



## Sonoma County Planning Commission STAFF REPORT

**FILE:** PLP20-0018  
**DATE:** July 13, 2023  
**TIME:** At or after 1:05  
**STAFF:** Eric Gage, Project Planner  
Ross Markey, Division Manager

**A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.**

### SUMMARY

**Applicant:** County of Sonoma  
**Supervisory District(s):** All  
**Description:** Adoption Review and Recommendation to the Board of Supervisors on the 2023-2031 Housing Element Update and Final Environmental Impact Report  
**CEQA Review:** Program Environmental Impact Report

### SUMMARY OF RECOMMENDED/REQUESTED ACTIONS

Staff requests that the Planning Commission accept the staff report and presentation; open and close the public hearing to accept public comments; and adopt a resolution recommending that the Board of Supervisors adopt the 2023-2031 Housing Element, amend the General Plan land use and change the zoning of specified sites as identified in Appendix D to the Planning Commission Adoption Draft Housing Element; and amend Sonoma County Code Chapter 26 (Zoning) to correct codification errors and repeal specified provisions that directly conflict with State law.

### EXECUTIVE SUMMARY

As part of the adoption process for the 2023-2031 Sonoma County Housing Element, the Planning Commission is required to make recommendations to the Board of Supervisors regarding the following legislative components of the project that would amend the General Plan, parcel zoning, and the text of Sonoma County Code Chapter 26 (the Zoning Regulations):

- Adoption of the 2023-2031 Housing Element and repeal of the existing (2014) Housing Element
- Amendments to the General Plan Land Use Map to change the land use designations of sites identified to be included in the Housing Element Sites Inventory
- Amendments to the Official Zoning Database to change the base zone or combining district of sites identified to be included in the Housing Element Sites Inventory



- Amendments to Sonoma County Code Chapter 26 to reinstate housing-related uses inadvertently deleted due to codification error and to repeal provisions in Article 02 that directly conflict with State housing law.

In addition, while not required by the California Environmental Quality Act (CEQA), Sonoma County Code Chapter 23A contemplates that the Planning Commission review and make a recommendation to the Board of Supervisors regarding the Final Environmental Impact Report (Final EIR).

Accordingly, staff requests that the Planning Commission adopt the attached resolution recommending that the Board of Supervisors:

1. Certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program (MMRP);
2. Amend the General Plan to adopt the 2023-2031 Housing Element and repeal the current (2014) Housing Element;
3. Amend the General Plan Land Use Map to change land use designations for applicable parcels as recommended by staff and shown in Appendix D of the Planning Commission Adoption Draft Housing Element (Exhibit 1a, Appendix D)
4. Amend the Official Zoning Database to rezone specified parcels, as recommended by staff and shown in Appendix D of the Planning Commission Adoption Draft Housing Element (Exhibit 1a, Appendix D)
5. Amend Sonoma County Code Chapter 26 (Zoning) substantially as set forth in Exhibit 3b to reinstate uses eliminated due to codification errors and to repeal certain provisions that directly conflict with State housing laws.

The 2023-2031 Housing Element update project will facilitate and encourage housing development over the 8-year planning period beginning February 1, 2023 and ending in early 2031. The County prepared the 2023-2031 Housing Element to affirmatively further fair housing and to accommodate the County's 3,824-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element period. In addition to responding to all of the new statutory requirements, the Housing Element demonstrates how its identified local housing needs will be met, including those of special needs populations, through new and revised policies and programs. Extensive public participation, including from a Housing Advisory Committee and equity priority populations was critical to the policy development during the Housing Element Update.

The County submitted its Initial Draft Housing Element to the state Department of Housing and Community Development (HCD) on December 30, 2022, and submitted a Revised Draft on March 13, 2023. HCD provided its formal review comments on the Housing Element to the County on March 30, 2023. The Planning Commission and Board of Supervisors must consider HCD's comments, and the recommended County responses to them, prior to adopting the Housing Element. Recommended changes to respond to HCD's comments are shown as tracked changes in the Planning Commission Adoption Draft Housing Element and in the related Technical Background Report and Appendices. The changes include incorporation of additional local data on trends and patterns pertaining to concentrated areas of poverty and affluence; access to opportunities; expanded discussions on special needs populations; and more detail on realistic development capacity and the Housing Sites Inventory. HCD's review comments and the corresponding revisions are described in more detail below.

The Final EIR for the Housing Element Update project was published on June 30, 2023. It contains responses to written and oral comments received on the Draft EIR, as well as amendments to the Draft EIR that were made in

response to comments or to make corrections. As discussed below, the amendments do not result in a greater number of impacts, or impacts of a substantially greater severity, than those identified in the Draft EIR.

The County received 271 written comments on the Draft EIR. Responses to these comments are in Section 3 of the Final EIR. In addition, the Planning Commission held a public hearing on February 2, 2023, to accept public comments on the Draft EIR prior to the close of the review period; responses to comments received during the hearing are included in Section 4 of the Final EIR. The Final EIR also makes amendments to the text of the Draft EIR in light of public comments and to correct errors. However, the comments, responses, and Draft EIR amendments do not constitute significant new information that would necessitate recirculation of the Draft EIR. Instead, they clarify, amplify, or make insignificant modifications to the Draft EIR.

While the Draft EIR analyzed 59 parcels that were identified as potential rezoning sites early in the process of preparing for this Housing Element Update, staff subsequently determined that some of the 59 analyzed sites do not meet all the criteria to be included in the Housing Sites Inventory. Staff is recommending that 38 of the 59 sites analyzed in the Draft EIR should be rezoned (collectively, the “Recommended Rezoning Sites”). Some of the Recommended Rezoning Sites would require amendments to their General Plan land use designation to enable rezoning; where applicable, the table of Recommended Rezoning Sites indicates, the General Plan land use change that is required to rezone the site. The Housing Element Sites Inventory is provided in Appendix D of the Adoption Draft Housing Element Appendices. (Exhibit 1a.) See Tables 20 (Housing Site Inventory) and 21 (Rezone Sites). In addition to the Recommended Rezoning Sites, other sites that are already zoned for housing are also included in the recommended Housing Element Site Inventory. See Appendix D, Table 20. Finally, to address a shortfall of sites to accommodate the County’s RHNA, the Adoption Draft Housing Element also includes a program that outlines additional future actions that will be taken by the County, including amending the land use and zoning of parcels in an unincorporated island in the City of Santa Rosa, located at Guerneville Road and Lance Drive, and developing 200 government-purpose housing units on the existing County Administrative Center campus in the City of Santa Rosa.

