



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 1, 2022

Subject: Approval of Zoning Text Amendment for County Inclusionary Housing Ordinance

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**RECOMMENDATION(S):**

1. OPEN the public hearing on Ordinance 2022-07; RECEIVE testimony; and CLOSE the public hearing.
2. DETERMINE that the adoption of Ordinance 2022-07 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3).
3. ADOPT Ordinance No. 2022-07, amending the County's Inclusionary Housing Ordinance to be consistent with the State's definitions of low income households and their respective qualifying income limits, and to exempt community care facilities from the County's affordable housing requirements.
4. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk.

**FISCAL IMPACT:**

No fiscal impact, as no change to the fee structure is proposed as part of this text amendment.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **02/01/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Amalia Cunningham,  
925-655-2881

cc:

**BACKGROUND:**

The Board adopted the Inclusionary Housing Ordinance (IHO) for unincorporated Contra Costa County in October 2006 and it went into effect in November 2006. It requires that 15% of the units in new developments with five or more units be affordable to very low, low, or moderate income households. The percentages and target households of the affordability requirement are determined under the IHO based on the size of the new residential development and whether the development provides for-sale or for-rent dwelling units. The IHO allows payment of an in-lieu fee as an alternative means of compliance with the affordability requirement. The IHO has not been amended since its adoption in 2006.

Since 2006, there have been revisions to the State affordable housing laws. The proposed ordinance would align the County's ordinance with changes in the State's definitions of extremely low, very low, lower, and moderate income households and their respective qualifying income limits. The proposed ordinance would also exempt community care facilities from the County's affordable housing requirements. The exemption is consistent with staff's interpretation of the current ordinance that community care facilities are not residential developments

## BACKGROUND: (CONT'D)

subject to the County's affordable housing requirements. Community care facilities are licensed by the State to provide 24-hour non-medical residential care to children, senior citizens, and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Staff has previously determined that community care facilities are service-based institutions rather than residential developments.

The proposed ordinance would also clarify the development standards for inclusionary units and the procedure for processing inclusionary housing plans and agreements. The proposed amendments will clarify the process for applicants seeking approval for residential developments and should reduce uncertainty in the process as more definitions are included in the draft text.

At this time, staff does not propose changes to the underlying policy framework of the inclusionary housing ordinance. The proposed ordinance would not modify the threshold of five or more units, the option to provide a payment in lieu of providing units on site under certain conditions, or the percentages of affordable units required by the ordinance. Additional housing policy recommendations may be presented in the future as the new General Plan and Housing Element are finalized.

## The County Planning Commission

The County Planning Commission held a public hearing on the proposed ordinance on December 15, 2021. The Commission voted 4-3 to recommend that the Board of Supervisors adopt the ordinance. The main topic of discussion among the commissioners was the codification of the exemption for community care facilities, consistent with past staff determinations, and whether the development of large residential care facilities should be required to contribute affordable housing in the County. The Commission requested that the issue of community care facilities be raised to the Board and expressed interest in having the community care facility exemption be revisited when broader affordable housing policy updates are considered in the future.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the proposed ordinance, the current Inclusionary Housing Ordinance will not be modified.

## ATTACHMENTS

Ordinance No. 2022-07