

ORDINANCE NO. 2011-05

RESIDENTIAL SECOND 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 allow for discretionary review of second unit permit applications that do not meet certain development standards for second units, and amends Chapter 82-24 to revise some development standards. This ordinance also amends Chapter 84-74 to establish review procedures for second unit permit applications in the Kensington Combining (-K) District.

**SECTION II.** Section 82-24.006 of the County Ordinance Code is amended to read:

**82-24.006 Permitting Procedure.**

- (a) An application for a second unit permit that meets the location requirements specified in Section 82-24.008, the development standards specified in Section 82-24.012, and all applicable building standards in Title 7 will be approved ministerially without discretionary review or public hearing.
- (b) An application for a second unit permit that does not meet one or more of the development standards specified in subsection (j), (k), or (l) of Section 82-24.012 will be considered under the administrative decision procedure specified in Article 26-2.21. A discretionary second unit permit will not be issued unless:
  - (1) The permit application meets the location requirements specified in Section 82-24.008, the development standards specified in subsections (a) through (i) of Section 82-24.012, and all applicable building standards in Title 7; and
  - (2) The zoning administrator makes the findings specified in Section 26-2.2006 and finds all of the following:
    - (A) The second unit is compatible with the surrounding neighborhood in terms of its location, size, height, and design;
    - (B) The second unit maintains the community's property values and does not substantially impair the value and enjoyment of neighboring properties; and
    - (C) The second unit promotes the health, safety and general welfare of the community. (Ords. 2011-05 § 2, 2003-17 § 3, 87-67 § 3).

**SECTION III.** Section 82-24.008 of the County Ordinance Code is amended to read:

**82-24.008 Location Requirements.**

- (a) One second 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), 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 second 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 a second unit is proposed for a lot under a Williamson Act contract, a second unit will be allowed subject to the provisions of this chapter unless the Williamson Act contract prohibits a second unit on the property.
- (c) No subdivision rights are authorized that would result in the second unit being located on a separate lot. (Ords. 2011-05 § 3, 2006-19 § 2, 2003-17 § 3, 87-67 §3.)

**SECTION IV.** Section 82-24.012 of the County Ordinance Code is amended to read:

**82-24.012 Development Standards.**

- (a) Lot Size. The minimum size of a lot with a primary residence and a second unit is 6,000 square feet. Applications for a second unit permit are exempt from the requirements of Section 82-10.002(c).
- (b) Second Unit Size. A second unit may not exceed the following size:
  - (1) One thousand (1,000) square feet in any zoning district where a second unit is allowed; except on a parcel of five acres or more, or in an agricultural district.
  - (2) One thousand two hundred (1,200) square feet on a parcel of five acres or more, or in an agricultural district.
- (c) Lot Coverage.
  - (1) In single-family residential districts, the second unit may not cause the maximum total structural lot coverage to exceed 40 percent. In multiple-family residential districts, the second unit may not cause the maximum total structural lot coverage to exceed 25 percent in the M-6 through M-17 districts or 35 percent in the M-29 district.

- (2) In P-1 planned unit districts where an approved final development plan specifies maximum total structural lot coverage, the second unit may not cause the maximum total structural lot coverage to exceed the specified percentage. In P-1 planned unit districts where an approved final development plan does not specify maximum total structural lot coverage, the second unit may not cause the maximum total structural lot coverage to exceed 40 percent.
- (d) **Living Provisions.** A second unit must provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The second unit may include one kitchen, living room, and dining room, and no more than two bathrooms and two bedrooms.
- (e) **Permanent Foundation.** A permanent foundation is required for all second units.
- (f) **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 a second unit may be established. Verification that the standard has been met is required prior to final inspection.
- (g) **Architecture.** The exterior appearance of the second unit must be architecturally compatible with the primary dwelling unit or with the surrounding neighborhood. "Exterior appearance" includes architectural style, colors, and exterior features, such as building materials, trim, windows, and roof design. The second unit must have a separate entrance. The separate entrance must be: located on the building side or the building rear; or not visible from the street; or otherwise subordinate to the primary residence.
- (h) **Second Unit Configuration – Second Unit Attached to an Existing Primary Residence.** If a second unit is attached to an existing primary residence, the second unit must be an internal conversion of a garage or other area within the existing primary residence, or an addition to the existing primary residence.
- (i) **Second Unit Configuration – Detached Second Unit.** If a second unit is detached from an existing primary residence, the second unit must be located on the same lot as the existing primary residence.
- (j) **Second Unit Configuration – Second Unit Attached to an Accessory Structure.** If a second unit is attached to an existing or newly constructed accessory structure, the accessory structure must meet all of the following requirements:
- (1) The remainder of the accessory structure is limited to garage space. A discretionary second unit permit may not waive this requirement.