## **DISCUSSION**

### **State Law Framework**

#### **Regional Housing Need**

California law requires all cities and counties to plan and zone for their projected housing need. California Gov. Code §§ 65580 et seq. requires that each city and county in the state adopt a Housing Element on a set schedule, consistent with the establishment of the Regional Housing Need. Based on a rolling eight-year cycle, the California Department of Housing and Community Development (HCD) determines each region’s housing need in four different income categories (very low-, low-, moderate-, and above moderate-income). In 2020, the State assigned a Regional Housing Need Determination (RHND) to the Association of Bay Area Governments (ABAG) region of 441,176 units for the 2023-2031 planning cycle. ABAG’s RHNA Methodology Committee then met for over a year to divide this regional RHND among all ABAG jurisdictions, resulting in a total Regional Housing Need Allocation (RHNA) of 3,881 units allocated to Unincorporated Sonoma County. This represents an increase of over 600% above the County’s RHNA for the last (2014-2022) planning cycle. The County, along with many other Bay Area jurisdictions, appealed ABAG’s allocation, but was not successful. In 2022, the County and the City of Cloverdale reached an agreement to transfer some RHNA responsibility associated with recent annexations from the County to the City, resulting in an increase in Cloverdale’s RHNA and a decrease in the



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



County’s RHNA of 57 units. ABAG approved the RHNA transfer, and it is now final. The County’s revised RHNA is 3,824 units, including 1,608 lower-income units. The County must demonstrate through its Housing Sites Inventory that it has adequate sites with appropriate zoning to meet its RHNA.

### Required Components of a Housing Element

Pursuant to Government Code Section 65583, local governments are required to include the below items as components within their Housing Elements, and subsequent updates thereto. Newly required components introduced as part of the 6<sup>th</sup> Cycle are noted below and discussed in further detail within the “New Requirements for the 6<sup>th</sup> Cycle Housing Element Update” Section below.

- 1. Housing Needs Assessment.** Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities). This section includes a community’s Regional Housing Needs Allocation (RHNA) as determined by a community’s regional planning body in partnership with HCD.
- 2. Evaluation of Past Performance.** Review the prior Housing Element to measure progress in implementing policies and programs.
- 3. Housing Sites Inventory.** Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future need at all income levels.
- 4. Community Engagement.** Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
- 5. Constraints Analysis.** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
- 6. Policies and Programs.** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

### Penalties for Non-Compliance

In the 6th Cycle, jurisdictions face new consequences for not having a certified Housing Element. Non-compliance with Housing Element laws may result in enforcement action by HCD and litigation brought by the Attorney General and litigation brought by private parties, in addition to significant fines, loss of local permitting authority, and loss of eligibility for major State grant funding, among other penalties. On the other hand, having an HCD-certified housing element makes jurisdictions eligible for, or confer priority for, numerous sources of State funding, such as Local Housing Allocations, Affordable Housing and Sustainable Communities Grants, SB 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Designation funding, Local Housing Trust Funds and Regional Transportation Funds (such as MTC’s One Bay Area Grants).

Immediately upon missing the due date for a certified Housing Element on January 31, 2023, the County became subject to the so-called “Builder’s Remedy,” under which a housing project that proposes a qualifying small number of units affordable to lower-income households is effectively exempt from the requirement to comply with the General Plan and zoning. As of June 2023, the County has received six “Builder’s Remedy” applications.

### Public Participation and Public Comment



State law requires to make a diligent effort to achieve public participation of all economic segments of the community. Preparation of the County’s 2023-2031 Housing Element began in earnest in December 2021 and benefitted greatly from substantial community input. The County conducted an extensive public participation campaign to inform its Housing Element, including four meetings with a Housing Advisory Committee representing people across the spectrum of housing provision including people with a lived experience of homelessness, non-profit and market-rate housing developers, renters, low income housing advocates, farmworkers, service providers, environmental groups, and small scale farmers, eight focus group meetings with equity priority communities conducted in conjunction with community-based organizations, three online public surveys with a total of 6,470 responses, two public workshops, four public meetings at the Planning Commission, three public meetings with supervisorial districts and municipal advisory committees, and one public meeting at the Board of Supervisors.

The Housing Element Update project and the Final EIR have also been informed by substantial public comments submitted on the Public Review Draft Housing Element and on the Draft EIR. The numerous written and verbal comments received by the County during preparation of the Housing Element and on the Public Review Draft are summarized in the Adoption Draft Housing Element Appendices; see Appendix A, Tables 5 and 6. In addition, the County received 271 written comments on the Draft EIR, and additional verbal comments were received during the Planning Commission’s February 2, 2023 public hearing to accept comments on the Draft EIR. Responses to all written and verbal comments received on the Draft EIR are provided in Sections 2,3, and 4 of the Final EIR, and copies of written comments submitted are provided in Appendix A to the Final EIR.

### **Affirmatively Furthering Fair Housing (AFFH)**

Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing (AFFH). Under AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” A similar requirement is federally mandated by the implementing regulations of the 1968 Fair Housing Act. The four main goals are to:

- Address significant disparities in housing needs and in access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

Consistent with these goals, under AB 686 HCD takes a close look at how Housing Inventory sites zoned at densities for low-income housing are integrated throughout the community. As the County contains low-, moderate-, high- and highest-resource areas (as designated by the State’s Opportunity Area maps<sup>1</sup>), it is important to that ensure housing sites are not concentrated in low resource areas. See further discussion under Sites Considerations, following.

### **Previous Related Actions**

---

<sup>1</sup> <https://www.treasurer.ca.gov/ctcac/opportunity.asp>



**2009-2014 Housing Element.** The 2009-2014 Housing Element (4<sup>th</sup> planning cycle) was adopted by the Board of Supervisors and certified by HCD.

**2014-2023 Housing Element.** The 2014-2023 Housing Element (5<sup>th</sup> planning cycle) was adopted by the Board of Supervisors on December 2, 2014 and was certified by HCD.

**Rezoning Sites for Housing Project.** Early preparation for the 2023-2031 Housing Element update began with the Rezoning Sites for Housing project in 2018. This project began with identification of all vacant, undeveloped, or underutilized parcels within Urban Service Areas that might be appropriate for housing, including those sites listed in a 2001 report of non-residential sites that should be considered for housing. After this initial identification of potential sites was completed, the County asked members of the public to identify sites for housing. Approximately 200 sites were nominated. Once the nomination period closed in April 2019, County staff evaluated nominated sites for meeting basic eligibility criteria. Sites were required to be:

- Located in the unincorporated County.
- Located within an established, General Plan-designated Urban Service Area (USA) where public sewer and water service is available.
- Located outside of any voter-approved Community Separator.
- Located within a city's voter-approved Urban Growth Boundary if the site is near an incorporated city.
- For sites considered for the -WH Overlay Zone, proximity to jobs, transit, services, and schools.

Following evaluation against the selection criteria, fifty-nine (59) potential sites were identified to accommodate up to 2,900 units of housing. Property owners of the 59 sites under consideration were initially notified in writing by mail in October of 2019.

