



Department of Conservation and Development

County Planning Commission

Wednesday, May 24, 2023 – 6:30. P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	County-Initiated Zoning Text Amendment to Revise the Accessory Dwelling Unit Ordinance, Chapter 82-24 of the County Ordinance Code
County File:	Zoning Text CDZT22-00001
Applicant/Owner:	Contra Costa County
Zoning/General Plan:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	Not a Project, CEQA Guidelines Section 15060(c)(3); and Statutory Exemption, CEQA Guidelines Section 15282(h)
Project Planner:	Stanley Muraoka, Principal Planner (925) 655-2876 stanley.muraoka@dcd.cccounty.us
Staff Recommendation:	Recommend 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 legislated changes to the California Government Code. These changes include revisions of Government Code Sections 65852.2 related to allowable maximum heights of accessory dwelling units, and 65852.26 that requires allowing the separate sale of an accessory dwelling unit in limited circumstances involving a qualified nonprofit corporation.

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 not a project pursuant to CEQA Guidelines Section 15060(c)(3) and is statutorily exempt under CEQA Guidelines Section 15282(h) that exempts the adoption of an ordinance regarding second units.
- B. FIND that the proposed zoning text amendment to revise Chapter 82-24 of the County Ordinance Code is consistent with the County General Plan and Zoning Code.
- C. ADOPT the proposed zoning text amendment to revise Chapter 82-24 of the County Ordinance Code that complies with the provisions of California Government Code Sections 65852.2, 65852.22, and 65852.26.

III. REVISED ACCESSORY DWELLING UNIT ORDINANCE

The current Accessory Dwelling Unit (ADU) Ordinance, which is County Code Chapter 82-24, was adopted by the Board of Supervisors on January 21, 2020. The County Ordinance was consistent with State ADU laws¹ that were in effect in 2020. Since that time, the State legislature has made changes to State ADU laws; however, many of the changes are consistent with the County Ordinance, and the County Ordinance has remained valid. Now, staff has prepared a zoning text amendment, the draft revised ADU Ordinance, to codify new provisions in State law that are not in the County Ordinance, such as changes to California Government Code Section 65852.2 related to allowable heights of ADUs pursuant to Senate Bill No. 897, which became effective on January 1, 2023, and changes to Government Code Sections 65852.2 and 65852.26 that require local agencies to allow the separate sale of an ADU in limited circumstances pursuant to Assembly Bill No. 345, which became effective on January 1, 2022. The changes to State law did not affect Government Code Section 65852.22 and the County Ordinance remains valid for Junior ADUs.

¹ California Government Code Sections 65852.2, 65852.22, and 65852.26.

The draft revised ADU Ordinance as described below includes changes to the County Ordinance for allowable maximum heights, requirements for ADUs in yard setbacks, ADUs on a lot with a proposed multiple-family dwelling, and separate sale of an ADU. In addition, there are a few minor non-substantial changes to the County Ordinance. The draft revised ADU Ordinance is included as Attachment 1.

A. Allowable Maximum Heights

The County Ordinance lists a height of 16 feet consistent with the State law in 2020. The draft revised ADU Ordinance removes the listed height and references current Government Code Section 65852.2 for allowable heights. By referring to State law for heights, the revised ADU Ordinance accounts for future changes in State law. A comparison table of State-allowed heights is included as Attachment 2.

16 feet for a Detached ADU: The County Ordinance allows a height of 16 feet for scenario (1) a detached ADU up to 800 square feet in size with 4-foot minimum side and rear yards, on a lot with an existing or proposed single-family residence or an existing multiple-family dwelling, and scenario (2) a detached ADU on lot with an existing or proposed single-family residence or existing multiple-family dwelling in the Kensington (-K) Combining District. Current State law lists a height of 16 feet for scenario (1). The revised ADU Ordinance applies this State law height to scenario (2).

The revised ADU Ordinance also applies the 16-foot height to scenario (3) a detached ADU and any portion of a detached ADU that is in the front, side, or rear yard setbacks of a lot with an existing or proposed single-family residence or multiple-family dwelling.

18 feet for a Detached ADU: State law allows a height of 18 feet, if the lot for the ADU is located within ½ mile walking distance of a major transit stop or a high-quality transit corridor². The 18-foot height applies to scenarios (1), (2), and (3) on a qualifying lot.

