



Contra Costa County

Zoning Update Report

Public Draft | May 2024





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INTRODUCTION AND BACKGROUND

Report Objectives, Principles, and Approach

Building on the foundation of our 2045 General Plan, the Envision Contra Costa 2040 Project continues its transformative work with a comprehensive update to the County Zoning Code (Code). This will be the first comprehensive update of the County's Zoning Code (Title 8 - Ordinance 382) since its initial adoption by the Contra Costa County Board of Supervisors in 1947.

The County has changed in many ways over the past eight decades. Over time, the County's Zoning Code has undergone various updates. While these updates addressed evolving needs, they also resulted in inconsistencies that will benefit from this comprehensive update. The comprehensive Code update will ensure seamless alignment with our shared vision in the 2045 General Plan, providing a clear, intuitive, and forward-thinking framework for environmental justice, community health, economic development, and sustainability. It will empower our communities and guide us in achieving sustainable, vibrant growth for generations to come.

The comprehensive Code update will focus primarily on Title 8 (*Zoning*) with associated amendments to Titles 2 (*Administration*) and 9 (*Subdivisions*). We recognize that these titles are frequently referenced by County staff and the public alike. Therefore, our goal is to create a user-friendly Code that will make it easier for all stakeholders to navigate and understand the development regulations in our community.

The Zoning Update Report (ZUR) is the initial step in identifying existing issues and recommending revisions and improvements. Appendix A of this ZUR contains a comprehensive list of update items identified by County staff. This list represents the current scope of the update and may evolve during the review process. These items are categorized into three phases: Phase I, Phase II, and Phase III. Additionally, there is a separate category for other ongoing Zoning Code changes not part of the comprehensive Code update. Each category is defined as follows:

- **Phase I:** All actions identified in the County's recently adopted Housing Element Update that call for a Code update by January 31, 2024. The Board of Supervisors adopted these actions on January 16, 2024.

- **Phase II:** Updates that will be completed as part of the comprehensive Code update effort, including substantial changes to Title 8 (*Zoning*) as well as targeted updates to Title 2 (*Administration*) and Title 9 (*Subdivisions*).
- **Phase III:** Larger updates that could be considered separate projects. Many of these updates would begin concurrently with Phase II updates but are expected to require more time or effort. Phase III includes items like new ordinances for regulatory issues, such as environmental justice and air quality. It will also include creating materials to help disseminate and explain the updated Zoning Code.
- **Separate From the Comprehensive Code Update:** These are projects that are already in progress or are not considered as part of the comprehensive Code update.

This report largely focuses on the major updates that will be considered during Phase II. The recommendations outlined here are based on input gained from interviews and discussions with County staff, a stakeholder survey, and document reviews of the current Code, Draft Contra Costa County 2045 General Plan, adopted Housing Element, and applicable provisions of State law, as well as research of best practices from other jurisdictions. Recommendations are organized by the following topics: (1) Code Accessibility, (2) Administrative Procedures, (3) Land Use Regulations, and (4) Zoning Districts and Development Standards.

This ZUR and future comprehensive Code update are driven by the following core principles designed to support the County's long-term vision and goals:

Align regulations and procedures with the Contra Costa County 2045 General Plan goals, policies, and actions.

Ensure that the Code is accessible and easy to use.

Establish a clear and transparent planning review process that enables fair, predictable review, protection of the public interest, and effective public involvement, as appropriate.

Support zoning regulations that reflect existing development patterns or provide visionary regulations where appropriate.

Zoning 101

WHAT IS ZONING?

Zoning regulations are conveyed through two main components: the Zoning Map (Figure 1) and Zoning Code (see excerpt in Figure 2). The Zoning Map is a visual representation of how land in a jurisdiction is divided into different zoning districts. Zoning district designations are different for each jurisdiction but typically cover residential, commercial, office, industrial, public, agricultural, and open space uses. The County's current Zoning Map includes 37 base zoning districts; the Zoning Code presents a specific set of rules and regulations for what can or cannot be done on a property within each district. For example, the Zoning Code may set limits on building height or size, require building setbacks, or specify what uses are allowed or what type of permit is required to develop each use.

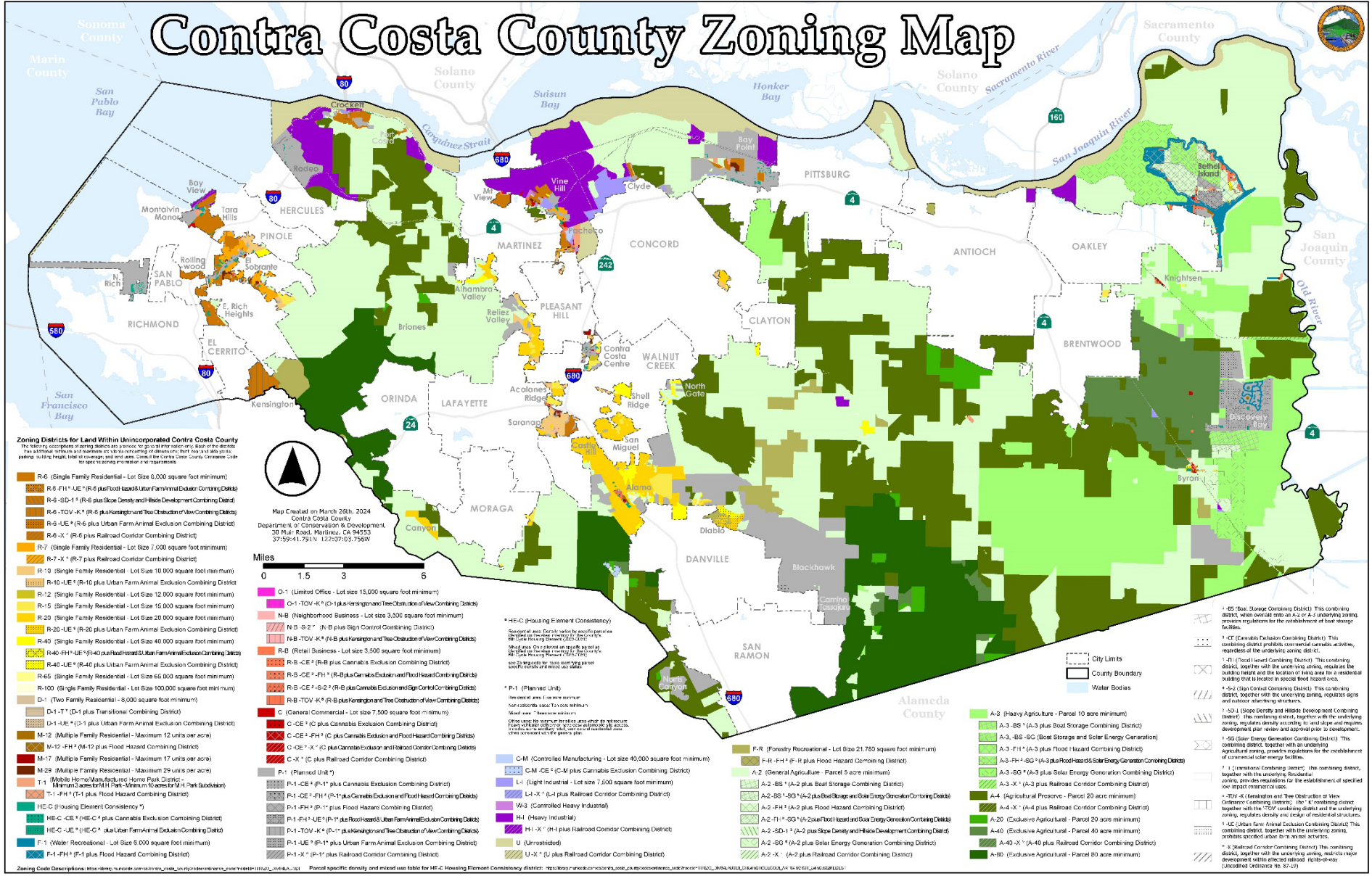
Zoning has historically been used, namely through exclusionary zoning practices, to perpetuate segregation and racial inequities. However, zoning is a dynamic tool that can also be wielded to promote equity and inclusion. By carefully examining existing zoning districts and regulations, we can identify areas where change is needed to undo past harms. When used thoughtfully, zoning can support the creation of diverse, vibrant, and inclusive communities. With this in mind, the zoning districts depicted on the Zoning Map and the regulations within the Zoning Code have a profound impact on the overall character and accessibility of new development. Therefore, zoning is a powerful tool for implementing the goals of the 2045 General Plan related to equity, allowing us to shape communities that are inclusive, thriving, and just.

Introduction and Background



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FIGURE 1 – CURRENT COUNTY ZONING MAP (CCMAP.CCCOUNTY.US)



Introduction and Background



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**FIGURE 2 – SAMPLE EXCERPT OF CURRENT COUNTY ZONING CODE, CHAPTER 84-52
(CONTRACOSTA.CA.GOV/4736)**

Chapter 84-52 - R-B RETAIL BUSINESS DISTRICT

Article 84-52.2. General

84-52.202 - General provisions.

All land within an R-B retail business district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 2011; Ord. 1985; Ord. 1781; Ord. 1569; prior code § 8160(part); Ord. 1046; Ord. 556; Ord. 382).

Article 84-52.4. Uses

84-52.402 - Uses—Permitted.

Uses permitted in the R-B district shall be as follows:

- (1) The carrying on of a retail business as defined in Section 82-4.216 provided all the sales, demonstrations, displays, services and other activities of the retail business are conducted within an enclosed building, except that off-street parking shall be permitted;
- (2) All of the uses permitted in single-family and two-family residential districts together with the uses permitted in these districts after the granting of land use permits; and
- (3) Hotels and motels.

(Ord. No. 2022-03, § XI, 5-24-22; Ord. 2011; Ord. 1985; Ord. 1781; Ord. 1569; prior code § 8160(a); Ord. 1046; Ord. 556; Ord. 382).

84-52.404 - Uses—Requiring a land use permit.

In the R-B district the following uses are permitted after the issuance of a land use permit:

- (1) Lumber yard;
- (2) Cabinet shop;
- (3) Sheet metal shop;
- (4) Animal hospital;
- (5) Commercial dog kennel;
- (6) Hobby dog kennel;
- (7) Auto garage which includes body repair and painting;
- (8) Building contractor's yard;

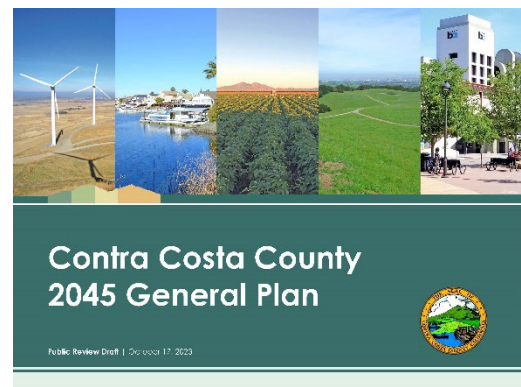
ZONING AND THE GENERAL PLAN

State law requires each City and County in California to prepare and maintain a General Plan. This document serves as a jurisdiction’s “constitution” or “blueprint” for future growth, typically for a 20-year period. The General Plan outlines a vision for the future, along with policies and implementation measures to achieve that vision. State law further prescribes eight topics or “elements” to be addressed: land use, housing, open space, circulation, conservation, safety, noise, and environmental justice.

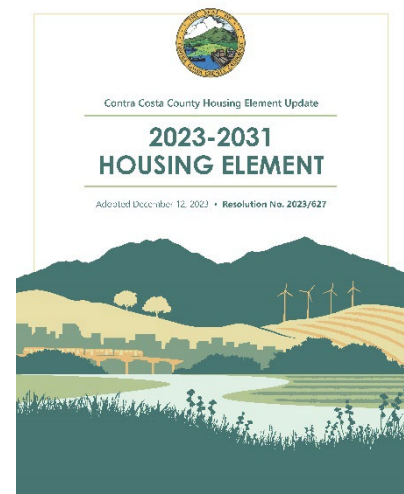
The County is currently updating its General Plan to plan through the year 2045. The Contra Costa County 2045 General Plan will outline County goals, such as balancing physical growth with conservation, and will contain policies and actions that respond to current concerns about sustainability, environmental justice, economic development, and community health.

The County’s Housing Element was also recently updated on a separate but parallel track as the General Plan. The schedule for updating the Housing Element is specifically prescribed by the State. Housing Elements establish policies and actions to meet a community’s anticipated housing needs over the next eight years. The County’s updated Housing Element includes housing policies and actions to preserve existing homes and increase housing production and identifies locations that can accommodate future housing. The Housing Element was adopted by the County Board of Supervisors on December 12, 2023.

The County’s General Plan, including the Housing Element, guides decisions about zoning, development, public services, transportation improvements, and other land use or regulatory matters. By law, the Zoning Code must be consistent with the most recent General Plan and Housing Element. Both documents include actions that call for specific changes to the Code, and these actions are a significant focus of the comprehensive Zoning Code update.



Contra Costa County 2045 General Plan Public Draft



Contra Costa County 2023-2031 Housing Element

ZONING FOR HOUSING

Zoning has a direct impact on the production of housing, since it regulates how housing can be developed. California, like much of the country, is currently in a housing crisis; there is not enough housing produced to keep up with demand and the available housing is often not affordable to those seeking housing. Between 2010 and 2016, only 0.74 units were produced for every household formed in the state. The result of this underproduction can be felt throughout the state through high housing prices and the rising level of homelessness. Today, the average price for a home in California is \$786,180,¹ with many areas exceeding \$1 million. Median rent for a two-bedroom apartment or condo is \$2,332.² In 2023, the United States Department of Housing and Urban Development (HUD) reported³ that there were over 180,000 unhoused Californians, which is 28 percent of the nation's total homeless population.

While the housing market is complex and affected by many players and components, one key factor affecting housing production and affordability is restrictive local land use regulations such as those found in zoning codes. For instance, minimum parking regulations, the prohibition of missing middle units in single-family residential areas, or high impact fees that are charged per unit instead of per square foot can create barriers to the production of high-density, multi-family, and affordable housing.

Since 2017, California state legislators have passed over 100 new laws aimed at addressing the State's housing affordability crisis from multiple angles. A number of these laws replace local zoning provisions with State requirements. For example, Assembly Bill (AB) 2097, codified as Section 65863.2, prohibits the County from applying minimum parking requirements for many types of new development on sites located within a half mile of a major transit stop. State laws also direct that accessory dwelling units (ADUs) must be reviewed ministerially and prohibit the County from imposing maximum lot coverage standards, setback standards, minimum lot sizes, or other standards that would prevent a property owner from building an ADU. Other recent State laws are changing the longstanding relationship between General Plan land use designations and zoning districts. Specifically, California Government Code Section 65589.5(j)(4), part of the Housing Accountability Act, "requires a city to defer to its general plan's density requirements whether a property's zoning is consistent or inconsistent with the general plan." Taken altogether, these changes diminish the impact of zoning as a tool to regulate development, especially in cases where an applicant can argue that the General Plan and Zoning Code are inconsistent.

Input to Date

This report was informed by input from County staff and key stakeholders. Staff engagement began in 2019 with internal discussions and a staff survey on potential Code improvements. In August 2023, the County's consultant, PlaceWorks, interviewed key County staff members who regularly use the Code, including Planning Technicians, Planners, the Permit Center Manager, and Deputy County Counsel. The interviews allowed PlaceWorks to gain first-hand input from staff about what they think currently works and does not work in the Zoning Code and suggestions for how the Code should be updated to improve customer service and internal processes.

In the intervening years, County staff and PlaceWorks maintained an ongoing list of Code fixes identified by staff and community members through regular Permit Center operations and through the General Plan Update process, which included extensive community outreach and engagement between 2019 and 2024. During that time, we held or participated in over 130 public and community-organized meetings to discuss the General Plan and zoning with residents, community advocates, stakeholders, and public officials, including:

- Meetings of the Board of Supervisors, Planning Commission, Sustainability Commission, Library Commission, Hazardous Materials Commission, Arts and Culture Commission, Sustainability Committee, Historic Landmarks Advisory Committee, Aviation Advisory Committee, and all 13 Municipal Advisory Councils.



Community members discuss General Plan and zoning changes for their community.

¹ <https://www.zillow.com/home-values/9/ca/>

² <https://www.zillow.com/rental-manager/market-trends/ca/?propertyTypes=apartment-condo&bedrooms=2>

³ https://files.hudexchange.info/reports/published/CoC_PopSub_State_CA_2023.pdf

- Almost 50 community meetings, workshops, and open houses held across the county.
- Stakeholder meetings on environmental justice, community health, sustainability, and economic development.
- Native American tribal consultations.
- Over 25 meetings with various community-based organizations representing a wide range of interests in the county.

In addition, throughout the General Plan Update process, the Envision Contra Costa website (www.envisioncontracosta2040.org) provided information about upcoming meetings, access to draft documents, and online tools that community members used to share their thoughts. Input and direction from the public and County officials resulted in many General Plan actions calling for specific changes to the Code. See the full list of Code changes identified through regular Permit Center operations and the General Plan Update process in Appendix A.

County staff also identified a group of “expert users” made up of applicants and property owners familiar with the Code and the County’s regulations and processes. The group of expert users was invited by staff via email to participate in an online survey from September through October 2023. A total of nine individuals participated. The survey included questions about the ease or difficulty of existing Code sections; participant experiences with the current Code; personal examples of when participants were unable to obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined; and examples of codes from other jurisdictions that respondents have found easy to understand. The full survey results are attached as Appendix B.

Summary of Key Recommendations

The following is a list of key recommendations discussed in further detail throughout this report.

- Code Accessibility Recommendations:
 - Reorganize Code divisions and chapters
 - Use plain language and remove outdated or unnecessary terms
 - Incorporate tables, matrices, and lists
 - Illustrate standards with images and diagrams

- Administrative Procedures Recommendations:
 - Clarify administrative procedures
 - Establish a new Minor Use Permit
 - Right-size permit requirements
- Land Use Regulations Recommendations:
 - Apply use tables
 - Reflect comprehensive and contemporary land uses
- Zoning Districts and Development Standards Recommendations:
 - Update districts to be consistent with the General Plan
 - Apply clear development standards
 - Incorporate flexible and modern standards

ISSUES AND RECOMMENDATIONS BY REVIEW TOPIC

1. Code Accessibility

CONTEXT

“Code accessibility” refers to the organization, format, and usability of the Code. Accessibility and ease of use were identified as primary issues with the existing Code. Many staff and key users note that the Code is difficult to navigate because it is not organized intuitively. The current Zoning Code is made up of 11 divisions that are further organized into 115 chapters (outlined in Table 1 below). Based on staff feedback, the divisions most frequently used include Division 82 (*General Regulations*), Division 84 (*Land Use Districts*), Division 88 (*Special Land Uses*), and Division 816 (*Trees*).

Throughout Title 8 (*Zoning*) there does not appear to be a logical or consistent order for divisions or chapters. For example, within Division 84 (*Land Use Districts*), regulations for combining districts are interspersed between chapters for unrelated base districts. Users also expressed confusion about where regulations for specific use types could be found. Currently, Division 82 (*General Regulations*) and Division 88 (*Special Land Uses*) both contain regulations for specific use types with a seemingly arbitrary organization of uses. For instance, regulations for dog keeping and childcare facilities are found in Division 82, whereas signs and cemeteries are in Division 88. Additionally, the Code’s designated definitions chapter (82-4) is not comprehensive, and permit requirements are spread between Title 2 (*Administration*) and Title 8 (*Zoning*).

Under the current Code, users often need to reference multiple chapters or sections. If a property owner or developer would like to look up regulations for new construction or a residential addition in a single-family residential zoning district, such as R-10, they need to reference Chapter 84-8 (*R-10 Single-Family Residential District*), which also refers to Chapter 84-4 (*R-6 Single-Family Residential District*) for allowed uses and development standards, as well as potentially Chapter 82-12 (*Setbacks*), Chapter 82-14 (*Yards*), and Chapter 82-16 (*Off-Street Parking*). This can prove to be difficult for general users to navigate.



Another major consideration when reviewing Code accessibility is how easy it is for staff and the public to understand and interpret the information provided in the Code. Stakeholders expressed concerns about an over-reliance on text that uses outdated terms, such as “eleemosynary” or “chattels,” and confusing and interchangeable language, like “primary” and “secondary” frontage setbacks or “setback” versus “yard.” They also felt that some Code sections were longer than necessary, and noted an overall lack of tables, matrices, and graphics that would help users understand the information.

TABLE 1 – CURRENT ZONING CODE ORGANIZATION (CONTRACOSTA.CA.GOV/4736)

| TITLE 8 - ZONING | |
|--|---|
| Division 82 – GENERAL REGULATIONS | |
| Chapter 82-1 | 65/35 Land Preservation Plan |
| Chapter 82-2 | General Provisions |
| Chapter 82-4 | Definitions |
| Chapter 82-6 | Land Use Permits |
| Chapter 82-8 | Nonconforming Uses |
| Chapter 82-10 | Lots |
| Chapter 82-12 | Setbacks |
| Chapter 82-14 | Yards |
| Chapter 82-16 | Off-Street Parking |
| Chapter 82-18 | Sight Obstructions at Intersections |
| Chapter 82-20 | Dog Keeping |
| Chapter 82-22 | Child Care Facilities |
| Chapter 82-24 | Accessory Dwelling Units |
| Chapter 82-26 | Water Efficient Landscapes |
| Chapter 82-28 | Floodplain Management |
| Chapter 82-30 | Dual Water Systems |
| Chapter 82-32 | Transportation Demand Management |
| Chapter 82-34 | Cabarets |
| Chapter 82-36 | Sale of Firearms |
| Chapter 82-38 | Alcoholic Beverages Sales Commercial Activities |
| Chapter 82-40 | Home Occupations |
| Chapter 82-44 | Temporary Events |
| Chapter 82-46 | Emergency Shelters |
| Chapter 82-48 | Single Room Occupancy (SRO) Facilities |
| Chapter 82-50 | Urban Farm Animals |
| Chapter 82-52 | Farmworker Housing |
| Division 84 – LAND USE DISTRICTS | |
| Chapter 84-2 | General Provisions |



| TITLE 8 - ZONING | |
|------------------|---|
| Chapter 84-4 | R-6 Single-Family Residential District |
| Chapter 84-6 | R-7 Single-Family Residential District |
| Chapter 84-8 | R-10 Single-Family Residential District |
| Chapter 84-10 | R-12 Single-Family Residential District |
| Chapter 84-12 | R-15 Single-Family Residential District |
| Chapter 84-14 | R-20 Single-Family Residential District |
| Chapter 84-16 | R-40 Single-Family Residential District |
| Chapter 84-18 | R-65 Single-Family Residential District |
| Chapter 84-20 | R-100 Single-Family Residential District |
| Chapter 84-22 | D-1 Two-Family Residential District |
| Chapter 84-26 | M-29 Multiple Family Residential District |
| Chapter 84-28 | M-17 Multiple Family Residential District |
| Chapter 84-29 | M-29 Multiple Family Residential District |
| Chapter 84-30 | M-9 Multiple Family Residential District |
| Chapter 84-31 | M-6 Multiple Family Residential District |
| Chapter 84-32 | F-R Forestry Recreation District |
| Chapter 84-34 | F-1 Water Recreational District |
| Chapter 84-38 | A-2 General Agricultural District |
| Chapter 84-40 | A-3 Heavy Agricultural District |
| Chapter 84-42 | A-4 Agricultural Preserve District |
| Chapter 84-44 | O-1 Limited Office District |
| Chapter 84-46 | A-O Administrative Office District |
| Chapter 84-48 | Interchange Transitional District |
| Chapter 84-49 | C-B Community Business District A |
| Chapter 84-50 | N-B Neighborhood Business District |
| Chapter 84-52 | R-B Retail Business District |
| Chapter 84-54 | C General Commercial District |
| Chapter 84-56 | C-M Controlled Manufacturing District |
| Chapter 84-58 | L-I Light Industrial District |
| Chapter 84-60 | W-3 Controlled Heavy Industrial District |
| Chapter 84-62 | H-I Heavy Industrial District |
| Chapter 84-63 | Land Use Permits for Development Projects Involving Hazardous Waste or Hazardous Material |
| Chapter 84-64 | U Unrestricted District |
| Chapter 84-66 | P-1 Planned Unit District |
| Chapter 84-68 | T-1 Mobile Home/Manufactured Home Park District |
| Chapter 84-70 | B Design Control Combining District |
| Chapter 84-72 | -T Transitional Combining District |



| TITLE 8 - ZONING | |
|--|--|
| Chapter 84-74 | -K Kensington Combining District |
| Chapter 84-76 | Flood Hazard (-FH) Combining District |
| Chapter 84-78 | Boat Storage (-BS) Combining District |
| Chapter 84-79 | Urban Farm Animal Exclusion (-UE) Combining District |
| Chapter 84-80 | A-20 Exclusive Agricultural District |
| Chapter 84-82 | A-40 Exclusive Agricultural District |
| Chapter 84-84 | A-80 Exclusive Agricultural District |
| Chapter 84-86 | Cannabis Exclusion (-CE) Combining District |
| Chapter 84-88 | Solar Energy Generation (-SG) Combining District |
| Chapter 84-90 | Crockett-Carquinez Fire Protection District and Contra Costa County Fire Protection District |
| Division 86 – AIRPORTS | |
| Chapter 86-2 | Airport Establishment |
| Chapter 86-4 | Airport Zoning |
| Division 88 – SPECIAL LAND USES | |
| Chapter 88-2 | Cemeteries |
| Chapter 88-3 | Wind Energy Conversion Systems |
| Chapter 88-4 | Junkyards |
| Chapter 88-6 | Signs |
| Chapter 88-11 | Surface Mining and Reclamation |
| Chapter 88-12 | Adult Entertainment Businesses |
| Chapter 88-14 | Oil and Gas Drilling and Production |
| Chapter 88-16 | Take-Out Food Establishments |
| Chapter 88-18 | Offsite Vessel Advertising |
| Chapter 88-20 | Agricultural Farm Stands and Farm Markets |
| Chapter 88-22 | Meteorological Towers |
| Chapter 88-24 | Wireless Telecommunication Facilities |
| Chapter 88-26 | Tobacco Retailing Businesses |
| Chapter 88-28 | Cannabis Regulation |
| Chapter 88-30 | Solar Energy Facilities |
| Chapter 88-32 | Short-Term Rentals |
| Chapter 88-34 | Industrial Hemp Cultivation |
| Chapter 88-36 | Two-Unit Residential Developments in Single-Family Residential Zones |
| Division 810 – AGRICULTURAL LAND CONSERVATION | |
| Chapter 810-2 | Agricultural Preserves |
| Chapter 810-4 | Land Conservation Contracts |
| Division 812 – SCHOOL FACILITY DEDICATIONS | |
| Chapter 812-2 | General Provisions |



| TITLE 8 - ZONING | |
|---|--|
| Chapter 812-4 | Definitions |
| Chapter 812-6 | Overcrowded Attendance Areas |
| Chapter 812-8 | Requirements |
| Chapter 812-10 | Standards For Land and Fees |
| Chapter 812-12 | Procedures |
| Chapter 812-14 | Use And Limits |
| Division 814 - SLOPE AND HILLSIDE DEVELOPMENT | |
| Chapter 814-2 | SD-1 Slope Density and Hillside Development Combining District |
| Division 816 - TREES | |
| Chapter 816-2 | TOV Tree Obstruction of Views Combining District |
| Chapter 816-4 | Heritage Tree Preservation (HTP) District |
| Chapter 816-6 | Tree Protection and Preservation |
| Division 818 - COMMUNITY FACILITY FEES | |
| Chapter 818-2 | Fire Protection Facilities |
| Division 820 - RIGHT TO FARM | |
| Chapter 820-2 | General |
| Chapter 820-4 | Nuisance |
| Chapter 820-6 | Disclosure |
| Chapter 820-8 | Resolution Of Disputes |
| Chapter 820-10 | Miscellaneous |
| Division 822 - AFFORDABLE HOUSING | |
| Chapter 822-2 | Residential Density Bonus |
| Chapter 822-4 | Inclusionary Housing |

RECOMMENDATION 1-A: REORGANIZE CODE DIVISIONS AND CHAPTERS

User accessibility should be improved through large-scale reorganization of the Code’s divisions, chapters, and sections. The updated Code should be organized in a manner that is easy to navigate and intuitive for applicants, County staff, and the public. Divisions or chapters that are redundant, unnecessary, or outdated should be combined where applicable or removed. For example, Chapter 88-3 (*Wind Energy Conversion Systems*) and Chapter 88-30 (*Solar Energy Facilities*) could be consolidated into a new renewable energy chapter; Chapter 88-18 (*Offsite Vessel Advertising*) could be consolidated with Chapter 88-6 (*Signs*); and Chapter 82-12 (*Setbacks*) and Chapter 82-14 (*Yards*) could be eliminated as separate chapters and incorporated as development standards for each zoning district. In some cases, the current Code would also benefit from the addition of new divisions or

chapters, like a new chapter on *Rules for Provisions, Language, Measurement, and Interpretation* to provide clarity on often confusing regulations, including how to measure height and setbacks from easements.

Remaining divisions and chapters should be structured in a logical way, such as from most broad, applicable, or frequently referenced to least. Related topics should also be grouped together to improve organization and minimize the need for users to reference multiple areas of the Code. For instance, all residential sub-districts could be housed in a single chapter containing applicable development standards and allowed uses. Similarly, all definitions should be compiled and housed in one chapter, rather than spread among different divisions.

Through proper reorganization, the number of divisions and chapters could be reduced, making the Code easier to navigate. As shown in the potential Code reorganization in Table 2, the 11 divisions and 115 chapters in the current Code (see Table 1) could be reduced to a more manageable 6 divisions and 65 chapters. Table 2 also incorporates other chapter revisions in Division 84 to include updated zoning districts that are consistent with new General Plan land use designations (see Section 4).

TABLE 2 – POTENTIAL ZONING CODE REORGANIZATION

| TITLE 8 - ZONING | |
|--|---|
| Division 82 – ADMINISTRATION AND PROCEDURES | |
| Chapter 82-2 | 65/35 Land Preservation Plan |
| Chapter 82-4 | General Provisions |
| Chapter 82-6 | Zones and Zoning Map |
| Chapter 82-8 | Definitions |
| Chapter 82-10 | Rules For Provisions, Language, Measurement, and Interpretation |
| Division 84 – ZONING DISTRICTS | |
| Chapter 84-2 | Residential (R-x) Districts |
| Chapter 84-4 | Multiple-Family Residential (M-x) Districts |
| Chapter 84-6 | Mobile Home/Manufactured Home Park (T-1) District |
| Chapter 84-8 | Agricultural (A-x) Districts |
| Chapter 84-10 | Commercial Local (C-L) District |
| Chapter 84-12 | Commercial General (C-G) District |
| Chapter 84-14 | Light Industrial (L-I) District |
| Chapter 84-16 | Heavy Industrial (H-I) District |
| Chapter 84-18 | Planned Unit (P-1) District |



| TITLE 8 - ZONING | |
|---|--|
| Division 86 – COMBINING DISTRICTS AND OVERLAYS | |
| Chapter 86-2 | Design Control (-B) Combining District |
| Chapter 86-4 | Kensington (-K) Combining District |
| Chapter 86-6 | Boat Storage (-BS) Combining District |
| Chapter 86-8 | Flood Hazard (-FH) Combining District |
| Chapter 86-10 | Cannabis Exclusion (-CE) Combining District |
| Chapter 86-12 | Solar Energy Generation (-SG) Combining District |
| Chapter 86-14 | Tree Obstruction of Views (-TOV) Combining District |
| Chapter 86-16 | Urban Farm Animal Exclusion (-UE) Combining District |
| Chapter 86-18 | Impacted Communities (-IC) Overlay |
| Division 88 – AIRPORTS | |
| Chapter 88-2 | Airport Establishment |
| Chapter 88-4 | Airport Zoning |
| Division 810 – SPECIAL USE REGULATIONS | |
| Chapter 810-2 | Accessory Dwelling Units |
| Chapter 810-4 | Farmworker Housing |
| Chapter 810-6 | Emergency Shelters |
| Chapter 810-8 | Single Room Occupancy (SRO) Facilities |
| Chapter 810-10 | Short-Term Rentals |
| Chapter 810-12 | Home Occupations |
| Chapter 810-14 | Childcare Facilities |
| Chapter 810-16 | Urban Farm Animals |
| Chapter 810-18 | Agricultural Farm Stands and Farm Markets |
| Chapter 810-20 | Take-Out Food Establishments |
| Chapter 810-22 | Alcoholic Beverage Sales Commercial Activities |
| Chapter 810-24 | Adult Entertainment Businesses |
| Chapter 810-26 | Sale of Firearms |
| Chapter 810-28 | Tobacco Retailing Businesses |
| Chapter 810-30 | Cannabis Regulation |
| Chapter 810-32 | Industrial Hemp Cultivation |
| Chapter 810-34 | Renewable Energy Facilities |
| Chapter 810-36 | Oil and Gas Drilling and Production |
| Chapter 810-38 | Surface Mining and Reclamation |
| Chapter 810-40 | Junkyards |



| TITLE 8 - ZONING | |
|--|--|
| Chapter 810-42 | Cemeteries |
| Chapter 810-44 | Wireless Telecommunication Facilities |
| Chapter 810-46 | Meteorological Towers |
| Chapter 810-48 | Temporary Events |
| Chapter 810-50 | Nonconforming Uses |
| Division 812 – SUPPLEMENTAL REGULATIONS | |
| Chapter 812-2 | Affordable Housing: Density Bonus |
| Chapter 812-4 | Affordable Housing: Inclusionary Housing |
| Chapter 812-6 | Off-Street Parking |
| Chapter 812-8 | Transportation Demand Management |
| Chapter 812-10 | Sight Obstructions at Intersections |
| Chapter 812-12 | Signs |
| Chapter 812-14 | Tree Protection and Preservation |
| Chapter 812-16 | Water Efficient Landscapes |
| Chapter 812-18 | Land Conservation Contracts |
| Chapter 812-20 | Right to Farm |
| Chapter 812-22 | Floodplain Management |
| Chapter 812-24 | Dual Water Systems |
| Chapter 812-26 | Crockett-Carquinez Fire Protection District and Contra Costa County Fire Protection District |
| Chapter 812-28 | Community Facility Fees |
| Chapter 812-30 | School Facility Dedications |

RECOMMENDATION 1-B: USE PLAIN LANGUAGE AND REMOVE OUTDATED OR UNNECESSARY TERMS

The Clear Language Group⁴ recommends that text for the general public be written at the eighth-grade level or lower. Using clear and plain language would make the Code more

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<http://www.clearlanguagegroup.com/readability/#:~:text=For%20audiences%20with%20limited%20literacy,th%20grade%20level%20or%20lower>

inclusive and easier for County residents and developers to navigate. Below is an example of existing Code language that could be improved by using clear and plain language:

Current Code definition of “Building Height” (Section 82-4.214):

“Building height” means the vertical distance measured from grade to the top of structure directly above with exceptions noted elsewhere in the code. Height may be measured from finished grade when such grade is below natural grade. Height shall be measured from natural grade when the finished grade is higher than natural grade.

Recommended Code definition of “Building Height”:

"Building height" means the vertical distance measured from natural or finished grade, whichever is lower, to the highest point of a structure. See Chapter 82-10 (Rules for Provisions, Language, Measurement, and Interpretation) for more information and diagrams on how to take measurements.

The recommended building height definition is shorter, simpler, and easier to understand than the existing Code definition. Furthermore, the updated Code would also include definitions of “natural grade” and “finished grade” for clarity as well as a new Chapter 82-10 for measurement rules, diagrams, and exceptions.

The current Code also includes terms that are outdated, overly specific, or unnecessary. These terms can be confusing for readers and should be removed or replaced with more modern and broader terms.

RECOMMENDATION 1-C: INCORPORATE TABLES, MATRICES, AND LISTS

The updated Code should use tables, matrices, and lists where appropriate to provide information in a clear and organized way. Matrices and tables are often simpler, shorter, and easier to read and understand than information in a narrative format. They can also eliminate the need to refer to multiple chapters or divisions for information, especially when paired with Recommendation 1-A. The following example provides a comparison of how single-family residential development standards are currently presented in the Code, followed by a recommended development standards table for the Code update. Similar

tables and matrices could also be used for other zoning districts, parking standards, and allowed uses (see Recommendation 3-A).

Current Code development standards for Chapter 84-4 (*R-6, Single-Family Residential*):

Section 84-4.602 - Lot—Area.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot smaller than six thousand square feet in area.

Section 84-4.604 - Lot—Width.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot less than sixty feet in average width.

Section 84-4.606 - Lot—Depth.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot less than ninety feet in depth.

Section 84-4.802 - Building height—Maximum.

No single-family dwelling or other structure permitted in the R-6 district shall exceed two and one-half stories or thirty-five feet in height.

Section 84-4.1002 - Yard—Side.

There shall be an aggregate side yard width of at least fifteen feet. No side yard shall be less than five feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least fifty feet from the front property line.

Section 84-4.1004 - Yard—Setback.

There shall be a setback (front yard) of at least twenty feet for any structure in the R-6 district. On corner lots the principal frontage shall have a setback of at least twenty feet and the other setback shall be at least fifteen feet.

Section 84-4.1006 - Yard—Rear.

There shall be a rear yard for any principal structure of at least fifteen feet. There shall be a rear yard for accessory structures of at least three feet.



Recommended Code presentation of development standards⁵ for all Single-Family Residential zoning districts in the current Code:

| DISTRICT | R-6 | R-7 | R-10 | R-12 | R-15 | R-20 | R-40 | R-65 | R-100 |
|--------------------------------|-------|-------|--------|--------|--------|--------|--------|--------|---------|
| Minimum Lot Standards | | | | | | | | | |
| Lot Size (sq. ft.) | 6,000 | 7,000 | 10,000 | 12,000 | 15,000 | 20,000 | 40,000 | 65,000 | 100,000 |
| Lot Width (ft.) | 60 | 70 | 80 | 100 | 100 | 120 | 140 | 140 | 200 |
| Lot Depth (ft.) | 90 | 90 | 90 | 100 | 100 | 120 | 140 | 140 | 200 |
| Minimum Setbacks (ft.) | | | | | | | | | |
| Front | 20 | | | | 25 | | | 30 | |
| Side (each) | 5 | 10 | | | 15 | 20 | | 30 | |
| Rear | 15 | | | | | | | 30 | |
| Maximum Building Height | | | | | | | | | |
| Feet | 35 | | | | | | | | |
| Stories | 2.5 | | | | | | | | |

Lists are another way to improve the readability of Code language by highlighting key information and removing unnecessary text. The following example illustrates how lists could be applied to the current Code.

Excerpt from current Code Chapter 82-16 (*Off-Street Parking*):

82-16.202 - Purpose.

The purpose of this chapter is to provide a unified set of standards for off-street vehicle and bicycle parking to meet the needs of persons employed at, or making use of, each land use during peak hours of parking needs. This chapter is intended to encourage the use of features, design strategies, materials, products, and best construction practices that preserve natural resources, conserve water and energy, and maximize energy efficiency in the design of parking facilities. This chapter also is intended to balance the needs of pedestrians, vehicles, bicycles, and public transportation.

⁵ The single-family residential development standards presented in the matrix format are for demonstrative purposes only and are based on the existing set of districts in the current Code. New development standards for updated zoning districts have not yet been developed for the new Code.



Recommended revisions to Chapter 82-16 (*Off-Street Parking*):

82-16.202 - Purpose.

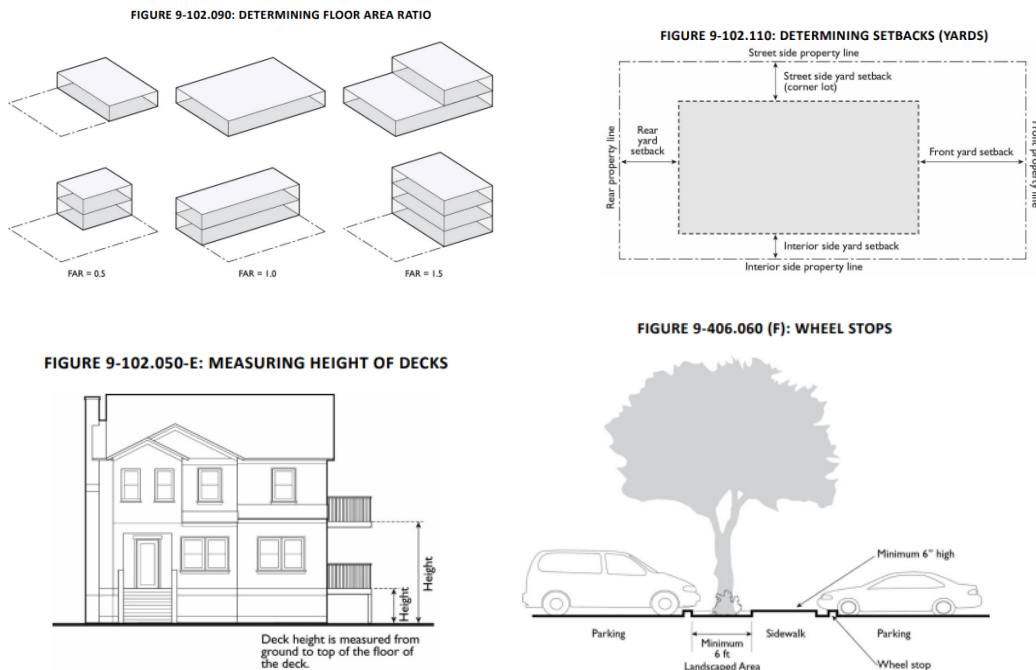
The purpose of this chapter is to:

- a) Provide standards for off-street vehicle and bicycle parking;*
- b) Ensure adequate off-street vehicle and bicycle parking for all uses during peak hours of parking needs;*
- c) Protect natural resources and conserve water and energy resources through parking design and construction practices; and*
- d) Balance the needs of pedestrians, vehicles, bicycles, and public transportation.*

RECOMMENDATION 1-D: ILLUSTRATE STANDARDS WITH IMAGES AND DIAGRAMS

Diagrams and images should be incorporated into the Code to reduce reliance on text and to clarify otherwise complex concepts. The San Joaquin County Municipal Code provides graphics to support and, in some cases, replace text for regulations, such as floor-area ratio, height and setback measurements, sign requirements, parking design criteria, and development types (Figure 3).

FIGURE 3 – COLLECTION OF EXAMPLE IMAGES AND DIAGRAMS FROM THE SAN JOAQUIN COUNTY MUNICIPAL CODE





Images could also be integrated into matrices for further clarity, as shown in the following example for commercial zoning district development standards (Figure 4).

FIGURE 4 –SAN JOAQUIN COUNTY DEVELOPMENT STANDARDS FOR COMMERCIAL ZONES EXAMPLE

| TABLE 9-201.030: DEVELOPMENT STANDARDS – COMMERCIAL ZONES ¹ | | | | | | | | | | |
|---|-------|-------|-------------------|-------|--------|--------|--------|---------|--------|---|
| P = Permitted Use; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Purpose Plan required | | | | | | | | | | |
| L# = Numbered limitation at end of table. "-" = No permitted | | | | | | | | | | |
| | | | | | | | | | | |
| District | C-L | C-N | C-C | C-O | C-G | C-FS | C-RS | C-R | C-X | # |
| Lot and Density Standards | | | | | | | | | | |
| Minimum Lot Size (sq. ft.) | 5,000 | 5,000 | 5,000 | 5,000 | 10,000 | 10,000 | 1 acre | 2 acres | 1 acre | |
| Minimum Lot Width (ft.) | 50 | 50 | 50 | 50 | 100 | 100 | 150 | 150 | 150 | ① |
| Corner Lots | 65 | 65 | 65 | 65 | 125 | 125 | 185 | 185 | 185 | ② |
| Minimum Lot Depth (ft.) | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | |
| Maximum Floor Area Ratio | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.5 | 0.6 | ③ |
| Building Form and Location | | | | | | | | | | |
| Maximum Height (ft.) | 40 | 40 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | ④ |
| Minimum Setbacks (ft.) | | | | | | | | | | |
| Front | 20 | 20 | 20 ² | 15 | 20 | 20 | 30 | 30 | 30 | ⑤ |
| Interior Side | None | None | None ² | None | None | None | None | None | None | ⑥ |
| Street Side | 20 | 20 | 20 ² | 10 | 20 | 20 | 30 | 30 | 30 | ⑦ |
| Rear | None | None | None ² | None | None | None | None | None | None | ⑧ |
| Notes : | | | | | | | | | | |
| 1 See Sections 9-400.050, Exceptions to Height Limits. | | | | | | | | | | |
| 2 Setbacks for yards within the C-C Zone in the unincorporated urban community of Woodbridge shall be as specified in the Woodbridge Design Guidelines. | | | | | | | | | | |

To improve accessibility for all users, alternative text (“alt text”, i.e., descriptive text that conveys the meaning and context of a visual item) should also be included for all images and diagrams.

2. Administrative Procedures

CONTEXT

The County currently has 26 different planning permit types that can be organized into three review levels: Ministerial, Administrative, or Discretionary (Table 3). Ministerial permits do not require personal judgment and can be approved by Planning staff if the proposed project meets established development standards. Ministerial permits may be issued “over the counter” and do not require hearings or public notification. Administrative permits are for projects with some discretionary elements, but ones that Planning staff can process internally without public hearings that can delay and increase costs for applicants. These permit types require final approval from the Zoning Administrator, and some require notifying neighboring property owners. Discretionary permits require decision makers, such as the Zoning Administrator or County Board of Supervisors, to exercise judgment and deliberation prior to approval. Public hearings with advanced public notification are required for these types of permits.

Processes and procedures for most permits are outlined in Title 2 (*Administration*), with requirements for some specific permit types (e.g., Land Use Permits) in Title 8 (*Zoning*). Clarity and consistency regarding permit review levels, thresholds, and specific procedures could be improved. Current permit pathways can be confusing to identify and navigate, which can place County staff in a difficult position of defending a practice that may be internal policy but is not codified. For example, the Code does not define thresholds for “substantial” or “non-substantial” changes to an approved project to determine the appropriate permit process, especially for P-1 zones. Furthermore, some processes that are in the Code (e.g., reconsiderations) are rarely used or lack adequate information for staff and the public to understand and apply for the permit type. There is also a consensus among staff that existing permit types should be evaluated to see if they align with current land use practices and General Plan goals. Some existing permit requirements can be onerous for projects that would support the goals of the General Plan or have limited potential to impact the surrounding area.

County staff and stakeholders identified the existing Small Lot Design Review process as an example of an overly burdensome entitlement process that does not consistently improve outcomes for neighborhoods or the environment. This process, outlined in Chapter 82-10 (*Lots*), is mandatory for any development on a lot that does not meet the current zoning district's minimum lot area or average width requirements. The design review process usually applies to older lots in areas where existing development patterns predate the



Code's minimum lot size requirements. As a result, these historically smaller lots are deemed “substandard,” and minor changes or improvements require approval from the County Zoning Administrator (ZA). Additionally, public hearings can be triggered if requested by neighbors.

Though well-intentioned, this process has often resulted in project delays due to disputes between neighbors. Laborious permit processes such as this can both burden staff resources and discourage or delay valuable investment in the community.

Table 3 lists the County’s existing permit types and indicates for each permit the level of review and approval body, as well as whether the permit is subject to the California Environmental Quality Act (CEQA), public noticing, or a public hearing.

TABLE 3 – EXISTING COUNTY PLANNING PERMIT TYPES

| REVIEW LEVEL | PERMIT TYPE | CEQA | PUBLIC NOTICE | PUBLIC HEARING | HEARING/ APPROVAL BODY |
|---------------------------|--|------|---------------|----------------|--|
| Ministerial Permits | Accessory Dwelling Unit | N | N | N | Planning Staff |
| | Agritourism | | | | |
| | Certificate of Compliance | | | | |
| | Compliance Review | | | | |
| | Home Occupation Permit | | | | |
| | Lot Line Adjustment | | | | |
| | Property Use Verification | | | | |
| | Short-Term Rental | | | | |
| | Urban Housing Development | | | | |
| | Urban Lot Split | | | | |
| Wireless Minor Alteration | | | | | |
| Administrative Permits | Small Lot Design Review | Y | Y | N* | Planning Staff (ZA if Hearing Requested) |
| | Administrative P-1 | Y | N | N | ZA |
| | Minor Subdivision (Administrative Lot Split) | | | | |
| | Industrial Hemp Cultivation Permit Renewal | Y | Y | N* | ZA |
| | Minor Development Plan | | | | |
| | Sign Review | | | | |

| REVIEW LEVEL | PERMIT TYPE | CEQA | PUBLIC NOTICE | PUBLIC HEARING | HEARING/ APPROVAL BODY |
|-----------------------|--------------------------|------|---------------|----------------|------------------------|
| | Temporary Event | | | | |
| | Tree Removal | | | | |
| | Variance | | | | |
| | Wireless Facility Access | | | | |
| Discretionary Permits | Development Plan | Y | Y | Y | ZA |
| | Land Use Permit | | | | |
| | Subdivisions | | | | |
| | General Plan Amendment | | | | BOS |
| | Rezoning | | | | |

*= Unless requested or appealed

BOS = Board of Supervisors

ZA = Zoning Administrator

RECOMMENDATION 2-A: CLARIFY ADMINISTRATIVE PROCEDURES

The comprehensive Code update should include a review of all existing procedures in Title 2 (*Administration*). Entitlement hierarchy (i.e., Ministerial, Administrative, or Discretionary), procedures, and decision-making protocols should be clearly defined so that all types of zoning decisions can be easily understood in the updated Code. At minimum, information related to the authority level for approval, public noticing, hearing criteria, and required findings should be provided in a manner that is easy to navigate and comprehend.

Clear thresholds and definitions for different entitlements or processes should also be established and codified to improve usability and reduce reliance on internal memos or policies. For example, although a Minor Development Plan and Major Development Plan permit currently exist, Title 2 (*Administration*) does not provide a clear distinction between the two permit types. Also see Recommendation 2-B.

Title 2 sub-sections could be reorganized to better reflect the process for each permit type, such as through the following organization.



- **Permit Type (e.g., Variance, Conditional Use Permit, Rezoning)**

- Purpose, Applicability, and Standards
- Application Requirements
- Procedures
- Findings Required
- Conditions of Approval
- Notice Requirements
- Hearing Requirements
- Appeals
- Expiration, Extensions, and Modifications

Alternatively, public hearing information like noticing requirements, hearing requirements, review authority, appeals, and expiration, extensions, and modifications could also be presented as a matrix for all permit types so that Code users can easily locate the applicable information (see example in Figure 5).



FIGURE 5 –CITY OF BERKELEY REVIEW AND DECISION-MAKING AUTHORITY MATRIX EXAMPLE

Table 23.402-1. REVIEW AND DECISION-MAKING AUTHORITY

| Type of Action | Zoning Ordinance Location | Role of Authority | | | | | | |
|---|----------------------------|-------------------------------------|----------------|-------------------------|-----------------------------------|--------------------------|---------------------|--------------|
| | | Planning and Development Department | Zoning Officer | Design Review Committee | Landmarks Preservation Commission | Zoning Adjustments Board | Planning Commission | City Council |
| Legislative Actions | | | | | | | | |
| Zoning Ordinance Amendments | 23.412 | Evaluate | - | - | - | - | Recommend | Decision |
| Permits | | | | | | | | |
| Administrative Use Permits | 23.406.030 | - | Decision | - | - | Appeal | - | Appeal |
| Use Permits | 23.406.040 | Evaluate | - | - | - | Decision | - | Appeal |
| Master Use Permits | 23.406.060 | Evaluate | - | - | - | Decision | - | Appeal |
| Permit Modification | 23.404.070 | Evaluate | Decision [3] | - | - | Decision [3] | - | Decision [3] |
| Permit Revocation | 23.404.080 | Evaluate | - | - | - | Recommend [4] | - | Decision |
| Design Review | | | | | | | | |
| Design Review | 23.406.070 | Evaluate | - | See Note [1] | | Appeal | - | Appeal |
| Staff-Level Design Review | 23.406.070 | - | Decision | Appeal | - | Appeal | - | Appeal |
| Flexibility and Relief | | | | | | | | |
| Variances | 23.406.050 | Evaluate | - | - | - | Decision | - | Appeal |
| Modifications to Development Standards in West Berkeley Plan Area | 23.406.080 | Evaluate | - | - | - | Decision | - | Appeal |
| Reasonable Accommodations | 23.406.090 | - | - | - | See Note [2] | | - | Appeal |
| Public Nuisances | | | | | | | | |
| Nuisance Abatement | 23.414.060 | Evaluate | - | - | - | Recommend [4] | - | Decision |
| Ministerial Actions | | | | | | | | |
| Zoning Certificates | 23.406.020 | - | Decision | - | - | - | - | - |

RECOMMENDATION 2-B: ESTABLISH A NEW MINOR USE PERMIT

To streamline minor uses that are consistent with the General Plan, we recommend splitting the existing Land Use Permit into two distinct permit types: Major Use Permit and Minor Use Permit.

- **Major Use Permit:** This permit would closely resemble the existing Land Use Permit.
- **Minor Use Permit:** This permit would cover projects and activities that broadly align with the General Plan and the zoning district's intended purposes. However, these projects might require specific considerations or conditions for approval. Minor Use Permit projects would typically be smaller in scale or have a reduced potential for land use incompatibility compared to those requiring a Major Use Permit.

These two permit types would be similar to the Minor Development Plan and Major Development Plan permit types for P-1 zoning districts discussed in Recommendation 2-A, where a clear definition of each type is recommended. As examples, the Minor Use Permit and Minor Development Permit may apply to projects such as ATMs and outdoor dining in commercial zones, minor expansions of existing approved uses (e.g., extended operating hours, adding an ancillary use), or modifications to an existing approved development project (e.g., constructing a new accessory building on site), including in P-1 zoning districts.

To implement this recommendation, the Code should outline detailed procedures for the Minor Use Permit application, review process, and approval. Applications for a Minor Use Permit would be considered an Administrative level permit type (Table 4), which would be subject to CEQA because they are discretionary actions, and require a notice of intent to be sent to adjacent property owners, but would not require a public hearing. The Zoning Administrator would act as final decision maker for the Minor Use Permit but may refer an application to the Planning Commission for a public hearing if the project involves a significant policy issue. The Zoning Administrator may require conditions of approval (e.g., operational limitations and design requirements) to minimize potential negative impacts and to ensure compatibility with the surrounding area and consistency with the zoning district and General Plan. Decisions of the Zoning Administrator may be appealed to the County Planning Commission within the established appeal period. To approve the Minor Use Permit, the Zoning Administrator would have to make required findings for the project, such as:

1. The project will not be detrimental to the public health, safety, convenience, or general welfare of persons residing or working in the neighborhood of such use;

2. The project is consistent with the purposes of the General Plan, the zoning district in which it is located, all other applicable provisions of this Code, any specific plan or applicable entitlements that regulate the subject property, and any applicable State and federal regulations;
3. The project is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Adequate measures are taken to reduce any negative impacts on neighboring residents or sensitive uses; and
5. Any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA unless overridden.

Table 4 outlines the initial proposal for a new permit hierarchy, which includes the new Minor Use Permit, removes the Small Lot Design Review Permit (see Recommendation 2-C), and establishes separate pathways for Minor and Major Development Permits, Land Use Permits, and Subdivisions.

TABLE 4 – INITIAL PROPOSAL FOR NEW PERMIT HIERARCHY – COUNTY PLANNING PERMIT TYPES

| REVIEW LEVEL | PERMIT TYPE | CEQA | PUBLIC NOTICE | PUBLIC HEARING | HEARING/ APPROVAL BODY |
|---------------------|---------------------------|------|---------------|----------------|------------------------|
| Ministerial Permits | Accessory Dwelling Unit | N | N | N | Planning Staff |
| | Agritourism | | | | |
| | Certificate of Compliance | | | | |
| | Compliance Review | | | | |
| | Home Occupation Permit | | | | |
| | Lot Line Adjustment | | | | |
| | Property Use Verification | | | | |
| | Short-Term Rental | | | | |
| | Urban Housing Development | | | | |
| | Urban Lot Split | | | | |
| | Wireless Minor Alteration | | | | |



| REVIEW LEVEL | PERMIT TYPE | CEQA | PUBLIC NOTICE | PUBLIC HEARING | HEARING/ APPROVAL BODY |
|------------------------|--|------|----------------|----------------|------------------------|
| Administrative Permits | Administrative P-1 | Y | Y ¹ | N ² | ZA |
| | Minor Subdivision (Administrative Lot Split) | | | | |
| | Minor Use Permit | | | | |
| | Industrial Hemp Cultivation Permit Renewal | Y | Y | N ² | ZA |
| | Minor Development Plan | | | | |
| | Sign Review | | | | |
| | Temporary Event | | | | |
| | Tree Removal | | | | |
| | Variance | | | | |
| | Wireless Facility Access | | | | |
| Discretionary Permits | Major Development Plan | Y | Y | Y | ZA |
| | Major Subdivision | | | | |
| | Major Use Permit | | | | |
| | General Plan Amendment | | | | BOS |
| | Rezoning | | | | |

¹ = Notice of Intent only

² = Unless requested or appealed

BOS = Board of Supervisors

ZA = Zoning Administrator

RECOMMENDATION 2-C: RIGHT-SIZE PERMIT REQUIREMENTS

Simply put, the comprehensive Code update should streamline the process for projects that further the County's goals and discourage projects that detract from them. Permit types and processes should also be relative in scale to the proposed project and in line with the goals of the General Plan. Proposed uses and development with potential negative impacts (e.g., heavy industrial uses, late-night bars, and minor subdivisions outside the County's Urban Limit Line) should undergo a more rigorous review than projects with fewer impacts or that provide community benefits (e.g., grocery stores and affordable housing). For example:

- Establish clear public noticing thresholds based on proposed use and intensity. Public notification distances for intensive uses, like refineries or logistics centers, could be increased from 300 feet to up to 3,000 feet, depending on the use.

- Protect agricultural land by establishing a new review process for individual single-family homes on agricultural property. New homes below a certain size threshold and that are not detrimental to agricultural use of other property in the vicinity would continue to be reviewed at a ministerial level, while larger homes, or homes sited in a way that could interfere with agricultural operations on adjacent properties, would require an administrative-level permit.⁶
- Streamline projects with lesser impacts by rezoning areas that are subject to Small Lot Design Review to appropriate minimum lot sizes or densities that match the established pattern of existing development or eliminating the Small Lot Design Review from Chapter 82-10 (*Lots*). This idea is reflected in the permit hierarchy recommendations in Table 4.

The number of uses or projects requiring discretionary review should also be evaluated and reduced where possible. This could be accomplished by: (1) permitting more uses by right, so long as they comply with the County's General Plan and Code regulations; (2) expanding the authority of the County Zoning Administrator to approve minor projects and uses not spelled out in the Code that are otherwise compatible with the subject zoning district; and (3) allowing the Zoning Administrator to approve minor waivers or deviations to development standards, as appropriate, at an administrative level without a hearing.

There are also several internal actions separate from the Code that County staff could undertake to help streamline projects. These may include:

- Refining internal work process to improve processing times for application review without significant increase in the risk of error.
- Allowing projects of a certain threshold or that meet General Plan goals to undergo concurrent planning and building permit review, at the applicant's risk and their choice.
- Developing additional objective design standards.

As part of the comprehensive Code update, the County should also consider holding focus group interviews with representatives from industries that the County would like to attract, such as food stores and large job generators, to better understand what other permit process changes would help to attract these uses.

⁶ Adapted from the Stanislaus County Municipal Code Sections 21.20.020(B)(2) and 21.100.050(C): <https://www.stancounty.com/planning/forms/zoning-ordinance.pdf>



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3. Land Use Regulations

CONTEXT

Land use regulations refer to the types of uses (e.g., office, manufacturing, restaurants) allowed in each zoning district. Land use regulations and processes outlined in the Code should be consistent with a jurisdiction's General Plan policies and reflect the purpose of the General Plan land use designation and zoning district.

The current Code identifies land use regulations in Division 82 (*General Regulations*), Division 84 (*Land Use Districts*), Division 86 (*Airports*), Division 88 (*Special Land Uses*), Division 810 (*Agricultural Land Conservation*), and Division 814 (*Slope and Hillside Development*). Having the land use regulations spread across 6 of the 11 divisions in Title 8 can make it difficult for the reader to find the appropriate information.

For example, in Division 84 (*Land Use Districts*), most land use regulations are presented as lists of activities that are permitted by right and those that require land use permits for each zoning district (Figure 6). However, some zoning districts in Division 84 simply refer to other Code sections (Figure 7) for allowed uses. In other cases, such as Division 82 (*General Regulations*), land use regulations are presented as separate chapters, like Chapter 82-20 (*Dog Keeping*) or Chapter 82-22 (*Child Care Facilities*). This inconsistent approach can make it difficult to navigate or easily compare uses across different zoning districts. Additionally, planned unit (P-1) zoning districts, such as Bay Point and North Richmond, have individual land use regulations that are housed outside of the Code.

Staff and stakeholders agree that the current Code land use regulations are both outdated and overly prescriptive. Examples include restrictions on cabaret uses or limiting business offices to only insurance, real estate, and investment brokers. Additionally, the regulations may not reflect a comprehensive list of uses suitable for each zoning district. For instance, existing agricultural districts fail to distinguish between animal production and animal keeping. They also limit uses based on commercial status, rather than considering the potential impacts of the use. This creates challenges for staff in administering and enforcing regulations for contemporary land use types, potentially leading to inconsistent zoning decisions.

FIGURE 6 – COUNTY USE REGULATIONS FOR GENERAL COMMERCIAL (C) ZONING DISTRICT (84-54.4)
 [\(CONTRACOSTA.CA.GOV/4736\)](http://CONTRACOSTA.CA.GOV/4736)

Article 84-54.4. - Uses



84-54.402 - Uses allowed.



The following uses are allowed in C districts:

- (1) All types of wholesale businesses, warehouses, freight terminals, trucking yards, lumberyards, cabinet shops, sheet metal shops, auto repair garages, contractor's yards, and uses allowed in single-family and two-family residential districts without or with a land use permit;
- (2) Uses allowed in N-B and R-B districts;
- (3) Animal hospitals;
- (4) Commercial dog kennels;
- (5) Reserved;
- (6) Emergency shelters that meet the requirements of [Chapter 82-46](#).

([Ord. No. 2022-03](#) § XIII, 5-24-22; Ords. 76-36 § 4, 1781 § 8, 1569 § 20; prior code § 8161(a); Ords. 1046 § 3, 697 § 2, 382 § 4D).

(Ord. No. 2014-11, § VII, 11-4-14)

84-54.404 - Uses—Requiring land use permit.



In the C district the following uses are permitted after the issuance of a land use permit:

- (1) Transit-mix plants;
- (2) Motels;
- (3) Hotels;
- (4) Structures having three or more residential apartment units. Minimum off-street parking requirements for apartment units shall be as required in Section 84-24.1202;
- (5) Reserved;
- (6) Reserved;
- (7) Where a road, having a right-of-way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned.
- (8) Commercial cannabis activities that meet the requirements of [Chapter 88-28](#).

([Ord. No. 2022-03](#) , § XIV, 5-24-22; Ord. No. 2018-18, § 5, 6-26-18; Ord. 67-39 § 3, 1967; Ord. 67-27 § 1, 1967; Ord. 2011; Ord. 1984; Ord. 1781; Ord. 1569; prior code § 8161(b); Ord. 1046; Ord. 382).

FIGURE 7 – COUNTY USE REGULATIONS FOR HEAVY INDUSTRIAL (H-I) ZONING DISTRICT (84-62.4) (CONTRACOSTA.CA.GOV/4736)

Article 84-62.4. Uses

84-62.402 - Uses — Permitted.



Heavy industrial manufacturing uses of all kinds, including, but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products shall be permitted in the H-I district.

(Ord. 1459; prior code § 8164(b); Ord. 1046; Ord. 382).

84-62.404 - Uses — Requiring land use permit.



Uses requiring land use permit in the H-I district shall be the same as the uses designated in [Section 84-58.404](#) for the L-I district.

(Ord. 67-39 § 5, 1967; Ord. 1459; prior code § 8164(a); Ords. 1046, 382).

RECOMMENDATION 3-A: APPLY USE TABLES

The updated Code should incorporate use tables to clearly outline permitted and non-permitted uses in each zoning district. These tables would replace the current subsections on 'Uses - Permitted' and 'Uses - Requiring Land Use Permit' found in most of the existing zoning district chapters. The Code could include a master use table for all zoning districts, like the Sacramento County Code example in Figure 8, or separate use tables in each zoning district's regulations section, as shown in Figure 9. Another item worth consideration is whether, and how, to incorporate existing P-1 use tables into the Code.

FIGURE 8 – EXCERPT FROM SACRAMENTO COUNTY ALLOWED USES TABLE EXAMPLE

TABLE 3.1: ALLOWED USES [AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 01-12-2019][AMENDED 07-16-2020][AMENDED 02-25-2021][AMENDED 09-09-2022]

KEY
 P = Permitted Primary Use UPP = Conditional Use Permit by the Planning Commission A = Permitted Accessory Use Grey Boxes – Refer to Applicable Use Standards in Sections Identified
 UPM = Minor Use Permit
 UPZ = Conditional Use Permit by the Zoning Administrator UPB = Conditional Use Permit by the Board of Supervisors TUZ = Temporary Use Permit by the Zoning Administrator

| Zoning Districts | Agricultural | | Agricultural Residential | | Residential | | | | | Recreation | | | Mixed Use | | | Commercial | | | Industrial | | | Use Standard | | |
|---|----------------------|----------------|--------------------------|----------------|----------------|-----------|-----------|-----------------|---------------------|------------|----|---|-----------|-----|-----|------------|----|-----------------|-----------------|----|-----|--------------|----------------|--------|
| Use, Service or Facility | AG-20 through AG-160 | UR | IR | AR-10 AR-5 | AR-2 AR-1 | RD-1 RD-2 | RD-3 RD-4 | RD-5 RD-7 RD-10 | RD-15 through RD-40 | RM-2 | RR | O | C-O | NMC | CMC | CMZ | BP | LC ¹ | GC ² | MP | M-1 | | M-2 | |
| AGRICULTURAL USES | | | | | | | | | | | | | | | | | | | | | | | | |
| A. General Agricultural Uses | P | P | P | P | P ³ | | | | | | | P | UPZ | UPZ | | | | | | | P | P | P | 3.4.1 |
| B. Agricultural Equipment Repair, Maintenance and Manufacturing | UPZ | | | | | | | | | | | | | | | | | | | | | UPZ | UPZ | |
| C. Agricultural Supplies and Services | UPZ | | | | | | | | | | | | | | | | | | P | | | P | P | |
| D. Primary Processing of Agricultural Products | p ⁴ | p ⁴ | p ⁴ | p ⁴ | | | | | | | | | | | | | | | | | | UPZ | P ⁴ | 3.4.12 |
| E. Commercial Beekeeping | P | P | P | P | P | | | | | | | | | | | | | | | | | | | 3.4.2 |
| F. Non-Commercial Beekeeping | | | | | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 3.4.2 |
| G. Crop Dusting Service | UPP | | | | | | | | | | | | | | | | | | | | | | | |

¹ Includes former SC Zoning District. Refer to Title IV of the Sacramento Zoning Code interim standards for SC zoning districts.
² Includes former AC and TC zoning districts, interim standards for AC and TC zoning districts should refer to Title IV of the Sacramento Zoning Code.
³ In the AR-1 zoning district, general agricultural uses are permitted on lots of 150 feet or greater width.
⁴ Permitted up to five (5) acres in AG zones and up to one (1) acre in AR zones. Otherwise, need UPZ is exceed acreage. Includes processing of industrial hemp pursuant to Section 3.4.12 in Ag-20 through AG-160 and M-2 zones only. In the M-1 zone a UPZ is required.



FIGURE 9 – LOS ANGELES COUNTY RESIDENTIAL USE TABLE EXAMPLE

| TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES | | | | | | | |
|---|-----|---------|-----|-----|-----|-----|------------------------|
| | R-A | R-1 | R-2 | R-3 | R-4 | R-5 | Additional Regulations |
| Utility-scale solar energy facilities, structure-mounted | P | P/ MCUP | P | P | P | P | Section 22.140.510 |
| Utility-scale wind energy facilities | - | - | - | - | - | - | |
| Residential Uses | | | | | | | |
| Adult residential facilities | | | | | | | |
| Facilities serving six or fewer persons | P | P | P | P | P | P | |
| Facilities serving seven or more persons | CUP | CUP | CUP | CUP | CUP | CUP | |
| Convents and monasteries, where on the same lot as a legally established church or school | CUP | CUP | CUP | SPR | SPR | SPR | |



RECOMMENDATION 3-B: REFLECT COMPREHENSIVE AND CONTEMPORARY LAND USES



Community gardens provide access to fresh produce and can serve as focal points for communities.

The updated Code should provide a comprehensive list of land uses that are adaptable to contemporary trends. Existing and new land uses outlined in the Code should be reviewed and evaluated for compatibility with each zoning district and associated General Plan land use designations, and for consistency with General Plan goals. Uses deemed inappropriate, outdated, or overly prescriptive should be eliminated and replaced with

more suitable options. New uses could include community gardens, neighborhood-serving uses (e.g., corner markets, which should be allowed in most residential land use designations, consistent with the 2045 General Plan), shared office or co-working spaces, drone-related activities, and alternative housing styles like tiny homes. The Code should also incorporate regulations or procedures that allow for the co-location of uses, including accessory uses. This may include flexible office spaces, shared office or co-working spaces, food halls combining restaurants and retail, breweries or wineries that host events, and businesses that manufacture and sell products on-site.

4. Zoning Districts and Development Standards

CONTEXT

Zoning districts organize land into different categories (e.g., residential, commercial, and industrial). The current Code has 37 base zoning districts, which can be grouped into seven broader categories. The large number of base districts, each with their own development standards, can be difficult for staff and the public to navigate. These existing zoning categories also need to be updated to reflect the County's updated General Plan.

Single-Family Residential. Nine zoning districts allow for single-family residential development and associated uses on properties ranging from 6,000 to 100,000 square feet in area.

Two-Family Residential. One zoning district allows for up to two dwelling units on a single parcel.

Multiple-Family Residential. Five zoning districts allow for multiple-family residential development and associated uses with densities ranging from 6 to 29 units per acre.

Agricultural. Six zoning districts allow agricultural uses and preservation.

Commercial, Office, and Business. Six zoning districts allow for an assortment of commercial, retail, office, and neighborhood business uses.

Manufacturing and Industrial. Four zoning districts allow for controlled manufacturing and light industrial to heavy industrial uses.

Other. Other zoning districts include Forestry Recreation (F-R), Water Recreational (F-1), Interchange Transitional, Unrestricted (U), Planned Unit (P-1), and Mobile Home/Manufactured Home Park (T-1).

The development standards established for each zoning district should be clear, easy to understand, and reflect modern requirements. Staff and stakeholders have noted that some development standards in the current Code do not reflect the County's updated General Plan policies, and that standards can be confusing, conflict with requirements from other County divisions or departments, and be cumbersome or infeasible for certain development projects. Furthermore, even though area-wide P-1 zones are similar to one another, they are all covered in separate documents, which can be difficult for staff and the

public to navigate. Finding and understanding development standards and regulations for private development projects in P-1 zones can also be hard.

RECOMMENDATION 4-A: UPDATE DISTRICTS TO BE CONSISTENT WITH THE GENERAL PLAN

Preliminary recommendations to align zoning districts with the Contra Costa County 2045 General Plan are as follows:

- Recommended Zoning Districts to Eliminate and Consolidate:
 - Eliminate and combine residential zoning districts that are inconsistent with new General Plan densities or are rarely used.
 - Combine the General Agricultural (A-2) district and Heavy Agricultural (A-3) district into a single district called General Agricultural with a 10-acre minimum lot size, consistent with the 2045 General Plan. Change the abbreviation to A-10 to relate to the minimum lot size.
 - Eliminate the Slope Density and Hillside Development (SD-1) Combining District and consider incorporating requirements as design and development standards for hillside properties.
 - Remove the Water Recreational (F-1) zoning district, which is applied to areas where residential uses also have a dock, and rezone all existing F-1 properties to residential. Allowed uses for the F-1 zoning district should be incorporated into other appropriate zoning districts or as part of the new Supplemental Regulations and Standards Division.
 - Replace the Limited Office (O-1) and Administrative Office (A-O) districts with General Commercial (C-G) zoning that incorporates office uses.
 - Replace the Neighborhood Business (N-B) and Retail Business (R-B) districts with Commercial Local (C-L) zoning.
 - Eliminate the Controlled Heavy Industrial (W-3) zoning district as it is rarely applied. Incorporate relevant W-3 regulations into the existing Heavy Industrial (H-I) zoning district.
 - Evaluate the benefits and drawbacks of removing area-wide P-1 zones and integrating applicable P-1 standards into the rest of the Code. The P-1 zoning district would be retained for private projects that implemented a Planned Unit Development.

- Recommended New Zoning Districts or Overlays to Establish:
 - Establish new residential zones to accommodate all densities and development patterns allowed by the General Plan, such as R-2 and R-4 zones for existing and future small-lot single-family development, and M-60 and M-125 zones for the high end of the density range.
 - Establish new mixed-use zoning districts that align with the General Plan’s mixed-use land use designations.
 - Establish new General Commercial (C-G) and Commercial Local (C-L) zoning districts.
 - Consider creating additional agricultural sub-districts for agricultural parcels over 80 acres, such as A-160 and A-320. New agricultural sub-districts should include incentives for maintaining larger agricultural parcel sizes and consolidating existing small parcels into larger parcels.
 - Establish an Impacted Communities Overlay Zone with input from the community. The overlay zone should include areas within and adjacent to the Impacted Communities shown in Figure SC-1 of the 2045 General Plan (Figure 10). The Impacted Communities Overlay Zone should also establish discretionary permit requirements for nonresidential developments of 25,000 square feet or more; and require additional project findings that promote environmental justice, health, and safety. Projects within the overlay zone should support community objectives; provide economic benefits for the community; avoid permanent displacement of existing residents or businesses; support community resiliency, cohesion, and safety; and positively impact health and quality of life within the community.

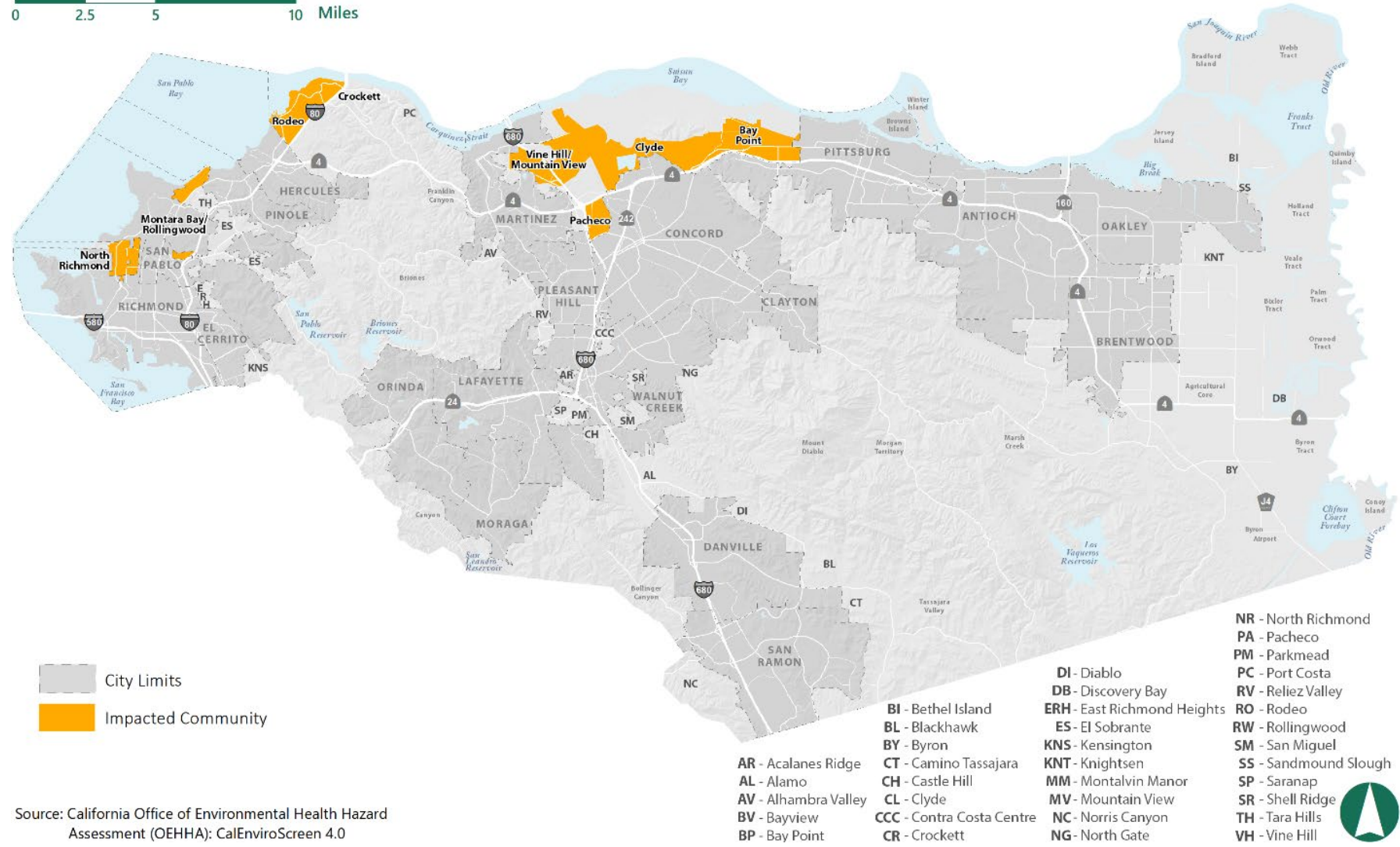
- Additional Recommendations:
 - Differentiate residential sub-districts based on density rather than “single-family,” “two-family,” or “multiple-family.”
 - Revise the abbreviation for the Agricultural Preserve District from A-4 to A-P.

Issues and Recommendations by Review Topic



FIGURE 10 – IMPACTED COMMUNITIES MAP

0 2.5 5 10 Miles



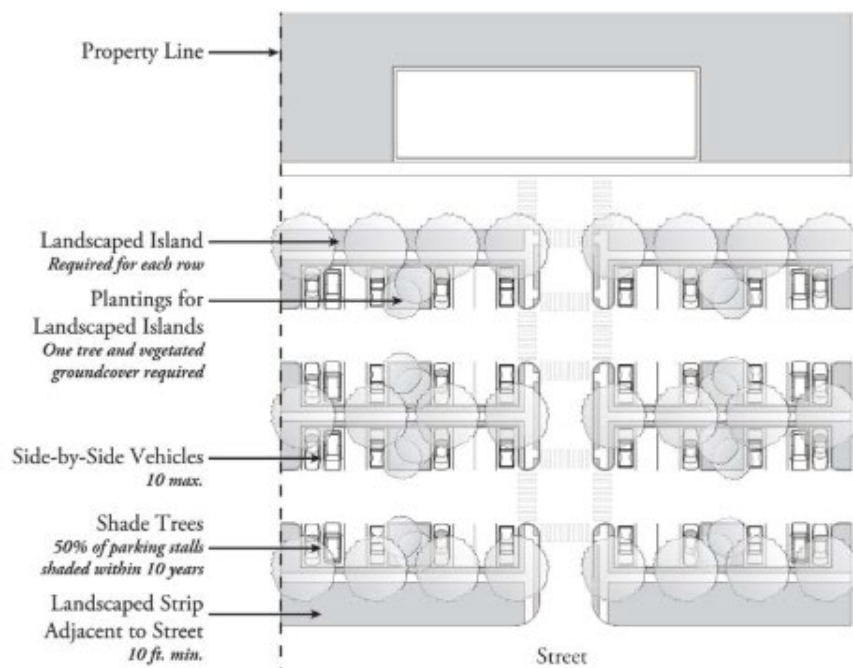
Source: California Office of Environmental Health Hazard Assessment (OEHHA): CalEnviroScreen 4.0

RECOMMENDATION 4-B: APPLY CLEAR DEVELOPMENT STANDARDS

Development standards across all zoning districts should be well-defined and easy to understand. The comprehensive Code update should prioritize clear organization, presentation, and the elimination of confusing standards. As presented in Recommendation 1-C, the organization and presentation of development standards can be greatly improved through tables, matrices, and lists. For example, the updated Off-Street Parking Chapter could include a matrix outlining vehicular and bicycle parking standards for all use types. Similarly, parking lot landscape design and layout standards could be simplified by a table format with images (Figure 11).

FIGURE 11 - BUTTE COUNTY PARKING LOT LANDSCAPING STANDARDS EXAMPLE

FIGURE 24-95-2 PARKING LOT LANDSCAPING STANDARDS



Additionally, the Code should eliminate confusing development standards or concepts, replacing them where necessary. For residential-zoned properties, this could include eliminating the “half-story” element and removing the aggregate side-yard setback requirements. Instead, we could adopt full-story maximum building height, and setbacks based on a minimum linear-foot requirement for the front, sides, and rear setbacks.



The Code should also strive for consistency between the zoning development standards and requirements found elsewhere in the County Ordinance Code or implemented by other County departments and divisions (like Public Works Department and Building Division). To achieve this, a collaborative review is recommended. Staff from relevant County divisions, such as those mentioned above, should be involved in examining existing development standards, including ADU setbacks and other accessory structures. Conflicting standards can then be identified and updated to ensure a more streamlined and cohesive Code.

RECOMMENDATION 4-C: INCORPORATE FLEXIBLE AND MODERN STANDARDS

Development standards should align with General Plan policies while remaining clear and flexible. This flexibility is important to accommodate contemporary uses and encourage development. Table 5 provides initial recommendations for introducing greater flexibility into Code development standards and includes examples of how other jurisdictions have implemented these recommendations.

TABLE 5 – DEVELOPMENT STANDARDS PRELIMINARY RECOMMENDATIONS

| REGULATION | RECOMMENDATION |
|-----------------------------|---|
| Building Height Regulations | Establish graduated height limits or setbacks to allow buildings to be taller with less solar access conflicts. |
| Parking Regulations | Replace parking minimums with maximums for some uses or areas of the county. See City of Berkeley Municipal Code Section 23.322.070 (<i>Parking and Loading</i>): https://berkeley.municipal.codes/BMC/23.322 |
| | Allow off-street parking exemptions for certain uses (e.g., adaptive reuse or re-tenanting of older downtown buildings) where appropriate. |
| | Relax parking requirements when adequate street parking is available for existing and proposed uses. |
| Residential Regulations | Require new commercial parking lots with 50 or more spaces to mitigate heat gain through installation of shade trees, solar arrays, or other emerging cooling technologies. |
| | Establish and refine standards for alternative home types (e.g., modular or tiny homes), including in the T-1 Mobile Home/Manufactured Home Park District. |
| Residential Regulations | Permit more encroachments into setback areas (e.g., front porches, bay windows, and architectural features). See San Joaquin County Municipal Code Section 9-400.020 (<i>Building Projections into Required Yards</i>): https://library.municode.com/ca/san_joaquin_county/codes/development_title?nodeId=SJC |
| | |



| REGULATION | RECOMMENDATION |
|--------------------------------------|--|
| Planned-Unit Development Regulations | Update the intent and purpose of P-1 zoning to be used only where existing zoning regulations cannot be efficiently used for the proposed project. |
| | Update the required P-1 project findings to show that the proposed development would not be successful under any other base zoning districts and that the project would provide community benefits consistent with the General Plan. |
| Accessory Structure Regulations | Revise the maximum building size for accessory buildings to be proportional in size to the property on which they are located. See Santa Clara County Municipal Code Section 4.20.020 (<i>Accessory Buildings and Structures</i>): https://stgenpln.blob.core.windows.net/document/ZonOrd.pdf#0-TOC |
| | Establish requirements for retaining walls greater than seven feet to be staggered and incorporate landscaping to reduce visual impact. See City of San Carlos Municipal Code Section 18.12.050.E (<i>Hillside Development Standards</i>) for retaining wall requirements: https://cityofsancarlos.primegov.com/Portal/viewer?id=0&type=7&uid=33bc15bd-eb3e-44f3-b9c1-b8abdeffdf73 |
| | Revise the definition of “structure” to exclude retaining walls that meet all development standards. |
| Environmental Protection Regulations | Establish development standards for urban land uses that interface with agricultural uses, ecologically significant resource areas, and other protected conservation lands. New development standards should, at minimum, address appropriate setbacks, buffers, lighting, fencing, screening, and landscaping. See Los Angeles County Municipal Code Section 22.102.090 (<i>Significant Ecological Areas Development Standards</i>): https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV5SPMAAR_CH22.102SIECAR_22.102.090SEDEST . |
| | See Butte County Municipal Code Division 7 (<i>Agricultural Buffers</i>): https://library.municode.com/ca/butte_county/codes/code_of_ordinances?nodeId=CH24ZO_ARTIIIIGERE_DIV7AGBU |
| | Require clustering of new development on agricultural properties to protect agricultural vitality and sustainability. |
| | Incorporate new provisions related to microgrids and battery energy storage systems. |
| Quality of Life Regulations | In collaboration with community members, law enforcement, and local leaders, develop standards that encourage public safety through environmental design. |
| | Establish a public art requirement for new development of a certain project type and size. See City of Berkeley Municipal Code <i>Chapter 23.316 (Percentage for Public Art on Private Projects)</i> : https://berkeley.municipal.codes/BMC/23.316.010 |
| | Establish a community garden requirement for new development of a certain project type and size. See Sacramento County Municipal Code Table 5.7.C (<i>Project Development Standards</i>) and Table 5.8.B (<i>Project Development Standards</i>) for regulations for common open space and outdoor amenities, which can include community gardens: https://planning.sacounty.gov/LandUseRegulationDocuments/Documents/Zoning-Code/Chapter_5_1.13.23.pdf.pdf |

Issues and Recommendations by Review Topic



| REGULATION | RECOMMENDATION |
|------------|---|
| | Require new multifamily residential, commercial, and mixed-use development projects to designate areas adequate for package and goods deliveries and passenger loading and unloading. |

APPENDIX A – ZONING CODE UPDATES BY PHASE

Appendix A – Zoning Code Updates by Phase

Phase I: All Housing Element Update actions that must be completed by January 31, 2024.

- HE-A5.1 Action: Increase the supply of land zoned for high-density housing. This will include creation of new zoning districts for consistency with the new General Plan land use designations. Amend the General Plan and County Ordinance Code, as needed and detailed in Section 6.4, to provide adequate sites for at least 3,266 lower-income units, with particular attention to land in moderate and higher resource designations and communities identified as RCAAs (i.e., Vine Hill, Reliez Valley, Alhambra Valley, Briones, Saranap, Acalanes Ridge, Castle Hill, Alamo, Diablo, Blackhawk, Discovery Bay, and Kensington) (by January 31, 2024).
- HE-A5.2: Change zoning on parcels identified in one or more prior Housing Element to address state law under Government Code Section 65583.2(c) and facilitate housing opportunities on those parcels (by January 31, 2024).
- HE-A3.2: Continue to offer housing opportunities and funding to facilitate housing for those with disabilities. Create a reasonable accommodation procedure (by February 2024).
- HE-A5.1: Increase the supply of land zoned for high-density housing. This will include creation of new zoning districts for consistency with the new General Plan land use designations. Amend the General Plan and County Ordinance Code, as needed and detailed in Section 6.4, to provide adequate sites for at least 3,266 lower-income units, with particular attention to land in moderate and higher resource designations and communities identified as RCAAs (i.e., Vine Hill, Reliez Valley, Alhambra Valley, Briones, Saranap, Acalanes Ridge, Castle Hill, Alamo, Diablo, Blackhawk, Discovery Bay, and Kensington) (by January 31, 2024).
- HE-A6.1: Update Title 8 of the County Ordinance Code. Current revisions needed to the County Ordinance Code include: (by 2024):
 - Allow employee housing for six persons or fewer anywhere single-family residential uses are allowed to comply with the Employee Housing Act.
 - Establish a streamlined review process and standards for eligible projects under SB 35 (2017), as set forth under Government Code Section 65913.4.
 - To affirmatively promote more inclusive communities, review and revise the County's requirements for Residential Care Facilities with seven or more persons and permit them as a residential use subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. These types of facilities are still subject to state licensing requirements.
 - Allow transitional and supportive housing in all zoning districts in the same way that other housing is allowed per SB 2 (2007) and also to allow supportive housing without discretionary review in areas zoned for residential use where multifamily and mixed uses are permitted, per Assembly Bill (AB) 2162 (2018).
 - Allow low-barrier navigation centers without discretionary review in compliance with AB 101 in areas zoned for mixed use and nonresidential zones permitting multifamily uses.
 - Update the land use permit findings to not have a disproportionate impact on housing affordable to lower income households.

- Allow emergency shelters as a permitted use (non-discretionary) in the Light Industrial zoning district to implement AB 2339. In 2027, the County will evaluate the remaining suitable sites in the zones that allow emergency shelters by right and compare with the homeless need at the time. If the available sites do not address or exceed the homeless need, the County will update the zoning to allow emergency shelters by right in more locations in order to address the homeless need.
- Amend the definition of emergency shelters to clarify that emergency shelters may include other non-permanent housing interventions, such as a navigation center, bridge housing, and respite or recuperative care.
- Update parking standards for emergency shelters to accommodate all staff, provided they do not require more parking than other residential or commercial uses in the same zone (Government Code Section 65583(a)(4)(A)(ii)). The County will also assess all of the operational standards for emergency shelters and update if needed for consistency with state law.
- Amend the definition of “family” in the Contra Costa County Municipal Code to not limit family by size or relation such that it does not impede the ability of persons with disabilities to locate housing.
- As part of the comprehensive update, the County will establish or modify development standards (including setbacks, lot coverage and height limits) for new or existing zoning districts allowing residential uses to facilitate achieving allowable maximum densities.

Phase II: The comprehensive Zoning Code update effort. This includes restructuring Title 8- Zoning, updating definitions, and making minor cleanup or updates to development standards and entitlement processes. Targeted updates to Title 2- Administration and Title 9- Subdivisions are also included in Phase II.

Code Accessibility

Ease of Use

- SC-A10.1: Amend County Ordinance Code Title 8 – Zoning to improve accessibility by: a) Using formatting tools and techniques, such as matrices and tables, that streamline the document. b) Incorporating diagrams and other graphics to reduce reliance on text. c) Using clear, unambiguous, and non-technical language whenever possible.
- Re-organize Code to improve navigation. Specific ideas include:
 - Have all definitions in one place.
 - Keep special land uses in the same place.
 - List zoning districts in a logical way (e.g., alphabetize).
 - Eliminate/reduce the need to look in multiple sections for standards or requirements (e.g., applicable setbacks are provided in the language for each zoning district, definition of “lot”, and Article 82-12.4 Highway).
 - Remove obsolete sections of code (e.g., *Cabaret Ordinance*).
 - Specify and differentiate special uses and general uses.
 - Remove Dog Keeping Ordinance. Incorporate uses into a master allowed-use matrix and transfer appropriate definitions to *Definitions* chapter.
- Simplify language so that it is easier to interpret and navigate.

- Incorporate more diagrams, illustrations, and realistic examples to help in interpreting complex portions of the code (e.g., where to measure building height, etc.).
- Include zone section references to avoid readers having to switch to multiple sections.
- Provide hyperlink to development standards through Accela or CCMAPS so that when someone clicks on their lot, the setbacks, side yards, building heights, stories, etc. are provided on screen.

Terms and Definitions

- Update *Definitions* (Chapter 82-4) by including additional terms that are needed but missing. Ex:
 - Crawlspace
 - Recreation area (as it refers to off-street parking)
 - Junkyards
 - Microgrid
- Update *Definitions* (Chapter 82-4) by removing outdated, unnecessary, or overly specific terms.
- Update *Definitions* (Chapter 82-4) by clarifying interchangeable or confusing terms. Ex:
 - Development
 - Building vs. structure
 - Whether fences and retaining walls are considered structures
 - Yard vs. setback
 - Building area vs. building footprint
 - Frontage and/or roadway
 - Primary vs. secondary frontage
 - Net vs. gross acreage
- Ensure that terms and definitions are consistent with State guidelines (e.g., transitional housing, congregate care, assisted living facility, convalescent home) and General Plan glossary.
- Establish consistent rules for measurement (e.g., how “Average Lot Width” is determined).

Administrative Procedures

Clarify Procedures

- HE-A2.8 Action: Amend the County Ordinance Code to include an ordinance authorized pursuant to Senate Bill 10 unless determined infeasible or nonbeneficial (by December 2025).
- LU-A2.1: Amend the County Ordinance Code to require the following prior to approval of a tentative map for subdivision in areas designated Agricultural Lands or Agricultural Core: a) Evidence of adequate groundwater supply to support intended uses, considering the cumulative, long-term demand. b) Demonstration that each parcel is suitable for an on-site wastewater treatment system. c) Satisfactory road and street access, particularly for emergency vehicles. d) Adequate regional drainage capacity, including downstream natural watercourses. e) Detailed site plans for each lot indicating building locations, driveways, well and leach field locations, energy-efficient and-conserving features, location of hazards such as landslides and floodplains, necessary flood and stormwater management improvements, and fencing. f) Other information that may be required to confirm the safe use of each lot for its intended purpose.
- Clarify and revise Zoning Administrator (ZA) duties and administrative approval authorization identified in Title-2 by:
 - Allowing the ZA the ability to approve smaller projects (ex: a straight Major Subdivision with no rezoning or final development plan) administratively.

- Providing provisions within the code that give the DCD Director or ZA the authority to allow an unlisted use that resembles, or is compatible with, a listed use.
- Establish clear permit thresholds and definitions of “substantial” vs. “unsubstantial” or “minor” vs. “major” changes to help reduce existing inconsistencies with processing and public hearing requirements.
- Review the Lot Line Adjustment approval procedures (92-4.047).

Right-Size Permit Requirements & Establish New Procedures Where Needed

- HE-A6.2 Action: Continue developing and implementing practices to further streamline approval of planning entitlements and issuance of building permits for residential projects including development of objective design standards (see Action HE-A2.6).
- LU-A9.3: Amend the County Ordinance Code and/or procedures to streamline the permitting process for businesses and industries that provide living-wage jobs, invest in the community, hire from the local workforce, and embrace sustainability.
- Simplify the process and minimize applicable fees for childcare and preschool facilities, churches, and other similar land uses.
- SC-A5.2: Amend the County Ordinance Code and/or procedures to streamline permitting processes for grocery stores and markets in Impacted Communities and food deserts.
- SC-A11.6: Amend County Ordinance Code Title 2 – Administration to increase the public notification distance for hearings concerning refineries and other large stationary sources (i.e., any stationary source that emits, or has the potential to emit, 40 tons per year or more of nitrous oxides or sulfur dioxide; 15 tons per year of coarse particulate matter; 10 tons per year of fine particulate matter; and/or 200 tons per year of carbon dioxide) from 300 to 3,000 feet.
- Evaluate heliport and vertiport regulations and revise as needed.
- Reduce the number of discretionary applications that are required by identifying more application types that can be approved without a public hearing and allowing more uses by right. Ensure that existing and proposed ministerial permits are appropriate and in line with County policies.
- Consider different review “tracks” for the same type of activity but with differing intensity or potential impacts (including visual effects on neighbors). For example, offer lesser design review for additions versus new construction.
- Establish a new Minor Use Permit type. Review requirements and best practices from other jurisdictions.
- Require a lesser permit type for outdoor ancillary uses in the current R-B zoning district, such as non-drive through ATMs, Redbox, donation boxes, and outdoor dining.
- Require a lesser permit type (ex: Minor Use Permit) for large accessory buildings, rather than a variance. Establish threshold and definition for “large.”
- Consider eliminating “reconsideration” option or clean up to clarify how it is different than an appeal.
- Eliminate the Small Lot Design Review process (Chapter 82-10).
- Update findings for areawide P-1s to require that: the project demonstrates how existing zoning districts cannot be efficiently used for project; the project demonstrates that P-1 zoning is necessary to achieve the project; and the project provides community benefits that support the General Plan.
- Establish a Temporary Use Permit and/or expand the existing Temporary Event Permit to apply to community-serving uses such as farmer’s markets and maker’s fairs.

- Evaluate the County's role when other agencies/departments are not exempt from State law. Revise procedures as needed.

Separate from Code

- Develop a factsheet that describes the different required permitting processes, including overlapping processes and how they relate to each other.

Land Use Regulations

General

- Update and align allowed uses for all zoning districts- “Allowable Use Modernization Effort.” Specific ideas include:
 - Replace uses that are too prescriptive with broader use categories.
 - Remove outdated uses and replace with common uses for today’s market (e.g., event centers, businesses with multiple uses).
 - In areas where sales of a certain item is an allowed use (e.g., some P-1 districts), consider also allowing the repair of that product (e.g., furniture sales and repair).
- Re-evaluate the permitted uses in the zoning code vs. those that require a use permit; adjust to encourage uses that promote access to healthy food and to discourage unhealthy uses, like bars and liquor stores.
- Add cell sites into different zoning districts, ex. retail business.

Residential Uses

- To the extent permitted by State law, limit new residential development to already-approved development and one dwelling unit per legal parcel. (3-56) (Bethel Island, Policies, #4)
- Consider allowing area-serving non-residential uses in or nearby residential districts that support community character.

Agricultural Uses

- SC A4.1: Amend the urban agriculture provisions in County Ordinance Code Title 8 – Zoning to address the following: a) Zoning districts where urban agriculture is allowed. b) Permitting requirements. c) Development and performance standards. d) Environmentally safe and sustainable practices. e) Sale of crops and value-added products. f) Animal husbandry. g) Disposal of food waste and agricultural byproducts.
- Include non-profit farm animal sanctuary/pet hospital as an allowed use in A-2 or other appropriate agriculture zoning district.
- Remove Section 84-38.1402 subsection 4 language, “Legitimate poultry hobbyists as approved in writing by the animal services director.”
- Consider additions to the “R-” districts and the Urban Farm Animal Ordinance to clarify that animal keeping is only allowed as a secondary use and not allowed on vacant properties.

Commercial/Office Uses

- Broaden allowable commercial uses without a permit.
- Allow treatment/rehab/support facilities and medical offices/uses in retail and commercial zoning districts.
- Allow office uses in R-B, N-B districts.

Industrial Uses

- Allow compatible ancillary uses (e.g., sales) in industrial zones.

Other Uses

- Review County Ordinance Code provisions and consider the suitability of each zoning district for the establishment of airports and heliports. (Existing Transportation Element Program 5-bm)
- Review Chapter 88-12: Adult Entertainment Businesses Ordinance and update as needed.

Zoning Districts and Development Standards

General

- Prepare a comprehensive zoning table/matrix identifying development standards for all zoning districts.
- Provide clear requirements between public works, building, and current planning divisions to ensure that codes (e.g., ADUs & Accessory Structures) align with one another.

Accessory Structure & Building Standards

- Evaluate development standards (e.g., height, setbacks, FAR, lot coverage) for accessory structures and buildings. Revise as needed to allow development that is appropriate for and proportionate to subject zoning districts and existing primary buildings/structures.
- Define requirements for how to separate and/or stagger retaining walls/fences to not be considered a structure and require a Variance.

Agricultural Standards

- COS-A2.4: Amend County Ordinance Code Title 8 – Zoning to include development standards, and possibly adopt accompanying design guidelines, for urban land uses that interface with agricultural uses, addressing, at minimum: a) Setbacks on urban properties that provide a buffer to agricultural uses. b) Location and arrangement of buildings, structures, and uses on urban properties. c) Lighting, fencing, screening, and appropriate landscaping/vegetation.
- LU-P10.1: Encourage consolidation of agricultural parcels not meeting the minimum acreage requirement for the applicable zoning district.
- LU-A10.1: Amend County Ordinance Code Title 8 – Zoning related to development of homes and associated buildings and structures on agricultural properties to require clustering of such improvements to protect agricultural vitality and sustainability.

Environmental Standards

- COS-A4.2: Amend County Ordinance Code Title 8 – Zoning to include development standards, and possibly adopt accompanying design guidelines, for urban land uses that interface with ecologically significant resource areas and other protected conservation lands, addressing, at minimum: a) Setbacks on urban properties that provide a buffer to resource areas. b) Clustering development to maximize ecological and conservation benefits. c) Fencing, lighting, screening, and landscaping/vegetation that support, and do not interfere with, wildlife migration and other conservation purposes.
- COS-A14.2: Amend County Ordinance Code Division 88, Special Land Uses, to consolidate Chapters 88-3 and 88-30 governing wind energy conversion systems and solar energy facilities, respectively, into a new renewable energy chapter, with added provisions related to microgrids and battery energy storage systems.

- COS-A14.3: Amend County Ordinance Code Division 88.3—Wind Energy Conversion Systems to require that of decommissioned wind farms be returned to a condition consistent with the natural environment in the area of the time of decommissioning, rather than a return to pre-project condition. The following issues must be specifically addressed: a) Unnecessary and poorly constructed roads that are sources of erosion. b) Remaining turbine foundations/footings and underground conduit. c) Abandoned equipment yards, turbine components, and other debris.

P-1 Standards

- HE-P5.3 Policy: Promote mixed-use development by eliminating minimum area requirement to establish a P-1 District.
- Either replace areawide P-1s with new zoning districts or keep areawide P-1s but address ongoing issues. Will need direction from Board of Supervisors.

Residential Standards

- HE-P1.4 Policy: Ensure that the County’s condominium conversion ordinance (Chapter 926-2.202) mitigates impacts to displaced tenants and ensures the quality of units being sold to homeowners.
- HE-A2.1 Action: Provide funding or financial incentives for new affordable housing development.
- HE-A3.1 Action: Work with housing developers and housing service providers to address the needs of those with special housing needs.
- Eliminate the half-story element.
- Remove aggregate side yard setback requirement.
- Evaluate if “sliding scale” for setbacks is still needed. Remove or revise as needed.
- Consider expanding permitted setback encroachments (e.g., front porches).
- Consider establishing standards and regulations to allow for alternative housing styles (e.g., shipping container houses, tiny houses).

Transportation & Parking Standards

- HS-A8.1: Amend County Ordinance Code Chapter 82-16, Off-Street Parking, to achieve consistency with Policy HS-P8.3. [“Require new commercial parking lots with 50 or more spaces to mitigate heat gain through installation of shade trees, solar arrays, or other emerging cooling technologies. Prioritize the use of solar arrays where feasible and appropriate.”]
- TR-A6.3: Amend County Ordinance Code Title 9 – Subdivisions to require new multifamily residential, commercial, and mixed-use developments to designate areas adequate for package and goods deliveries and passenger loading and unloading.
- Adopt zoning that provides more flexibility for downtown development, including relaxing parking requirements when street parking is available and expanding allowed uses to include light manufacturing for businesses that both manufacture and sell products on-site. (Byron, Actions, #2)
- Exempt adaptive reuse or re-tenanting of older downtown buildings from compliance with off-street parking requirements when appropriate. (Crockett, Policies, #8)
- Consider incorporating parking benefit districts into “downtown” areas (i.e., Crockett, Byron, Rodeo, etc.).
- Simplify Off-Street Parking Landscape Design and Layout (Section 82-16.404.c) standards.
- Remove Take-Out Food Establishments Ordinance (Chapter 88-16) and incorporate requirements for keeping parking lots clean into the Off-Street Parking Ordinance (Chapter 82-16).
- Consider removing parking minimums and establishing parking maximums.

Other Development Standards

- COS-A9.1: Amend County Ordinance Code Title 8 – Zoning to incorporate the following requirements for new or expanded marinas and docks: a) Adequate channel width and depth, as defined by the State Harbors and Navigation Code. b) Served by a public fire protection district. c) Adequate public vehicular access. d) Adequate supply of potable water. e) Adequate on-site facilities for sewage and solid waste disposal. f) Compatibility with nearby agricultural uses. g) Compatibility with nearby conservation/habitat lands. h) Designed to avoid inundation from projected sea-level rise, as shown on Figures HS-6 through HS-9 (Sea-Level Rise Projection Maps) in the Health and Safety Element.
- COS-A12.1: Amend County Ordinance Code Division 814, Slope and Hillside Development, to convert the requirements from being a combining district to design and development standards related to building envelopes, building massing, colors, materials, grading, draining, and erosion control.
- PFS-A6.1: In collaboration with community members, law enforcement, and local leaders, revise the County Ordinance Code to incorporate standards for new development that support a safe, accessible public realm for all through environmental design.
- SC-A4.2: Amend the County Ordinance Code to add a requirement for certain projects to incorporate community gardens into the project design. As part of this process, identify a threshold for triggering this requirement, considering project type, size, and location, and establish standards for garden size and design. Consider the unique needs of Impacted Communities when developing these regulations.
- SC-A7.1: Amend County Ordinance Code Title 8 – Zoning to establish a public art requirement for new development and funding mechanisms to create and maintain public art.
- Consider having graduated height limits/stepbacks to allow buildings to be taller with less solar access conflicts.
- Revise levee setbacks to 50' unless different standard approved by Reclamation District prior to entitlement approval.

Zoning Map Updates

- LU-P10.2: Ensure all former Williamson Act parcels are rezoned from Agricultural Preserve District to an agricultural zoning district appropriate for the area.
- SC-A1.3: With input from residents of Impacted Communities, amend County Ordinance Code Title 8- Zoning to create an Impacted Communities Overlay Zone that applies to areas within and adjacent to Impacted Communities and establishes requirements for discretionary permits for nonresidential developments of 25,000 square feet or more. The overlay zone will include additional required project findings that promote environmental justice, health, and safety. Projects able to satisfy the required findings will: a) Provide benefits that support the community objectives, such as those identified in the Community Profile. b) Provide economic benefits for the community. c) Avoid unwelcome permanent displacement of existing residents or businesses in the community. d) Support community resiliency, cohesion, and safety. e) Positively impact health and quality of life within the community. As part of the process to develop this ordinance, create guidance for demonstrating consistency with these findings.
- Establish new residential subdistricts with smaller minimum lot sizes than currently allowed. Rezone areas where a majority/many lots are substandard (e.g. Walnut Creek R-10 and Crocket).
- Remove F-1 zoning and replace it with R-6 zoning or appropriate residential zoning. New residential zoning should include levee information and requirements.

- Establish new agricultural sub-districts for agricultural parcels over 80 acres, such as A-80, A-120, and A-160.
- Remove A-2 and A-3 zoning districts and replace with A-10.
- Rename A-4 zoning district to A-P, Agricultural Preserve District.
- Establish new mixed-use zoning designations that are consistent with the General Plan and allow vertical and horizontal mixed-use development.
- Remove O-1 and O-A zoning districts and replace with R-B, with office uses allowed).
- Conduct a comprehensive review of existing zoning and amend where needed to ensure consistency with General Plan. Also eliminate zoning districts not currently in use throughout the unincorporated County. This may include rezoning C-M (Controlled Manufacturing); F-R (Forest Recreation District properties); W-3 (Controlled Heavy Industrial); and D-1 and –T (Two-Family Residential, Transitional Overlay Combining); A-O (Administrative Office District); C-B District A (Community Business District A); ITR (Interchange Transitional District); U (Unrestricted).

Phase III: Larger updates that could be considered separate projects. Many of these updates would begin concurrently with Phase II updates but are expected to require more time or effort. Phase III includes items like new ordinances for regulatory issues, such as environmental justice and air quality. It will also include the creation of materials to help disseminate and explain the updated Zoning Code.

Code Accessibility

Separate from Code

- Develop factsheets as supplement to Code.

Administrative Procedures

Clarify & Update Procedures

- COS-A2.5: Review the Williamson Act Program to identify potential areas for improvement, such as: a) Expanding the range of allowable uses to include wildlife habitat areas. b) Increasing enforcement of non-compliant properties. c) Creating a mechanism to ensure rezoning of properties no longer under a Williamson Act contract.
- Adopt viable methods to encourage residents to open businesses in North Richmond, such as proactive outreach to the community, assisting with funding through various tax incentives, streamlining entitlement processes, and revising County ordinances and fees. (North Richmond, Policies, #13)
- Update *Nonconforming Uses Ordinance* (Chapter 82-8) and related procedures.
- Develop an ordinance, in coordination with Environmental Health, to regulate mobile vendors, such as Taco trucks.

Land Use Regulations

Industrial Uses

- COS-A14.1: Amend County Ordinance Code Chapter 88-14 – Oil and Gas Drilling and Production to:
 - a. Prohibit new and expanded oil and gas production wells in the following:
 - i. Sensitive ecological areas, such as wetlands and habitat for rare, threatened, endangered, or special-status species.

- ii. Areas subject to 100-year flood hazards or sea-level rise, as shown in Figures HS-2 and HS-6 through HS-9.
- iii. Areas within 3,200 feet of sensitive receptors or urban land use designations unless project-specific exceptions are granted by the California Department of Conservation, Geologic Energy Management Division.
- b. Restrict oil and gas drilling operations to agricultural zoning districts only.
- c. Require a land use permit for all new and expanded oil and gas wells.
- d. Require a reclamation plan for oil and gas well sites that includes bonding for site clean-up.
- e. Include performance standards related to water quality, air quality, odors, noise, and aesthetics.

In parallel, study the feasibility of amending the County Ordinance Code to prohibit development of new oil and gas wells and phase out existing oil and gas well operations.

- SC-A1.2: Amend County Ordinance Code Chapter 84-63, Land Use Permits for Development Projects Involving Hazardous Waste or Hazardous Materials, to: a) Increase the hazard scores for projects with potential to adversely affect Impacted Communities to ensure more projects are subject to discretionary review. b) Address ambiguities and antiquated terminology that complicate administration of the ordinance. c) Require preparation of a plan to prevent and remediate any contaminant releases, along with bonds that guarantee remediation plans are implemented, for projects in areas subject to sea-level rise or tsunami inundation.

Other Uses

- Evaluate existing zoning that regulates private land on public airports. Update as needed in coordination with Airport staff.

Zoning Districts and Development Standards

Environmental Standards

- COS-A5.3: Amend the County Ordinance Code to apply the creek setback requirements in Title 9-Subdivisions to all projects, including those that are not part of a subdivision.
- HS-A1.2: In consultation with BAAQMD and community stakeholders, amend County Ordinance Code Title 8 – Zoning to create an Air Pollution Exposure Overlay Zone around freeways that requires new construction in these areas to install enhanced ventilation systems and other strategies to protect people from respiratory, heart, and other health effects associated with breathing polluted air.
- HS-A1.3: In consultation with BAAQMD and community stakeholders, amend County Ordinance Code Title 8 – Zoning to include an Industrial-Sensitive Receptor Interface Overlay Zone applied to areas where residential land uses and other sensitive receptors interface or directly abut heavy industrial land uses. In the overlay zone, require industrial uses to reduce pollution and employ strategies to mitigate air quality, noise, vibration, odor, light, visual, and safety impacts on nearby sensitive receptors. In addition, require new sensitive receptors to install enhanced ventilation systems and implement other strategies, paid for by neighboring sources of pollution to the extent possible, to protect residents from health and quality of life impacts.
- LU-P2.6: Encourage clustering of allowable densities through use of Planned Unit District zoning to reduce development footprints and protect scenic resources, natural features, floodplains, and open spaces.

Residential Standards

- HE-A5.4 Action: Continue to offer density bonuses and to update the local density bonus ordinance to maintain consistency with state law.

Transportation & Parking Standards

- Work with Transportation staff and the Public Works Department to develop strategies to incentivize alternative modes of transportation, including walking. Strategies may include in lieu fees for traffic/pedestrian improvements and off-site parking for certain projects.

Other Development Standards

- Update the “Nonconforming use” section (82-34.602) of the code to clarify separate requirements for non-conforming uses and non-conforming structures and how they can or cannot be repaired, replaced, or expanded.
- SC-A2.1: Study the feasibility of implementing an amortization process to eliminate non-conforming land uses.
- Review and evaluate existing policies on private vs. public roadways for subdivisions. Update as needed.

Zoning Map Updates

- Establish consistency between the General Plan and zoning in Canyon by rezoning the portion of the community designated R-20 Single-Family Residential District to A-3 Heavy Agricultural District or its successor zoning district. If possible in the future, amend the General Plan land use designation and zoning to accurately represent and respect Canyon’s unique topographical characteristics and historical development pattern, including existing and historical uses, buildings, structures, lot sizes, roadways, and open spaces, while protecting public health, safety, and general welfare. This may include adoption of Planned Unit District zoning with tailored development and design regulations that reflect and facilitate existing and anticipated land uses in Canyon and support the unique, historic community’s rural residential character. (Canyon, Actions, #3)

Separate Items: These are projects that are already in progress and/or are not considered as part of the comprehensive zoning update.

Land Use Regulations

- Update uses allowed or not allowed in agriculturally-zoned districts based on findings from recent staff efforts on agricultural land regulation.

Zoning Districts and Development Standards

Environmental Standards

- COS-A6.1: Update County Ordinance Code Chapter 816-6, *Tree Protection and Preservation*, to enhance tree protections and strengthen mitigation requirements/restitutions for tree removal.
- COS-A13.1: Update County Ordinance Code Chapter 88-11, *Surface Mining and Reclamation*, as necessary to maintain consistency with the Surface Mining and Reclamation Act (SMARA).

Residential Standards

- HE-A2.3: Increase the supply of affordable housing through implementation of the Inclusionary Housing Ordinance (IHO). Provide incentives for developers subject to IHO who provide affordable units with three or more bedrooms in areas of concentrated overcrowding.

- 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 they call or come into the planning counter.

Other Development Standards

- HS-A14.1: Study the feasibility of adopting a noise ordinance establishing maximum exterior noise levels of sensitive receptors for noise generated by permanent and temporary stationary, non-transportation sources and construction sources.
- Update and clarify sections of the *Wireless Telecommunication Facilities Ordinance* (Chapter 88-24) regarding definitions (e.g., structures as it applies to PG&E poles) and pole extension measurements to comply with new FCC ruling.
- Update and refine the *Signs Ordinance* (Chapter 88-6).

APPENDIX B – KEY USER SURVEY RESULTS

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 19, 2023 2:38:42 PM
Last Modified: Tuesday, September 19, 2023 2:58:44 PM
Time Spent: 00:20:02
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

They are all easy to understand

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

Net vs gross acreage density calculations are not consistent with State law regarding density bonus projects. Secondary frontage setbacks are also unclear.

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Strongly Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

Secondary frontage setbacks,

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

Walnut Creek is easier to understand.

Contra Costa County Zoning Code - User Survey

Q6

Is there anything else that you would like to share with us about the County's zoning code?

The retaining wall setbacks are incompatible with new subdivisions if there is a grade differential between the new lots.

Q7

Please provide your email address below if you are interested in either or both of the following:

Updates about the zoning code update process,

Participate in a follow-up interview or focus group, if held

Q8

Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 19, 2023 4:12:37 PM
Last Modified: Tuesday, September 19, 2023 4:20:20 PM
Time Spent: 00:07:43
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

ADU, Wireless, Sign ordinance; more recently prepared ordinances that give a breakdown of the application types triggered and their submittal requirements.

Q2

Respondent skipped this question

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Strongly Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

our lot information is scattered throughout the code, and some parts are enforced through interpretation and not code language.

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

other cities WELO ordinances; we do not really have one and provide no real submittal breakdown.

Q6

Is there anything else that you would like to share with us about the County's zoning code?

each ordinance being its own chapter, and being in alphabetical order would be beneficial.

Q7

Please provide your email address below if you are interested in either or both of the following:

Updates about the zoning code update process,

Participate in a follow-up interview or focus group, if held

Q8

Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 05, 2023 9:13:19 AM
Last Modified: Thursday, October 05, 2023 9:42:43 AM
Time Spent: 00:29:24
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

I start my county projects by calling Planning to confirm setbacks, height limits and any other key requirements.

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

Accessory Units versus Accessory Dwelling Units, not every building is for sleeping. larger garages and sheds kinda fall in the cracks.

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

I have no problem with Planning, it is waiting for the other departments to respond that is tedious.

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

No, most architects and GCs prefer working with the County. City staff often don't have a full grasp of their own codes.

Q6

Is there anything else that you would like to share with us about the County's zoning code?

I think that generally, Planning in the county is fine. But plan check from building or DPW takes forever and those folks are horribly overworked.

Q7

Updates about the zoning code update process

Please provide your email address below if you are interested in either or both of the following:

Q8

Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 05, 2023 3:31:49 PM
Last Modified: Thursday, October 05, 2023 3:38:13 PM
Time Spent: 00:06:24
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

The sections that has the visualized maps and accompanying legend that is color coded.

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

the bulk of it as it is language that is not customary to everyday linguistics. It is specially hard to comb through as it seems to resemble legalese at time.

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label) **Disagree**

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

I am usually sent to look up a code, but making meaning out of it is hard as the language is not clear. I wish there was an accompanying "what the formal code says vs what is means in real people talk"

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

I feel like San Francisco does a better job of making zoning codes and information more accessible. Even in the layout of their webpage <https://sfplanning.org/zoning>

Q6

Is there anything else that you would like to share with us about the County's zoning code?

It would be really helpful to add dates for when a code was updated on the website. It currently only lists codes and additional info, and it would be informational to add dates of last changes made or last updated version

Q7

Respondent skipped this question

Please provide your email address below if you are interested in either or both of the following:

Q8

Respondent skipped this question

Thank you for completing our survey. Please provide your email to receive the selected project updates.

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 07, 2023 3:12:36 PM
Last Modified: Saturday, October 07, 2023 3:23:57 PM
Time Spent: 00:11:20
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Page 2

Q1 Respondent skipped this question

Which specific sections or regulations of the County's zoning code are easy to understand and why?

Q2 Respondent skipped this question

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

Q3
Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label) **Neutral**

Q4
If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

What is the necessity of a "Small Lot review" if the lot has already been accepted in the area zoning? And if the lot has already been thru a previous review? A waste of time.

Q5
Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

San Ramon just made a big mistake on one of my projects. A planner called the prop. R-10 and it is R-7. Cost two/plus weeks for them to correct.

Q6

Is there anything else that you would like to share with us about the County's zoning code?

Over the counter discussions are more efficient than working from E-mail applications. Get the Co. Office's open. You are not serving the public working from home.

Q7

Participate in a follow-up interview or focus group, if held

Please provide your email address below if you are interested in either or both of the following:

Q8

Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 09, 2023 9:36:45 AM
Last Modified: Monday, October 09, 2023 9:42:03 AM
Time Spent: 00:05:17
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

None because although an application is submitted following all the codes, neighbors can complain and cause a project to be denied, even when staff encourages and supports a project.

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

Affordable housing codes are difficult to understand and even when complied with a project cannot be approved if neighbors complain

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Strongly Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

Affordable housing and CEQA

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

Yes, Concord, San Rafael, Orinda and Walnut Creek, CA

Q6

Is there anything else that you would like to share with us about the County's zoning code?

The codes are meaningless because county officials can deny a project if they do not like the laws or codes (as was specifically stated by every planning commissioner in the county).

Q7

Respondent skipped this question

Please provide your email address below if you are interested in either or both of the following:

Q8

Respondent skipped this question

Thank you for completing our survey. Please provide your email to receive the selected project updates.

#7

COMPLETE

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Started: Monday, October 09, 2023 1:04:38 PM
Last Modified: Monday, October 09, 2023 1:28:33 PM
Time Spent: 00:23:55
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

Land Use Districts

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

General Regulations. Seems like too many disparate issues in one section. Maybe breaking into more sections would make things easier to find.

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

It might be helpful to have a more descriptive section on each type of permit and the situations to which they might apply. Maybe also a yes/no project checklist.

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

CCC's ordinance is no more difficult to understand than another I have used on the Peninsula. However, interpretation of setback requirements and method of processing development plans has not always been consistent over the years

Contra Costa County Zoning Code - User Survey

Q6 Respondent skipped this question

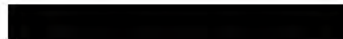
Is there anything else that you would like to share with us about the County's zoning code?

Q7 Updates about the zoning code update process,
Participate in a follow-up interview or focus group, if held

Please provide your email address below if you are interested in either or both of the following:

Q8 Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 12, 2023 1:48:05 PM
Last Modified: Thursday, October 12, 2023 2:00:56 PM
Time Spent: 00:12:51
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

Various uses and what is allowed and what requires use permits.

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

When there is notification to neighbors and when not, when there are conflicting items such as allowing lot splits and minimum lot sizes...

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label) Agree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

When is a house 3 story?

What are the setbacks, sideyards and rear yards for unusual lot shapes and double or triple frontages

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

NA

Contra Costa County Zoning Code - User Survey

Q6 Respondent skipped this question

Is there anything else that you would like to share with us about the County's zoning code?

Q7 Updates about the zoning code update process,
Participate in a follow-up interview or focus group, if held

Please provide your email address below if you are interested in either or both of the following:

Q8 Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 13, 2023 3:42:25 PM
Last Modified: Friday, October 13, 2023 3:51:45 PM
Time Spent: 00:09:20
IP Address: [REDACTED]

Page 2

Q1

Which specific sections or regulations of the County's zoning code are easy to understand and why?

General Commercial

Q2

Which specific sections or regulations of the County's zoning code are difficult to understand and why?

There are too many zoning districts. Because there are too many it is difficult to find what zoning district a property is located within.

Q3

Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: "The County's zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand."

(no label)

Disagree

Q4

If applicable, please share an example when you could not obtain a clear answer about a specific use or zoning regulation because the information was not clearly outlined in the zoning code.

Ag zoning districts do not account for misc uses. Like basketball courts or tennis courts.

Q5

Based on your experience working in other jurisdictions, do you find their zoning codes to be more helpful or easier to understand than Contra Costa County's? If so, please indicate which jurisdiction(s) and why.

Honestly, yes. Other jurisdictions zoning codes are easy to understand and follow.

Contra Costa County Zoning Code - User Survey

Q6

Is there anything else that you would like to share with us about the County's zoning code?

I think you are doing it. Keep reaching out and asking for advice and how to make the zoning code streamlined. I envision a 99% online process of researching zoning code, submitting application, communication with Staff. All of these things would make it seamless.

Q7

Please provide your email address below if you are interested in either or both of the following:

**Updates about the zoning code update process,
Participate in a follow-up interview or focus group, if held**

Q8

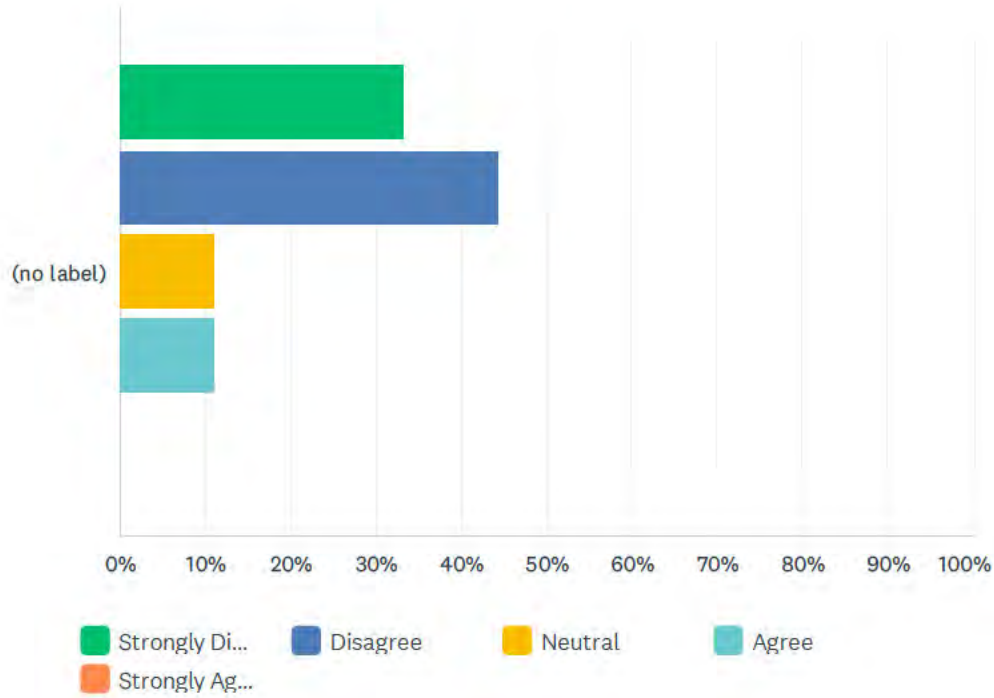
Thank you for completing our survey. Please provide your email to receive the selected project updates.

Email address



Q3 Please indicate if you agree or disagree with the following statement for the types of projects you most typically submit: “The County’s zoning code clearly outlines the project entitlement process in a way that is easy for applicants to understand.”

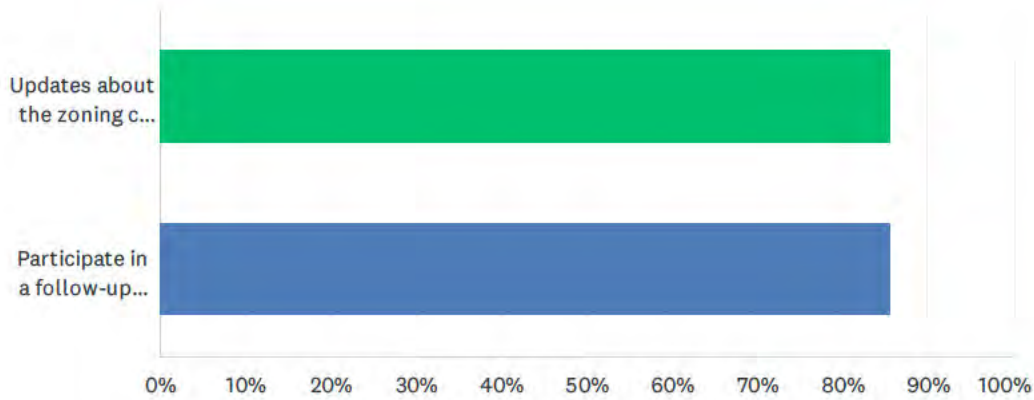
Answered: 9 Skipped: 0



| | STRONGLY DISAGREE | DISAGREE | NEUTRAL | AGREE | STRONGLY AGREE | TOTAL | WEIGHTED AVERAGE |
|------------|-------------------|-------------|-------------|-------------|----------------|-------|------------------|
| (no label) | 33.33% 3 | 44.44% 4 | 11.11% 1 | 11.11% 1 | 0.00% 0 | 9 | 2.00 |

Q7 Please provide your email address below if you are interested in either or both of the following:

Answered: 7 Skipped: 2



| ANSWER CHOICES | RESPONSES | |
|--|-----------|---|
| Updates about the zoning code update process | 85.71% | 6 |
| Participate in a follow-up interview or focus group, if held | 85.71% | 6 |
| Total Respondents: 7 | | |

