



# County of Sonoma

## State of California

Date: December 5, 2023

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Certifying Independent Consideration And Review Of The North Santa Rosa Station Area  
Specific Plan EIR As A Responsible Agency Under CEQA, Making Findings Of Fact Required By  
CEQA And Adopting A Statement Of Overriding Considerations And A Mitigation Monitoring  
And Reporting Program;**

**Determining That Proposed Amendments To Land Use and Zoning For Identified  
Unincorporated Parcels In Santa Rosa (APNs 036-111-009, -010, -016, -002 And -011; 0 - 1705  
Lance Drive) And Associated Amendments to Sonoma County Code Chapter 26 Are Exempt  
From Further CEQA Review Pursuant To Public Resources Code § 21155.4 and CEQA  
Guidelines § 15182(B);**

**Approving Amendments To The General Plan Land Use Map And Designations For the  
Identified Lance Drive Parcels and 3400 Ross Road, Graton (APN 130-090-009)**

**Whereas**, the legislative proposal before the Board of Supervisors in this item is comprised of the following actions:

(1) Adoption of amendments to the General Plan Land Use Map and corresponding land use designations for 3400 Ross Road, Graton (APN 130-090-009, "GRA-2") and five parcels comprising most of an unincorporated island in northwest Santa Rosa, within the North Santa Rosa Station Area Specific Plan adopted by the City of Santa Rosa (collectively, the "Lance Drive Parcels"). The proposed amendments are attached as Exhibits A-B and are incorporated herein by reference.

(2) Adoption of an ordinance amending the Official Zoning Database and rezoning the Lance Drive parcels and GRA-2, attached as Exhibit C, incorporated herein by reference; and

(3) Adoption of an ordinance amending Sonoma County Code Chapter 26 (Zoning) to implement Housing Element Program 15 and to adopt unique development standards for the Lance Drive Parcels consistent with the policies, land use and pre-zoning adopted by the City of Santa Rosa in North Santa Rosa Station Area Specific Plan project. The draft ordinance is attached as Exhibit D and incorporated herein by reference.

**Whereas**, on August 22, 2023, the Sonoma County Board of Supervisors certified the Final Environmental Impact Report for the 2023-2031 Sonoma County Housing Element Update Project, adopted the 2023-2031 Sonoma County Housing Element (the "Housing Element"), and approved related actions amending the General Plan land use and zoning of housing sites throughout Sonoma County to enable those sites to be included in the Housing Element Inventory of sites adequate to accommodate the County's assigned 2023-2031 Regional Housing Need Allocation ("RHNA") of 3,824 units; and

**Whereas**, on October 26, 2023, the State Department of Housing and Community Development (HCD) certified the County's Housing Element as in compliance with State law; and

**Whereas**, to maintain Housing Element compliance with State law, the County must ensure, throughout the eight-year life of the Housing Element, that there are adequate sites identified in the Housing Element Site Inventory to accommodate the County's remaining RHNA plus a buffer, and must also timely and effectively carry out the implementation programs identified in the Housing Element; and

**Whereas**, the recommended actions that are before the Board in this item (collectively, the "Implementation Actions") directly implement Programs 4 and 15 of the County's newly certified Housing Element:

(1) Adoption of amendments to the General Plan Land Use Map and corresponding land use designations for 3400 Ross Road, Graton (APN 130-090-009, "GRA-2") and five parcels comprising most of an unincorporated island in northwest Santa Rosa, within the North Santa Rosa Station Area Specific Plan adopted by the City of Santa Rosa (the "Lance Drive Parcels"). The proposed amendments are attached as Exhibit A-B and incorporated herein by reference.

(2) Adoption of an ordinance amending the Official Zoning Database and rezoning the Lance Drive parcels and GRA-2 (attached as Exhibit C, incorporated herein by reference); and

(3) Adoption of an ordinance amending Sonoma County Code Chapter 26 (Zoning) to implement Housing Element Program 15 and to adopt unique development standards for the Lance Drive Parcels consistent with the policies, land use and pre-zoning adopted by the City of Santa Rosa in North Santa Rosa Station Area Specific Plan project. The draft ordinance is attached as Exhibit D and incorporated herein by reference.

**Whereas**, for the sixth housing element cycle (for the Bay Area, 2023-2031), the State assigned a Regional Housing Need Determination (RHND) to the Association of Bay Area Governments (ABAG) region of 441,176 units. As provided in State law, ABAG adopted a methodology for allocating a share of the region's RHND to each city and county in the Bay Area. The methodology involved a variety of complex factors, and assigned counties responsibility for housing in areas outside of city limits but within spheres of influence and urban growth boundaries; and

**Whereas**, ABAG assigned Sonoma County a RHNA of 3,881 units for the for the 2023-2031 cycle, but based on a RHNA transfer agreement between the County and the City of Cloverdale that was ultimately approved by ABAG, the final RHNA assigned to the unincorporated County for the 2023-2031 cycle is 3,824 units, including 584 very-low income units, 1084 low-income units, and 627 moderate-income units; and

**Whereas**, the adopted Housing Element demonstrates the County's plan for how it will accommodate its assigned share of the RHNA, including an inventory of sites suitable and available for residential development ("Sites Inventory"). Pursuant to Government Code Section 65863, Sonoma County must maintain adequate sites that are appropriately zoned and available to accommodate its remaining unmet RHNA by each income category, as well a "buffer" number of sites, at all times throughout the 8-year life of the Housing Element. This is known as the No Net Loss requirement; and

**Whereas**, the adopted Housing Element acknowledges that the County has a shortfall of sites adequate to meet its RHNA and maintain the required buffer. Rezoning actions taken concurrently with Housing Element adoption addressed only a portion of the shortfall; and

**Whereas**, Housing Element Program 4 identifies actions the County will take to maintain an adequate site inventory to accommodate its RHNA, and includes Subprogram 4b to rezone three parcels located in an "unincorporated island" along Lance Drive in northwest Santa Rosa, to allow higher density residential and mixed uses consistent with pre-zoning adopted by the City of Santa Rosa in 2012 as part of its North Santa Rosa Station Area Specific Plan Project. The identified unincorporated island parcels together comprise approximately 30 acres, bordered roughly by Lance Drive and Guerneville Road, and are identified in Housing Element Appendix D, Table 16 as APNs 036-111-009, 036-111-010, and 036-111-016 (SAN-18, -19, and -20, respectively). Reflecting State law requirements regarding rezoning of inventory sites within one year after the State law deadline for adoption of a Housing Element, Subprogram 4b requires that this rezoning action must be completed by January 31, 2024; and

**Whereas**, the Housing Element EIR certified by the Board on August 22, 2023 analyzed the potential environmental effects of adopting and implementing the Housing Element Update Project, including rezoning of up to 59 identified parcels proposed for rezoning to allow higher density residential development needed to accommodate the County's shortfall of adequate sites to accommodate RHNA; and

**Whereas**, regarding the site identified as GRA-2 herein and in the Housing Element and Housing Element EIR:

- GRA-2 was one of the 59 potential rezoning sites analyzed for rezoning in the Housing Element EIR. GRA-2 is also identified as 3400 Ross Road, Graton, and APN 130-090-009. Based on the initial proposal to rezone the site to add the Workforce Housing Combining District, the EIR's analysis assumed that GRA-2 would be developed at a density of 24 units per acre, consistent with the density allowed under the proposed Workforce Housing Combining District. The Housing Element EIR also assumed, for purposes of its analysis, that 71 units would be developed on GRA-2, based on a raw calculation of the site's total 2.9 acres, multiplied by the assumed density of 24 units per acre.
- In its public hearing held on July 20, 2023 to make a recommendation to the Board regarding adoption of the Housing Element, the Sonoma County Planning Commission deliberated on the proposed zoning for GRA-2 and determined to recommend that the Board of Supervisors modify the proposed rezoning for GRA-2. The original proposal was to retain the existing M1 (Limited Urban Industrial) base zone and add the Workforce Housing Combining District, which as analyzed by the Housing Element EIR would allow residential development at up to 24 units per acre. The Commission opined that GRA-2 was more suitable for the High Density Residential (R3) base district than other proposed inventory sites, and recommended rezoning the site to R3

(High Density Residential), 20 units per acre density, with corresponding amendments to General Plan land use for the site.

- The Planning Commission identified and acknowledged that because the public had only been given notice of the potential rezoning of GRA-2 to add the WH Combining District, amending the site's General Plan Land Use to Urban Residential, 20 units per acre, and rezoning the site to R3, 20 units per acre, would require additional public notice and could therefore not be included in the rezoning ordinance and General Plan amendment that would be considered by the Board as part of its adoption of the Housing Element Update. Subsequent action to renotice and rezone GRA-2 was expressly included in the scope of the Planning Commission's recommendation to the Board.
- As part of its adoption of the Housing Element Update, the Board of Supervisors accepted the Planning Commission's recommendation that GRA-2 should be brought forward for land use and zoning amendment to Urban Residential land use and R3 (High Density Residential) zoning following appropriate public notice.
- For purposes of inclusion in the Site Inventory, staff estimated that GRA-2 has a developable acreage of 2.28 acres, corresponding to an existing F2 (floodplain) Combining District located on a portion of the site.

**Whereas**, regarding the Lance Drive Parcels as defined above and listed in Exhibits A-C to this Resolution:

- After publication of the Draft EIR for the Housing Element Update, staff identified three parcels located in an "unincorporated island" in northwest Santa Rosa as potential candidates for rezoning and inclusion in the Housing Element Sites Inventory. Staff concluded that rezoning of these sites would serve County goals of community-centered growth and transit-oriented development. The three initially identified parcels are identified in Exhibits A-C hereto and in Housing Element Appendix D, Table 16 as located on Lance Drive in Santa Rosa, and more specifically as APNs 036-111-009, 036-111-010, and 036-111-016 (SAN-18, -19, and -20, respectively).
- The three initially identified Lance Drive parcels are listed in Appendix D to the Housing Element, Table 16 (Sites to be Rezoned Through Program 4: Actions to Meet RHNA) as having projected capacity for 641 new housing units, including 163 lower income units.
- Two additional parcels are included in the set defined as Lance Drive Parcels in the proposed Implementation Project actions, and are identified in Exhibits A-C as 1705 and 1680 Lance Drive (APNs 036-111-011 and -002, respectively). These parcels are proposed for rezoning consistent with proposed zoning for the larger SAN-18, -19, and -20 parcels but were not identified for inclusion in the Housing Element Site Inventory due to their size.
- The Lance Drive Parcels are substantially surrounded by incorporated territory of the City of Santa Rosa and are located within .5 mile of the North Santa Rosa SMART Station, as well as commercial services, schools and parks.
- The Lance Drive Parcels are located within the boundaries of the City of Santa Rosa's North Santa Rosa Station Area Specific Plan ("Specific Plan"). In September 2012, the Santa Rosa City Council adopted resolutions approving the North Santa Rosa Station Area Specific Plan, adopting



a statement of overriding considerations and certifying the Specific Plan EIR. The City concurrently adopted an ordinance rezoning incorporated area parcels within the Specific Plan boundaries and pre-zoning unincorporated island parcels in the the Specific Plan area, including the Lance Drive Parcels, to implement and meet the goals outlined in the Specific Plan. The Specific Plan designates the land use of these properties as Medium Residential, Medium High Residential, and Retail and Business Service; most of the Lance Drive Parcels area is pre-zoned for multifamily residential (R-3), with a portion at the intersection of Guerneville Road and Lance Drive zoned for neighborhood commercial (CN), corresponding to the land uses provided for in the Specific Plan.

**Whereas**, there are no development applications currently pending before the County for development of the Lance Drive Parcels or GRA-2; and

**Whereas**, the Planning Commission held a public hearing on the proposed Implementation Actions on October 19, 2023, at which time all interested persons were given an opportunity to be heard. After opening and closing public comment, the Planning Commission adopted a resolution recommending that the Board of Supervisors adopt the Implementation Actions, defined herein as amendments to the General Plan Land Use Map and land use designations for the Lance Drive Parcels and GRA-2 (as shown in Exhibits A-B), ordinance amendments to the Official Zoning Database to rezone the Lance Drive Parcels and GRA-2 (Exhibit C), and the draft ordinance amending Sonoma County Code Chapter 26 (Exhibit D).

**Whereas**, on December 5, 2023, the Board of Supervisors conducted a duly noticed public hearing on the Implementation Actions and associated environmental determinations under the California Environmental Quality Act (CEQA). The Board reviewed and considered all oral and written public comments, the Implementation Actions, the record of proceedings for the Housing Element Update Project and EIR, all materials referenced and discussed in Exhibits to this resolution, and all other pertinent documents and materials;

**Now, Therefore, Be It Resolved** that, based on substantial evidence in the record, the Board finds and determines as follows:

A. Consistency with Sonoma County General Plan

A.1 The proposed amendments to the General Plan Land Use Map and designations and the proposed ordinance amending the Official Zoning Database, attached as Exhibits A-C and incorporated by reference, directly implement Program 4 of the Housing Element.

A.2 On balance, the Implementation Project implements the goals and intent of the General Plan and its Housing Element. The inconsistencies do not frustrate the General Plan's enforceable goals and policies, as discussed below, and are outweighed by strong consistency with multiple goals and objectives of the General Plan. Overall, the project implements the goals and intent of the General Plan and adopted Housing Element as follows:

A.2.1 Regarding GRA-2, the proposed amendments to the General Plan Land Use Map and zoning for GRA-2 are generally consistent with the policies of the General Plan. While GRA-2 is partially within a 100-year floodplain, future development on this site would be required to comply with General Plan Policy LU-7c, with site design placing permanent new structures outside of the floodway and raised above the 100-year flood elevation. Consistency with Policy AR-4c would be met through compliance with Mitigation Measure

AG-1 in the EIR, to provide a minimum buffer between agricultural operations and residential developments. Mitigation measures identified in the Housing Element Environmental Impact Report will apply to future development on GRA-2.

- A.2.2 Regarding the Lance Drive Parcels, the proposed amendments to General Plan land use (Land Use Map) and zoning for the Lance Drive Parcels are consistent with the Land Use Element's overarching goal of city-centered growth and infill development. These changes align with the General Plan sustainability goals of encouraging compact and mixed use development that reduces vehicle miles traveled and greenhouse gas emissions, through the use of infill sites, as outlined above. The North Santa Rosa SMART Station meets the definition of a major transit stop under State law; planning for urban residential land use and zoning for parcels located within a half-mile of a major transit stop, and with access to public services and infrastructure, is planning for city-centered, transit-oriented growth.
- A.2.3 Redesignation and rezoning of the Lance Drive parcels does not comply with Land Use Element Objective LU-16.1 and Policy LU-16g, which direct avoidance of urban development within Urban Service Areas until annexation and retention of unincorporated lands as low density until annexation. Objective 16.1 and Policy LU-16g were intended, at least in part, to promote orderly growth and city-centered growth adjacent to existing incorporated areas. These provisions were also based on assumptions about the County's ability to maintain decades-long patterns of allowing only a very limited amount of very low-density development in unincorporated areas. However, the Board finds that strict compliance with Objective LU-16.1 and Policy LU-16g would have the opposite result, due to the requirements of current State housing laws. Instead of protecting areas outside urban growth boundaries and urban service areas, strict compliance with these provisions would force the County to expand availability of urban services outside current urban service areas in order to support higher densities required to accommodate RHNA. Accordingly, despite the appearance of conflict with Objective 16.1 and Policy 16g and related provisions in the Land Use Element, the Board finds that adoption of the Implementation Project Actions is, on balance, consistent with enforceable Land Use goals, objectives, and policies in the General Plan.
- A.2.4 Two of the Lance Drive Parcels are not identified in the Housing Element for rezoning and inclusion in the Site Inventory, due to their size. However, amending land use and zoning of these parcels to mirror the zoning of the larger previously identified parcels is consistent with good planning and zoning practice; rezoning will avoid creating a small island of Rural Residential/Agriculture and Residential parcels with a density of one unit per five acres, surrounded by parcels zoned and eventually developed for residential use at a minimum of 10-20 units per acre.
- A.2.5 Adoption of the proposed land use and zoning amendments conflicts with the population growth projections in General Plan 2020, including those referenced in Goal LU-1. As this Board found in Resolution No. 23-0249 adopting the Housing Element, adoption of the Housing Element Update will cause the population buildout potential in the unincorporated County to exceed the projections in General Plan 2020. Some Land Use Element objectives and policies are designed to avoid exceeding those projections. However, the County is mandated by State law to plan for and provide adequate sites

sufficient to accommodate the County's 3,824-unit RHNA. Meeting the County's RHNA will necessarily exceed the buildout projections in General Plan 2020, which has a 2020 planning horizon. The Board finds, with respect to this specific topic, that because providing adequate sites to accommodate RHNA is mandatory under State law and the proposed land use and zoning amendments are necessary to address the County's shortfall of sites to meet its RHNA, and therefore consistency of the proposed Implementation Project actions with General Plan population projections is moot. Moreover, as discussed in Recital 2.b of Resolution No. 23-0249 and as programmed in the Housing Element, by December 2024 County staff will bring forward draft General Plan amendments to address inconsistencies created by adoption of the Housing Element. General Plan inconsistency created by adoption and initial implementation of the Housing Element Update will be addressed in programmed future amendments to the General Plan scheduled to be brought forward by December 2024.