18 feet for a Detached ADU on a Lot with a Multiple-Family, Multi-Story Dwelling: State law allows a height of 18 feet for scenario (4) a detached ADU up to 800

² State law defines a *major transit stop* as a rail transit station, ferry terminal with bus or rail transit service, or intersection of two or more bus routes with a frequency interval of 15 minutes or less during peak commute periods; and, defines a *high quality transit corridor* as a fixed route bus service with frequency intervals of 15 minutes or less during peak commute periods.

square feet in size with 4-foot minimum side and rear yards, on a lot with an existing or proposed multiple-family, multi-story dwelling. The revised ADU Ordinance also applies the 18-foot height to scenario (5) a detached ADU on lot with an existing or proposed multiple-family, multi-story dwelling in the Kensington Combining District, and scenario (6) a detached ADU or any portion of a detached ADU that is in the front, side, or rear yard areas of a lot with an existing or proposed multiple-family, multi-story dwelling.

20 feet for a Roof Pitch Aligned with the Primary Dwelling: State law allows a height of 20 feet for scenarios (1), (2), and (3) to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling.

25 feet for an Attached ADU: The County Ordinance allows the maximum height in a land use district³ for an attached ADU. State law limits the allowable height of an attached ADU to 25 feet.

35 feet for a Detached ADU Not in Yard Setbacks: Pursuant to State law, the County Ordinance allows the maximum height in a land use district for a detached ADU not in the Kensington Combining District. The revised ADU Ordinance allows the maximum height of the land use district for a detached ADU and any portion of a detached ADU not in the Kensington Combining District that is NOT in the front, side, or rear yard setbacks of a lot with an existing or proposed single-family residence or multiple-family dwelling.

B. Requirements for ADUs In Yard Setbacks

The County Ordinance allows ADUs built within the normal setbacks of a land use district to be either 16 feet in height for scenarios (1) and (2), or the maximum height of the land use district for an ADU larger than 800 square feet. As described in the preceding discussion of Maximum Heights, the State law heights of 16 or 18 or 20 feet apply to a detached ADU and any portion of a detached ADU that is in the front, side, or rear yard setbacks (scenario (3)).

C. ADUs on a Lot with a Proposed Multiple-Family Dwelling

The County Ordinance allows up to two detached ADUs on a lot with an existing multiple-family dwelling. State law allows up to two detached ADUs on a lot with either an existing or a proposed multiple-family dwelling.

³ The maximum height in the land use districts that allow residential uses is 35 feet.

D. Separate Sale of an ADU

The County Ordinance does not allow an ADU to be sold separately from the primary dwelling. State law requires the County to allow the sale of An ADU can be sold separately from the primary dwelling to a qualified buyer if: (i) the ADU or primary dwelling was built by a qualified nonprofit corporation, (ii) there is an enforceable restriction on the use of the land pursuant to a recorded contract, and (iii) the property is held in a recorded tenancy in common agreement.⁴ Consistent with State law, the Department of Conservation requires the submittal of additional documents at the time of submittal of an ADU application if the applicant is a qualified nonprofit corporation (see Attachment 3).

E. Minor Non-Substantial Revisions

The revised ADU Ordinance includes a few minor non-substantial revisions that remove certain application submittal requirements and add clarity to the text of the ordinance.

Application Submittal Requirements: ADU application submittal requirements have been reduced in the revised ADU Ordinance. Photographs of the primary dwelling and surrounding properties and the property owner’s consent to physical inspection of the property are no longer required. Department staff have found neither item to be necessary in processing ADU applications.

Restatement of Development Standards: Some of the development standards for ADUs, such as ADU size, have been restated in the revised ADU Ordinance for clarity.

Restatement of Fees: The fees for ADUs and Junior ADUs have been restated in the revised ADU Ordinance to clarify that the fees are applicable to the extend permit by the State law.

⁴ California Government Code Section 65852.2 allows the separate sale of an ADU detailed in Government Code Section 65852.26, whereby a local agency is required to allow an ADU to be sold separately from the primary residence to a qualified buyer (person or family of low or moderate income) by a qualified nonprofit corporation (a 501(c)(3) nonprofit corporation that has received a welfare exemption) with an enforceable land use restriction and a recorded tenancy in common agreement.

IV. STAFF ANALYSIS

- A. General Plan Consistency: The proposed zoning text amendment is consistent with the General Plan, in particular, the Housing Element, which includes eight general goals for housing.

