.

- (g) Accessory Dwelling Units.
 - (1) An urban housing development may include an accessory dwelling unit or junior accessory dwelling unit in accordance with Chapter 82-24.
 - (2) Notwithstanding subsection (1), an urban housing development that includes two residential units on a lot created by an urban lot split may not include an accessory dwelling unit or junior accessory dwelling unit.
- (h) Modifications to Certain Housing Prohibited. An urban housing development may not require demolition or alteration of any of the following types of housing:
 - (1) A residential unit that is a deed-restricted below-market-rate residential unit.
 - (2) A residential unit that is subject to any form of rent or price control.
 - (3) A residential unit that has been occupied by a tenant in the last three years.
- (i) Drainage. A lot containing an urban housing development must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.
- (j) Stormwater Management. An urban housing development must comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014. (Ord. 2022-14 § 2.)

88-36.014 Occupancy. No residential unit that is part of an urban housing development may be rented or offered for rent for a term of less than 30 days. (Ord. 2022-14 § 2.)

88-36.016 Fees. The fees for an urban housing development permit will be in amounts established by the Board of Supervisors in the Department of Conservation and Development's fee schedule. Urban housing developments are subject to all applicable fees for new development. (Ord. 2022-14 § 2.)

SECTION III. 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.
- (9) An urban housing development in compliance with the provisions of Chapter 88-36. (Ords. 2022-14 § 3, 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 IV. Section 84-14.402 of the County Ordinance Code is amended to read:

84-14.402 Uses–Permitted. 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) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.
- (5) Publicly owned parks and playgrounds.
- (6) 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.
- (7) 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.
- (8) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (9) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (10) An urban housing development in compliance with the provisions of Chapter 88-36. (Ords. 2022-14 § 4, 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 V. Section 94-4.096 is added to the County Ordinance Code, to read:

94-4.096 Urban lot split. “Urban lot split” means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.10 of this code. (Ord. 2022-14 § 5.)

SECTION VI. Article 94-4.10 is added to the County Ordinance Code, to read:

Article 94-4.10 Urban Lot Split

94-4.1002 Purpose. This article implements Government Code Section 66411.7 to provide an alternative method to subdivide a parcel located within a single-family residential zoning district for the purpose of housing development. (Ord. 2022-14 § 6.)

94-4.1004 Application.

- (a) A parcel map for an urban lot split must be prepared by a registered civil engineer or

licensed land surveyor in accordance with Government Code Sections 66444 through 66450 and this article. A fee in an amount established by the Board of Supervisors must be paid concurrently with the submission of the parcel map.

- (b) The following supplemental information must be submitted with a parcel map application for an urban lot split:
 - (1) A map of appropriate size and to scale showing all of the following:
 - (A) Total area (in acreage and square feet) of each proposed lot.
 - (B) The location and dimensions of existing and proposed property lines.
 - (C) Zoning district.
 - (D) The location and use of all existing and proposed structures.
 - (E) All required zoning setbacks for the existing and proposed lots.
 - (F) The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.
 - (G) The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.
 - (H) The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.
 - (I) Any area of the parcel that is a watercourse by delineating the flow line and top of bank of the watercourse.
 - (J) The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.
 - (K) The location of existing or proposed driveway dimensions, materials, and slope (including cross slope).
 - (2) A preliminary drainage plan.
 - (3) A statement of the owner, signed under penalty of perjury under the laws of California, that declares all of the following:

- (A) The proposed urban lot split will not require or authorize demolition or alteration of any of the following types of housing:
 - (i) A residential unit that is a deed-restricted below-market-rate residential unit.
 - (ii) A residential unit that is subject to any form of rent or price control.
 - (iii) A residential unit that has been occupied by a tenant in the last three years.
 - (B) The parcel was not established through any prior exercise of an urban lot split under this article.
 - (C) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this article.
 - (D) The owner intends to occupy one of the residential units located on a lot created by the parcel map as their principal residence for a minimum of three years after the date the parcel map was recorded.
 - (E) No residential unit on any lot created by the subdivision will be rented or offered for rent for a term of less than 30 days.
 - (F) The uses allowed on a lot created by the parcel map will be limited to residential uses.
- (4) Any other information as required by the planning department. (Ord. 2022-14 § 6.)

94-4.1006 Approval. A parcel map for an urban lot split will be approved ministerially without discretionary review or public hearing by the Board of Supervisors if the Board determines that the parcel map meets all of the requirements of this article and Government Code Section 66411.7. A tentative parcel map is not required for an urban lot split. (Ord. 2022-14 § 6.)

94-4.1008 Location requirements. A parcel proposed for subdivision under this article must meet the following location requirements:

- (a) The parcel is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).

- (b) The parcel is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (c) The parcel meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).
- (d) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors. (Ord. 2022-14 § 6.)

94-4.1010 Design and improvement requirements.

- (a) A parcel map may subdivide an existing legal parcel to create no more than two new lots of approximately equal lot area. Each resulting lot may not be smaller than 40 percent of the area of the original parcel proposed for subdivision, and neither resulting lot may be smaller than 1,200 square feet.
- (b) Each lot must be served by a separate water service meter and a separate sewer connection.
- (c) Each lot must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.
- (d) The applicant shall comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014.
- (e) On-site frontage improvements, including curbs and sidewalks, and dedications for road widening shall be provided as required by Section 96-14.002. No off-site frontage improvements shall be required.
- (f) Rights-of-way and development rights shall be dedicated or conveyed as required by Chapter 914-14.
- (g) The placement of lot lines may not result in an accessory building on a lot without a primary building on the same lot.

- (h) Lot lines may not render an existing structure as nonconforming in any respect (e.g. setbacks, yard, lot coverage, parking), nor increase the nonconformity of an existing nonconforming structure. (Ord. 2022-14 § 6.)

94-4.1012 Access standards. Each lot must front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access must be provided in compliance with these standards:

- (a) Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet, unless a wider driveway is required by the California Fire Code.
- (b) Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.
- (c) Vehicle access easements may not be located closer than 25 feet to an intersection.
- (d) If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.
- (e) Surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and this code. (Ord. 2022-14 § 6.)

94-4.1014 Map requirements.

- (a) The content and form of a parcel map must meet all the requirements of Government Code Sections 66444 through 66450.
- (b) Except as otherwise provided in this article, a parcel map must meet all the applicable requirements of Chapter 94-4.
- (c) The parcel map must show all easements for public utilities necessary to serve each lot created by the subdivision.
- (d) The parcel map must show all easements necessary to provide each lot with access as required by this article.
- (e) The parcel map shall contain a declaration of each of the following:
 - (1) Each lot created by the parcel map must be used solely for residential uses.

- (2) No more than two single-family dwellings are permitted on each lot.
- (3) Neither an accessory dwelling unit nor junior accessory dwelling unit is permitted on a lot that includes two single-family dwellings.
- (4) No residential unit on a lot created by the parcel map may be rented or offered for rent for a term of less than 30 days. (Ord. 2022-14 § 6.)

94-4.1016 Other permits required.

- (a) No development, including grading or vegetation removal, may commence on either lot, concurrent with or subsequent to an urban lot split, unless the development is approved with a valid urban housing development permit under Chapter 88-36.
- (b) Neither an urban housing development permit nor a building permit for development on a lot created by an urban lot split will be issued until the parcel map is recorded. (Ord. 2022-14 § 6.)

94-4.1018 Prohibition of further subdivision. A lot created by a parcel map under this article may not be further subdivided. (Ord. 2022-14 § 6.)

SECTION VII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:

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