A.2.6 With respect to the proposed ordinance amending Chapter 26 (Zoning), all proposed amendments, other than those adding the LG/LAN Combining District and associated standards for the Lance Drive Parcels, are identified in HE Program 15a. These amendments are required to achieve consistency with State housing law, will reduce constraints to housing development, and are expressly contemplated by the Housing Element.

A.2.7 The identified inconsistencies do not hinder or frustrate the General Plan's goals and policies and the areas of nonconformity are outweighed by strong consistency with multiple goals and objectives that encourage community-centered growth and infill development, encourage transient-oriented growth, and commit to removal of constraints to housing. Pursuant to Housing Element Subprogram 15k, text corrections to other elements that are identified as necessary to address inconsistencies resulting from Housing Element adoption and this implementation action are programmed to be drafted and brought forward for consideration by December 2024. The Board of Supervisors finds that this is a necessary and appropriate action.

## B. CEQA Compliance

### B.1 Lance Drive Parcels and North Santa Rosa Station Area Specific Plan

B.1.1 As the decision-making body for the County, and in the County's role as a responsible agency under CEQA, the Board of Supervisors has independently reviewed and considered the information contained in the Specific Plan EIR, the City's CEQA findings and statement of overriding considerations in City Council Resolutions 28188 and 28187, and the City's Mitigation Monitoring and Reporting Program (City MMRP), as well as the County's Statement of Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program ("MMRP"), supporting documentation, and the entire record of proceedings. Based on this review, the County finds that, as to the potential environmental impacts of the project that are within the County's powers and authorities to approve as a responsible agency, the EIR contains a complete, objective, and accurate reporting of the potential impacts of the project, and that these findings reflect the independent judgment and analysis of the County. The County has determined that the EIR adequately disclosed and evaluated the impacts of the Specific Plan Project and

identified and imposes adequate mitigation measures, to the extent feasible. The County's Findings of Fact and Statement of Overriding Considerations are attached as Exhibit E and are incorporated by reference as if fully set forth in this resolution.

B.1.2 In its role as a responsible agency under CEQA, the County finds that there are no feasible alternatives to the proposed project that would avoid or substantially lessen the project's environmental impacts related to the Lance Drive Implementation Actions, but still achieve most of the project's objectives. The County further finds that there are no additional feasible mitigation measures within the County's authority which would eliminate or reduce any of the project's potentially significant impacts to a level of less than significant.

B.1.3 In compliance with CEQA Guidelines section 15096, the Board has reviewed and considered the Specific Plan EIR certified by the City of Santa Rosa, together with the City's findings contained in City Council Resolution Nos. 28188 and 28187, and the Mitigation Monitoring and Reporting Program adopted by the City, and the Board has reached its own independent conclusions on whether and how to approve the Lance Drive Implementation Actions and make these findings. Pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162, 15163, and 15164, the County, acting as a responsible agency under CEQA, has determined that none of the conditions set forth in CEQA Guidelines section 15162(a) have occurred. The County has also determined that no changes or additions to the certified Specific Plan Program EIR are necessary. The proposed Project has not materially changed, and the details of development of the Lance Drive Parcels consistent with the Specific Plan, which are adequately described in the certified Specific Plan EIR, have not materially changed. Accordingly, the County, acting as a responsible agency under CEQA, has determined that the Specific Plan EIR certified by the City complies with the mandates of CEQA and the CEQA Guidelines and fully discloses and analyzes the effects of those activities involved in the Specific Plan Project which the County is required by law to consider and approve or disapprove. Accordingly, the County finds that, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15096(a) and 15162, the Specific Plan EIR certified by the City is adequate for use by the County and that no subsequent or supplemental EIR is necessary to address any changes to the Project, changes in circumstances, or new information generated since the County certified the Specific Plan EIR under CEQA.

B.1.4 None of the conditions set forth in CEQA Guidelines section 15052 have occurred that would require a shift in lead agency designation.

B.1.5 The County as responsible agency has independently reviewed and determined that the EIR adequately disclosed and evaluated the impacts of the project, and imposed adequate mitigation measures to the extent feasible.

B.1.6 As required by CEQA Guidelines Section 15093 and 15096, the County prepared a Mitigation Monitoring and Reporting Program (the "County MMRP") based upon its independent review and consideration of the Specific Plan EIR as a responsible agency implementing the North Santa Rosa Station Area Specific Plan. The County MMRP is attached as Exhibit F and incorporated herein by reference. The County MMRP includes mitigation for impacts pertinent to the Lance Drive Implementation Actions, and includes those mitigation measures adopted by the City that are within the County's jurisdiction as

responsible agency implementing a portion of the Specific Plan Project. Certain mitigation measures adopted by the City in the City MMRP have been modified to make minor updates to the name of an agency or entity with responsibility or jurisdiction over implementation of a particular mitigation measure.

B.1.7 The Board finds and determines that adoption of the Lance Drive Implementation Actions is exempt from further CEQA review pursuant to Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182(b), as set forth in the Determination of Eligibility attached as Exhibit G and incorporated herein by reference.

## B.2 GRA-2

B.2.1 The proposed amendments to General Plan land use and zoning of GRA-2 is an activity fully described and analyzed in the Housing Element EIR, and is therefore entirely within the scope of the Housing Element EIR. The Housing Element EIR analyzed the 2.9-acre site for residential development at 24 units per acre and assumed that 71 units would be constructed on the site without allowing for undevelopable areas, based on the initial proposal to rezone the site to add the Workforce Housing Combining District. Other potential housing sites in Graton and elsewhere in the County that were analyzed for rezoning to R3-20 units per acre, were analyzed based on an assumed density of 20-22 units per acre, which is functionally equivalent to the density and development assumptions for GRA-2. Pursuant to CEQA Guidelines § 15162, the Board finds that changing the site's land use and zoning to Urban Residential/R3, 20 units/acre, is not a substantial change to the project, will not cause any new significant environmental effects and will not increase the severity of a previously identified significant effect. The Planning Commission and Board received and considered numerous submittals of public comments and other information regarding water supplies, groundwater, traffic safety, and other issues pertaining to rezoning sites in Graton, including GRA-2. Pursuant to CEQA Guidelines § 15162(a)(3), there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the Housing Element EIR as complete on August 22, 2023. Accordingly, because none of the circumstances in Guidelines § 15162(a) have occurred, no subsequent CEQA review for is warranted for the GRA-2 amendments.

**Be It Further Resolved** that the Board hereby adopts the CEQA Findings and Statement of Overriding Considerations for the Lance Drive Implementation Actions, attached hereto as Exhibit E and incorporated by reference.

**Be It Further Resolved** that the Board hereby adopts the Mitigation Monitoring and Reporting Program for the Lance Drive Implementation Actions under the North Santa Rosa Station Area Specific Plan Project, attached as Exhibit F, and directs that the measures provided shall apply to all subsequent projects on the Lance Drive Parcels that may occur prior to annexation, while the Lance Drive Parcels remain under County jurisdiction.

**Be It Further Resolved** that the Board hereby finds and determines that the Lance Drive Implementation Actions, as discussed herein, are exempt from further CEQA review pursuant to Public Resources Code 21155.4 and CEQA Guidelines Section 15182(b).

**Be It Further Resolved** that the Board of Supervisors hereby amends the General Plan land use map and the land use designations as depicted and set forth in the attached Exhibits A and B, and directs that they be added to the Housing Element Site Inventory.

**Be It Further Resolved** that the Board of Supervisors designates the Director of Permit Sonoma or designee as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the County of Sonoma Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, California 95403.

**The Foregoing Resolution** was introduced by Supervisor \_\_\_\_\_ who moved its adoption, seconded by Supervisor \_\_\_\_\_ and adopted on roll call by the following vote:

**Supervisors:**

Gorin:                      Rabbitt:                      Gore:                      Hopkins: Coursey:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**

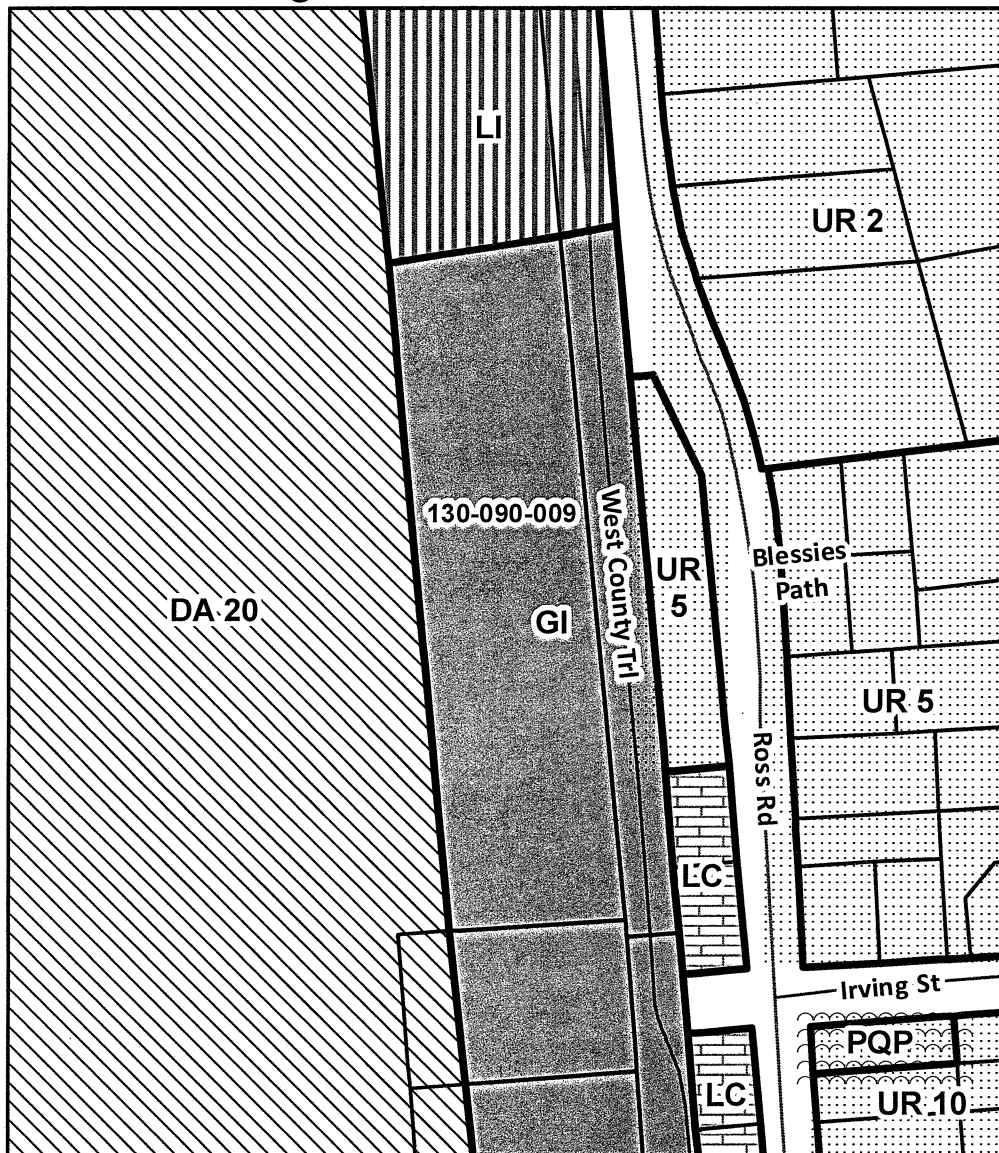
**Exhibits**

- Exhibit A – General Plan Land Use Amendments
- Exhibit B – General Plan Amendments Sectional Districts Map
- Exhibit C – Ordinance Amending the Official Zoning Database, with Exhibit A, Rezoning Table and Exhibit B, Sectional District Maps
- Exhibit D – Ordinance Amending Chapter 26
- Exhibit E – CEQA Findings and Statement of Overriding Considerations
- Exhibit F – County Mitigation Monitoring and Reporting Program
- Exhibit G – Determination of Consistency with Public Resources Code 21155.4

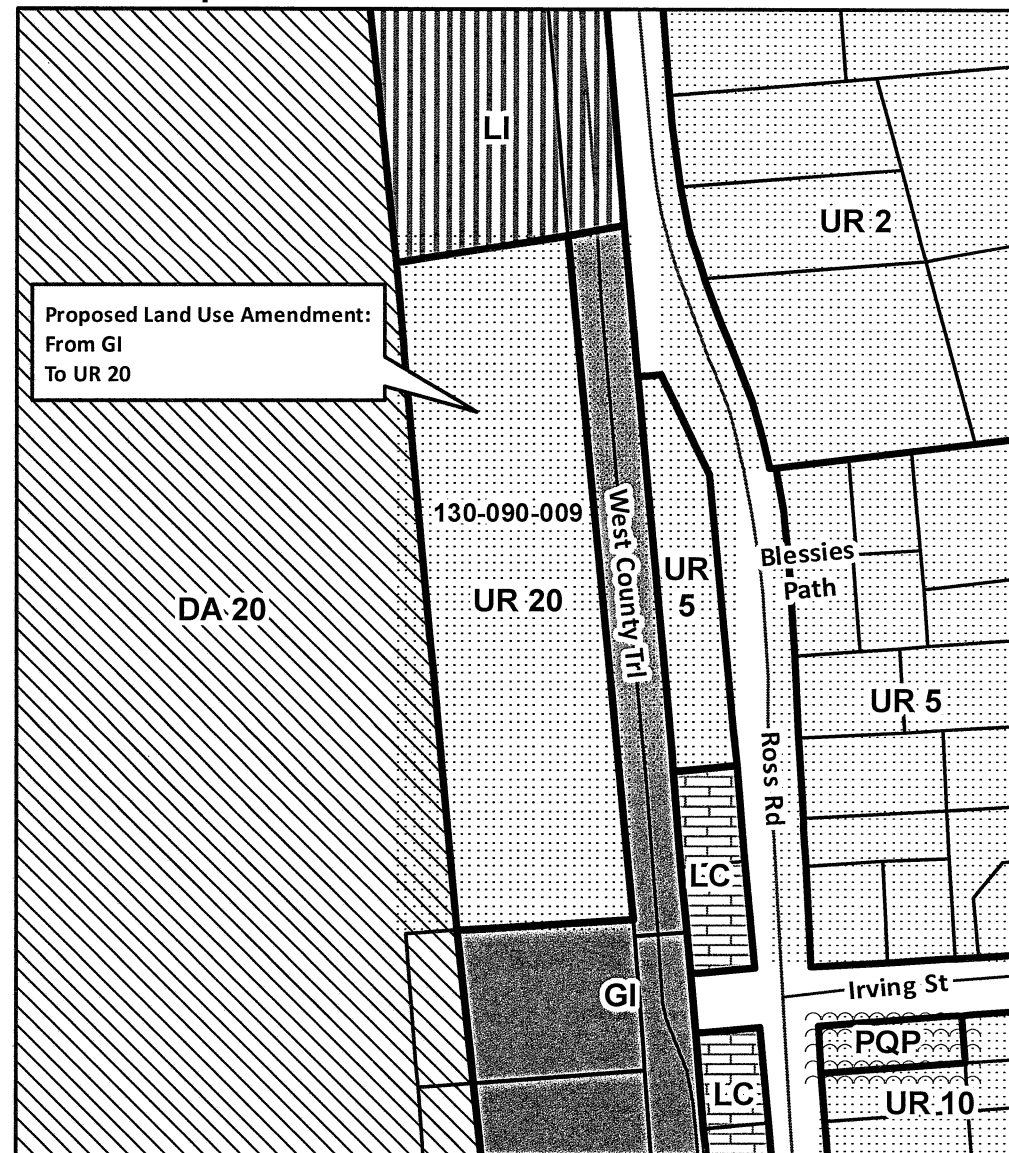
**EXHIBIT A****DRAFT GENERAL PLAN LAND USE AMENDMENTS**