**Table 1: Key Rezoning Sites for Housing Project Milestones and Events**

Date	Project Event/Milestone
<b>Dec 2018 to April 2019</b>	Public Nomination of Sites
<b>10/09/2019</b>	Mailed Property Owner Notification
<b>03/11/2020</b>	Notice of Preparation for EIR
<b>03/25/2020</b>	Tribal Consultation invited under AB 52 (CEQA) and SB 18
<b>04/15/2020</b>	Extended Notice of Preparation for EIR
<b>05/06/2020</b>	EIR Scoping Meeting
<b>10/29/2020</b>	Planning Agency Housing Element Update workshop
<b>11/17/2020</b>	Tribal Consultation Completed
<b>12/02/2020</b>	Sonoma Valley Citizens’ Advisory Committee meeting
<b>12/17/2020</b>	Lower Russian River Municipal Advisory Committee meeting
<b>01/07/2021</b>	Planning Agency EIR Workshop
<b>01/13/2021</b>	Mark West Citizens’ Advisory Committee meeting
<b>03/23/2021</b>	Geyserville Planning Committee meeting
<b>04/19/2021</b>	Draft EIR Publication; Start of Public Comment Period
<b>05/13/2021</b>	City of Sonoma Planning Commission Workshop
<b>05/19/2021</b>	North Valley Municipal Advisory Committee meeting



**Sonoma County Permit and Resource Management Department**  
 2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



<b>05/20/2021</b>	Planning Commission Draft EIR Hearing
<b>10/01/2021</b>	Project on hold pending Housing Element Update
<b>11/24/2021</b>	Mailed Property Owner Notification re Housing Element process

Following circulation of a Draft EIR for the Rezoning Sites for Housing project in May 2021, Permit Sonoma staff determined that, due to the urgency of the pending Housing Element update, the rezoning of these sites would be incorporated as one component of the broader Housing Element update. For continuity, the email notification list of interested parties for the Rezoning Sites for Housing project was carried over to the 2023-2031 Housing Element update notification list. Property owners of sites under consideration for rezoning were notified of the project’s status by mail in November of 2021.

A Final EIR was not prepared or certified for the Rezoning Sites for Housing project. While the Housing Element Update Project carried forward the same list of 59 sites proposed for rezoning, the Housing Element Update is a different project from the Rezoning Sites for Housing project and the EIR for the Housing Element Update is a new and different document.

**Community Meetings and Outreach**

The public outreach effort for the Housing Element Update began in December 2021 and focused on the lived experiences of historically marginalized and disadvantaged communities. Community input was collected through a series of meetings with the Housing Advisory Committee (HAC), focus groups representing special needs populations, and community surveys. A Housing Advisory Committee made up of non-profit service providers, developers, renters, and subject matter experts was convened. The HAC convened four times between December 2021 and May 2022 to discuss housing needs and obstacles to housing in order to better inform the policies and programs in the 2023-2031 Housing Element.

Focus groups with equity priority populations provided staff with an opportunity to engage residents in defining housing issues, and in developing solutions to meet community needs and requirements under state law. Eight focus group meetings were held with community-based organizations and their members from January 2022 to March 2022 to obtain insight on the lived experience of groups historically difficult to engage through typical public outreach. The focus groups were conducted in partnership with trusted local community-based organizations.

Permit Sonoma solicited broad public input with three online surveys to identify community priorities and preferences from January 2022 to July 2022. Promoting the survey using social media, including using targeted ads to increase participation from Spanish speaking residents, email notification, and by partnering with non-profit organizations, the County received a total of 6,470 individual responses to the three surveys. Three public workshops on the Housing Element, including one at the Planning Commission, were held from February 2022 to April 2022. The notice of preparation for the Housing Element Program EIR was published in June 2022, and an EIR scoping meeting was held on June 28, 2022. A report of public outreach, including how public input was integrated into the Housing Element, is included as Appendix A to the Housing Element.

The table below summarizes key project milestones and events:

**Table 2: Housing Element Update Project Milestones and Events**

<b>Date</b>	<b>Project Event/Milestone</b>
-------------	--------------------------------



**Sonoma County Permit and Resource Management Department**  
 2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



<b>11/02/2021</b>	Tribal Consultation invited under SB 18 (General Plan Amendments) and AB 52 (CEQA)
<b>12/30/2021</b>	Housing Element Kick-Off Workshop at Planning Agency
<b>Dec. 2021 to Jan. 2022</b>	Stakeholder Interviews
<b>12/15/2021</b>	1 <sup>st</sup> Housing Advisory Committee (HAC) meeting
<b>01/11/2022</b>	1 <sup>st</sup> community survey released
<b>02/01/2022</b>	2 <sup>nd</sup> HAC meeting
<b>02/12/22 and 02/15/22</b>	Housing Element Public Workshops
<b>03/08/2022</b>	3 <sup>rd</sup> HAC meeting
<b>03/10/2022</b>	2 <sup>nd</sup> community survey released
<b>04/21/2022</b>	1 <sup>st</sup> Planning Commission Workshop
<b>05/17/2022</b>	4 <sup>th</sup> HAC meeting
<b>06/15/2022</b>	Notice of Preparation of Program EIR published
<b>06/28/2023</b>	EIR Scoping Meeting
<b>07/06/2022</b>	3 <sup>rd</sup> community survey released
<b>08/09/2022</b>	Board of Supervisors Workshop
<b>10/03/2022</b>	Publication of Public Review Draft Housing Element
<b>11/15/2022</b>	District 5 workshop
<b>11/17/2022</b>	Planning Commission Workshop on Public Review Draft Housing Element
<b>11/30/2022</b>	SVCAC Joint Workshop
<b>12/01/2022</b>	Joint Workshop Districts 2, 3, and 4
<b>12/28/2022</b>	Publication of Draft EIR
<b>12/30/2022</b>	Initial Draft Housing Element Submitted to HCD
<b>02/02/2023</b>	Planning Commission DEIR Hearing
<b>03/13/2023</b>	Revised Draft Housing Element Submitted to HCD
<b>03/30/2023</b>	Receipt of HCD comments on Revised Draft
<b>04/20/2023</b>	Forestville town hall meeting
<b>06/30/2023</b>	Publication and posting of Planning Commission Adoption Draft Housing Element, Appendices, and Technical Background Report
<b>6/30/2023</b>	Publication and posting of Final EIR

Following the completion of data collection, outreach and noticing, the draft development of the Housing Element and the Draft EIR began. The public review draft Housing Element was published on October 3, 2022, and circulated for public comment. The County received numerous comments on the draft and made changes to policies, programs, background discussion, organization, and readability in response to those comments. The Initial Draft Housing Element was submitted to HCD on December 30, 2022.

**Identified Housing Issues, Needs and Trends**



**Sonoma County Permit and Resource Management Department**  
 2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



One of the many requirements for the Housing Element is the collection of data to help determine housing needs. This includes quantification of residents overpaying for housing, overcrowded units, the costs of developing housing, and demographic information and trends. The bulk of the required housing and demographic data was provided by the Association of Bay Area Governments (ABAG) and is contained in Appendix B of the Housing Element. To ensure that the County’s Housing Element is more than a set of policies to meet statutory requirements for review and approval by HCD, staff and consultants also collected local data in real time. Efforts to collect community input that supplements the data on housing needs was robust as described above. The analysis of demographic data and the extensive public outreach identified the following housing trends and issues.

Senior Housing. Sonoma County’s population is rapidly aging, and additional housing units for seniors will be needed over the next 8-year planning period.

Farmworker Housing. Over the last decade, the number of permanent farmworkers in the County has increased, while the number of seasonal farmworkers has decreased. Farmworkers prefer housing located off-site because if the housing is tied to the job and they lose the job, they have also lost their housing.

Extremely Low-Income Households. 11% of unincorporated Sonoma County households are considered extremely low income, earning 30% or less of the area median income (AMI). Because the County does not have sufficient housing units to meet this need, programs are needed to increase the number of units affordable to extremely low-income households.

Young Families and First Time Homebuyers. Over the last two decades, there has been a decrease in all population groups under age 55. Most younger residents are renters: 69% of those ages 25-34, and 59% of those ages 35-44. This data along with community input indicates that there is a lack of opportunities for young families and first-time homebuyers.

In addition to these issues and needs, the following common concerns have been identified through analysis of public input:

- Affordability, including high housing prices, high rents, sizable proportion of the population overpaying rent
- Conversion of housing to non-residential use (i.e. vacation rentals)
- Lack of suitable land for housing (sewer availability, wildfire prone areas, evacuation access)
- Natural disasters, including wildfires and flooding
- Community opposition to affordable and high-density housing
- Fair housing issues, including discrimination against housing vouchers

### **Policies and Programs**

As required by statute, the Housing Element includes an assessment of the County’s success in implementing its 5th Cycle Housing Element. The policies and programs that were implemented successfully in the previous cycle will be carried over into the next cycle. Such policies include encouraging infill projects within Urban Service Areas and prioritizing county funds for non-profits constructing affordable housing.

The proposed update includes a total of 32 implementation programs with numerous subprograms. There are 14 programs that are carried over from the 5th Cycle Housing Element, such as programs to preserve existing affordable units at risk of reverting to market rate rentals, and providing information on tenant rights assistance.



To address the housing issues and barriers identified through public outreach and demographic analysis, there are 19 new programs in the housing element including:

- Incentivizing ADU and JADU development with additional allowances
- Reviewing and updating the Zoning Code for compliance with new state laws
- Implementing displacement avoidance policies
- Streamlining permitting procedures
- Participation in countywide bond financing program for affordable housing

As in prior housing element cycles, programs in the Housing Element include deadlines to complete before the end of the 8-year housing element cycle, although State law has added new timing requirements and further reporting obligations that apply during each cycle. These include ongoing compliance with annual reporting obligations. This timeframe was a critical factor for whether a program was included in the Housing Element, and programs that could not be implemented within eight years could not be incorporated. With consideration to staff capacity and timing, other housing activities that could exceed the 8-year implementation timeline, such as just cause eviction measures, could still be carried out even if not included in the Housing Element programs. The Housing Element document contains the full text of the 32 programs in the Housing Action Plan, and a tabulated list of programs is included as Exhibit 8 of the staff report.

### **Fair Housing Assessment**

As part of the requirement to affirmatively further fair housing (AFFH), State Housing Element law now requires the County to prepare an Assessment of Fair Housing (AFH), identify factors that contribute to local fair housing issues, and include programs to address these findings as they relate to housing. The AFH prepared for the County identified the contributing factors listed below as obstacles to affirmatively furthering fair housing. The 2023-2031 Housing Element includes 20 programs and subprograms that address these contributing factors:

- Displacement of residents due to economic pressures (Programs 5, 5b, 5c, 5d, 7)
- Lack of affordable, accessible housing, in a range of unit sizes (Programs 12, 15d, 15e, 15h, 18, 25f, 25g)
- Lack of public investments in specific neighborhoods (Programs 5c, 31)
- Lack of regional cooperation (Programs 6, 20, 25d, 27)
- Lack of affected populations on boards and committees (Program 31)
- Lack of funding for local fair housing outreach and enforcement (Programs 1d, 29, 32, 32a)
- Community opposition (15e, 15h, 32d)

The County must report to HCD annually regarding implementation progress of these Housing Element programs.

### **HCD Comments on the Revised Draft Housing Element and County Responses**

County staff and consultants have worked with HCD staff throughout the Housing Element Update process to ensure that statutory requirements are met while also considering the County's unique challenges and excellent track record in providing housing, especially affordable housing. State statute requires that HCD formally review and comment on the County's Draft Housing Element before it can be considered for adoption by the Planning Commission and Board of Supervisors, and that the Commission and Board formally consider HCD's comments prior to adoption.



As noted above, the County received HCD’s 90-day review letter on March 30, 2023. Comments from HCD generally focused around three main areas: The Housing Sites Inventory; Housing Programs; and the County’s Efforts to Affirmatively Further Fair Housing. A summary of the County’s revisions and response to HCD comments, entitled *County Response to HCD Comments*, is attached as Exhibit 5. Below is an overview by topic area.

- **Review of 5<sup>th</sup> Cycle Housing Element Accomplishments:** HCD requested a summary of how housing for special needs populations were met. County Response: A summary was added.
- **Fair Housing:** HCD requested additional data and analysis related to fair housing, including more discussion on historic land use practices that may have led to racial or economic concentrations; more local data and knowledge; and information related to the homeless encampments and actions taken. County Response: Discussion was expanded in each of these areas to address the comments.
- **Special Needs:** HCD requested additional data and analysis for certain special needs populations including Extremely Low-Income (ELI) Households, Farmworkers and Homeless. County Response: The additional information and analysis was provided within the Technical Background Report to address these comments.
- **Land Inventory and Adequate Sites.** While HCD did not review individual sites, HCD had multiple comments and concerns about the County’s analysis of its land inventory and its ability to demonstrate adequate sites with appropriate zoning to accommodate all of the County’s housing needs, including special needs. HCD sought clarification and analysis about sites proposed for rezoning versus sites already zoned for housing, pipeline projects, the realistic capacity assumptions used, infrastructure, environmental and land use constraints, and the County’s draft Housing Sites Inventory. County Response: This is the area where the bulk of the County’s efforts have been made since the Revised Draft Housing Element was submitted. Sites in the Public Review Draft Site Inventory were individually analyzed to determine if constraints existed, and to reduce the available land area if constraints were found. Additional information was provided about the availability of water and sewer services and about the County’s record in approving and building multifamily housing over the last 15 years; realistic capacity assumptions were then revised based on the County’s actual record of producing housing. Sites in a County “island” (entirely surrounded by the City of Santa Rosa) that previously received environmental review and rezoning by the City (Lance Drive) were added to the County’s Site Inventory for future action after discussion with HCD. Finally, as discussed in the Sites Considerations section of this staff report, sites were ranked and balanced depending on many factors, including the availability of infrastructure, fire safety, and fair housing to produce staff’s recommended Site Inventory (the “Recommended Sites Inventory”) that reflects consideration of all applicable factors.
- **Governmental Constraints to Housing.** HCD requested more analysis of potential governmental constraints to housing, including height limits and guest parking requirements. County Response: Additional outreach was conducted and clarification and analysis were added. A program was added to reconsider guest parking requirements if it was determined, based on consultation with housing developers, to be a constraint.



