SECOND UNIT DEVELOPMENT STANDARDS

REVISED (3/15/11)

The Second Unit review process is *ministerial* if all development standards are met, although development in Kensington is also subject to the Kensington Overlay Ordinance. An application 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 procedures specified in Article 26-2.21. Approval of these applications is *discretionary* and is subject to variance findings and findings in 82-24.006 (b)(2).

- A. THINGS YOU SHOULD KNOW BEFORE APPLYING FOR A RESIDENTIAL SECOND UNIT ON PARCELS LOCATED IN UNINCORPORATED CONTRA COSTA COUNTY.
- 1. Second units are considered administratively if all development standards are met. An application 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 procedures specified in Article 26-2.21. Approval is subject to variance findings and findings in 82-24.006 (b)(2).
- 2. Be located in one of the following zoning districts:
 - Any of the Single-Family Residential (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) Districts.
 - Residential Planned Unit District (P-1).
 - Multiple-Family Residential District (M-6, M-9, M-12, M-17 and M-29).
 - Agricultural Districts (A-2, A-3, A-4*, A-20, A-40, and A-80).
- The minimum lot size is 6,000 sq. ft. Second units are exempt from small lot review (save the 6,000 square foot minimum). Second units in Kensington are exempt from the Kensington Overlay Ordinance only when the second unit is within the building envelope of an existing structure (e.g. An internal conversion to a second unit). No variance to the minimum lot size may be considered.
- 4. The total floor area of the 2nd unit shall not exceed 1,000 square feet, except on a parcel of 5 acres or more, <u>or</u> in an agricultural district, where the unit size can be up to 1200 sq. ft. No variance to the maximum unit size may be considered.
- 5. Construction of a 2nd unit cannot cause total lot coverage to exceed;

40% in single family residential districts (R-),

25% in multiple family districts, M-6 thru M-17,

35% in M-29 multiple family district,

Minimum standards established by Final Development Plan for P-1 districts or 40% if lot coverage is not included in FDP,

No maximum lot coverage standard in agricultural districts (A-).

No variances to lot coverage may be considered.

- 6. A second unit must provide complete independent living facilities, 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. No variances to this standard coverage may be considered.
- 7. The 2nd unit must be on a permanent foundation. No variances to this standard coverage may be considered.

- 8. 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. No variances to this standard coverage may be considered.
- 9. 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 shall have a separate entrance located on either building side or rear; or not visible from the street; or otherwise subordinate to the primary residence. No variances to this standard coverage may be considered.
- 10. Second units attached to a primary residence; include an internal conversion (e.g. garage or other area) or an addition. **No variances to this standard coverage may be considered**.
- 11. A detached second unit must be located on the same lot as the existing primary residence. No variances to this standard coverage may be considered.
- 12. A detached 2nd unit can be attached to an accessory structure, only if the accessory structure meets standard yard requirements. Total area of accessory structure cannot exceed 500 square feet (for lots less than 20,000 sq. ft.), 600 sq. ft. on parcels more than 20,000 sq. ft.), 800 sq. ft. on parcel over 5 acres or in an agricultural zoning district) and is limited to garage space (when attached to 2nd unit). Variances to these standards may be considered, except the requirements of accessory structure being devoted to garage space.
- 13. Second units shall comply with Zoning District setbacks and building height. <u>Variances to the</u> yard and building height requirements may be considered.
- 14. A total of three (3) off-street parking spaces are required for the establishment of a 2nd unit. Two spaces may be located in tandem configuration, but all off-street parking shall be located outside the required setbacks. A variance to the parking standard may be considered.
- 15. For applications in the Kensington area, the following applies:

| Application Description | Relationship to the Kensington | |
|--|-----------------------------------|--|
| | Combining District Ordinance | |
| 2 nd unit meeting all standards and no increase | Exempt from Kensington Combining | |
| of building envelope | District Ordinance (84-74.606(a)) | |
| 2 nd unit requesting a deviation to standards | Exempt from Kensington Combining | |
| (i.e. parking) and no increase of building | District Ordinance (84-74.606(b)) | |
| envelope | | |
| 2 nd unit meeting all standards, with an increase | Subject to Kensington Combining | |
| of building envelope | District Ordinance (84-74.606(c)) | |
| 2 nd unit requesting a deviation to standards | Subject to Kensington Combining | |
| (i.e. parking) with and increase of building | District Ordinance (84-74.606(c)) | |
| envelope | | |