<b>Housing Element Map ID</b>	<b>Address</b>	<b>APN</b>	<b>Current Land Use</b>	<b>Proposed Land Use</b>	<b>Acreage</b>
N/A	1680 Lance Dr, Santa Rosa	036-111- 002	RR 5	UR 20	±1.0
SAN-18	0 Lance Dr., Santa Rosa	036-111- 009	RR 5	UR 20	±6.2
SAN-18	0 Lance Dr., Santa Rosa	036-111- 009	RR 5	UR 11	±8.2
SAN-19	1696 Lance Dr., Santa Rosa	036-111- 010	RR 5	UR 11	±4.8
NA	1705 Lance Dr., Santa Rosa	036-111- 011	RR 5	UR 20	±1.0
SAN-20	1601, 1607 Lance Dr., Santa Rosa	036-111- 016	RR 5	UR 20	±9.9
SAN-20	1601, 1607 Lance Dr., Santa Rosa	036-111- 016	RR 5	LC	±2.9
GRA-2	3400 Ross Rd, Graton	130-090- 009	GI	UR 20	±2.9

## Existing General Plan Land Use



## Proposed General Plan Land Use

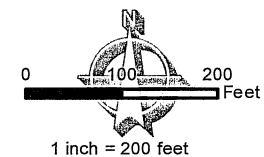


## Base Map Data

- Parcel
- Land Use by Area

## General Plan Land Use

- Diverse Agriculture
- Urban Residential
- Limited Commercial
- General Industrial
- Limited Industrial
- Public / Quasi Public

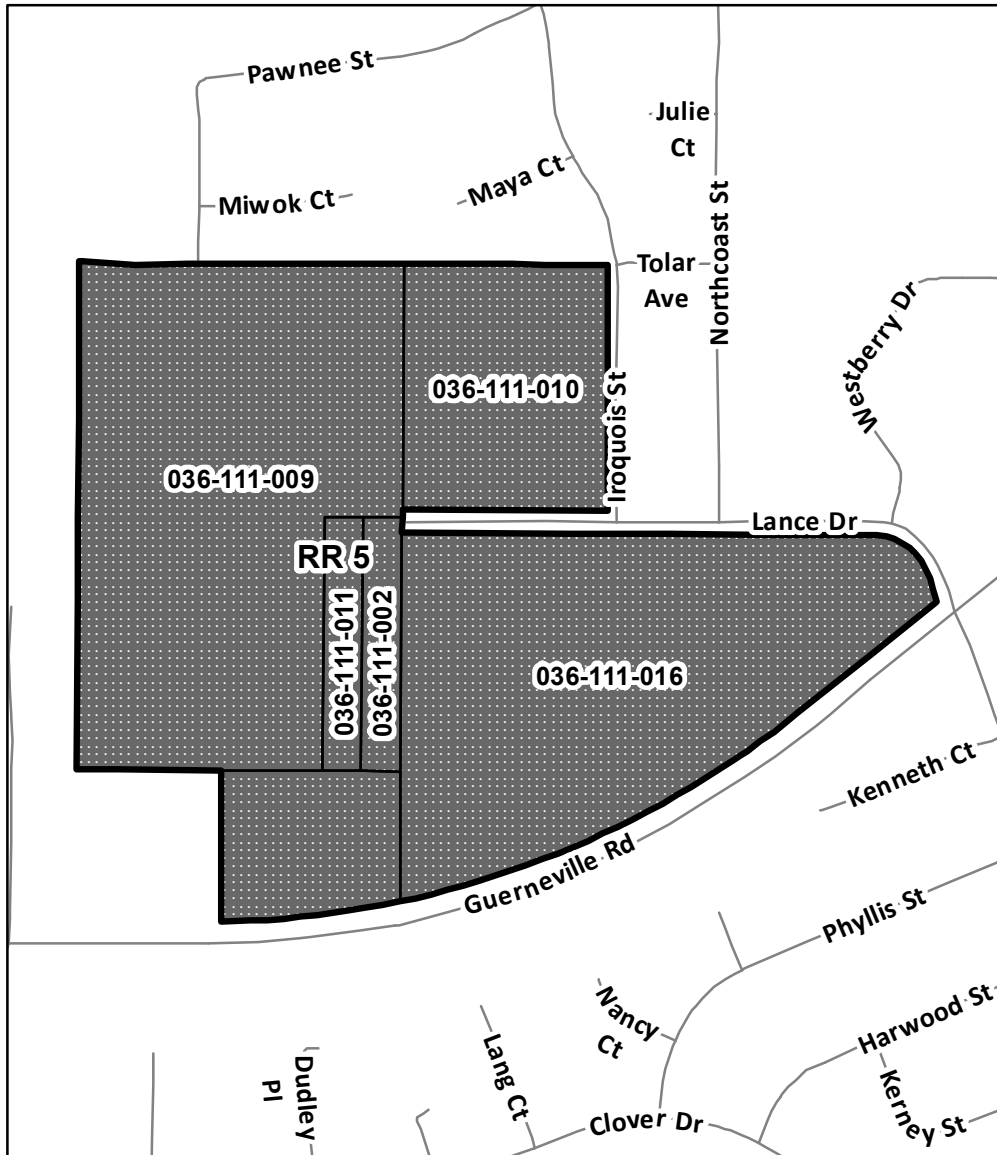


FILE: PLP23-0018  
 APN: 130-090-009  
 Resolution No. TBA

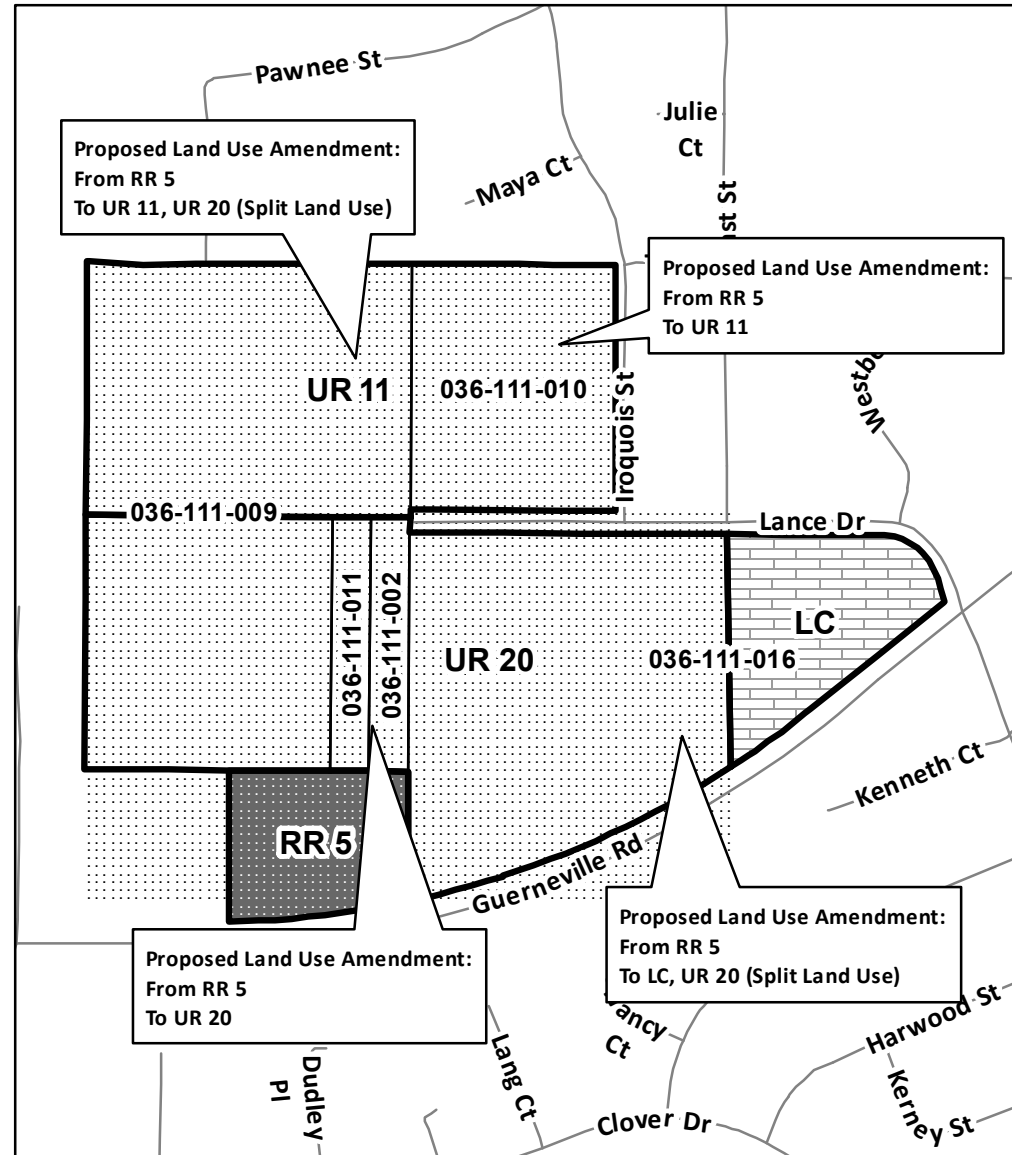
Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103



## Existing General Plan Land Use



## Proposed General Plan Land Use

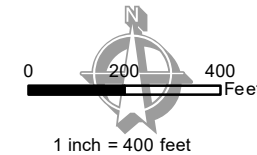


### Base Map Data

- Parcel
- Land Use by Area

### General Plan Land Use

- Rural Residential
- Urban Residential
- Limited Commercial



FILE: PLP23-0018  
 APN: 036-111-002, 009, -010  
 -011, -016  
 Resolution No. TBA

Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

## ORDINANCE NO. ( )

### AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE TO REZONE SPECIFIC PARCELS FOR RECOMMENDED HOUSING SITES

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. The Official Zoning Database of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify specified real property as set forth in Exhibits A and B, deleting only the specific district or districts and density listed as “current zoning,” adopting the district or districts and density listed as “adopted zoning,” and making no other changes to existing zoning. The referenced Exhibits A and B are attached hereto and incorporated herein by reference.

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, adopted the \_\_\_\_ day of \_\_\_\_, 2023, on regular roll call of the members of said Board by the following vote:

#### **SUPERVISORS:**

Gorin:                      Rabbitt:                      Gore:                      Hopkins:                      Coursey:

Ayes:                      Noes:                      Absent:                      Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

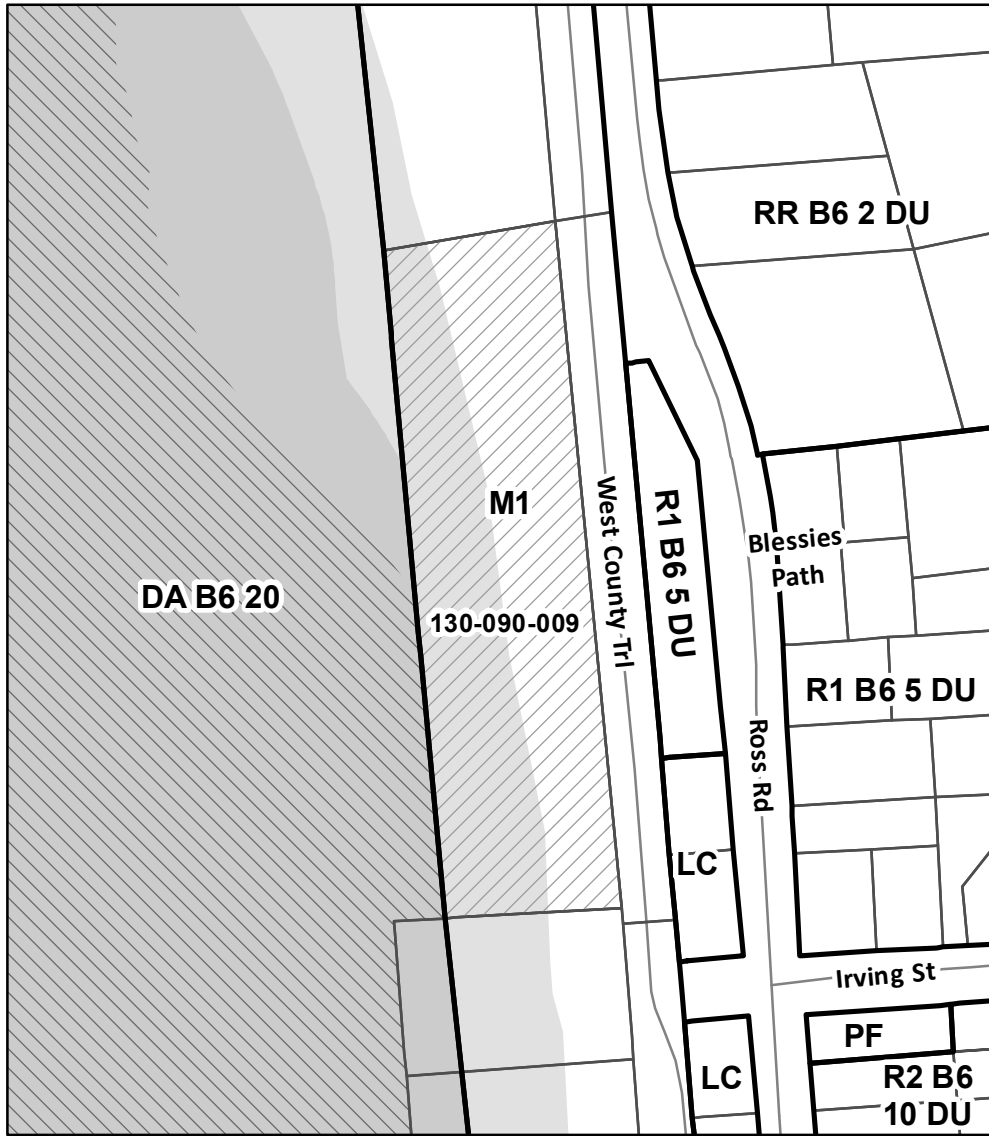
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Christina Rivera,  
Clerk of the Board of Supervisors

