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ORDINANCE NO. 16-2

1 AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AS
2 FOLLOWS: A TEXT AMENDMENT TO THE DEVELOPMENT CODE
3 (PL16024-DC), SECTION 18.200.180, SECONDARY LIVING UNITS TO
4 ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO
THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS

5 THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

6 **Section 1.** The Concord Municipal Code shall be Amended to include language within the
7 Development Code, Section 18.200.180, Secondary Living Units to provide for a Two-Year Pilot
8 Program, as reflected in Exhibit A, to increase the amount of small secondary living units within the
9 City to increase the amount of affordable housing.

10 **Section 2.** This ordinance shall become effective thirty (30) days following passage and
11 adoption and shall be published once within fifteen (15) days upon passage and adoption in the Contra
12 Costa Times, a newspaper of general circulation printed and published in the City of Concord.

14 ATTEST:

15 Laura M. Hoffmeister
16 Mayor

17 By: _____

18 Joelle Fockler, MMC
19 City Clerk

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21 (Seal)

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2 Ordinance No. 16-2 was duly and regularly introduced at a regular meeting of the City Council
3 of the City of Concord held on March 22, 2016, and was thereafter duly and regularly passed and
4 adopted at a regular meeting of the City Council held on April 12, 2016, by the following vote:

5 **AYES:**

6 **NOES:**

7 **ABSTAIN:**

8 **ABSENT:**

9 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
10 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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By: _____
Joelle Fockler, MMC
City Clerk

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Enclosure: Exhibit A Section 18.200.180 Secondary Living Unit Ordinance
16 to include a Two-Year Pilot Program

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Exhibit A

18.200.180 Secondary living units.

Where allowed by Division II of this title (Zoning Districts – Uses and Standards), secondary living units shall comply with the requirements of this section.

A. Applicability. Secondary living units are allowed in all single-family residential (RR, RS) districts, low density residential districts (RL), and in other districts where single-family uses are allowed.

B. Limitation. No more than one principal single-family dwelling and one secondary living unit shall be allowed on any parcel in a single-family residential (RR, RS) district.

C. Compliance with City Ordinances. The principal single-family dwelling and the secondary living unit shall meet all provisions of the district in which they are located, including setbacks, height, lot coverage, and parking requirements and other applicable provisions of the development code, except as allowed by this section.

D. Location.

1. The secondary living unit shall be located within the area of the lot allowed for the principal dwelling and shall not be located within any required setback area.

2. The secondary living unit may be established through:

a. Conversion of existing floor space in an existing single-family dwelling;

b. An addition to an existing single-family dwelling;

c. Conversion of an existing accessory structure; provided, that it is located within the area allowed for principal single-family dwelling;

d. Construction of a new detached structure; provided, that it is located behind and within the area allowed for principal single-family dwelling;

e. On a vacant lot when a new single-family dwelling and the secondary living unit are approved and constructed at the same time, subject to:

- i. A deed restriction, pursuant to subsection (C) of this section, recorded prior to issuance of any building permit; and
- ii. Occupancy approval for the principal single-family dwelling is granted prior to occupancy approval for the secondary living unit.

E. Owner Occupancy.

1. Both units shall be occupied as separate single-family dwellings only if the legal owner occupies one of the units; otherwise, the two units shall be occupied as if they were one single-family dwelling. Nothing in this section prohibits one or both of the dwelling units from remaining vacant.
2. The city shall require recordation of a deed restriction setting forth this occupancy requirement. The deed restriction shall require that the legal owner of the property must occupy either the principal single-family dwelling or the secondary living unit.
3. Two-Year Pilot Program: For new units of 640 sq. ft. or less only, during the time period from May 12, 2016 to May 12, 2018, the Two-Year Pilot Program requirements are as follows:
 - a. Except as otherwise expressly provided herein, all requirements of this Section 18.200.180 shall apply.
 - b. Small secondary living units (up to 640 square feet in size) shall be entitled to a 50% reduction to existing Parkland and OSIP (traffic) as reflected in the City's Master Fees and Charges schedule. This fee reduction shall not apply to larger secondary living units (641 sq. ft. to 1,000 sq. ft.), and shall not be applied on a retroactive basis to any secondary living unit.
 - c. Incorporation of an amnesty program to increase the number of legal second units allowing that property owners of Small secondary living units (up to 640 square feet in size) which were established without necessary City permits, may seek to secure such permits upon submission an application, payment of applicable fees and appropriate building inspection. Current Building Code, Fire Code, and other health and safety requirements would apply

d. A recorded deed restriction as set forth in Section 18.200.180.E.2 will not be required during the Pilot Program period for new small secondary living units. However, during that time, the property owner shall be required to enter into a city-approved property maintenance agreement to ensure the property and improvements are maintained continuously in compliance with the conditions of approval imposed by the review authority, in accordance with Chapter 18.520 CDC (Performance Guarantees and Property Maintenance). Such agreement shall be recorded against the property.

e. The Two-Year Pilot Program shall automatically expire at 5:00pm on May 12, 2018 without further action of the Planning Commission or City Council. The Planning Commission shall evaluate the efficacy of the Pilot Program and provide a report to the City Council every 6 months until the Pilot Program expires prior to May 12, 2018.

F. General Requirements.

1. Size.

a. On a lot less than 12,000 square feet in net area, the total floor area of the secondary living unit shall be no less than 275 square feet or more than 640 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than one bedroom.

b. On a lot 12,000 square feet or greater in net area, the total floor area of the secondary living unit may increase to a maximum of 1,000 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than two bedrooms in addition to the following requirements:

i. If an attached garage or carport is proposed for the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum floor area for both structures combined shall be subordinate to the primary single-family dwelling and shall not exceed 75 percent of the area of the primary dwelling.

ii. If a garage or carport is proposed to be attached to the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum size of the accessory structure shall be 460 square feet.

iii. No other accessory structure, as provided for in CDC 18.200.030, shall be allowed to be attached to the secondary living unit.

c. No more than 25 percent of the existing floor area of a principal residence may be converted into a secondary living unit. This 25 percent limitation applies only to conversions, which take place within existing principal dwelling unit.

2. Design.

a. The secondary living unit and any attached covered parking shall be clearly subordinate to the principal single-family dwelling by size, location, and appearance.

b. The exterior appearance and character of the secondary living unit shall replicate the principal single-family dwelling in architectural style, roof and siding materials, and colors.

c. Outside stairways leading to a second-story secondary living unit shall not be in front of the principal single-family dwelling or in an exterior side yard if visible from a public or private street. Access to a single story unit by stairs or an ADA accessible ramp may be permitted at the front of the principal dwelling.

d. A secondary living unit attached to the principal single-family dwelling shall not have a separate entrance located on the same side as the entrance for the principal dwelling.

e. Detached secondary living units shall be located behind the principal dwelling and shall be substantially screened from view to neighbors and adjoining streets by landscaping.

3. Parking. The parking required for a secondary living unit is in addition to the required off-street parking for the principal dwelling unit.

a. One-Bedroom Secondary Units. One off-street parking space on site, as follows:

i. The parking space may be an uncovered space or a tandem space.

ii. The parking space may be located in the front yard setback if contained within the space of an existing paved driveway.

iii. If the subject site only has a single-car garage serviced by a single-car driveway (12-foot width), the driveway pavement may be widened up to an additional nine feet to provide one parking space for the secondary living unit.

b. Two-Bedroom Secondary Units. Two parking spaces on site, as follows:

i. At least one space shall be covered in a carport or garage.

ii. The covered space may be located in a three car garage that provides parking for both the principal single-family dwelling and secondary living unit.

iii. The uncovered parking may be a tandem space to the covered space for the secondary living unit if not located within the front yard setback.

G. Subdivision. No subdivision of land or air rights shall be allowed.

H. Permit Requirements. Secondary living units shall be subject to the following permits in accordance with Division VII of this title (Permits and Permit Procedures). Secondary living units constructed without the benefit of a permit shall obtain approval pursuant to the requirements of this section.

1. Administrative Permit. An administrative permit shall be required for any secondary living unit that meets all of the requirements of this section and does not exceed 640 square feet or more than one bedroom.

2. Minor Use Permit. A minor use permit shall be required for any secondary living unit that does not meet all of the provisions of this section and for any secondary living unit that is over 640 square feet up to 1,000 square feet and has a maximum of two bedrooms.

I. Appeals.

1. Administrative permits that meet all of the requirements of this section shall not be subject to an appeal. If an appeal is filed due to noncompliance with this section, the planning division shall review the appeal. If the planning division determines that the application complies with all of the requirements of this section, the appeal shall be denied, and that decision shall be final and no further appeals shall be made.

2. Minor use permit approvals shall be appealed in accordance with the provisions in Chapter 18.510 CDC (Appeals and Calls for Review). [Ord. 13-5; Ord. 12-4. DC 2012 § 122-631].