- (2) The accessory structure complies with all requirements relating to yards (front setbacks, side, and rear) and building height that are applicable to the primary residence in the zone in which the property is located.
  - (3) The total floor area of the accessory structure does not exceed the following size:
    - (A) Five hundred (500) square feet (not including the second unit following completion of the second unit) in any zoning district where a second unit is allowed; except on a parcel of 20,000 square feet or more, or in an agricultural district.
    - (B) Six hundred (600) square feet (not including the second unit following completion of the second unit) on a parcel of 20,000 square feet or more in any zoning district where a second unit is allowed; except on a parcel of five acres or more, or in an agricultural district.
    - (C) Eight hundred (800) square feet (not including the second unit following completion of the second unit) on a parcel of five acres or more, or in an agricultural district.
- (k) Yards and Building Height.
- (1) In single-family and multi-family residential districts, second units must comply with 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.
  - (2) In P-1 planned unit districts where an approved final development plan specifies requirements relating to yards (front setbacks, side, and rear) and building height, second units must comply with the requirements specified in the plan. In P-1 planned unit districts where an approved final development plan does not specify requirements relating to yards and building height, second units must comply with requirements relating to yards and building height that are generally applicable to residential construction in the R-6 zone.
- (l) Off-Street Parking. A lot containing a second unit must provide an additional off-street parking space to serve the second unit. The additional space may be in tandem, or the additional space may be in the existing driveway if the additional space is outside the existing setback or side yard. The exemption under Section 84-4.1202 shall not apply to lots for which a second unit permit is issued. (Ords. 2011-05 § 4, 2008-09 § 2, 2003-17 § 3, 87-67 § 3).

**SECTION V.** 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 (1) of Section 26-2.1204.
- (b) Minor subdivisions pursuant to subsection (3) of Section 26-2.1204 including applications for improvement exceptions.
- (c) After zoning administrator determination on it, any involved small lot application pursuant to subsection (c) of Section 82-10.002.
- (d) A second unit permit that does not meet one or more of the development standards specified in subsection (j), (k), or (l) of Section 82-24.012. (Ords. 2011-05 § 5, 95-51 § 3, 80-87 § 2: See Gov. C. § 65901.)

**SECTION VI.** 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 120 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. (Ords. 2011-05 § 6, 2004-46 § 2.)

**SECTION VII.** Section 84-74.606 is added to the County Ordinance Code, to read:

**84-74.606 Residential Second Units.** The following provisions govern the review of permit applications for second units within the -K District:

- (a) An application for a second unit permit that does not expand the envelope of an existing building or structure, meets the location and development standards specified in Chapter 82-24, and meets all applicable building standards in Title 7 is exempt from the requirements of Chapter 84-74 and will be approved ministerially pursuant to subsection (a) of Section 82-24.006.
- (b) An application for a second unit permit that does not expand the envelope of an existing building or structure and does not meet the development standards specified in Section 82-24.012 is exempt from the requirements of Chapter 84-74 and will be considered under the procedure specified in subsection (b) of Section 82-24.006.
- (c) An application for a second unit permit that expands the envelope of an existing building or structure is subject to the review procedure specified in Chapter 84-74. If a hearing is not required under the provisions of Section 84-74.1006, the application will be approved ministerially pursuant to subsection (a) of Section 82-24.006. If a hearing is required under the provisions of Section 84-74.1006, the application will be considered under the procedure specified in subsection (b) of Section 82-24.006 and under the provisions of Article 84-74.12. (Ord. 2011-05 § 7.)

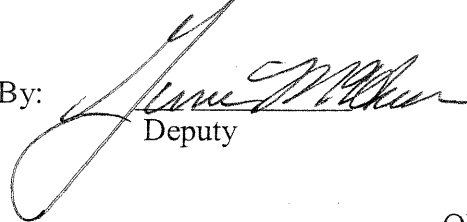
**SECTION VIII. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on \_\_\_ March 15, 2011 \_\_\_, by the following vote:

AYES: Gioia, Uilkema, Piepho, Mitchoff  
NOES: None  
ABSENT: Glover  
ABSTAIN: None

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

  
Board Chair

By:  [SEAL]  
Deputy

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