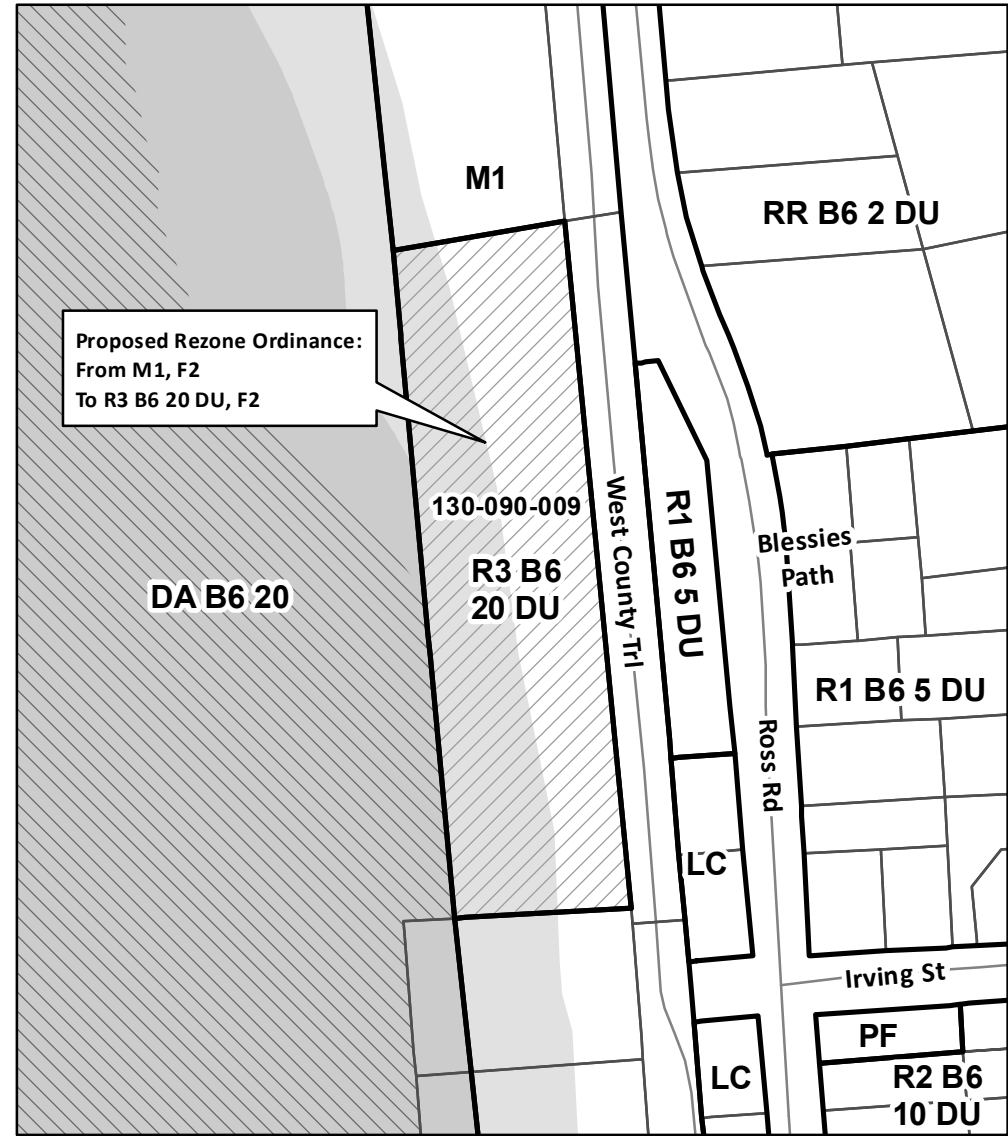
Exhibit A – Rezone Sites

<b>Housing Element Map ID</b>	<b>Address</b>	<b>APN</b>	<b>Current Zoning</b>	<b>New Zoning</b>	<b>Acreage</b>
N/A	1680 Lance Dr, Santa Rosa	036-111-002	AR B6 5, VOH	R3 B6 20 DU, LG/LAN VOH	±1.0
SAN-18	0 Lance Dr., Santa Rosa	036-111-009	AR B6 5, VOH	R3 B6 20 DU, LG/LAN VOH	±6.2
SAN-18	0 Lance Dr., Santa Rosa	036-111-009	AR B6 5, VOH	R2 B6 11 DU, LG/LAN VOH	±8.2
SAN-19	1696 Lance Dr., Santa Rosa	036-111-010	AR B6 5, VOH	R2 B6 11 DU, LG/LAN VOH	±4.8
NA	1705 Lance Dr., Santa Rosa	036-111-011	AR B6 5, VOH	R3 B6 20 DU, LG/LAN VOH	±1.0
SAN-20	1601, 1607 Lance Dr., Santa Rosa	036-111-016	AR B6 5, VOH	R3 B6 20 DU, LG/LAN VOH	±9.9
SAN-20	1601, 1607 Lance Dr., Santa Rosa	036-111-016	AR B6 5, VOH	C2, LG/LAN VOH WH	±2.9
GRA-2	3400 Ross Rd, Graton	130-090-009	M1, F2	R3 B6 20 DU, F2	±2.9

## Existing Zoning



## Proposed Zoning

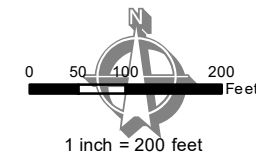


### Base Map Data

- Subject Parcel
- Basezoning by Area
- Parcel
- Street

### Zoning Combining Districts

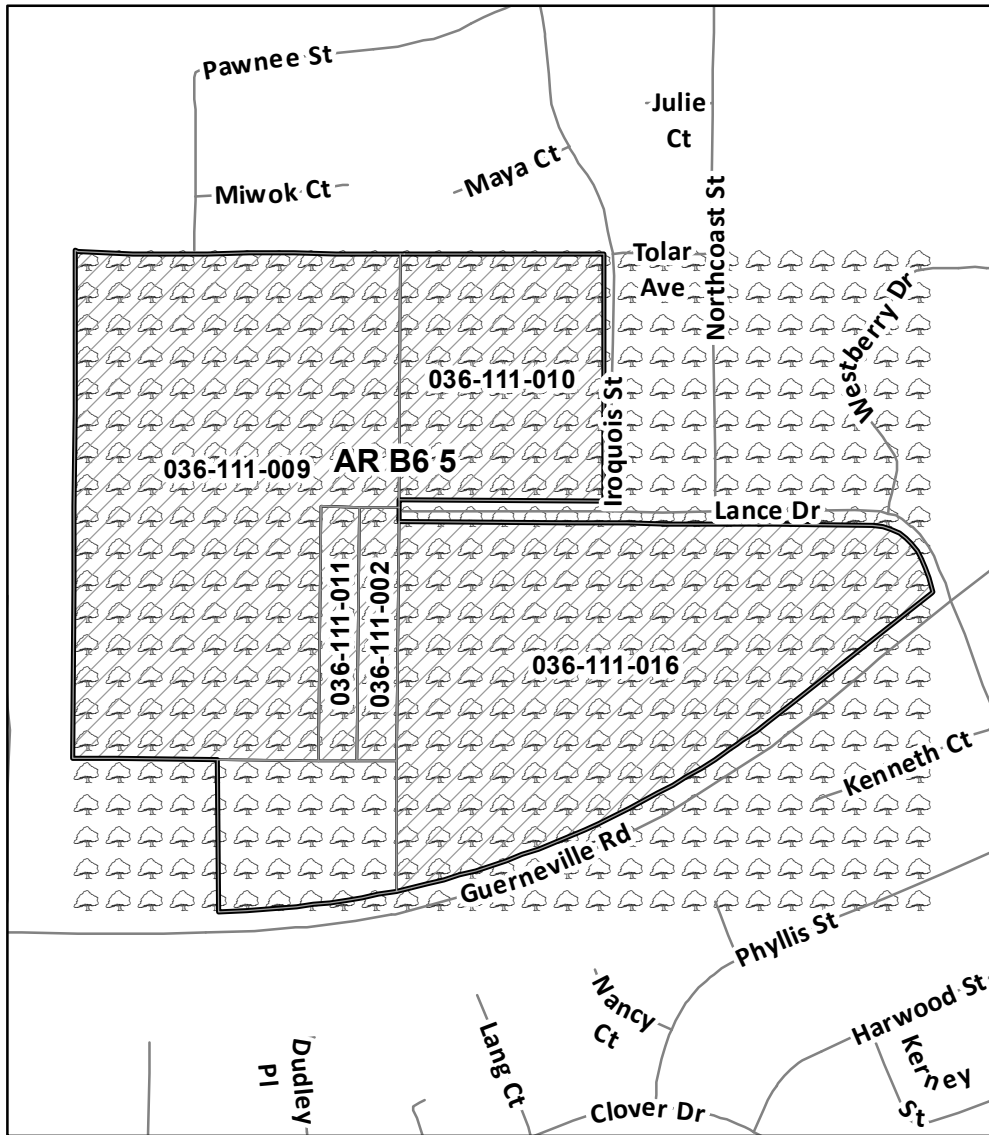
- BH Biotic Habitat
- F2 Floodplain
- RC Riparian Corridor



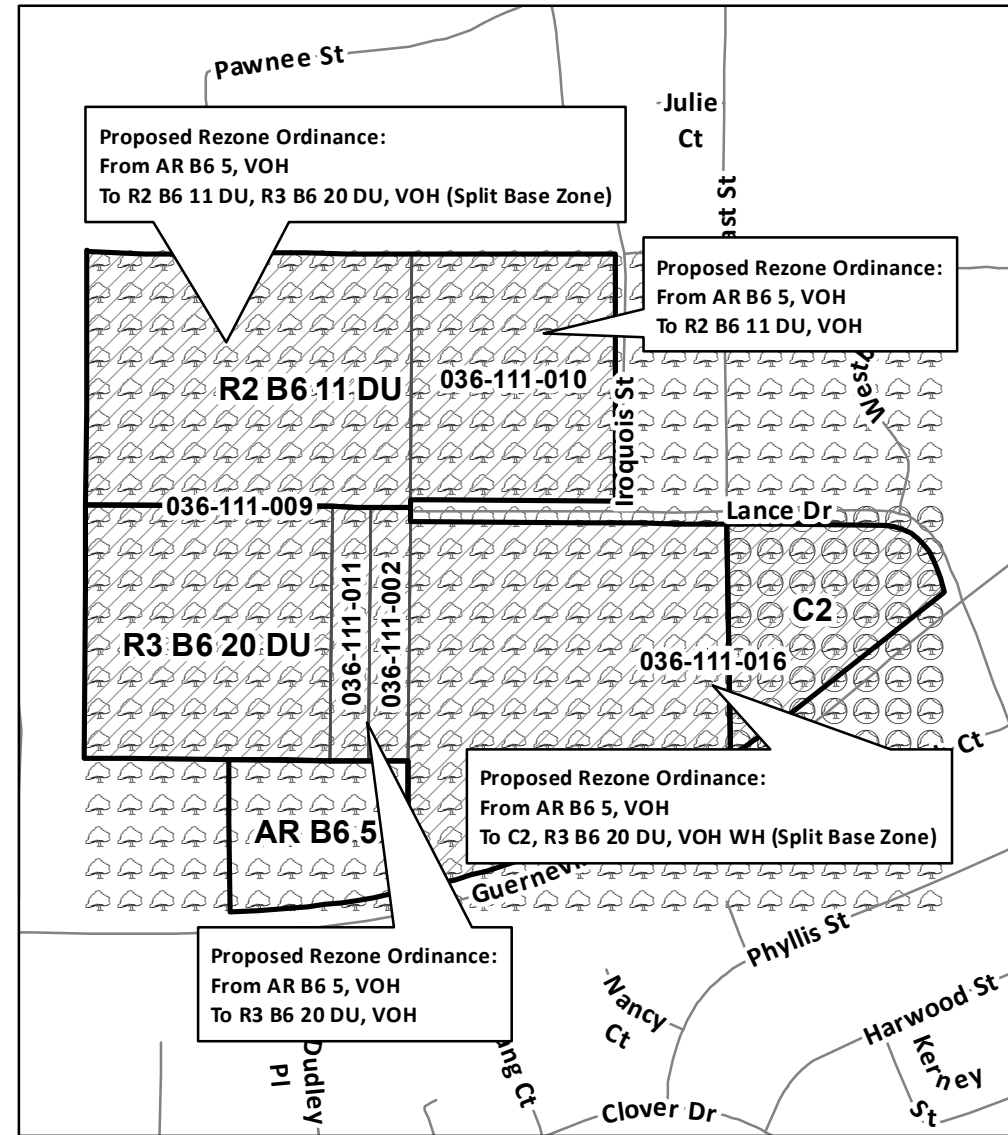
FILE: PLP23-0018  
 APN: 130-090-009  
 Ordinance No. TBA  
 Sectional District Map No. TBA

Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103





## Existing Zoning





## Proposed Zoning

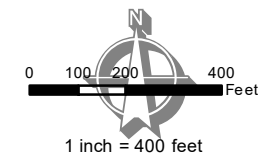


### Base Map Data

-  Subject Parcel
-  Basezoning by Area
-  Parcel
-  Street

### Zoning Combining Districts

-  VOH Valley Oak Habitat
-  WH Workforce Housing



FILE: PLP23-0018  
 APN: 036-111-002, 009, -010  
 -011, -016  
 Ordinance No. TBA  
 Sectional District Map No. TBA

Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

## ORDINANCE NO. ()

### AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE CHAPTER 26 (ZONING REGULATIONS) TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT AND ENSURE CONSISTENCY WITH STATE LAW

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**Section I.** Sonoma County Code Section 26-04-020(L) is amended to add the following definition, to be inserted in alphabetical order:

**Low Barrier Navigation Center.** See Section 26-24-210 for definition and development standards.

**Section II.** Sonoma County Code Section 26-04-020(S) is amended to add the following definition, to be inserted in alphabetical order:

State Regulated Small Employee Housing. See Section 26-24-260 for definition and development standards.

**Section III.** Section 26-06-030, Table 6-1 is amended to add uses as indicated in underline below:

Land Use	LIA Zone	LEA Zone	DA Zone	RRD Zone	TP Zone	Use Regulations
<u>State Regulated Small Employee Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>26-24-260</u>

**Section IV.** Section 26-08-030, Table 8-1 is amended to modify uses as indicated in underline and strikeout below:

Land Use	AR Zone	RR Zone	R1 Zone	R2 Zone	R3 Zone	Use Regulations
<u>Low-Barrier Navigation Center</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>26-24-210</u>
<u>State Regulated Small Employee Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>26-24-260</u>

**Section V.** Section 26-10-030, Table 10-1 is amended to add uses as indicated in underline below:

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
<u>Low-Barrier Navigation Center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>26-24-210</u>

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
<u>State Regulated Small Employee Housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>26-24-260</u>

**Section VI.** Section 26-14-030, Table 14-1 is amended to add uses as indicated in underline below:

Land Use	PCRR Zone	PCUR Zone	PCCOM Zone	PF Zone	Use Regulations
<u>State Regulated Small Employee Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>26-24-260</u>

**Section VII.** Sonoma County Code is amended to insert the following text as Section 26-24-210, renumbering the current section 26-24-210 (Mixed-Use Development) and subsequent sections in Article 24 and making no amendments to the substance of the renumbered sections:

**Sec. 26-24-210. – Low-Barrier Navigation Center.**

- A. **Definition.** A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

“Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
5. A low barrier navigation center is a use by right in zones where it is identified as a permitted use, provided that the use meets the requirements enumerated in Government Code Section 65662 or successor statute.

- B. **Standards.** A Low Barrier Navigation Center must meet the following requirements:

1. **Connected Services.** It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. **Coordinated Entry System.** It links to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed



pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

3. **Code Compliant.** It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. **Homeless Management Information System.** It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
5. **Lighting.** Exterior lighting must be fully shielded and downward facing. Flood lights and uplights are prohibited. Luminaries must not exceed 1000 lumens per fixture. Total illuminance beyond the property line must not exceed 1.0 lux. The color temperature of exterior lighting must not exceed 3000 Kelvin.
6. **Security and Management.** Onsite security shall be provided during hours of operation. The Low Barrier Navigation Center shall provide at least one onsite manager at all times.
7. **Common Facilities.** Low Barrier Navigation Centers are encouraged but not required to provide the following common facilities for the exclusive use of the residents:
  - (1)Central cooking and dining room(s);
  - (2)Common recreation room;
  - (3)Office with services for residents;
  - (4)Laundry facilities adequate for the number of residents.
8. **On-Site Parking.** On-site parking for Low Barrier Navigation Centers, including bicycle parking, shall be subject to requirements as set forth in Article 86.
9. **Secure Storage.** Low Barrier Navigation Centers are encouraged but not required to provide secure, locked storage facilities for residents' personal belongings.

