Department of Conservation and Development

County Planning Commission

Wednesday, February 26, 2025 – 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 CDZT25-00001
Applicant/Owner:	Contra Costa County
Zoning/General Plan:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	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 County's Accessory Dwelling Unit Ordinance, Chapter 82-24 of the County Ordinance Code. The proposed revisions are necessary to comply with changes to the State accessory dwelling unit law, commencing with Section 66310 of the California Government Code. The proposed revisions include: updating references to the Government Code due to the recodification of the State accessory dwelling unit law; increasing the number of allowable accessory dwelling units on lots that include either a single-family or multiple-family dwelling; additional exceptions to replacement parking requirements; removing non-objective standards from permitting requirements; other clarifications in conformance with State law.

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.

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.

C. ADOPT the proposed zoning text amendment to revise Chapter 82-24 of the County Ordinance Code to comply with the State accessory dwelling unit law, commencing with Government Code Section 66310, as amended, which governs the permitting of accessory dwelling units.

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 June 27, 2023. The County Ordinance was consistent with State ADU law[1] that was in effect in 2023. Since that time, the State legislature has made changes to State ADU law. Senate Bill No. 477, which became effective on March 26, 2024, recodified State ADU law by reorganizing and renumbering the Government Code sections containing ADU regulations. The zoning text amendment would revise the County Ordinance to update references to the correct Government Code sections. Senate Bill No. 1211, which became effective on January 1, 2025 made further, substantive revisions to the recodified State Adu law.

To conform to the amended State ADU law, the proposed zoning text amendment would:

- Allow up to eight detached ADUs, not exceeding 800 square-feet in size, on a lot with an existing multiple-family dwelling and not more than the number of existing units on the lot. The current County ADU Ordinance authorizes only

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

two detached ADUs on a lot with a multiple-family dwelling.

- Allow up to two detached ADUs, not exceeding 800 square-feet in size, on a lot with a proposed multiple-family dwelling.
- Not require replacement parking if an uncovered parking space is converted to an ADU.
- Allow one internal conversion ADU and one Junior ADU and one detached ADU on a lot with a proposed or existing single-family dwelling. The current County ADU Ordinance authorizes only one ADU and one Junior ADU on a lot with a single-family dwelling.
- Remove the development standard requiring ADU entrances be subordinate to the primary dwelling unit.
- Not require additional off-street parking to serve an ADU if the ADU permit application is submitted with a permit application for a new single-family or multiple-family dwelling and the ADU or lot qualifies for a parking exception.
- Not require a deed restriction for an ADU, while continuing to require a deed restriction for a Junior ADU to restrict the sale or rental of the Junior ADU in compliance with State ADU law.

The draft revised ADU Ordinance is included as Attachment 1.

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 HE-1: Maintain and improve the quality of the existing housing stock and residential neighborhood in Contra Costa County, including preserve the affordable housing stock.

Goal HE-2: Increase the supply of housing with a priority on the development of affordable housing, including housing affordable to extremely low-income households.

Goal HE-3: Increase the supply of appropriate and supportive housing for the special needs population.

Goal HE-4: Improve housing affordability for both renters and homeowners.

Goal HE-6: Mitigate potential governmental constraints to housing development and affordability.

Goal HE-7: Promote equal opportunity for all residents to reside in the housing of their choice.

In addition to Housing Element Goals, the revised ADU Ordinance is consistent with the following housing policy:

Policy HE-P2.4: Actively promote accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) construction as a viable means of meeting affordable housing needs by design, particularly in higher resource communities, and those communities identified as RCAAs (racially concentrated areas of affluence) in the central and southern portions of the county.

The revised ADU Ordinance is consistent with the following housing actions:

Action HE-A2.5: Maintain consistency with ADU state law in the County Ordinance Code. Promote ADU construction in high-resource areas/areas of concentrated affluence. Discuss the option of ADUs with applicants when the call or come in to the planning counter.

Action HE-A2.6: Conduct studies to explore development of new programs or policies to potentially fund or incentivize affordable housing development, including implementation of urban housing development projects (as allowed under SB 9) and creating objective design standards to streamline processing and approval process. Continue updating ADU regulations as needed to remain compliant with state law and implement other community goals.

V. CONCLUSION

The proposed zoning text amendment to revise Chapter 82-24 of the County Ordinance Code is consistent with the amended State ADU law and the County General Plan. Staff recommends that the County Planning Commission recommend approval of the zoning text amendment to the Board of Supervisors.

ORDINANCE NO. 2025-XX **CPC 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 the State accessory dwelling unit law, commencing with Government Code Section 66310, 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 State accessory dwelling unit law, commencing with Government Code Section 66310, which requires local agencies to consider applications for accessory dwelling unit permits ministerially without discretionary review or a public hearing. (Ords. 2025-XX § 2, 2023-13 § 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 66313(a).

(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 structure.

(e) "Junior accessory dwelling unit" has the meaning set forth in Government Code Section 66313(d).