- Housing Programs.** HCD requested more specific commitments and targets within the proposed Housing Programs, including those for Accessory Dwelling Units and Special Needs. HCD also requested clarification of the connections between the County’s Fair Housing Analysis, its contributing factors, and the Programs proposed to address them. County Response: Programs in Section 2 have been clarified and expanded to add specific commitments, timelines and place-based strategies. Cross references and connections between the analysis sections and the Programs were also added.

**RHNA Context**

State law requires that Housing Elements demonstrate each local agency’s ability to meet its Regional Housing Needs Allocation (RHNA). Each jurisdiction’s RHNA is set through a process that is meant to identify and address housing needs for the projected state population and household growth, to improve the jobs to housing balance in communities, and to ensure the availability of housing affordable to all income groups. For the 2023-2031 Housing Element Update period, the County of Sonoma overall (county and cities) has a combined RHNA of 14,562 units. The unincorporated County’s assigned share of that RHNA was initially 3,881 units, which represents an increase of about 650% above the final 5th Cycle RHNA of 515 units. The current population of unincorporated Sonoma County is 138,460 people. The County unsuccessfully appealed the ABAG allocation in 2021.

County staff completed an agreement with the City of Cloverdale to transfer 57 of the County’s 3,881 units, bringing the County’s assigned RHNA share to 3,824 units, and ABAG approved the transfer in late 2022.

Table 3 below illustrates how the County’s regional housing need is allocated across income levels.

**Table 3: Unincorporated Sonoma County Regional Housing Needs Allocation, 2023 - 2031**

Income Level	Very Low < 50% AMI*	Low < 80% AMI	Moderate < 120% AMI	Above Moderate > 120% AMI	Total
<b>RHNA (units)</b>	1,036**	596	627	1,622	<b>3,824</b>

\*AMI = Area Median Income

\*\*Government Code (GC) Section 65583(a)(1) further divides the very low-income category into extremely low and very low categories with 50% in each category. Sonoma County’s extremely low-income unit allocation will be 518 units.

**ENVIRONMENTAL REVIEW**

County staff, in consultation with the County’s environmental consultant Rincon Consultants Inc., determined that a program-level Environmental Impact Report (EIR) was necessary to evaluate the environmental impacts of the Project pursuant to State law (CEQA Guidelines Section 15168).

The Draft EIR was published, circulated and made available for public review, in compliance with CEQA, on December 28, 2022, for a 55-day review period. The Draft EIR studied the likely environmental consequences associated with development facilitated by the Housing Element Update project, including rezoning of up to 59 identified sites in designated Urban Service Areas to the state-required “default” density assigned to Sonoma County under state law, which is 20 units per acre. It found that project implementation could result in significant and unavoidable impacts related to aesthetics, cultural resources, greenhouse gas emissions, hazards,



transportation, utilities, and wildfire. All other impacts were found to be less than significant, or reduced to less than significant after mitigation was incorporated.

The Final EIR was published on June 30, 2023. The County received 271 written comments on the Draft EIR; all are responded to in Section 3 of the Final EIR. In addition, the Planning Commission held a public hearing on February 2, 2023, to accept public comments on the Draft EIR prior to the close of the review period; responses to public comments received during that public hearing are included in Section 4 of the Final EIR. In response to these comments and to correct errors, the Final EIR makes amendments to the text of the Draft EIR, including modifications to mitigation measures. However, the comments, responses, and Draft EIR amendments presented in this document do not constitute “significant new information;” but instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. Accordingly, recirculation of the Draft EIR is not required.

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared that describes the procedures that will be used to implement the mitigation measures adopted in connection with the approval of the Proposed Plan and the methods of monitoring such actions, and is included as Exhibit 6.

In order for the BOS to approve the project despite the project’s significant and unavoidable impacts, the BOS will have to adopt a Statement of Overriding Considerations. Detailed discussion of these impacts and feasible mitigation can be found in the Draft EIR. When adopted by the Board of Supervisors, the CEQA Findings and Statement of Overriding Considerations will reflect the Board’s balancing of competing public objectives (including environmental, legal, technical, social, and economic factors). The attached Draft CEQA Findings and Statement of Overriding Considerations is a draft that may be modified at any time prior to adoption by the Board of Supervisors.

### **GENERAL PLAN CONSISTENCY**

The Housing Element Update project is driven in large part by State law, which requires adoption of a new Housing Element every eight years. Much of the content of the Housing Element, including selection of sites for the Sites Inventory, is also driven by state law. Staff evaluated the Housing Element Update Project for general conformity with the goals and objectives of the General Plan and affected Area Plans, and concluded that the project is generally consistent with the purpose and intent. However, due to the age of the General Plan and the fact that some General Plan and Area Plan policies are very site-specific or outmoded, the Housing Element Update project is inconsistent with GP population and buildout projections and conflicts with some General Plan and Area Plan policies. Staff’s consistency analysis is included as Exhibit 3a to the draft Resolution, and consistency was also addressed in Table 4.11-3 of the Draft EIR and throughout the Draft EIR, as well as in the Final EIR. Select consistency issues are discussed below.

Amendments to the General Plan and Area Plan to achieve consistency are not proposed as part of the current action. State Housing Elements law anticipates that adoption of a Housing Element may create internal inconsistencies within the General Plan, and Government Code section 65583(c)(8) contemplates that the County may address inconsistencies following adoption of the Housing Element, as a planned implementation

action with a timeline.<sup>2</sup> This interpretation has been upheld in court.<sup>3</sup> Provisions of the General Plan and Area Plans that are inconsistent with the General Plan are identified in staff’s analysis, and amendments to the County’s General Plan and affected Area Plans that are necessary to maintain consistency are programmed to be drafted and brought forward for consideration by January 31, 2024.

With respect to population and buildout projections, this conflict is identified and discussed in the Draft EIR. As identified by Impact PH-1 in the Draft EIR, implementation of the Housing Element Update project would exceed population and housing forecasts established in the existing General Plan, but would be consistent with the County’s RHNA for the 2023-2031 planning period and with the Association of Bay Area Governments’ population forecasts, on which the Bay Area’s adopted Sustainable Communities Plan/Regional Transportation Plan, Plan Bay Area, is based. The General Plan was adopted in 2008, and does not provide population, housing, or employment projections beyond 2020, which is now in the past. Moreover, while the increase in population that would result from project implementation is beyond County General Plan growth projections, the County is experiencing an ongoing housing crisis. More pressing, the County is legally obligated to meet its RHNA obligation, regardless of this inconsistency with the General Plan.

Similarly, the project conflicts or is inconsistent with some policies of the General Plan pertaining to specific geographic areas. These policies generally pertain to the pace of development in unincorporated areas, and minimizing development prior to annexation on land in a city sphere of influence. However, the methodology used for allocating RHNA between the County and cities assumed that RHNA responsibility in unincorporated areas, including spheres of influence, would be in the jurisdiction of the County. The criteria used for evaluating sites for the Rezoning Sites for Housing required sites near cities to be located within an urban growth boundary (UGB); UGBs in Sonoma County are often coterminous with spheres of influence.

The project as a whole is generally consistent with General Plan policies pertaining to Level of Service (LOS). The development facilitated by the project will reduce vehicle miles traveled countywide, although it is possible that individual roadway intersections may experience additional congestion because of new vehicle trips originating from new residential uses. However, Level of Service (LOS) policies of the General Plan were adopted as mitigation measures that were identified in the General Plan EIR, and under State law congestion (and accordingly LOS) are no longer environmental impacts under CEQA.

## **SITE INVENTORY & SITES CONSIDERATIONS**

### **RHNA and Adequate Sites**

---

<sup>2</sup> Government Code § 65583(c) provides that Housing Elements contain a “.... program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element....” One of the numerous examples of such scheduled actions is “an identification of the agencies and officials responsible for the implementation of the various actions *and the means by which consistency will be achieved with other general plan elements and community goals.*” (Government Code § 65583(c)(8), emphasis added.)

<sup>3</sup> See *Friends of Avilara v City of Carlsbad* (2012) 210 CA4th 1103, 1112, discussing former Govt C §65583(c)(7) (now [Govt C §65583\(c\)\(8\)](#)).



As noted above, the County was assigned a RHNA – its share of the regional housing need – of 3,824 units, including 1,608 lower-income units and 627 moderate-income units. The County is not obligated to construct the units; rather, it is obligated to zone adequate land at high enough densities to allow developers to build the units. If the County can demonstrate that it has enough land zoned at the proper densities, then it can show that it has “adequate sites” to meet its RHNA. The Sites Inventory in the Housing Element is the required mechanism by which the County demonstrates that it meets the adequate sites requirement. If the County does NOT meet the requirement, it cannot achieve certification of its Housing Element.

**Adoption Draft Site Inventory**

To meet the County’s RHNA obligation, the updated Housing Element Site Inventory includes 39 rezoning sites. (Appendix D.) These 39 sites that staff recommends for rezoning are referred to in this staff report as the “Recommended Rezoning Sites” and are identified in Appendix D to the Adoption Draft Housing Element). A Board of Supervisors action adopting amendments to General Plan land use and zoning for identified sites only results in rezone of the sites. The County is not otherwise involved in the development of private land, which is controlled by the property owner. Any existing legal uses on a rezoned site that would otherwise be prohibited by the new zoning designation would be retained as legal non-conforming uses.

Of the 59 sites analyzed in the Draft EIR, the following 20 sites are not recommended in staff’s Recommended Rezoning Sites and are not included in the Housing Site Inventory in Appendix D:

<b>EIR Site ID</b>	<b>Street Address</b>	<b>APN</b>
FOR-2	6898 Nolan Road	083-120-062
FOR-5	6475 Packing House Road	084-020-003
FOR-6	6250 Forestville Street	084-020-011
GEY-2	No address	140-150-022, 140-150-023, 140-150-024, 140-150-025, 140-150-026, 140-150-027
GLE-1	950 & 987 Carquinez Avenue & 136651 & 13675 Arnold Drive	054-290-057
GLE-2	No Address	054-290-084
GRA-5	8525 Graton Road	130-176-013
GUE-1	14156 Sunset Avenue	070-070-040
GUE-2	16450 Laughlin Road	069-270-002
GUE-3	16500 Cutten Court	069-280-043
LAR-2	201 Wikiup Drive	039-040-040
LAR-5	175 Airport Boulevard	039-025-028
PEN-5	No address	047-173-028, 047-173-029
SAN-1	3525 Brooks Avenue	134-132-057
SAN-3	3569 Brooks Avenue	134-132-056
SAN-5	3509 Brooks Avenue	134-132-034
PET-1	1085 Bodega Avenue	019-090-003
PET-2	1105 Bodega Avenue	019-090-053
PET-3	1155 Bodega Avenue	019-090-004
PET-4	1002 Bodega Avenue	019-090-058



The criteria and considerations on which staff’s recommendations are based are discussed in Sites Considerations, below.

Additional parcels already zoned for housing were included in the Site Inventory without need for rezoning. (See Appendix D to the Adoption Draft Housing Element Appendices, Table 15.)

HCD also allows jurisdictions to count projects that are pending or in process towards satisfying their RHNA. Sonoma County’s pending and “pipeline” projects are identified in Appendix D. See Table 15.

Program 4 of the Planning Commission Adoption Draft Housing Element identifies additional actions the County will take to meet its RHNA obligation, including:

- Development of up to 200 housing units on a portion of the existing County Administrative Center campus in the City of Santa Rosa. City land use and zoning regulations would not apply. The County would retain ownership of the land and approval authority for entitlements and permitting pursuant to its sovereign immunity under Government Code §§ 53090- 53091. To ensure compliance with No Net Loss laws and maintain adequate sites to meet the County’s RHNA, the County will be required to identify and rezone backup sites for housing if it does not make timely progress toward development of housing on the County campus.

Rezoning and redesignating the General Plan land use of identified parcels in an unincorporated island in the City of Santa Rosa, located at Guerneville Road and Lance Drive, to match the City’s existing adopted land use and pre-zoning under its adopted North Station Area Plan, which was adopted in 2012 based on a certified EIR that was prepared to study that project. The County would require future development of these sites to meet the City’s applicable objective standards.

### **What does it mean to include a site in the Housing Element Sites Inventory?**

Listing a site in the Sites Inventory means that the site has appropriate zoning to accommodate higher-density housing. It does not mean that the site will be developed with housing. It does not mean that the County is taking over control of the site, or that the County is requiring that high-density housing be built there. The property owner retains full control over the site and what happens to it; no development can occur without the written permission of the owner. If the property owner wishes to retain the listed site just as it is, they may do so without penalty.

If the owner does wish to develop an Inventory Site with housing, then certain rules would apply:

- If a housing development is proposed on the site, it must meet the minimum density provided by the zoning. (This is an existing requirement for all urban residential sites within the unincorporated County, including a site in Inventory does not change this requirement.)
- If the proposed housing development is approved with fewer units or less affordability than listed for the site in the Sites Inventory, the County may need to identify and/or rezone additional sites to make sure the County always has adequate sites to meet its remaining RHNA (this is called the “No Net Loss” rule).