**Section VIII.** Sonoma County Code Section 26-24-230 is amended as shown in underline and strikeout below:

**Sec. 26-24-230. - Permanent supportive housing.**

- A. **Definition.** Rental housing with no limit on length of stay, occupied by a special needs population as specified in the housing element, with on-site or off-site services assisting residents to retain their housing, improve their health status, and maximize their ability to live and, where possible, work in the community. Also "supportive housing."

**B. Standards.**

1. Permanent supportive housing is a use by right in zones where multifamily and mixed uses are permitted.
2. Subject to the same density limitations and to the same regulations applicable

to other residential dwellings of the same type (ex. Single-Family or Multi-Family Residential) in the same zone.

**Section IX.** Sonoma County Code Section 26-24-240 is amended as shown in underline and strikeout below:

**Sec. 26-24-240. – Residential Community Care.**

A. **Definition.** A facility that provides primarily nonmedical residential care for children and/or adults ~~A facility that provides primarily nonmedical residential care for children and/or adults. Housing with supportive services for persons or families in transition from a homelessness to permanent housing. The length of stay is typically six (6) months to two (2) years.~~

1. Includes: family home, group care facility or similar licensed facility for 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
2. Small residential care facility: facilities serving six (6) or fewer persons.
3. Large community care facility: facilities serving seven (7) or more persons.

B. **Standards.**

1. Not allowed on land subject to a Williamson Act contract.
2. Subject to the same density limitations and regulations applicable to other residential dwellings of the same type (ex. Single-Family Residential) in the same zone. Subject to the same density limitations and regulations applicable to other residential dwellings of the same type (ex. multifamily) in the same zone.

**Section X.** Sonoma County Code is amended to insert the following text as Section 26-24-260, renumbering the current section 26-24-260 (Temporary Occupancy of Travel Trailer) and subsequent sections in Article 24 and making no amendments to the substance of the renumbered sections:

**Sec. 26-24-240. – State-regulated small employee housing.**

A. **Definition.** Employee housing, as defined in California Health and Safety Code §17008 and as provided in Health and Safety Code §17021.5, for six or fewer employees in a single-family dwelling.

1. State-regulated small employee housing is not included within the definition of a boarding house, rooming house, hotel, dormitory, congregate housing or similar term that implies that the qualified employee housing is a business run for profit or differs in any other way from a single-family dwelling.
2. Consistent with California Health and Safety Code §17021.5, use of a single-family dwelling as State-regulated small employee housing does not constitute a change in occupancy for purposes of State Housing Law (California Health and Safety Code §17910, et seq.) and local building codes.

**B. Standards.**

1. Subject to the same density limitations, standards, regulations, permit requirements, taxes, and fees applicable to other single-family dwellings of the same type in the same zone.
2. State-regulated small employee housing shall be established and maintained in compliance with any applicable Williamson Act contract.

**C. Permits.**

1. A Use Permit is required if the applicable zoning district requires a Use Permit for single-family dwellings.
2. A permit to operate from the State Department of Housing and Community Development is required.

**Section XI.** Sonoma County Code Section 26-24-270 is amended as shown in underline and strikeout below:

**Sec. 26-24-270. – Transitional Housing.**

- A. **Definition.** Housing with supportive services for persons or families in transition from a homelessness to permanent housing. The length of stay is typically six (6) months to two (2) years.
- B. **Standards.**
1. CO, C1, C2, and C3, and LC zones: Transitional housing is allowed only when located in an existing, legal residential unit.
  2. Subject to the same density limitations and regulations applicable to other residential dwellings of the same type (ex. Multi-Family Residential) in the same zone.

**Section XII.** Sonoma County Code Section 26-63-030 is amended as shown in underline and strikeout below:

When Article 90 (Local Area Guidelines and Standards) establishes a new Local Area Development Guideline, the parcels within the boundary shall be added to the LG combining zone with an appropriate suffix to indicate the specific area. The following specific LG combining zone subareas have been established and are included within the Zoning Database:

- (1) Canon Manor West (LG/CMW), Section 26-90-050.
- (2) Glen Ellen Subareas 1 and 2 (LG/GE1)(LG/GE2), Section 26-90-060.
- (3) Highway 116 Scenic Corridor (LG/116), Section 26-90-070.
- (4) Penngrove Main Street (LG/PNG), Section 26-90-080.
- (5) Russian River Corridor (LG/RRC), Section 26-90-90.

- (6) Russian River Corridor & Highway 116 (LG/RRC116) Sections 26-90-070 and 26-90-090.
- (7) Sebastopol Road Urban Vision Plan (LG/SRV), Section 26-90-100.
- (8) The Springs Highway 12 Corridor (LG/SPR), Section 26-90-110.
- (9) Taylor/Sonoma/Mayacamas Mountains (LG/MTN), Section 26-90-120.
- (10) Lance Drive (LG/LAN), Section 26-90-130.

**Section XIII.** Sonoma County Code Section 26-86-010 is amended as shown in underline and strikeout below:

Use	Parking Spaces
<u>Low-Barrier Navigation Center</u>	<u>1 space for any management unit or office, 1 space/200 sq.ft. floor area of office space, and 1 space for each employee on maximum shift.</u>
Homeless shelters	<del>1 space for every 6 beds, plus</del> 1 space for any the management unit or office and 1 space for each employee, <del>if any,</del> on maximum shift.

**Section XIV.** Sonoma County Code Section 26-88-010(k) is amended as shown in underline and strikeout below:

(k) ~~Reserved.~~ Employee Housing Act compliance. Notwithstanding any other provision in this chapter, no discretionary approval shall be required under this chapter for employee housing, as defined in Cal. Health and Safety Code § 17008, that is deemed an agricultural land use for the purpose of Cal. Health and Safety Code § 17021.6. If any provision in this chapter conflicts with a mandate of the Employee Housing Act (Cal. Health and Safety Code Div. 13, Pt. 1,) as it relates to employee housing, the mandatory provision of the Employee Housing Act shall prevail. All citations in this section are to the identified statute or its successor statute as applicable.

**Section XV.** Sonoma County Code Section 26-88-060 is amended as shown in underline and strikeout below:

- (a) **Purpose.** This section implements the requirements of Government Code § 65852.2 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units (ADUs).
- (b) **Definitions.** As used in this section:
  - (1) “Multifamily” means a structure with two or more attached dwellings on a single lot.
  - (2) “Objective standards” mean numeric and/or fixed standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public official prior to submittal.

- (3) "Primary residence" means an existing or proposed single-family dwelling or multifamily structure on the lot on which the ADU or ADUs is or are proposed to be established.
- (4) "Accessory structure" means a legally permitted structure that is accessory and incidental to a primary residence located on the same lot.
- (5) "Existing space" means floor area that is legally permitted or recognized as legal by the Director.
- (6) "Floor area" means the interior habitable area of the dwelling unit, including but not limited to basements and attics, but does not include a garage or any accessory structure. Floor area shall be calculated by measuring the exterior interior perimeter of applicable areas. and the length of any common walls.
- (7) "Groundwater Availability Zone" means an area designated as Groundwater Availability Class 1, 2, 3, or 4 pursuant to the General Plan Water Resources Element and depicted on Sonoma County's Groundwater Availability Map maintained by the Permit and Resource Management Department.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Studio" means a dwelling unit in which the living area is not separated from the sleeping area.
- (10) "Major transit stop" has the same definition as specified in Section 21155 of the Public Resources Code.
- (11) "High quality transit corridor" has the same definition as specified in Section 21155 of the Public Resources Code.

(c) **Applicability.**

- (1) ADUs shall be ministerially permitted in zoning districts that allow single-family or multifamily dwellings, in compliance with Government Code § 65852.2, the requirements of this section, and all other requirements of the applicable zoning district in which an ADU is permitted. The Department shall ~~act on~~ approve or deny an application to create an ADU within 60 days from the date it receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
- (2) On lots in LIA, LEA, ~~and DA,~~ and RRD zoning districts, ADUs shall be permitted in conjunction with a primary residence, except where a lot is eligible for one or more agricultural ~~dwelling employee housing~~ units and an application has been filed for an ADU, that lot shall be eligible for one fewer agricultural dwelling unit. Where a lot contains the maximum agricultural dwelling units permitted on the lot, those units are deemed ADUs and no additional ADUs are permitted. ~~In this section, "agricultural dwelling unit"~~ Agricultural employee housing

includes farm family dwelling units, caretaker units, year-round farmworker housing, or agricultural employee dwelling units.

- (3) ADUs are prohibited in the Z (Accessory Dwelling Unit Exclusion) Combining District.
- (4) ADUs with water provided by a groundwater well or spring in Class 3 and 4 Groundwater Availability Zones shall be limited as follows:
  - (i) In Class 3 areas, ADUs shall be permitted only if:
    - (A) The domestic water source is located on the subject lot, or a mutual water source is available; and
    - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of the Sonoma County Code.
  - (ii) In Class 4 areas, or critical habitat areas as identified by the County and informed by State or Federal agency publications of critical habitat areas for fisheries, an ADU shall be permitted only if:
    - (A) Both requirements for Class 3 areas, above, are met; and
    - (B) The ADU can be shown to have a net zero increase in water usage on the lot, following the most recent guidance, policy, or procedure adopted by the Director of Permit Sonoma.
- (d) **Density.** As provided by Government Code § 65852.2, ADUs do not exceed the allowable density for the lot on which the ADU is located, and are consistent with the General Plan and zoning for the lot.
- (e) **Permit Requirements.** Construction permits (including, but not limited to, building, grading, well, septic, and sewer permits, as applicable) shall be required to establish an ADU. ADUs must comply with applicable building and fire codes, including providing evidence of adequate wastewater disposal capacity, water supply, access, and that any required permits have been obtained and all applicable fees have been paid. Water supply must be demonstrated pursuant to Section 7-12 of this Code.
- (f) **Fees.** Applicable development fees shall be charged proportionately by the square footage of the ADU in relation to the square footage of the primary residence. On a lot that contains a multifamily dwelling, the proportionality shall be based on the average square footage of the units within the multifamily dwelling structure. No fees shall be charged for ADUs of less than 750 square feet.
- (g) **Timing.** An ADU is allowed on a lot with an existing or proposed primary dwelling unit. A certificate of occupancy for an ADU shall not be issued prior to a certificate of occupancy for the primary residence. Existing dwellings meeting the standards of this ordinance may be re-designated as an ADU, when a new primary dwelling unit is proposed, and with the approval of a zoning permit.

(h) **Development Standards.**

- (1) **Unit Type.** An ADU may be attached to an existing primary residence, converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
- (2) **Number of Units.** The number of ADUs allowed on a single lot shall be:
  - (i) **On a lot that contains an existing or proposed single-family dwelling:** ~~One ADU~~ One ADU attached to a proposed single family dwelling or within the existing space of a single family dwelling or accessory structure, and one detached, new construction ADU.
  - (ii) **On a lot that contains an existing multifamily dwelling:** Two ADUs, detached from the multifamily structure, ~~or~~ and up to 25 percent of the existing units in the multifamily dwelling, but at least one, converted from existing non-livable space in a multifamily structure.
  - (iii) **On a lot that contains a proposed multifamily dwelling:** ~~One ADU~~ Two ADUs, detached from the multifamily structure.
- (3) **Location.** ADUs shall be located subject to the following setbacks, and in conformance with any easements and building envelopes:
  - (i) **Front Yard Setback:** As established by the base zoning district, unless compliance with the setback would not permit an ADU of 800 square feet, meeting applicable height standards, with four-foot side and rear yard setbacks.
  - (ii) **Side and Rear Yard Setbacks:** Four feet.
  - (iii) No setback shall be required for an ADU converted from existing space within the primary residence or an accessory structure, or for an ADU constructed in the same location and to the same dimensions as an existing accessory structure.
  - (iv) **Riparian Corridor Setbacks.** ADUs shall observe applicable setbacks of the Riparian Corridor (RC) Combining District as provided in Article 65 of this Code. If the setback would not permit an 800 square foot ADU that ~~is no more than 16 feet in height meets applicable height standards,~~ then the ADU shall provide a minimum of four-foot side and rear yard setbacks and comply with applicable permit requirements for development within the Riparian Corridor setback. An application for an ADU proposed within the RC setback shall not be considered complete until the applicable permit for development within the Riparian Corridor setback is obtained.
  - (v) ADUs shall adhere to subsection (m), Construction Standards.

(4) **Height.**

(i) **Detached, new construction:**

- (A) On lots with an existing or proposed single-family residence, ADUs shall be limited to the height limit for accessory structures established by base zoning district, except that the maximum allowed height shall not be less than ~~16~~ 18 feet.
- (B) On lots with existing or proposed multifamily dwellings, ADUs shall be limited to ~~16~~ 18 feet in height.

(ii) **Attached to the primary residence, or converted from existing space in the primary residence:** The ADU shall comply with the height limit established by the base zoning district.

(iii) **Attached to or converted from the entirety of or a portion of an accessory structure:** On lots with single family or multifamily dwellings, the ADU shall be limited to the height limit for accessory structures established by the base zoning district, except that the maximum allowed height shall not be less than ~~16~~ 18 feet. An ADU created through the conversion of an existing accessory structure may include an expansion of no more than 150 square feet beyond the physical dimensions of the existing structure to accommodate ingress and egress. In General Plan-designated Urban Service Areas, and where the unit is proposed to be located above an accessory structure, the maximum height shall be that established for the primary dwelling in the base zoning district.

(5) **Unit Size.**

(i) **Detached or attached to the primary residence or an accessory structure, new construction:** The maximum floor area shall be 1,200 square feet.

~~(A) On lots with an existing or proposed single-family residence, the maximum floor area shall be 1,200 square feet.~~

~~(B) On lots with existing or proposed multifamily dwellings, the maximum floor area shall be 1,200 square feet.~~

~~(ii) **Attached to the primary residence or an accessory structure, new construction:** The maximum floor area shall be 1,200 square feet.~~

(iii) **Converted from existing space in a primary residence or an accessory structure:** The maximum size of an ADU created through the conversion of existing space shall be the dimensions of the structure plus an addition of no more than 150 square feet to accommodate ingress and egress. An expansion greater than 150 square feet may be permitted up to a maximum unit size of 1,200 square feet.



- (6) **Lot Size.** No minimum lot size shall be required.
- (7) **Lot Coverage.** The lot coverage limitation of the base zoning district shall be applied, unless ~~it~~ compliance with lot coverage would not permit an ADU of 800 square feet, 16 feet in height meeting applicable height standards, meeting with four-foot side and rear yard setbacks.
- (i) **Parking.** One parking space shall be provided. The parking space for an ADU may be located in an existing driveway as tandem parking.
- (1) ~~These parking requirements do not apply if the ADU meets any of the following criteria in any of the following instances:~~
  - (i) ~~Where~~ The ADU is on a lot that is located within one-half mile walking distance to a transit stop.
  - (ii) ~~Where~~ The ADU is on a lot zoned within the HD (Historic District) Combining ~~Zone~~ District.
  - (iii) ~~Where~~ The ADU is part of a proposed or existing primary residence or an existing accessory structure.
  - (iv) ~~When~~ The ADU is located on a lot where on-street parking permits are required, but not offered to the occupantey of the ADU.
  - (v) ~~When~~ The ADU is on a lot located within one block of a car share vehicle.
  - (vi) The ADU is a studio.
  - (vii) When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
- (2) Replacement parking shall not be required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU. ~~is created by converting an existing garage that provides parking for the primary dwelling unit.~~
- (j) **Standards for Conversions of Legal Nonconforming Residential Accessory Structures.** ADUs converted from residential accessory structures determined to be Legal Nonconforming, pursuant to Article 94 of the Sonoma County Zoning Ordinance, shall be subject to the following requirements:
  - (1) A Legal Nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure shall not be subject to setback requirements.
  - (2) A ~~Legal Nonconforming~~ residential accessory structure that is converted to an ADU may be expanded to 1,200 square feet if the expansion will comply with

the height limit and setbacks for new detached ADUs, ~~except as provided in subsection (h)(5)(iii)(A).~~

- (3) Expansion of floor area within a nonconforming setback is limited to 10 percent, or at least 150 square feet if necessary to accommodate ingress and egress.
- (k) **Standards for ADUs Used to Meet the Affordable Housing Program Requirement.** In addition to the standards set forth above, an ADU that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
  - (1) **Separate Parking and Pathway.** A designated parking space and a path of travel into the ADU that does not cross the private yard space of the main home.
  - (2) **Doorways.** No connecting doorways between the ADU and the main unit, except for a shared laundry room or vestibule; and
  - (3) **Yard.** Provision of a separate yard or open space area from that of the main dwelling. For ADUs located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six feet.
- (l) **Design Standards.** ADUs involving addition of floor area shall meet all objective design standards that apply to the lot. No discretionary review or permits shall be required to establish an ADU.
- (m) **Construction Standards.** Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements.
  - (1) Structures within the State Responsibility Area (SRA) must comply with applicable local and State regulations for setbacks and fire-resistive construction.
  - (2) Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to state law or regulation.
  - (3) Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers. Fire sprinklers may be required if a structure containing an ADU is greater than 1,200 square feet.
- (n) **Use Restrictions.**
  - (1) **Ownership.** ADUs may be rented but shall not be sold or otherwise conveyed separate from the primary residence, except as specifically provided for by State law.
  - (2) **Duration of Tenancy.** ADUs may not be rented for periods of less than 30 days.

**Section XVI.** Sonoma County Code Section 26-88-127 is amended as shown in underline and strikeout below:

- (a) Purpose. This section establishes standards for the siting and operation of homeless shelters. The purpose of these standards is to ensure that the development and operation of small-scale and emergency homeless shelters do not adversely impact adjacent parcels or the surrounding residents and businesses. It is intended that these provisions protect the health, safety and welfare of the county's residents while ensuring that standards imposed on a shelter not serve as constraints, but rather serve to encourage and facilitate the development and operation of such facilities. The following performance standards shall apply to homeless shelters:
- (b) Permit Requirements. Homeless shelters may require a use permit, depending on their type and location, as provided in the regulations for the base districts in which they are allowed.
- (c) Property Development Standards. Homeless shelters shall conform to all property development standards of the zoning district in which they are located except as modified by these performance standards.
- (d) Maximum Number of Persons/Beds. Small-scale homeless shelters shall serve no more than ten (10) persons. Emergency homeless shelters shall be limited to not more than fifty (50) persons served on a year-round basis, but during seasonal or emergency events of flooding, extreme temperature, or natural disaster, such shelters shall not be limited with regard to number of persons served, subject to occupancy limits of the Building Code, so long as the operating conditions set forth in this section are met.
- (e) Lighting. Exterior lighting must be fully shielded and downward facing. Flood lights and uplights are prohibited. Luminaries must not exceed 1000 lumens per fixture. Total illuminance beyond the property line must not exceed 1.0 lux. The color temperature of exterior lighting must not exceed 3000 Kelvin. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, downward cast and fully shielded, shall be directed away from adjacent properties and public rights-of-way, and shall be of an intensity compatible with the neighborhood.
- (f) Security and Management. Onsite security shall be provided during hours of operation. The shelter shall provide at least one onsite manager at all times. Parking facilities shall be designed to provide security for residents, visitors, and employees.
- (g) Common Facilities. Shelters are encouraged but not required to provide the following common facilities for the exclusive use of the residents:
  - (1) Central cooking and dining room(s);
  - (2) Common recreation room;
  - (3) Office with services for residents;
  - (4) Laundry facilities adequate for the number of residents.
- (h) On-Site Parking. On-site parking for homeless shelters, including bicycle parking, shall be subject to requirements set forth in Article 86.
- (i) Secure Storage. Shelters are encouraged but not required to provide secure, locked storage facilities for residents' personal belongings.

- (j) ~~Outdoor Activity. For the purposes of noise abatement in residential districts or adjacent to residential uses, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.~~
- (k) Concentration of Uses. No more than one emergency homeless shelter shall be permitted within a radius of ~~one thousand (1,000)~~ three hundred (300) feet from another such shelter.
- ~~(l) Health and Safety Standards. All homeless shelters must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).~~

**Section XVII.** Sonoma County Code Section 26-89-010 (Purpose) is amended as shown in underline and strikeout below:

The provisions of this Article are intended to:

- A. Implement the Housing Element of the General Plan and maintain consistency with the requirements of State Density Bonus Law (Government Code Section 65915 et seq.);
- B. Achieve a balanced community with a wide range of housing available for households of all income levels;
- C. Increase the supply of housing units available, accessible, and affordable for moderate-, low-, very low- and extremely low-income households who are most in need of housing, including housing for seniors, the disabled, large families, and other households with special housing needs, as defined in the Housing Element;
- D. Address the need for affordable housing related to employment growth associated with new or expanded market rate housing development;
- E. Address the need for affordable housing related to employment growth associated with new or expanded nonresidential development;
- F. Ensure that the remaining developable land within the County is utilized in a manner consistent with the County's affordable housing goals, objectives, policies, and programs;
- G. Provide affordable housing units to serve varying housing needs and income levels that are compatible in character and quality with their surrounding neighborhoods; and
- H. Maintain the physical condition and affordability of units produced through the provisions of this Article over time.

**Section XVIII.** Sonoma County Code Section 26-89-030 (Administration and General Requirements) is amended as shown in underline and strikeout below:

- A. Administrative responsibility.** The requirements and procedures of this Article shall be administered by the Department, and the Sonoma County Community Development Commission, hereafter referred to as the "CDC." The Board may adopt policies for the

purposes of administering the Affordable Housing Program which policies may be amended from time to time.

**B. Affordable Housing Requirements.** Unless otherwise exempt under Subsection 26.89.040 B. (Exempt projects), any person who constructs one or more residential units shall provide affordable housing through one of the following:

1. On-site construction of affordable units in accordance with Subsections 26.89.040.C.1. (Ownership Projects), 26.89.040.C.2 (Condominium or Timeshare Projects), 26.89.040.C.3 (Rental Projects), or 26-89-045.C (On-site Construction of Units); or
2. Payment of an affordable housing fee in accordance with Subsection 26.89.040.D (Affordable housing fee) or 26-89-045.D (Workforce housing fee); or
3. An alternative equivalent action approved in accordance with Subsection 26.89.040.E (Alternative Equivalent Actions) or 26.89.045.E (Alternative Equivalent Actions).

**C. Calculation of base units, affordable units, and density bonus units.** The following requirements apply to calculations performed in the administration of the provisions of this Article regarding base, affordable and density bonus units, except that calculations for a State law density bonus shall be as provided in the State Density Bonus Law.

1. When calculating the number of base dwelling units allowed on the site in compliance with this Development Code, any decimal fraction shall be disregarded.
2. Density bonus units are counted in the total when determining the number of affordable units required in a Rental or Ownership Housing Opportunity Area Program project.
3. Density bonus units are not counted when determining the number of affordable or senior units required to qualify a project for a density bonus or incentives under the State density bonus program.
4. When calculating the number of affordable or senior units required, any decimal fraction shall be counted as a whole unit, except as specifically provided by Subsection 26-89-040.E.
5. When calculating the number of density bonus units to be granted to an applicant, a fractional unit shall be rounded up to the nearest whole number.
6. An Accessory Dwelling Unit shall not be considered a base unit when calculating affordable housing, workforce housing, or density bonus program requirements, nor shall it be considered as an affordable unit except when meeting the affordable housing requirement for one (1) single-family home on one (1) single parcel, as provided in Subsection 26-89-040.C.5.c, or if provided under an Affordable Housing Agreement and approved as an Alternative Equivalent Proposal consistent with Subsection 26-89-040.E and the requirements of Section 26-89-070 (Design and Construction Standards).

**D. Design and construction standards.** All affordable and senior housing units provided in compliance with this Article shall be designed and constructed in compliance with the standards in Section 26-89-070 (Design and Construction Standards).

**E. Affordable housing incentives.** A residential project that complies with the requirements of this Article through the construction of affordable units on-site may be entitled to incentives in compliance with Section 26-89-060 (Affordable Housing Incentives).

**F. Density bonus available.** A residential project that complies with the requirements of this Article through the construction of affordable units on-site may also qualify for a density bonus in compliance with Section 26-89-050 (Density Bonus Programs).

**G. Housing Proposal required.**

1. Applicants for residential projects shall submit, with the initial project application, an Affordable Housing Proposal, which shall include a site plan and a detailed proposal statement describing how the project will comply with the provisions of this Article (i.e., provision of units on-site, payment of fees, or alternative equivalent action).
2. The Affordable Housing Proposal shall include a listing of the number, type, size, tenure, number of bedrooms, and proposed affordability level for each and every unit within the development.
3. No application for any residential project shall be deemed complete until the Affordable Housing Proposal is submitted.
4. Modifications to an existing application shall be considered a new application for the purposes of permit streamlining.
5. The Affordable Housing Proposal shall be considered and acted upon by the review authority at the same time as the permit for the residential project that is the subject of the proposal.
6. Project approvals and conditions shall incorporate the provisions of the Affordable Housing Proposal, as approved or modified by the review authority.

**H. Permit requirements.** Implementation of the Affordable Housing Proposal shall be ensured through the following, as applicable:

1. **Discretionary permits.** Each discretionary permit authorizing a residential project, including tentative maps, shall contain a condition detailing the actions required for compliance with this article (i.e., provision of units on-site, payment of fees, or alternative equivalent action).
2. **Final or parcel maps.** Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of this Article, and stating that an Affordable Housing Agreement shall be recorded, fees paid, or alternative action undertaken in compliance with subsections Section 26-89-040.E (Alternative Equivalent Actions) or Section 26-89-040.F (Affordable Housing Fee) before issuance of a no building permit with respect to each parcel created by the map.
3. **Building Permits.** Unless the unit is exempt under Subsection 26-89-040.B (Exempt Projects) or under State law, no building permit shall be issued for a residential unit until the applicant has demonstrated compliance with this Article through recordation of an Affordable Housing Agreement, through payment of fees, or through alternative equivalent action authorized in compliance with subsections 26-89-040.E (Alternative Equivalent Actions).

**I. Timing of construction.** If a residential project will comply with the requirements of this Article through the construction of affordable housing units, whether on- or off-site, all

required affordable units shall be constructed concurrent with, or before, the construction of the market rate units. If the County approves a phased project, the required affordable units shall be provided within each phase of the residential project in the same proportion as in the project as a whole.

**J. Project approval.** ~~A residential project that provides at least 20 percent of the total units for extremely low, very low, or low income households or that provides 100 percent of the total units to either lower or moderate income households shall not be disapproved or conditioned in a manner that renders the project infeasible for development for use of lower or moderate income households unless any one of the following findings is first made:~~

- ~~1. The Housing Element has been revised in compliance with Government Code Section 65588 and is in substantial compliance with the Government Code, and the County has met or exceeded its share of the regional housing need for the income category proposed for the residential project;~~
- ~~2. The residential project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete;~~
- ~~3. The denial of the project or imposition of conditions is required in order to comply with specific State or Federal law, and there is no feasible method to comply without rendering the project unaffordable to low- and moderate-income households;~~
- ~~4. The residential project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes;~~
- ~~5. The proposed project does not have adequate water or wastewater facilities to serve the project; or~~
- ~~6. The residential project is inconsistent with both the zoning and General Plan land use designation as specified in any element of the General Plan as it existed on the date the application was deemed complete and the County has adopted a revised Housing Element in compliance with Government Code Section 65588 that is in substantial compliance with the Government Code, provided however that no residential project shall be denied based upon this finding if it is proposed on a site that is identified in the Housing Element as suitable or available for very low, low or moderate income households and is consistent with the density provided in the Housing Element.~~

**K. Limitations on development standards.** ~~Site development and design review standards shall not be applied to an affordable housing project that qualifies under State density bonus laws (Government Code Section 65915), if such standards would have the effect of physically precluding the construction of that project at the densities or with the concessions or incentives allowed by Section 65915, unless failure to apply the standard would result in one or more specific adverse impacts on public health or safety or the physical environment, and there is no other feasible method to mitigate the adverse impact(s).~~

**JK. Housing agreement required for affordable units.** If a residential project will comply with the requirements of this Article through the construction of affordable housing units on- or off-site, the property owner shall execute an Affordable Housing Agreement (in compliance with Section 26-89-100, Affordable Housing Agreements) before any of the following:

1. Any ministerial action by the County with regard to the project;
2. Recordation of a final map; or
3. Issuance of a building permit for any unit within the project. The provisions contained within an Affordable Housing Agreement shall be enforceable by the County, and any violation of the agreements shall constitute a violation of this ~~Development~~ Code.

**K. Conflicts with State law.** In any instance where a provision of this Article conflicts with State law, the State law shall govern.

**Section XIX.** Sonoma County Code Section 26-89-040.D.3.b is amended shown in underline and strikeout below:

Monies may also be used to cover administrative expenses incurred by the Department or the CDC in connection with affordable housing and not otherwise reimbursed through processing and other fees, including:

- (1) Reasonable consultant and legal expenses related to the establishment and/or administration of the affordable housing fee account;
- (2) Reasonable expenses for administering the process of calculating, collecting, and accounting for affordable housing fees authorized by this Section; and
- (3) County and CDC administrative costs for project development, permitting, post ~~dDevelopment Code~~ compliance, and the ongoing monitoring of affordable housing projects constructed with affordable housing fee trust funds.

**Section XX.** Sonoma County Code Section 26-89-050.C is amended shown in underline and strikeout below:

**C. State density bonus program.** The State density bonus program includes the density bonuses and other incentives and concessions that are provided by the state density bonus law (Government Code Section 65915 et seq.) Qualification requirements, the amount of density bonus and the number and type of incentives shall be determined as provided in the State density bonus law. ~~In addition to the incentives provided by Section 26-89-060 (Affordable Housing Incentives), a residential project of five or more base units that provides affordable or senior housing, or that provides land for construction of affordable housing, or that provides affordable housing along with child care facilities, or that provides ten percent (10%) of total housing units for transitional foster youth as defined in Section 66025.9 of the Education Code, disabled veterans as defined in Government Code Section 18542, or homeless persons as defined in the federal McKinney-Vento Homeless Assistance Act all as specified below, shall be eligible for a density bonus to allow more dwelling units than otherwise allowed on the site by the applicable General Plan Land Use Map and zone district, in compliance with the following:~~

**1. Density bonus for on-site construction of very low income housing.**



- a. ~~A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least five percent of the base units for very low-income households.~~
- b. ~~For each one percent increase in the number of base units provided as affordable to very low-income households above the five percent (5%) specified in Subsection 26-89-050.C.1.a above, the density bonus shall be increased by two and one-half percent (2.5%), up to a maximum of thirty-five percent (35%) above the maximum density allowed by the General Plan and zone district, as indicated in Table 2.~~

**~~2.Density bonus for on-site construction of low income housing.~~**

- a. ~~A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least ten percent (10%) of the base units for low-income households.~~

STATE DENSITY BONUS PROGRAM  
AFFORDABILITY AND INCENTIVE SCHEDULE

Table 2: Density Bonus Calculations Single and Multi-Family Developments		
% Affordable*	% DB**	# Incentives
Low-Income Units		
10	20.0	1
11	21.5	1
12	23.0	1
13	24.5	1
14	26.0	1
15	27.5	1
16	29.0	1
17	30.5	1
18	32.0	1
19	33.5	1
20	35.0	2
30	35.0	3
Very Low-Income Units		

5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2
15	35	3
Moderate Income		
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2

26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3

~~\* The density bonus units shall not be included when determining the number of affordable units required.~~

~~\*\* All density calculations resulting in fractional units shall be rounded up to the next whole number.~~

~~b. For each one percent increase in the number of base units provided as affordable for low-income households above the ten percent (10%) specified in Subsection 26-89-050.C.2.a, above, the density bonus shall be increased by one and one-half percent (1.5%), up to a maximum of thirty-five percent (35%) above the maximum density allowed by the General Plan and zone district, as indicated in Table 2, above.~~

**3. Density bonus for on-site construction of senior housing.** A 20 percent density bonus shall be granted to any housing project that is constructed to provide at least 35 dwelling units for senior households.

**4. Density bonus for construction of moderate income housing in condominium and planned development construction projects.**

- ~~a. A five percent density bonus shall be granted to any condominium project or planned development of five or more base units that is constructed to provide at least 10 percent of the base units for moderate-income households.~~
- ~~b. For each one percent increase in the number of base units provided as affordable to moderate-income households above the ten percent (10%) specified in Subsection 26-89-050.C.4.a, above, the density bonus shall be increased by one percent (1%) up to a maximum of thirty-five percent (35%) above the maximum density allowed by the General Plan and zone district, as indicated in Table 3, above.~~
- ~~c. Modifications or waivers of development standards that are approved as part of the condominium or planned development project shall be considered additional incentives in compliance with Subsection 26-89-060.B.~~

**~~5. Density bonus for provision of affordable housing in condominium conversion projects.~~**

- ~~a. In the case of a condominium conversion, a 25 percent density bonus shall be granted, or other incentives of equivalent financial value shall be offered, if the project is constructed to provide at least:
 
  - ~~(1) 33 percent of the base units to low- or moderate-income households; or~~
  - ~~(2) 15 percent of the base units to lower-income households.~~~~
- ~~b. An applicant shall be ineligible for a density bonus or other incentives in compliance with this Subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other financial incentives were previously provided.~~

**~~6. Density bonus for donation of land for affordable housing.~~**

- ~~a. A 15 percent density bonus shall be granted to a residential project of five or more base units if the project applicant donates land to the County for development of affordable housing in compliance with all of the following:
 
  - ~~(1) The applicant shall donate and transfer the land no later than the date of approval of the final map, parcel map, or other residential project application, whichever comes first;~~
  - ~~(2) The developable acreage and zoning classification of the land shall be sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed project;~~
  - ~~(3) The transferred land shall:
 
    - ~~(a) Be at least one acre in size or of sufficient size to allow development of at least 40 units;~~
    - ~~(b) Have appropriate General Plan and zone district designation for development of affordable housing;~~
    - ~~(c) Be served by adequate public facilities and infrastructure; and~~
    - ~~(d) Have appropriate zoning and development standards to make the development of the affordable units feasible.~~~~
  - ~~(4) Before transfer of the land, the applicant shall obtain all permits and approvals, except Building Permits, necessary for development of very low-income housing~~~~

units in compliance with this Subparagraph. At the County's discretion, Design Review may be delayed until after transfer of the land;

- ~~(5) The transferred land and the affordable units constructed upon it shall be subject to a deed restriction ensuring continued affordability in compliance with Section 26-89-090;~~
- ~~(6) The land shall be transferred to the County or to a developer of affordable housing approved by the County. The County may, at its discretion, require the applicant to identify and transfer the land to an approved developer; and~~
- ~~(7) The transferred land shall be within the boundary of the proposed project or, with the approval of the County, within one-quarter mile of the boundary of the proposed development.~~
- ~~(8) A proposed source of funding for the very low income units shall be identified no later than the date of approval of the final subdivision map, parcel map or residential development application.~~

- ~~b. For each one percent increase above the ten percent (10%) land donation described in Subparagraph Subsection 26-89-050.C.6.a, above, the density bonus shall be increased by one percent (1%) up to a maximum of thirty-five percent (35%) above the maximum density allowed by the General Plan and zone district.~~

#### **~~7. Childcare facilities.~~**

- ~~a. If a residential project that meets the minimum State density bonus requirements specified in Subsections 26-89-050.C.1 through 26-89-050.C.4 above, includes a child care facility on the premises of or adjacent to the project, then the County shall grant either of the following:~~
  - ~~(1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or~~
  - ~~(2) An additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.~~
- ~~b. If a density bonus or additional incentive is granted in compliance with this Subsection, the child care facility shall be required:~~
  - ~~(1) To remain in operation for a period of time that is equal to or longer than the period of time during which the density bonus units are required to remain affordable under this Section; and~~
  - ~~(2) To ensure that, of the children who attend the child care facility, the percentage of children of very low income households, low income households, or moderate income households equals the percentage of dwelling units required for each of those income categories in compliance with Subsections 26-89-050.C.1, 26-89-050.C.2, or 26-89-050.C.4 above, as applicable.~~
- ~~c. For purposes of this Subsection, a "child care facility" means a child care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.~~

~~**8. Combining density bonuses.** The density bonuses specified in Subsections 26-89-050C.1 through 26-89-050.C.7 above, may be combined, but shall in no case, except as otherwise provided in this Section, result in an increase in density for the residential project above thirty-five percent (35%) above the maximum density allowed by the General Plan and zone district.~~

**Section XXI.** Sonoma County Code Section 26-89-090.C is amended as shown in underline and strikeout below:

- C. **Term of rental restrictions - minimum term for continued affordability.** Each required affordable rental unit shall be reserved for eligible extremely low-, very low- or low-income households, and as applicable to senior, disabled, and large family households, at the applicable affordable rent for a minimum of 55 years ~~(30 years for a Government Code 65915 project without financing assistance)~~, or for a longer time if required by the project approvals, construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, or as otherwise allowed by law. The affordability term shall commence on the date of issuance of the Certificate of Occupancy for the affordable unit.

**Section XXII.** Sonoma County Code Section 26-90-020 is amended as shown in underline and strikeout below:

- (a) Applicable Areas. The provisions of this division apply within the boundaries of the following local areas of the LG (Local Guidelines) combining zone in the Zoning Database:
- (1) Canon Manor West (LG/CMW).
  - (2) Glen Ellen (LG/GE1), (LG/GE2).
  - (3) Highway 116 Scenic Corridor (LG/116).
  - (4) Penngrove Main Street (LG/PNG).
  - (5) Russian River Corridor (LG/RRC).
  - (6) Sebastopol Road Urban Vision Plan (LG/SVP).
  - (7) The Springs, Highway 12 (LG/SPR).
  - (8) Taylor/Sonoma/Mayacamas Mountains (LG/MTN).
  - (9) Lance Drive (LG/LAN).
- (b) Applicable Projects. Within the LG zone, provisions of this division apply to the following types of projects:
- (1) Discretionary Projects. This division applies to each proposed development and new land use that is subject to a discretionary land use permit under this Development Code; and

- (2) Ministerial Projects. This division applies to each building permit or other ministerial permit, unless an exemption is contained in the section herein specific to that local area.

The table below summarizes the permit requirements of each area:

Local Area Development Guideline	Exempt Projects	Design Review Permit			Planning Clearance
		Ministerial Projects (building permits) for exterior modification or new structures	Discretionary Projects (use permits, subdivision, design review as otherwise required by code)	Public Projects	Building Permit for new dwelling or sewer/water connection
Canon Manor West		No	No		Yes
Glen Ellen Subarea 1		Yes	Yes		
Glen Ellen Subarea 2		No	Yes		
Highway 12/ The Springs		Yes	Yes	Yes	
Hwy 116	Discretionary projects not visible from hwy	No	Yes	Yes	
Penngrove Main Street		Yes	Yes	Yes	
Russian River Corridor	Dwellings of 3 or less units	Yes	Yes		
Sebastopol Road Urban Vision Plan		Yes	Yes	Yes	
Taylor/Sonoma/Mayacamas Mountains	-Accessory structures not requiring a building permit -Ag structures -Ag employee housing -Structures not visible from public roads	Yes	Yes		
<u>Lance Drive</u>		<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>

- (c) In the event of conflict. In the event of any conflict between the provisions of this Division and other requirements of this Development Code, the provisions of this Division shall control.

**Section XXIII.** Sonoma County Code Section 26-90-130 is amended as shown in underline and strikeout below:

- (a) Purpose. The purpose of the Lance Drive Local Guidelines is to implement the vision of the City of Santa Rosa's North Santa Rosa Station Area Specific Plan for a multi-modal, transit-oriented community and provide for development standards that are consistent with the Specific Plan and the City's pre-zoning for specified unincorporated island parcels adjacent to Lance Drive and Guerneville Road in the City of Santa Rosa. The site design for this area shall include:
- (1) New residential neighborhoods that feature sidewalks on both sides of the street;
  - (2) An urban plaza located at the corner of Lance Drive and Guerneville Road; and
  - (3) Community gardens incorporated into neighborhood design.
- (b) Definitions. The following definitions apply in this section:
- (1) Activity-generating use: a land use that is intended to attract a high volume of pedestrian traffic. An activity-generating use provides high customer turnover and social interaction, such as retail, entertainment and dining establishments, personal services, theaters, and galleries, and may include a lobby for upper-floor multi-family residential units.
  - (2) Encroachment: a portion of a building that extends beyond the limits determined by the setbacks.
  - (3) Stepback: the number of feet a building recedes from the build-to line of the floor below it.
- (c) Standards.
- (1) For properties designated as Medium Density Residential (R2) or High Density Residential (R3), the development standards in Table 1 apply in addition to the development standards of the applicable base zoning district. Where conflicts exist, the standards in this section shall control.

**Table 1. Development Standards - Residential**

<b><u>Development Standard</u></b>	<b><u>Medium Density Residential</u></b>	<b><u>High Density Residential</u></b>
<b><u>Building Height</u></b>	<b><u>Maximum 3 stories (35 feet)</u></b>	<b><u>Maximum 4 stories (45 feet)</u></b>
<b><u>Allowed Projections</u></b>	<b><u>Roof forms above fascia may project to a maximum of 10 feet above maximum height.</u></b>	<b><u>Roof height may project to a maximum of 10 feet above maximum height.</u></b>



<u>Building Setbacks</u>		
<u>Front property line</u>	<u>10 ft provided a 1-story portion may project up to 6 ft into the setback and required stairs and landings may project up to 10 ft into the setback.</u>	
<u>Street side property line</u>	<u>10 ft provided a 1-story portion may project up to 6 ft into the setback and required stairs and landings may project up to 10 ft into the setback.</u>	
<u>Interior side property line</u>	<u>For 1-story: 5 feet.</u> <u>For 2-story: 10 feet, or 7.5 feet if abutting a non-residential zone.</u> <u>For 3 story or more: 15 feet, or 10 feet if abutting a non-residential zone.</u>	
<u>Rear property line</u>	<u>15 feet, except that no setback is required if abutting a high-density residential zoning district.</u>	
<u>Building Stepbacks</u>	<u>=</u>	<u>Step back all floors above 3 stories a minimum of 6 feet.</u>
<u>Allowed Encroachments</u>	<u>Main entries may encroach up to 12 feet into setback. Secondary entries and balconies may encroach up to 2.5 feet into all setback areas.</u> <u>Bay windows, chimneys, and eaves may encroach a maximum of 2.5 feet into all setback areas.</u>	<u>Main entry may encroach up to 10 feet into front setback.</u> <u>Awnings and canopies (functional weather protection) may encroach up to 8 feet into public right-of-way.</u> <u>Balconies, bay windows, chimneys, and eaves may encroach a maximum of 2.5 feet into all setback areas</u>
<u>Access Standards</u>	<u>All main building entries shall face the street.</u> <u>Private surface parking lots are not permitted in front of buildings.</u> <u>Locate on-site parking to the rear or side of the property or internal to the block and provide access to parking through alleys and driveways, as possible.</u>	

- (2) For properties designated as Retail Business and Service (C2), the development standards in Table 2 apply in addition to the development standards of the applicable base zoning district. Where conflicts exist, the standards in this section shall control.

**Table 2. Development Standards – Commercial**

<b><u>Development Standard</u></b>	<b><u>Retail Business and Service</u></b>
<u>Land Use</u>	<u>Ground-floor uses at the street must be activity-generating uses.</u>
<u>Building Height</u>	<u>45 ft</u>
<u>Retail Ceiling Height (Ground Floor)</u>	<u>Minimum 15 feet</u>
<u>Building Setbacks</u>	
<u>Front</u>	<u>7.5 ft adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere</u>
<u>Side</u>	<u>5 ft adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere</u>
<u>Rear</u>	<u>10 ft adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere</u>
<u>Building Stepbacks</u>	<u>Step back all floors above 3 stories a minimum of 6 feet.</u>
<u>Recessed Entries</u>	<u>Corners: Maximum depth 10 feet</u> <u>Front: Maximum depth 5 feet</u>
<u>Retail Frontage</u>	<u>Transparency minimum 80% of frontage on street (transparency to wrap corners up to 25% of side facade facing street).</u>
<u>Allowed Encroachments</u>	<u>Awnings and canopies (functional weather protection) may encroach up to 8 feet into the public right-of-way.</u> <u>Bay windows and eaves may encroach a maximum of 2.5 feet into any setback.</u>
<u>Access Standards</u>	<u>Public surface parking is not allowed in front setback.</u> <u>All other surface parking is to be located to the side or at the rear of the building.</u> <u>Provide access with driveways or through alley if practicable.</u>

(3) Parking Requirements. Notwithstanding conflicting requirements of Article 86 (Parking Regulations), the following parking requirements apply:

**Table 3. Parking Requirements**

<b><u>Parking Standard</u></b>	<b><u>Medium Density Residential</u></b>	<b><u>High Density Residential</u></b>	<b><u>Retail Business and Service</u></b>
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<u>Vehicle Parking</u>	<u>Residential: 1.5/DU minimum</u> <u>Affordable Residential: 1.0/DU minimum</u> <u>Senior Housing:0.5/DU minimum"</u>	<u>1 space for each</u> <u>250 sf</u>
<u>Bicycle Parking</u>	<u>1 space per 4 units if units do not have a private</u> <u>garage or private storage space for bike storage.</u>	<u>1 space per</u> <u>5,000 sf.</u>

- (1) In anticipation of annexation, developments should be guided by the Design Guidelines applicable to the sites as provided in the City of Santa Rosa's North Santa Rosa Station Area Specific Plan.
- (2) Development abutting the Northwest Community Park shall provide a direct pedestrian or bicycle connection to the park.
- (3) In anticipation of annexation, all multifamily and commercial development on these properties shall comply with the City of Santa Rosa's adopted Design and Construction Standards for Streets, Traffic, Street Lights, Storm Drains, Water, Sewer, and Landscaping, or successor standards.
- (d) Boundaries. The standards established by this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/LAN (Local Guidelines/Lance Drive) combining zone.

**Section XXIV.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section XXV.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                Rabbitt:                Gore:                Hopkins:                Coursey:

Ayes:                Noes:                Absent:                Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Christina Rivera,  
Clerk of the Board of Supervisors

## EXHIBIT E

### County of Sonoma

#### CEQA Findings of Fact and Statement of Overriding Considerations

#### North Santa Rosa Station Area Specific Plan EIR

(State Clearinghouse Number 2011122034)

#### I. Findings of Fact

##### A. Introduction

Pursuant to the California Environmental Quality Act (CEQA), these Findings support the Sonoma County Board of Supervisors' approval of zoning and land use amendments and adoption of amendments to Sonoma County Code Chapter 26 (Zoning) to adopt and apply specific development standards for the following five parcels (collectively, the "Lance Drive Parcels"):

1680 Lance Drive, Santa Rosa (036-111-002)  
0 Lance Drive, Santa Rosa (036-111-009)  
1696 Lance Drive, Santa Rosa (036-111-010)  
1705 Lance Drive, Santa Rosa (036-111-011)  
1601, 1607 Lance Drive, Santa Rosa (036-111-016)

The County undertakes these project actions (the "Lance Drive implementation Actions") as a Responsible Agency under CEQA, within the meaning of CEQA Guidelines Section 15381, for purposes of carrying out rezoning and related actions that are intended to implement, and are consistent with, the North Santa Rosa Station Area Specific Plan Project that was adopted by the City of Santa Rosa as lead agency, and for which the City prepared and certified a Program EIR. The Lance Drive Implementation Actions reflect the City's adopted land use and pre-zoning under the Specific Plan, and the development standards to be added to the County Code apply unique development standards based on the Specific Plan and its implementing codes and guidelines.