(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. 2025-XX § 2, 2023-13 § 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 all of the following requirements: 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 of this Code 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 accessory dwelling unit and one internal conversion junior accessory dwelling unit on a lot with a proposed or existing single-family dwelling, if:

(A) Each internal conversion has independent exterior access;

(B) All side and rear setbacks are sufficient for fire safety; and

(C) Each internal conversion meets all applicable building standards in Title 7 of this Code and all applicable sewage and water requirements.

If an internal conversion is a junior accessory dwelling unit, it must comply with the requirements of Government Code section 66313. All internal conversions in an existing structure authorized under this subsection (b)(1) may include a total expansion of not more than 150 square feet beyond the physical dimensions of the existing structure in which the conversions are located, but the expansions 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 66321(b)(4); and the detached accessory dwelling unit meets all applicable building standards in Title 7 of this Code and all applicable sewage and water requirements. The detached accessory

dwelling unit may be combined with a junior accessory dwelling unit authorized under 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 (b)(3) must meet all applicable building standards in Title 7 of this Code and all applicable sewage and water requirements. The number of internal conversions authorized 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 more detached accessory dwelling units on a lot with a proposed or existing multiple-family dwelling, if:

(A) All side and rear setbacks are a minimum of four feet;

(B) Each detached accessory dwelling unit does not exceed the applicable height limitations specified in Government Code section 66321(b)(4); and

(C) Each detached accessory dwelling unit meets all applicable building standards in Title 7 of this Code and all applicable sewage and water requirements.

The number of detached accessory dwelling units permitted on a lot with an existing multiple-family dwelling under this subsection (b)(4) may not exceed the number of existing units on the lot or eight detached accessory dwelling units, whichever is less. The number of detached accessory dwelling units permitted on a lot with a proposed multiple-family dwelling under this subsection (b)(4) may not exceed two detached accessory dwelling units. (Ords. 2025-XX § 2, 2023-13 § 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 and proposed buildings, structures, and improvements, including retaining walls, fencing, driveways, and parking areas. All buildings and structures must be labeled.

(F) Location and dimensions of any additional off-street parking provided to serve the proposed accessory dwelling unit.

(G) For detached accessory dwelling units, elevations of the proposed unit showing exterior features and dimensions, including maximum building height. "Exterior features" include 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. 2025-XX § 2, 2023-13 § 2, 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.010 Location.

(c) Accessory dwelling units that comply with this chapter 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) Accessory dwelling units that comply with this chapter may be located on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80). If accessory dwelling units are proposed for a lot under a Williamson Act contract, the accessory dwelling units 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 an accessory dwelling unit being located on a separate lot. (Ords. 2025-XX § 2, 2023-13 § 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) Independent Exterior Access. 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.

(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 66321(b)(4) 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, covered parking structure, or uncovered parking space 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.

(F) An application for the accessory dwelling unit is submitted with an application for a proposed single-family dwelling or a proposed multiple-family dwelling on the same lot, and the accessory dwelling unit or lot satisfies any other criteria listed in this subsection (i)(3). (Ords. 2025-XX § 2, 2023-13 § 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 and Sale Restrictions.

(a) No accessory dwelling unit or junior accessory dwelling unit may be rented or offered for rent for a term of less than 30 days.

(b) A junior accessory dwelling unit may not be sold separately from the primary single-family dwelling.

(c) An accessory dwelling unit may not be sold separately, except in conformance with Government Code section 66341. (Ords. 2025-XX § 2, 2023-13 § 2, 2020-01 § 2, 2017-25 § 4, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.016 Deed Restrictions for Junior Accessory Dwelling Units. Before obtaining a permit authorizing the establishment of a junior accessory dwelling unit, the applicant shall do the following:

(a) Enter into an agreement of restrictions with the county that provides the following:

(1) The junior accessory dwelling unit shall not be sold separately from the primary single-family dwelling.

(2) The junior accessory dwelling unit is restricted to the maximum size allowed under the permit and must comply with all permit restrictions and requirements.

(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 a 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 from the primary single-family dwelling. The junior accessory dwelling unit is restricted to the maximum size allowed under the permit and must comply with all permit restrictions and requriements. 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. 2025-XX § 2, 2023-13 § 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. 2025-XX § 2, 2023-13 § 2, 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

82-24.020 Unpermitted Units.

(a) Notwithstanding anything in this chapter to the contrary, an application to permit an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, shall be approved ministerially without discretionary review or public hearing in accordance with Government Code section 66332, unless the county building official, or designee, finds that the criteria in both subsection (a)(1) and subsection (a)(2) are met.

(1) The unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit violates:

(A) The building standards set forth in Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code;

(B) The State accessory dwelling unit law pursuant to Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, as applicable; or

(C) This chapter.

(2) It is necessary to correct the violation specified subsection (a)(1) to comply with the standards specified in Health and Safety Code section 17920.3.

(b) This section does not apply to a building that the county building official has deemed substandard pursuant to Health and Safety Code section 17920.3. (Ord. 2025-XX § 2.)

82-24.022 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. 2025-XX § 2, 2023-13 § 2, 2020-01 § 2, 2017-11 § 2, 2003-17 § 3, 87-67 § 3.)

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: