ORDINANCE NO. 2024-02

HOUSING ELEMENT CONSISTENCY (HE-C) ZONING DISTRICT

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 adds Chapter 84-92 to the County Ordinance Code to establish the housing element consistency (HE-C) zoning district. Parcels zoned to an HE-C district are those identified on the sites inventory for Contra Costa County's 6th Cycle Housing Element (2023-2031). The HE-C district enables residential development of identified parcels at densities identified in and consistent with the Housing Element of the County General Plan.

SECTION II. Chapter 84-92 is added to the County Ordinance Code, to read:

Chapter 84-92
HE-C HOUSING ELEMENT CONSISTENCY DISTRICT

Article 84-92.2
General

84-92.202 Purpose. This chapter establishes the HE-C zoning district and, in conjunction with Ordinance No. 2024-03, rezones certain parcels to the HE-C district to implement portions of the Housing Element of the Contra Costa County General Plan, in accordance with State Housing Element Law (Gov. Code, § 65580 et seq.). Parcels zoned to an HE-C district and identified in this chapter are those identified on the sites inventory for the County's 6th Cycle Housing Element (2023-2031). This chapter enables residential development of identified parcels at densities identified in and consistent with the County's Housing Element. (Ord. 2024-02 § 2.)

84-92.204 General provisions. All land within an HE-C district may be used for any of the uses specified in this chapter, under the regulations set forth in this chapter. (Ord. 2024-02 § 2.)

Article 84-92.4
Uses

84-92.402 Uses – Allowed. The following uses are allowed in an HE-C district:

(1)   Residential buildings developed at parcel-specific densities listed in Section 84-92.602.

(2)   A use listed in Section 84-50.402 or 84-52.402(1) on parcels designated as mixed-use sites in Section 84-92.602, as long as the use is co-located with a residential building developed at that parcel's density listed in Section 84-92.602. For purposes of this subsection, the term "co-located" means two or more uses proposed for development on one or more contiguous parcels that are under common ownership.

(3)   A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.

(4)   A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, Title 22, Section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(5)   Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(6)   Supportive housing, as defined in Section 82-4.324, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(7)   Transitional housing, as defined in Section 82-4.326, operated by a person with all required state and local agency approvals and license, where not more than six persons reside. (Ord. 2024-02 § 2.)

84-92.404 Uses with a land use permit.   The following uses may be allowed in an HE-C district upon the issuance of a land use permit:

(1)   Charitable and philanthropic institutions.

(2)   Churches and religious institutions and parochial and private schools.

(3)   Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character.

(4)   Publicly-owned buildings, structures, parks, and playgrounds.

(5)   A child care center, as the term is defined in California Code of Regulations, Title 22, Section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(6)   Supportive housing, as defined in Section 82-4.324, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(7)   Transitional housing, as defined in Section 82-4.326, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside. (Ord. 2024-02 § 2.)

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Article 84-92.6
Standards

84-92.602 Rezoning and density standards . The following parcels listed in the Housing Element Sites Consistency Table are rezoned to the HE-C district. The following parcel-specific density standards, including whether a mixed use is allowed, apply to parcels within the HE-C district:

Housing Element Sites Consistency Table

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
003120008	17	30	No
003120009	17	30	No
004182008	17	35	Yes
008010039	17	35	Yes
011220039	30	60	No
011230041	7	17	No
093036010	22	40	Yes
093036014	22	40	Yes
093036015	22	40	Yes
093121001	17	30	No
093170018	75	125	Yes
093170021	75	125	Yes
093170022	75	125	Yes
093170056	30	60	No
093170069	75	125	Yes
093170071	75	125	Yes
093170074	75	125	Yes
093191025	22	40	Yes
093192026	7	17	No
093193002	7	17	No
093193035	7	17	No
095010010	75	125	Yes
095021002	17	30	No
095022025	22	40	Yes
095022026	22	40	Yes
095022027	22	40	Yes
095034002	22	40	Yes
095071010	7	17	No
095075025	7	17	No
095081020	22	40	Yes

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
095081023	22	40	Yes
095083023	22	40	Yes
095084025	7	17	No
095101001	7	17	No
095101002	7	17	No
095102003	7	17	No
095102020	7	17	No
095107015	7	17	No
096012008	17	30	No
096012009	17	30	No
096015011	17	30	No
096015015	17	30	No
096015016	17	30	No
096016002	17	30	No
096016003	17	30	No
096016005	17	30	No
096016013	17	30	No
096016018	17	30	No
096017008	17	30	No
096018007	17	30	No
096018015	17	30	No
096019017	17	30	No
096019025	22	40	Yes
096020022	17	30	No
096020039	17	30	No
096020042	17	30	No
096020062	17	30	No
096020082	22	40	Yes
096020093	17	30	No
096020173	17	30	No
096031018	30	60	No
096031019	30	60	No
096032011	22	40	Yes
096032016	22	40	Yes
096032028	22	40	Yes
096032032	22	40	Yes
096033035	17	30	No

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
096033037	22	40	Yes
096033039	22	40	Yes
096041001	17	30	No
096041013	17	30	No
096041026	17	30	No
096042020	17	30	No
096043002	17	30	No
096044002	17	30	No
096044003	17	30	No
096044007	17	30	No
096050011	17	30	No
096050012	17	30	No
096050013	17	30	No
096050014	17	30	No
098052053	7	17	No
098180005	7	17	No
098180041	7	17	No
098180043	7	17	No
098230023	7	17	No
125071011	17	30	No
125071012	17	30	No
125130018	22	40	Yes
125130020	22	40	Yes
125140005	22	40	Yes
125155021	22	40	Yes
148221033	75	125	Yes
148350009	30	60	No
148350010	30	60	No
148350011	30	60	No
148350020	30	60	No
159210004	30	60	No
159210039	30	60	No
159210042	30	60	No
159210043	30	60	No
159240005	0	1	No
172040025	75	125	Yes
172040026	75	125	Yes

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
172040034	75	125	Yes
172040035	75	125	Yes
172120002	30	60	No
172120003	30	60	No
172120004	30	60	No
172120005	30	60	No
172120006	30	60	No
172120007	30	60	No
172120008	30	60	No
172120009	30	60	No
172120010	30	60	No
172120011	30	60	No
172120012	30	60	No
172120013	30	60	No
172120025	30	60	No
172120027	30	60	No
172120028	30	60	No
172120051	30	60	No
172120052	30	60	No
191062022	7	17	No
191080001	7	17	No
191093043	30	75	Yes
191093044	30	75	Yes
197030001	7	17	No
197030026	17	30	No
197030027	17	30	No
197040011	7	17	No
197040012	7	17	No
354030013	0	1	No
354072003	17	27	Yes
354094009	17	27	Yes
354173009	17	30	No
354173010	17	30	No
354177007	17	30	No
357042016	17	35	Yes
357052002	17	35	Yes
357081003	17	35	Yes

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
357101002	17	35	Yes
357111010	17	35	Yes
357120002	17	35	Yes
357120003	17	35	Yes
357140010	17	35	Yes
357140016	17	35	Yes
357140045	17	35	Yes
357161001	17	35	Yes
357161002	17	35	Yes
357161006	17	35	Yes
357161013	17	35	Yes
357171002	17	35	Yes
357171008	17	35	Yes
357171010	17	35	Yes
357171019	17	35	Yes
357171020	17	35	Yes
357194001	7	17	No
357196012	7	17	No
357371013	7	17	No
380120066	7	17	No
380194010	22	35	Yes
403020009	17	30	No
403020013	17	30	No
403030005	17	35	Yes
403211024	17	35	Yes
403211026	17	35	Yes
403211027	17	35	Yes
403482043	17	30	No
403482044	17	30	No
405203018	17	30	No
408160016	17	30	No
409011012	17	30	No
409021007	17	30	No
409021008	17	30	No
409021010	17	30	No
409021027	17	30	No
409021028	17	30	No

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
409021032	17	30	No
409021034	17	30	No
409021037	17	30	No
409021040	17	30	No
409021041	17	30	No
409031004	17	30	No
409032013	17	30	No
409032015	17	30	No
409032019	17	30	No
409033001	17	30	No
409033012	17	30	No
409033023	17	30	No
409033025	17	30	No
409041006	17	30	No
409042014	17	30	No
409042021	17	30	No
409042022	17	30	No
409051002	17	30	No
409051008	17	30	No
409052001	17	30	No
409052003	17	30	No
409052009	17	30	No
409060009	17	30	No
409060013	17	30	No
409060018	17	30	No
409060029	17	30	No
409060043	17	30	No
409060044	17	30	No
409080005	17	30	No
409100004	17	30	No
409110007	17	30	No
409120005	17	30	No
409120011	17	35	Yes
409120012	17	30	No
409131003	17	30	No
409131010	17	30	No
409131014	17	30	No

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
409131015	17	30	No
409132002	17	30	No
409132007	17	35	Yes
409132016	17	30	No
409141006	17	30	No
409141012	17	30	No
409142005	17	30	No
409142012	17	30	No
409142014	17	30	No
409142015	17	30	No
409142016	17	30	No
409151005	17	30	No
409151011	17	30	No
409152002	17	35	Yes
409152007	17	30	No
409161001	17	35	Yes
409161003	17	35	Yes
409161008	17	30	No
409162008	17	30	No
409162018	17	30	No
409162024	17	30	No
409162025	17	30	No
409171012	17	30	No
409171015	17	30	No
409171023	17	30	No
409171024	17	30	No
409172017	17	30	No
409172027	17	30	No
409172028	17	30	No
409181008	17	30	No
409182002	17	35	Yes
409182020	17	30	No
409182023	17	35	Yes
409182024	17	35	Yes
409191001	17	35	Yes
409191009	17	35	Yes
409191013	17	35	Yes

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
409192001	17	30	No
409200009	17	30	No
409200015	17	30	No
409200016	17	30	No
409200024	17	30	No
409200025	17	30	No
409210011	17	30	No
409210020	17	30	No
409210021	17	30	No
409210022	17	30	No
409210023	17	30	No
409210024	17	30	No
409210025	17	30	No
409210026	17	30	No
409220006	17	30	No
409220007	17	30	No
409220008	17	30	No
409230015	17	30	No
409240017	17	35	Yes
409240019	17	35	Yes
409240029	17	30	No
409240030	17	30	No
409251019	17	30	No
409251020	17	30	No
409251021	17	30	No
409251022	17	30	No
409252008	17	30	No
409261009	17	35	Yes
409261012	17	35	Yes
409261013	17	35	Yes
409261015	17	30	No
409261016	17	30	No
409271005	17	30	No
409271007	17	30	No
409271011	17	35	Yes
409271021	17	30	No
409271025	17	30	No

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
409272007	17	30	No
409272009	17	30	No
409272010	17	30	No
409281001	17	30	No
409281011	17	35	Yes
409281014	17	30	No
409282005	17	30	No
409282006	17	35	Yes
409282019	17	35	Yes
409291008	17	30	No
409291009	17	30	No
409292001	17	30	No
420010001	10	30	Yes
420010002	10	30	Yes
420090029	7	17	No
420140003	10	30	Yes
420150030	10	30	Yes
420150033	10	30	Yes
420184015	10	30	Yes
420192018	3	7	No
420192037	10	30	Yes
420192042	10	30	Yes
420192043	10	30	Yes
425023011	7	17	No
425040016	7	17	No
425040024	7	17	No
425061012	7	17	No
425061032	7	17	No
425061033	7	17	No
425061034	7	17	No
425072024	7	17	No
425100054	10	30	Yes
425100056	10	30	Yes
425142015	7	17	No
425160015	10	30	Yes
425170030	10	30	Yes
425200006	10	30	Yes

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
425210037	10	30	Yes
425210039	10	30	Yes
425210042	10	30	Yes
425230017	10	30	Yes
425230035	10	30	Yes
425230036	10	30	Yes
425230037	10	30	Yes
425230038	10	30	Yes
425240041	10	30	Yes
425251006	10	30	Yes
425252045	10	30	Yes
425252048	10	30	Yes
426070020	3	7	No
426261060	10	30	Yes
430012022	3	7	No
430152062	10	30	Yes
431010010	17	30	No
431010011	17	30	No
431020017	17	30	No
431070027	3	7	No
433060014	10	30	Yes
435070008	17	30	No
435080005	17	30	No
435171006	3	7	No
520032002	10	30	Yes
520042013	10	30	Yes
520050001	10	30	Yes
520062001	10	30	Yes
520070004	10	30	Yes

(Ord. 2024-02 § 2.)

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84-92.604 Development standards. A building or structure permitted in an HE-C district shall meet the following development standards. The specific standards that apply to a development type are based on the allowable density range assigned to the underlying parcel in Section 84-92.602.

HE-C DENSITY CATEGORY						
Development Type	Density Range (units/acre)	Minimum Yard Setbacks (in feet)			Maximum Building Height (in feet)	Maximum Lot Coverage
		Front	Side	Back		
Residential Low	≤1 3 – 7	10	5	15	35	50%
Residential Medium	7 – 17 17 – 30	10	5	15	45	50%
Mixed-Use Medium	10 – 30 17 – 27 17 – 35 22 – 35 22 – 40	10	5	15	50	50%
Residential High	30 – 60	10	5	15	65	70%
Mixed-Use High	30 – 75 75 – 125	10	5	15	65	70%

(Ord. 2024-02 § 2.)

<h3 style="text-align:center">Article 84-92.8
Development Plans</h3>

84-92.802 Development plan required. A development is not allowed in an HE-C district until a development plan for it has been submitted to and approved by the County. (Ord. 2024-02 § 2.)

84-92.804 Application. All development plan applications shall include drawings drawn to scale indicating the following:

(a)   Topography.

(b)   A boundary survey of the site.

(c)   All existing and proposed structures, the height of each structure, and the number of dwelling units in each structure.

(d)   Planting and landscape area.

(e)   Automobile parking areas.

(f)   Vehicular and pedestrian ways with grades, widths, and type of proposed improvements.

(g)   Access points providing ingress to and egress from the site.

(h)   Existing and proposed utilities.

(i)   Recreation facilities, if any.

(j)   Surface drainage conditions and outlets.

(k)   Building elevations including architectural type.

(l)   Quantity of studio, one-bedroom, two-bedroom, or other size multiple-family building units, if any.

(m)   Additional information as may be required, including a statement explaining how the proposed plan is consistent with and will further the goals and objectives of the General Plan, including but not limited to its Housing Element. (Ord. 2024-02 § 2.)

84-92.806 Development plan processing.

(a)   Except as otherwise provided for in subsection (b), a development plan application will be processed according to this subsection (a).

    (1)   Review. The planning agency division with authority to hear the matter will review a development plan application at a public hearing. Hearings will be held in accordance with Article 26-2.22, with notice provided pursuant to Section 26-2.2004.

    (2)   Approval. Before approving a development plan application, the planning agency division must find that the proposed development is consistent with the purpose of this district and that it is compatible with other uses in the vicinity, both inside and outside the district.

    (3)   Changes. Changes to an approved development plan or its conditions of approval may be approved by the same planning agency division after review, for which the planning agency division may schedule a public hearing.

    (4)   Conditions. The planning agency division may impose reasonable conditions and limitations in addition to the requirements listed in this chapter, to carry out the purpose of this district.

    (5)   Appeals. The denial or approval of a development plan or change thereto may be appealed pursuant to Article 26-2.24.

(b)   A development plan application for a proposed development that meets all of the following requirements will be approved ministerially without discretionary review or public hearing in accordance with Government Code section 65583.2(h).

(1)   The proposed development is an owner-occupied or rental multi-family residential development.

(2)   Twenty percent or more of the units in the proposed development will be made affordable to lower income households, as defined in Health and Safety Code section 50079.5.

(3)   The proposed development complies with the parcel-specific density listed in Section 84-92.602, and with all development standards in Section 84-92.604. (Ord. 2024-02 § 2.)

Article 84-92.10
Land Use and Variance Permits

84-92.1002 Land use and variance permits – Granting. Land use permits for the uses enumerated in Section 84-92.404, and variance permits to modify the development standards in Section 84-92.604, may be granted in accordance with this chapter and Article 26-2.20. (Ord. 2024-02 § 2.)

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   Board Chair
        and County Administrator

By: _____   [SEAL]
        Deputy

KCK: