

ORDINANCE NO. 2022-37

AN ORDINANCE AUTHORIZING CHILD CARE CENTERS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance authorizes the establishment of child care centers that have obtained all required state and local agency approvals and licenses in residential, recreation, office, agricultural, business, and commercial zoning districts with the issuance of a land use permit.

SECTION II. Section 84-4.402 of the County Ordinance Code is amended to read:

84-4.402 Uses—Permitted. The following uses are allowed in an R-6 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.
- (2) Crop and tree farming.
- (3) Publicly owned parks and playgrounds.
- (4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.
- (5) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.
- (6) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.
- (9) An urban housing development in compliance with the provisions of Chapter 88-36.

- (10) Supportive housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.
- (11) Transitional housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside. (Ords. 2022-37 § 2, 2022-14 § 3, 2020-01 § 6, 2018-06, § 4, 2017-14, § 5, 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A.)

SECTION III. Section 84-4.404 of the County Ordinance Code is amended to read:

84-4.404 Uses—Requiring land use permit. The following uses may be allowed in an R-6 district on the issuance of a land use permit:

- (1) Hospitals, eleemosynary and philanthropic institutions, and convalescent homes.
- (2) Churches and religious institutions and parochial and private schools.
- (3) Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis, and swimming clubs, and veterans' and fraternal organizations.
- (4) Greenhouses, over three hundred square feet.
- (5) More than one detached dwelling unit on a lot or parcel, if the density is not greater than the following:
 - R-6 district — Six thousand square feet per dwelling unit.
 - R-7 district — Seven thousand square feet per dwelling unit.
 - R-10 district — Ten thousand square feet per dwelling unit.
 - R-15 district — Fifteen thousand square feet per dwelling unit.
 - R-20 district — Twenty thousand square feet per dwelling unit.
 - R-40 district — Forty thousand square feet per dwelling unit.
 - R-65 district — Sixty-five thousand square feet per dwelling unit.
 - R-100 district — One hundred thousand square feet per dwelling unit.
 - D-1 district — No density restriction.
 - F-1 district — No density restriction.
- (6) Commercial nurseries. A land use permit application shall include a site plan indicating planting and landscaping areas, existing and proposed structures, and plans and elevations to indicate architectural type.

- (7) Medical and dental offices and medical clinics.
- (8) Publicly owned buildings and structures except as provided in Division 82.
- (9) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.
- (10) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.
- (11) The installation of exterior lighting at a height of seven feet or more above the finished grade of the parcel except exterior light placed upon the single-family residence.
- (12) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.
- (13) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside. (Ords. 2022-37 § 3, 2017-14 § 6, 2013-12 § 4, 2003-17 § 5, 87-67 § 4, 86-43, 83-70, 76-75 § 1, 76-36 § 2, 73-51 § 3, 67-38, 1762, 1569 § 1, 1549: prior code § 8142(b): Ords. 1405, 1179 § 3, 382 § 4A).

SECTION IV. Section 84-14.402 of the County Ordinance Code is amended to read:

84-14.402 Uses–Permitted. The following uses are allowed in the R-20 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.
- (2) Crop and tree farming, and horticulture.
- (3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year.
- (4) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.
- (5) Publicly owned parks and playgrounds.

- (6) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.
- (7) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.
- (8) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (9) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (10) An urban housing development in compliance with the provisions of Chapter 88-36.
- (11) Supportive housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.
- (12) Transitional housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside. (Ords. 2022-37 § 4, 2022-14 § 4, 2020-01 § 7, 2018-06 § 5, 2017-11 § 4, 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ord. 1269, 1179 § 8, 382 § 4V.)

SECTION V. Section 84-26.404 of the County Ordinance Code is amended to read:

84-26.404 Uses—Requiring land use permit. The following uses may be allowed in an M-29 district on the issuance of a land use permit:

- (1) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes.
- (2) Churches, religious institutions, and parochial and private schools.
- (3) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis, and swimming clubs; veterans' and fraternal organizations not organized for monetary profit.
- (4) Greenhouses (over three hundred square feet) and nurseries for the propagation of

plants only and not including any retail sales of nursery products.

- (5) Medical and dental offices and clinics.
- (6) Publicly owned buildings and structures, except as provided in Division 82.
- (7) Commercial radio and television receiving transmitting facilities but not including broadcasting studios or business offices.
- (8) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.
- (9) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.
- (10) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside. (Ords. 2022-37 § 5, 2017-14 § 8, 2013-12 § 5, 2003-17 § 7, 87-67 § 5, 86-43 § 7, 78-40 § 1, 72-44 § 2, 1761, 1569 prior code § 8151(b); Ord. 1224.)

SECTION VI. Section 84-32.404 of the County Ordinance Code is amended to read:

84-32.404 Uses—Requiring land use permit. In the F-R district the following uses are permitted on the issuance of a land use permit:

- (1) Gift shops.
- (2) Tea rooms.
- (3) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2022-37 § 6, 86-43 § 9; prior code § 8153(a)(b) (part)).

SECTION VII. Section 84-34.402 of the County Ordinance Code is amended to read:

84-34.402 Uses—Permitted. Uses permitted in the F-1 district shall be as follows:

- (1) A detached single-family dwelling on each lot and accessory structures and uses normally auxiliary to it.

- (2) Crop and tree farming, not including the raising or keeping of any animals other than ordinary household pets.
- (3) Noncommercial boating facilities with a maximum of two boat berths, provided that the boating facilities have adequate sanitary facilities provided on the lot onto which the boat berths are attached or on the piers which are attached to the subject lot. Also, for each boat berth there shall be provided two off-street parking spaces on the lot onto which the boat berth is attached. The residential off-street parking requirement may be used to satisfy the parking requirement for one boat berth.
- (4) A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.
- (5) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.
- (6) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24. (Ords. 2022-37 § 7, 2020-01, § 9, 86-43 § 10, 68-25 § 2, 1958: Ord. 67-38 § 1 (part), 1967: prior code § 8154(a): Ords. 671, 613).

SECTION VIII. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

- (1) Publicly owned parks and playground.
- (2) Dude ranches, riding academies and stables, and dog kennels.
- (3) Publicly owned buildings and structures, except as provided in Division 82.
- (4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.
- (5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.
- (6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency

approvals and licenses.

- (7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.
- (8) Churches, religious institutions, and parochial and private schools.
- (9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.
- (10) One additional single family dwelling.
- (11) Medical and dental offices and medical clinics.
- (12) Merchandising of agricultural supplies and services incidental to an agricultural use.
- (13) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (14) Canneries.
- (15) Slaughterhouses and stockyards.
- (16) Rendering plants and fertilizer plants or yards.
- (17) Livestock auction or sales yards.
- (18) Commercial recreational facilities when the principal use is not in a building.
- (19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.
- (20) Retail firewood sales.
- (21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

- (22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.
- (23) A farm market.
- (24) Agricultural cold storage plants on parcels less than ten acres in size.
- (25) Farmworker housing center.
- (26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b); Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION IX. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

- (1) Merchandising of agricultural supplies and services incidental to agricultural use.
- (2) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (3) Canneries.
- (4) Cold storage plants.
- (5) Rendering plants and fertilizer plants or yards.
- (6) Livestock auction or sales yards.
- (7) Wholesale nurseries and greenhouses.
- (8) Mushroom houses.
- (9) Processing of milk not produced on premises.
- (10) Dude ranches, riding academies, stables, dog kennels.
- (11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

- (12) Churches, religious institutions, parochial and private schools.
- (13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.
- (14) Medical and/or dental offices and clinics.
- (15) Boat storage area within one mile by public road of a public boat launching facility.
- (16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.
- (17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.
- (18) One additional single-family dwelling.
- (19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.
- (20) A farm market.
- (21) Farmworker housing center.
- (22) Commercial cannabis activities that meet the requirements of Chapter 88-28.
- (23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).

SECTION X. Section 84-80.404 of the County Ordinance Code is amended to read:

84-44.404 Use—Requiring land use permit. In the O-1 district the following uses are permitted upon the issuance of a land use permit:

- (1) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes.
- (2) Churches, religious institutions, and parochial and private schools.

- (3) Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis and swimming clubs; veterans' and fraternal organizations not organized for monetary profit.
- (4) Publicly owned buildings and structures, except as provided in Division 82.
- (5) Studios and galleries for arts and crafts, music and dance, and photography.
- (6) Commercial radio and television receiving and transmitting facilities; broadcasting studios or business offices; home cablevision facilities, including repair shops, storage areas, and equipment parking space necessary for operation and maintenance of the system.
- (7) Drug and prescription sales accessory to a medical office or clinic providing such use is definitely incidental to the primary use and is not visible from the street.
- (8) Animal hospital.
- (9) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2022-37 § 10, 76-75 § 4 (part), 71-95 § 1, 71-55 § 1, 1883: prior code § 8157.5(b)).

SECTION XI. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on December 6 2022, by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Karen Mitchoff, Federal Glover

NOES: None

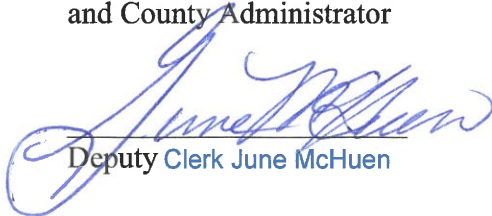
ABSENT: None

ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator


Board Chair Karen Mitchoff

By:


Deputy Clerk June McHuen

[SEAL]

ORDINANCE NO. 2022-37