- B. ONCE YOU HAVE DETERMINED THAT THE PROPERTY MEETS THE REQUIREMENTS ABOVE YOU CAN PROCEED WITH THE APPLICATION FOR A MINISTERIAL OR DISCRETIONARY REVIEW. FOLLOWING ARE THE APPLICATION SUBMITTAL REQUIREMENTS:
 - 1. Prior to preparing the application submittal for a residential second unit, please make sure that you have read and understand the attached development standards for Residential Second Units in the County Ordinance (§82-24.012).
 - 2. The ministerial review process for residential second units will generally take 4-6 weeks. A discretionary review process for a residential second unit will generally take 8-16 weeks.
 - 3. All of the information and materials in the <u>Second Unit Application Checklist</u> must be provided upon submittal of application.
 - 4. Upon acceptance of the application package for the residential second unit, the request will be reviewed for compliance with the Residential Second Unit Ordinance by staff. In order to insure compliance with the Residential Second Unit Ordinance, additional information or modification to the proposal may be required.

C. OBTAINING A BUILDING PERMIT FOR AN APPROVED RESIDENTIAL SECOND UNIT.

- 1. After approval but prior to the issuance of a final building permit for the residential second unit, the applicant shall do the following:
 - (a) Enter into an agreement of restrictions (example attached) with the County that refers to the deed under which the property was acquired by the applicant and provides the following:
 - (1) "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under County Ordinance Code Section 82-24.012. The permit is available from the current owner or from the Contra Costa County Community Development Division."
 - (2) The second unit shall not be sold separately.
 - (3) The second unit is restricted to the maximum size allowed under Ordinance Code section 82-24.012.
 - (4) 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.
 - (5) The owner of this parcel containing a second unit shall occupy either the primary dwelling unit or the second unit.

- (6) The property owner is responsible for maintaining the compatibility between the main residence and the second unit at all times.
- (b) Record the notarized agreement with the County Recorder (The County will provide a form containing the above language to be recorded with the application package).

SECOND UNIT APPLICATION CHECKLIST

| | O.K. | O.K. | |
|------|------|------|---|
| 1. | | | Application Form with 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 residence and the proposed second unit. |
| 4. | | | A legible scale site plan, showing: |
| (a.) | | | Location, species, driplines and trunk circumferences of all trees on the property. |
| (b.) | | | A north arrow to indicate parcel orientation. |
| (c.) | | | Lot dimensions with labels for all property lines, distances between all structures and improvements, both existing and proposed. |
| (d.) | | | Lot size (in square feet). |
| (e.) | | | Siting and location of the primary residence and the proposed second unit. |
| (f.) | | | Floor plan configuration of the primary residence and the proposed second unit. |
| (g.) | | | All other existing improvements (structures and buildings), including driveways and parking areas (three spaces). |
| (h.) | | | Elevations of the primary residence and the proposed second unit. Elevations should include "exterior design", which includes architectural style and exterior features, such as trim, windows, and roof. |
| (i.) | | | Percentage of lot coverage. Total square footage of all improvements, buildings and accessory structures footprints on property to total property square footage. |
| 5. | | | A description of the building and roof materials of the primary residence if detached and second unit, also a sample board of the colors of the primary residence and second unit. |
| 6. | | | Color photographs of the primary residence and surrounding properties taken from each of the property lines of the project site. |
| 7. | | | Location and description of water and sanitary services for both the primary residence and the proposed second unit. |
| 8. | | | Property owner's consent to physical inspection of the premises. |
| 9. | | | A written legal description of the property (deed). |