- If a housing development application is submitted on an Inventory site, and the housing project both contains at least 20% affordable units and meets the County’s adopted, objective design criteria and development standards, in most cases State law requires that the project must be approved.

### **Statutory Considerations for Sites to be Included in the Housing Element Inventory**

Before a housing site can be included in the Housing Element’s Sites Inventory, it must be evaluated to verify both that it is possible to develop the site and that the assumed number of units is feasible. The State Department of Housing and Community Development (HCD) has published a 44-page guidance memo on establishing site inventories, which is available here: [HCD Sites Inventory Memo 06-10-2020.pdf](#). (Note that this memo was published in July 2020, and subsequently enacted state laws have modified some requirements.)

Under state law, sites identified to meet the County’s lower-income RHNA must:

- Be at least .5 acres, with realistic capacity for at least 16 units;
- Be not more than 10 acres, unless a program is included to facilitate development on larger sites;
- Have water, sewer, and dry utilities available or planned (e.g., located within Urban Service Areas where services are available or planned to be available);
- Be zoned at the County’s “default density” of 20 units per acre, or higher;
- Be capable of being developed and occupied prior to the end of the planning period (January 2031); and
- Have a capacity to realistically be developed within the planning period, taking into consideration the age and condition of any existing structures, improvement-to-land ratios, existing uses vs. zoning/potential for redevelopment; and interest expressed by developers. Additional criteria apply to sites that have previously been listed in a previous Sites Inventory but which have not yet been developed.

Note that while the County may choose to consider it, property owner consent is not a statutory requirement to rezone a site or to include a site in the County’s Housing Element Sites Inventory. Rezoning a site is not a taking simply because the new zoning results in existing uses becoming legal non-conforming uses.

### **Affirmatively Furthering Fair Housing (AFFH)**

Assembly Bill 686 (2018), the State’s “Affirmatively Furthering Fair Housing” law, requires that the Sites Inventory be used to identify properties for potential development with higher-density, lower-income housing throughout the County. The law prohibits a city or county from taking any action that does not affirmatively further fair housing, it and requires a lengthy analysis of housing sites proposed for inventory to determine whether they will improve or exacerbate existing fair housing conditions. For example, existing fair housing conditions could be exacerbated if the County adds the potential for additional low-income populations to low-resource areas unless it also adds the potential for more higher-income units and provides amenities to improve the quality of life for residents. In terms of the Sites Inventory, this means that the County must include sites for higher-density, affordable housing in the areas with high resources such as good schools, parks, clean air and water, and where incomes and home values tend to be higher. These areas are known as “high” or “highest” resource areas.



Affirmatively Furthering Fair Housing is not just about having enough affordable housing for all members of our communities. It's also about where the housing is located, and who has access to it. State Housing Element Law requires each local jurisdiction to evaluate its Housing Element Sites Inventory through a Fair Housing lens.

AFFH requires an equitable distribution of sites among areas with access to opportunities. The state defines these opportunities as community characteristics that have been shown by research to be most strongly associated with positive economic, educational, and health outcomes for low-income families and children. Factors include poverty level, employment, job proximity, home values, student proficiency indicators, graduation rates, environmental factors such as proximity to freeways and ports.

The County is obligated to locate affordable housing in higher-resource areas where possible. HCD has used extensive data to map these factors and identify neighborhoods that are considered high-resource areas. State AFFH law requires the County to locate its Housing Inventory Sites equitably, without concentrating low-income housing in any geographic area, but distributing it among areas that are considered higher-resource areas. Housing Inventory Sites located in lower-resource areas must be supported by investment directed to the area by Housing Element programs.

In its consideration of sites to be included in the Housing Element Inventory, it is vitally important that the County to take its AFFH duty seriously and not to take any action that does not do so. For example, consistent with its AFFH duty the County may not refuse to zone for or approve an affordable housing project in a high-resource area based on "neighborhood compatibility." Similarly, refusing to rezone a site that is suitable for higher density housing and located in a high-resource area, based on neighborhood resistance, conflicts with the statutory obligation to affirmatively further fair housing. All land use decisions made by a city, county or district must affirmatively further fair housing.

County staff and consultants have diligently worked to ensure that the sites recommended for rezoning and inclusion in the Housing Element Sites Inventory meet statutory requirements, including the obligation to Affirmatively Further Fair Housing, as well as the other County considerations outlined above. As is typical for large rural counties, there are few ideal urban housing sites, and many factors must be considered and balanced to ensure that the best sites are included. In an effort to equitably distribute units throughout the County's urban service areas and avoid concentrations of either poverty or affluence, the Recommended Sites that meet size and density criteria for lower-income units also include a mix of moderate- and above moderate-income units.

As proposed, the Housing Sites Inventory does not exacerbate or create racial or ethnic isolation or segregation, and it does not overly concentrate sites appropriate for development of lower-income housing in any single area of the County. The sites recommended for inclusion within the Housing Sites Inventory address the County's RHNA; meet statutory requirements; and affirmatively further fair housing by providing development opportunities for housing for lower-income households in areas with high opportunity and good access to jobs, transportation, and a healthy environment.

### **Other staff considerations for including sites as Recommended Rezone Sites in the Sites Inventory**

Staff and consultants also considered the following local factors in evaluating sites to be included in the recommended Sites Inventory:

- Emergency Access and Fire Safety



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



- Avoid adding significant new populations in Very High Fire Hazard Severity Zones (VHFHSZ)
  - Two points of access are available to the site.
  - Road widths either meet fire safe standards or can be realistically improved to meet applicable Fire Safe standards.
- Environmental Constraints, Including Flooding. These constraints are considered in the Draft EIR and addressed in responses to comments in the Final EIR. Additionally, the County performed a site-by-site analysis to assess constraints on individual sites and reduced the available acreage and realistic capacity assumptions on sites with constraints, such as flood zones and setbacks.
  - Environmental Justice Considerations. Sites that may expose residents to negative or unhealthy conditions, such as those adjacent to potential pollution sources, have been excluded from the Sites Inventory in cases where the potential pollution source cannot be adequately separated from the potential housing. Where setbacks would need to be made, realistic development capacities have been reduced.

## **POLICY OPTIONS AND STAFF RECOMMENDATION**

Policy Option 1: Recommend approval of staff’s recommended Site Inventory, including the recommended rezoning sites, as shown in Appendix D of the Adoption Draft Housing Element.

Policy Option 2: Recommend a modified inventory site list with additional sites analyzed in the EIR but not included in staff’s recommended Site Inventory in Appendix D of the Adoption Draft Housing Element.

### **Recommendation: Policy Option 1**

Staff’s recommended Housing Element Site Inventory, including the list of sites recommended for rezoning (the “Recommended Rezone Sites”), is included in Appendix D of the Planning Commission Adoption Draft Housing Element. See Exhibit 1a. The Recommended Rezone Sites list does not include all of the 59 sites that were analyzed for rezoning in the EIR for various reasons, including state statutory requirements for inventory sites such as parcel size, access to utilities, zoning at a residential density of 20 units per acre, and capability of being developed within the 8-year planning period (2023-2031). Other factors staff considered included environmental constraints such as flood risk, wildfire hazard, and environmental justice considerations, as outlined in Sites Considerations above. Staff was also mindful of the County’s obligation to Affirmatively Further Fair Housing, which requires equitably distributing affordable housing sites throughout the County and identifying sites within state-defined high-resource areas. The site list as shown in Appendix D, corresponding to the staff recommendation, Policy Option 1, is included as Exhibit 9 of the staff report. A site list for Policy Option 2 is included as Exhibit 10 of the staff report.

## **CHAPTER 26 TEXT AMENDMENTS**

The Housing Element Update project also includes a limited set of amendments to Sonoma County Code Chapter 26, the County’s Zoning Regulations. (See Exhibit 3b to the Draft Resolution.) During preparation of the 2023-2031 Housing Element, staff discovered two housing-related codification errors created by adoption of Ordinance 6334 in 2021, which were not identified in time to include them in the larger codification error corrections ordinance that was reviewed and recommended by the Planning Commission in February and



adopted by the Board of Supervisors on March 7, 2023. (Ordinance No. 6403.) Prior to adoption of Ordinance 6334 in 2021, emergency shelters were a permitted use in the Public Facilities Zone, and mobilehome parks were a conditionally permitted use in the R1 (Residential Low Density) zone. Those uses were inadvertently deleted as allowed uses in these districts by Ordinance 6334. As part of the Housing Element Update project, the proposed ordinance would amend Chapter 26 to restore emergency shelters as a permitted use in the Public Facilities zone and restore mobilehome parks as a conditionally permitted use in the R1 zone.

In addition, the proposed ordinance would repeal outdated provisions of Article 02 detailing provisions of a Sonoma Valley residential growth management plan (Sec. 26-02-060) and a Sonoma County Area No. 6 growth management plan (Sec. 26-02-050). The proposed ordinance also amends Sec. 26-02-040 to repeal Sec. 26-02-040 (b) and (c), providing exemptions from permit limits under the Sonoma Valley and Area No. 6 growth management plans, and to amend subsection (a) to update the reference from “second dwelling unit” to “accessory dwelling unit.” The growth management plans were not carried forward when the 2008 General Plan Update was adopted, but were never repealed from the Zoning Regulations. While they are no longer enforced, they directly conflict with State Housing Law and are legally unenforceable. Staff requests that you recommend Board of Supervisors approval of the draft ordinance.

## **NEXT STEPS**

Following Planning Commission adoption of a recommendation on the Housing Element Update project components and Final EIR, the Board of Supervisors will hold a public hearing in which it will receive the Planning Commission’s recommendations and consider certification of the Final EIR and adoption of the 2023-2031 Housing Element and the other components of the Housing Element Update project, namely amendments to the General Plan Land Use Map, Official Zoning Database, and Sonoma County Code Chapter 26 (Zoning).

Following Board of Supervisors adoption of the 2023-2031 Housing Element, it will again be transmitted to HCD for a full review of its compliance with all statutory requirements, including how the Sites Inventory meets the County’s AFFH obligation. If HCD is able to determine by the end of its 60-day review period that all of its previous comments have been appropriately addressed and that all statutory requirements are now met, it will issue a letter stating so and the Housing Element will become “certified.”

Staff and Consultants will continue to work with HCD during this next review period to ensure that the Housing Element can be certified. Typically, HCD will contact a local team two or three weeks prior to HCD’s review deadline for clarification of specific items and to have any questions answered. At this time, HCD staff may request that additional data be included in the Technical Background Report, typically related to fair housing. They may also request that the County add more specific numerical targets or place-based strategies to some of its programs, consistent with the adopted Quantified Objectives, Fair Housing Analysis, and other parts of the adopted Housing Element. If the Board’s Resolution adopting the Housing Element grants authority to the Director to provide this clarifying information, AND if both the County and HCD staff agree that any post-adoption additions and clarifications are non-substantive and do not require further review or action by the Planning Commission and Board of Supervisors, then the edits will be highlighted in a revised version of the Adopted Housing Element and made available for public review for 7 days before re-submittal to HCD. If staff or the HCD determine that new policies or other substantive changes are necessary for the County to receive certification, then a revised Housing Element would need to return to the Board of Supervisors for re-adoption before being re-submitted to HCD for another 60-day review before certification could be achieved.



Based on the Consultant’s experience with HCD review and awareness of HCD requests across the ABAG region, including direct experience in five other Sonoma County jurisdictions that have now achieved certification of their new Housing Elements, some additions and clarifications have been made in the County’s Adoption Draft Housing Element beyond those formally requested by HCD, to proactively address its expected post-adoption comments.

**REQUESTED ACTIONS**

Staff requests that the Planning Commission take the following actions:

- 6. Accept the staff report and presentation
- 7. Open and close the public hearing to accept public comments
- 8. Adopt the attached resolution recommending that the Board of Supervisors:
  - a. Certify the Final EIR and adopt the MMRP;
  - b. Adopt the 2023-2031 Housing Element;
  - c. Amend the General Plan Land Use Map to change land use designations for applicable parcels as recommended by staff and shown in Appendix D of the Planning Commission Adoption Draft Housing Element (Exhibit 1a, Appendix D)
  - d. Amend the Official Zoning Database to rezone specified parcels, as recommended by staff and shown in Appendix D of the Planning Commission Adoption Draft Housing Element (Exhibit 1a, Appendix D)
  - e. Adopt amendments to Sonoma County Code Chapter 26 (Zoning) substantially as set forth in Exhibit 3b to the Draft Planning Commission Resolution.

**ATTACHMENTS**

- 1. Exhibit 1 - Planning Commission Adoption Draft Housing Element
  - a. Adoption Draft Housing Element Appendices
  - b. Adoption Draft Housing Element Technical Background Report
- 2. Exhibit 2 - Final Environmental Impact Report (Final EIR)
  - a. Appendix A to Final EIR
- 3. Exhibit 3 - Draft Planning Commission Resolution
  - a. General Plan Consistency Analysis
  - b. Amendments to Sonoma County Code (Zoning)
- 4. Exhibit 4 – March 30, 2023 HCD Review Letter



5. Exhibit 5 – County Responses to HCD Comments
6. Exhibit 6 – Mitigation Monitoring and Reporting Program
7. Exhibit 7 – Draft Findings and Overriding Consideration
8. Exhibit 8 – Housing Action Plan Program List
9. Exhibit 9 – Policy Option 1 Site List
10. Exhibit 10 – Policy Option 2 Site List
11. Draft Environmental Impact Report
  - a. Draft EIR Appendices
  - b. Notice of Preparation
  - c. Notice of Availability
12. Public Comments Received Through March 2023