By facilitating the development of ADUs and Junior ADUs, the revised ADU Ordinance is consistent with all eight goals. The revised Ordinance specifically promotes 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 population.

Goal 7: Mitigate potential governmental constraints to housing development and affordability.

- B. Zoning Compliance: The proposed zoning text amendment revises Chapter 82-24 of the County Ordinance Code. As proposed, the revised ADU Ordinance updates the allowable maximum heights of ADUs, adds requirements for ADUs in yard setbacks, allows up to two detached ADUs on a lot with a proposed multiple-family dwellings, and allows the sale of a ADU separate from the primary dwelling for a qualified nonprofit corporation and a qualified buyer. The revised ADU Ordinance is consistent with the California Government Code and would not conflict in any manner with the County Zoning Code.

V. CONCLUSION

The proposed zoning text amendment to revise Chapter 82-24 of the County Ordinance Code 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 that the County Planning Commission recommend approval of the zoning text amendment by the Board of Supervisors.

ATTACHMENTS

- ATTACHMENT 1: DRAFT REVISED ACCESSORY DWELLING UNIT
ORDINANCE (COUNTY CODE CHAPTER 82-24)**
- ATTACHMENT 2: COMPARISON TABLE OF ALLOWABLE HEIGHTS**
- ATTACHMENT 3: ADDITIONAL INFORMATION REQUIRED FOR
QUALIFIED NONPROFIT**

ATTACHMENT 1

DRAFT REVISED ACCESSORY DWELLING UNIT ORDINANCE (COUNTY CODE CHAPTER 82-24)

ORDINANCE NO. 2023-XX **DRAFT**

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. 2023-XX § 2, 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. 2023-XX § 2, 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 the applicable height limitations specified in Government Code section 65852.2(c)(2)(D); 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 a proposed or 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 the applicable height limitations specified in Government Code section 65852.2(c)(2)(D); and the detached accessory dwelling unit meets all applicable building standards in Title 7 and all applicable sewage and water requirements. (Ords. 2023-XX § 2, 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) Location and description of water and sanitary services for both the primary dwelling unit and the proposed accessory dwelling unit.
 - (6) A written legal description of the property. (Ords. 2023-XX § 2, 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.010 Location.

- (c) 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).
- (d) 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.
- (e) No subdivision rights are authorized that would result in the accessory dwelling unit being located on a separate lot. (Ords. 2023-XX § 2, 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 sizes.
 - (A) A detached accessory dwelling unit may not exceed 1,000 square feet in any zoning district where an accessory dwelling unit is allowed, unless the accessory dwelling unit is located on a lot of 12,000 square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.

- (B) A detached accessory dwelling unit may not exceed 1,200 square feet on a lot of 12,000 square feet or more.
 - (C) A detached accessory dwelling unit may not exceed 1,200 square feet in an agricultural district.
 - (D) In the Kensington (-K) combining district, a detached accessory dwelling unit may not exceed 850 square feet if the accessory dwelling unit provides one bedroom and may not exceed 1,000 square feet if the accessory dwelling unit provides more than one bedroom.
- (2) An attached accessory dwelling unit may not exceed the following sizes.
- (A) Except as otherwise provided in subsection (B) below, an attached accessory dwelling unit may not exceed the sizes specified in this subsection (A).
 - (i) An attached accessory dwelling unit may not exceed 1,000 square feet in any zoning district where an accessory dwelling unit is allowed, unless the accessory dwelling unit is located on a lot of 12,000 square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.
 - (ii) An attached accessory dwelling unit may not exceed 1,200 square feet on a lot of 12,000 square feet or more.
 - (iii) An attached accessory dwelling unit may not exceed 1,200 square feet in an agricultural district.
 - (iv) In the Kensington (-K) combining district, an attached accessory dwelling unit may not exceed 850 square feet if the accessory dwelling unit provides one bedroom and may not exceed 1,000 square feet if the accessory dwelling unit provides more than one bedroom.
 - (B) An attached accessory dwelling unit may not exceed 50 percent of the living area of the primary dwelling unit to which the accessory dwelling unit is attached, except that an attached accessory dwelling unit may exceed 50 percent of the living area of the primary dwelling unit to the extent necessary to permit an accessory dwelling unit of 850 square feet if the accessory dwelling unit provides one bedroom or 1,000 square feet if the accessory dwelling unit provides more than one bedroom.

- (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 and any portion of an accessory dwelling unit is subject to the applicable height limitations specified in Government Code section 65852.2(c)(2)(D) if it is located:
 - (A) Within a front, back, or side yard area applicable to residential construction in the zone in which the lot is located; or
 - (B) In the Kensington (-K) combining district.
- (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. 2023-XX § 2, 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. 2023-XX § 2, 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, except in conformance with Government Code section 65852.26.
 - (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, except in conformance with Government Code section 65852.26. 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. 2023-XX § 2, 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. 2023-XX § 2, 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. To the extent permitted by state law, accessory dwelling units and junior accessory dwelling units are subject to all applicable fees for new development. (Ords. 2023-XX § 2, 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

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SECTION III. 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:

ATTACHMENT 2

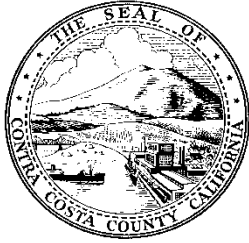
COMPARISON TABLE OF ALLOWABLE HEIGHTS

**Comparison Table of Heights
As Allowed by State ADU Law**

Maximum Height	Scenario	Applicability of Maximum Height
16 feet	1	Detached ADU up to 800 square feet in size with 4-foot minimum side and rear yards, on a lot with an existing or proposed single-family residence or multiple-family dwelling.
	2	Detached ADU a lot with an existing or proposed single-family residence or multiple-family dwelling in the Kensington (-K) Combining District.
	3	Detached ADU and any portion of a detached ADU that is in the front, side, or rear yard areas of a lot with an existing or proposed single-family residence or multiple-family dwelling.
18 feet	1	Detached ADU up to 800 square feet in size with 4-foot minimum side and rear yards, on a lot with an existing or proposed single-family residence or multiple-family dwelling that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
	2	Detached ADU on lot with an existing or proposed single-family residence or multiple-family dwelling in the Kensington (-K) Combining District that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
	3	Detached ADU and any portion of a detached ADU that is in the front, side, or rear yard areas of a lot with an existing or proposed single-family residence or multiple-family dwelling that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
	4	Detached ADU up to 800 square feet in size with 4-foot minimum side and rear yards, on a lot with an existing or proposed multiple-family, multi-story dwelling.
	5	Detached ADU on lot with an existing or proposed multiple-family, multi-story dwelling in the Kensington (-K) Combining District.
	6	Detached ADU or any portion of a detached ADU that is in the front, side, or rear yard areas of a lot with an existing or proposed multiple-family, multi-story dwelling.
20 feet	1	Detached ADU up to 800 square feet in size with 4-foot minimum side and rear yards, with a roof pitch that is aligned with the roof pitch of the primary dwelling, on a lot with an existing or proposed single-family residence or multiple-family dwelling that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
	2	Detached ADU on lot with an existing or proposed single-family residence or multiple-family dwelling in the Kensington (-K) Combining District, with a roof pitch that is aligned with the roof pitch of the primary dwelling, that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
	3	Detached ADU and any portion of a detached ADU that is in the front, side, or rear yard areas of a lot with an existing or proposed single-family residence or multiple-family dwelling, with a roof pitch that is aligned with the roof pitch of the primary dwelling, that is within ½ mile walking distance of a major transit stop or high quality transit corridor.
25 feet		Attached ADU.
35 feet		Detached ADU and any portion of a detached ADU that is NOT in the front, side, or rear yard areas of a lot with an existing or proposed single-family residence or multiple-family dwelling not in the Kensington (-K) Combining District.

ATTACHMENT 3

**ADDITIONAL INFORMATION REQUIRED FOR
QUALIFIED NONPROFIT**



**Department of Conservation and Development
Community Development Division
Application and Permit Center**

ADDITIONAL INFORMATION REQUIRED FOR QUALIFIED NONPROFIT

Additional information is required if the applicant and/or owner is a qualified nonprofit corporation per Government Code Section 65852.26. As defined in Section 65852.26(b)(2): *“Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program. Department staff will verify the accuracy of the information required for a qualified nonprofit corporation.*

- (1) _____ Submittal of documentation of nonprofit corporation status under Section 501(c)(3) of the Internal Revenue Code.

- (2) _____ Submittal of documentation that the nonprofit corporation has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code.