The Board's approval and implementation of these actions as a responsible agency under CEQA would be limited to the five Lance Drive Parcels, and would implement only a portion of the North Santa Rosa Station Area Specific Plan Project (Specific Plan Project), for which the City is lead agency.

The Lance Drive Parcels are in an "unincorporated island" surrounded by incorporated territory of the City of Santa Rosa. All of the Lance Drive Parcels are located within .5 mile of the North Santa Rosa SMART Station, and are also located within the City of Santa Rosa's North Santa Rosa Station Area Specific Plan, which has the primary objective "to support future rail transit by increasing the number of residents and employees within walking distance of the SMART station by improving pedestrian, bicycle, auto, and transit connections, increasing residential density, promoting economic development, and

enhancing aesthetics and quality of life.” The Specific Plan plans for future annexation and medium- to medium-high density and mixed-use residential development on the Lance Drive Parcels, and as part of plan adoption the City pre-zoned the Lance Drive Parcels for medium- and medium-high density residential and mixed-use development.

In preparing these Findings, the County has utilized the Draft EIR and Final EIRs for the North Santa Rosa Station Area Specific Plan, the CEQA and other findings made by the City Council in certifying the EIR and adopting the Specific Plan Project, and the Mitigation Monitoring and Reporting Program adopted by the City (City MMRP), as well as all other relevant material in the record.

As provided in CEQA Guidelines § 15091, no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects on the environment, unless the public agency makes one or more of the following three findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

#### **B. Project Background**

On September 18, 2012, the Santa Rosa City Council adopted Resolution No. 28187 certifying the Environmental Impact Report for the North Santa Rosa Station Area Specific Plan Specific Plan (“Specific Plan EIR”), and Resolution No. 28188 adopting the North Santa Rosa Station Area Specific Plan (“Specific Plan”) and associated amendments to the City’s General Plan. On the same date, the City Council took additional related actions, including adoption of Ordinance No. 3993 rezoning incorporated parcels within the Specific Plan boundaries and pre-zoning “unincorporated island” parcels within the Specific Plan boundaries for the purpose of future annexation of the pre-zoned parcels. (The North Santa Rosa Station Area Specific Plan and associated amendments to the City’s General Plan, Zoning Code, Design Guidelines, Citywide Creek Master Plan and Pedestrian Bicycle Master Plan are collectively referred to herein as the “Specific Plan Project”).

As lead agency for the North Santa Rosa Station Area Specific Plan Project, the City prepared and certified a programmatic EIR for the North Santa Rosa Station Area Specific Plan. The City Council certified the EIR for the Project on September 18, 2012. The Final EIR identified significant and unavoidable impacts related to Air Quality and Traffic and Circulation.

The Board, as responsible agency under CEQA, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project that it decides to carry out, finance, or approve. The Board finds that, with respect to its decision herein, the Board has jurisdiction over its actions to rezone and redesignate the Lance Drive Parcels consistent with the Specific Plan, and over any future development that may occur on the Lance Drive Parcels pursuant to these County actions and before the Lance Drive parcels are annexed to the City. The City remains the lead agency primarily responsible for implementing the North Santa Rosa Station Area Specific Plan. The Board’s decision to

rezone, redesignate, and adopt Chapter 26 development standards for the Lance Drive Parcels is limited to the actions and parcels described herein.

The Board must consider the environmental effects of the Project as shown in the EIR. (CEQA Guidelines § 15096(f).) However, as a responsible agency, the Board's CEQA obligations are more limited than those of the lead agency. When considering alternatives and mitigation measures, the Board "has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." (CEQA Guidelines § 15096(g)(1).) The Board may not approve the Project as proposed if it finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. (CEQA Guidelines, § 15096(g)(2).)

Since the Final EIR was certified, there have been no substantial changes to the Project or the circumstances that would require major revisions to the Final EIR due to the involvement of significant new environmental effects or an increase in the severity of previously identified significant effects, and there is no new information of substantial importance that would change the conclusions set forth in the EIR. Accordingly, the Board finds that a subsequent or supplemental EIR is not required pursuant to CEQA Guidelines sections 15162 or 15163.

The Board finds that the City is the lead agency and that the Board is a responsible agency for the Proposal pursuant to CEQA. The Board further finds that, pursuant to State CEQA Guidelines sections 15096 and 15162, none of the requirements for the Board to take lead agency status and conduct further environmental review is met.

#### C. Findings Under CEQA Guidelines Section 15091

As a responsible agency, the County is required to make its own findings under CEQA Guidelines sections 15091 and 15096(h). To that end, these Findings provide the specific reasons for supporting the City's decisions under CEQA. These Findings are supported by substantial evidence, including the Draft and Final EIR, studies, reports, and other information from qualified experts. (CEQA Guidelines § 15096(f).)

In accordance with CEQA Guidelines section 15096, the Board has independently reviewed and considered the Final EIR, as certified by the City, prior to reaching its decision. The Board has reached its own independent conclusions on whether and under what conditions to approve the Lance Drive Implementation Project. Prior to reaching its decision herein, the Board has also reviewed and considered the following resolutions and ordinances of the City, which are incorporated herein by reference:

- Resolution No. 28187, Resolution of the Council of the City of Santa Rosa Certifying the Final Environmental Impact Report for the North Santa Rosa Station Area Specific Plan and Associated General Plan, Zoning Code, Design Guidelines, Citywide Creek Master Plan and Bicycle and Pedestrian Master Plan Amendments, dated September 18, 2012;
- Resolution No. 28188, Resolution of the Council of the City of Santa Rosa Approving a General Plan Amendment To Allow Adoption of the North Santa Rosa Station Area Specific Plan and Adopting the North Santa Rosa Station Area Specific Plan and Making Findings and Adopting a Statement of Overriding Considerations With Regard to Significant Impacts Identified in the Final Environmental Impact Report for the North Santa Rosa Station Area Specific Plan, dated September 18, 2012;

- Ordinance No. 3993, Ordinance of the Council of the City of Santa Rosa Amending Title 20 of the Santa Rosa City Code – Reclassification of 1,319 Properties Located within the Boundaries of the North Santa Rosa Station Area Specific Plan, dated September 25, 2012.

The City adopted a statement of overriding considerations for the significant and unavoidable impacts. The Board has reviewed the City's Resolution No. 28188, which includes the City's Findings of Fact and which is incorporated herein by reference. The Board concurs with and adopts the findings of Resolution No. 28188 with respect to each of the significant impacts identified in the Final EIR for the reasons discussed herein. The Board concurs with City's conclusions regarding significant impacts associated with the Project, as summarized below, and makes the following findings regarding the significant effects of the Project pursuant to CEQA Guidelines section 15091.

## 1. Aesthetics and Visual Impacts

### *Impact: New Sources of Light and Glare (Impact 3.1.4)*

Implementation of the Specific Plan Project could introduce new sources of light or glare. In some locations taller buildings could result in new sources of glare, depending on the orientation of the building and the materials used.

### *Finding*

The County finds that with incorporation of MM 3.1.4, requiring use of building materials designed to reduce glare in new construction buildings above three stories, impacts due to glare are reduced to less than significant levels. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Specific Plan that avoid or substantially lessen the significant environmental effect to the extent feasible.

## 2. Air Quality

### *Impact 3.3.1: Short-Term Construction-Generated Emissions of Criteria Air Pollutants and Precursors*

Construction-generated emissions could conflict with, or obstruct implementation of, the applicable air quality plan and may contribute substantially to an existing or projected air quality violation.

### *Finding*

The County finds that incorporation of MM 3.1.1, requiring implementation of BAAQMD-recommended best management practices (BMPs) for the control of construction-generated emissions, impacts are reduced to less than significant levels. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Specific Plan that avoid or substantially lessen the significant environmental effect to the extent feasible.

### *Impact 3.3.3: Exposure of Sensitive Receptors to Localized Concentrations of Hazardous Air Pollutants*

Future development within the Specific Plan area may result in increased exposure to localized concentrations of TACs or PM<sub>2.5</sub> that may exceed applicable BAAQMD-recommended significance thresholds.



#### *Finding*

The County finds that implementation of MM 3.3.3 would reduce exposure of sensitive land uses to substantial pollutant concentrations, and would reduce impacts to less than significant levels. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

### **3. Biological Resources**

#### *Impact 3.4.1: Impact on Special-status Species or Their Habitat or Movement*

Implementation of the Specific Plan could result in impacts to special-status species and their habitat from redevelopment activities, but not to wildlife movement corridors.

#### *Finding*

The County finds that implementation of mitigation measure MM 3.4.1 would ensure that bird and bat nesting habitats that may be present on the Lance Drive Parcels are protected from demolition or remodeling activities associated with subsequent projects built within the Specific Plan area. This would ensure that impacts are reduced to less than significant levels after mitigation. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

#### *Impact 3.4.1: Affect Wetland or Riparian Habitats*

Implementation of the Specific Plan could result in fill of seasonal wetlands that may be present within the Specific Plan area.

#### *Finding*

The Board finds that implementation of the above mitigation measure would reduce impacts to wetlands and other waters of the United States, if identified on the Lance Drive Parcels, to a less than significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

### **4. Hazardous Materials/Human Health**

#### *Impact 3.7.2: Potential On-Site Hazards*

Review of environmental hazards databases conducted for the Specific Plan area identified areas of environmental concern.

#### *Finding*

The Board finds that Implementation of mitigation measure MM 3.7.2 would ensure that any on-site hazard effects that could occur on the Lance Drive Parcels are minimized, resulting in a less than significant impact after mitigation. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

#### *Impact 3.7.2: Accidental Release of Hazardous Materials*

The increased density of the proposed Specific Plan would lead to an associated increased use of hazardous materials. The proposed Specific Plan therefore has potential to result in an increased risk of accidental release of hazardous materials.

#### *Finding*

The Board finds that implementation of mitigation measure MM 3.7.3 would ensure that effects related to accidental release of hazardous materials are minimized, resulting in a less than significant impact after mitigation. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

### 5. Noise

#### *Impact 3.10.4: Exposure to Groundborne Vibration*

Groundborne vibration levels associated with pile-driving activities, if required, could exceed applicable groundborne vibration criterion at nearby land uses.

#### *Finding*

The Board finds that with MM 3.10.4 applied, in the event that pile driving is required for the construction of proposed structures, the use of impact pile drivers within 160 feet of nearby structures would be substituted with equipment or procedures that would generate lower levels of groundborne vibration. Implementation of the proposed mitigation measures would reduce this impact to a less than significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

### 6. Public Services and Utilities

#### *Impact 3.12.1.1: Increased Demand for Fire Protection, Emergency Medical Services, and Law Enforcement*

Development under the proposed Specific Plan could increase the need for public safety services, including fire protection, emergency medical response, and law enforcement.

#### *Finding*

The Board finds that implementation of this mitigation measure would ensure that impacts to public safety services under the Specific Plan would be less than significant. The Board anticipates that development projects will annex to the City prior to construction, which makes the first mitigation option feasible. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

### 7. Climate Change and Greenhouse Gases

#### *Impact 3.14.1: AB 32 Compliance and GHG Emissions*

Implementation of the proposed project would result in the direct and indirect generation of greenhouse gas emissions that could result in a negative impact to the environment as well as conflict with the goals of AB 32.

#### *Finding*

The Board finds that implementation of mitigation measure MM 3.3.1, described in Section 3.3, Air Quality, would reduce construction-related GHG emissions. Furthermore, implementation of mitigation measure MM 3.14.1 would institute BAAQMD-recommended best management practices which were designed to help meet the State's goals of reduced statewide GHG emissions under AB 32. With implementation of these measures, construction-related GHG emissions generated would result in a less

than significant impact. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

D. Alternatives

1. The Board finds that there are no feasible alternatives within the County's power that would substantially lessen or avoid any of the Specific Plan's significant environmental effects. Implementation of the alternatives is within the jurisdiction of the City and not the Board, because the Board's jurisdiction is limited to the five Lance Drive Parcels.
2. The Board has considered alternatives and mitigation measures to reduce or avoid the significant environmental effects of the Specific Plan. The Board concurs with and relies upon the City's findings in Santa Rosa City Council Resolution No. 28188, as well as its findings in Resolution No. 28187, regarding the potentially significant environmental effects of the Specific Plan. The Board finds that those conclusions do not require modification, pursuant to State CEQA Guidelines section 15162.
3. The Board rejects the "no project" alternative analyzed in the Specific Plan EIR, because it is infeasible. Under the "no project" alternative, no changes in the Specific Plan area, or pertinent here on the Lance Drive sites, would occur beyond the land use currently allowed under the City and County General Plan and zoning. While this alternative focuses on "no project," meaning no change in current land use, the City's discussion of this alternative focuses on continuance of the City's General Plan 2035. For the Lance Drive Parcels "no project" would mean that the sites are never annexed to the City and the County's existing Rural Residential General Plan designation and Agriculture and Residential zoning remain in effect. This alternative would consist of taking no action, resulting in continuation of the existing policies into the future. Although this alternative would have fewer adverse environmental impacts, the "no project" alternative would not meet the Specific Plan project objectives because it would not result in any changes to focus development around the North Santa Rosa SMART Station. This alternative would also not meet the County's objective of adding the Lance Drive Parcels to its Housing Element Site Inventory following approval of the Implementation Actions.
4. The Board rejects as infeasible the "Reduced Development Potential" alternative, which, although increasing the density of residential uses around the SMART station and continuing some Station Area Specific Plan policies and guidelines, would not meet project objectives of creating an environment that supports successful transit and alternative modes of transportation. It would not allow for the density associated with transit-supportive uses. Land use under this alternative is broadly not as compact as the Station Area Specific Plan, and the alternative would not be as supportive of the fundamentals of smart growth and, as a result, of transit-oriented development. Limiting development around a SMART station that provides transit links to major regional job and commercial centers conflicts with local, regional and state climate and housing goals.
5. The County has independently reviewed and considered each of the alternatives identified in the EIR. The County finds that none of the alternatives examined in the EIR would avoid all of the identified significant impacts. The Board does not find any feasible alternative within its powers that would substantially lessen or avoid any significant effect the Project would have on the environment.

#### E. Mitigation Measures and MMRP

The Board has independently reviewed and analyzed each of the mitigation measures identified in the City's EIR. As stated in the findings listed above, implementation and enforcement of the mitigation measures applicable to future development on the Lance Drive Parcels will only be within the jurisdiction of the County until the Lance Drive Parcels are annexed to the City. At the time the City certified the EIR, the City Council adopted the City MMRP that identified the appropriate implementing and enforcing agencies and specifically identified mitigation measures that apply to future projects in the Specific Plan area. In adopting the MMRP, the City did not anticipate that the County might act as a responsible agency in implementing the Specific Plan Project, and the MMRP assigns responsibility for mitigation monitoring to City Departments. As modified by the County and adopted by the Board, the County MMRP assigns monitoring responsibility to a County entity. A change in identity of the person or entity assigned to verify or monitor does not, by itself, constitute a change to the mitigation measure.

#### F. Record of Proceedings

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of State CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are presented below.

County of Sonoma  
Permit Sonoma  
2550 Ventura Ave  
Santa Rosa, CA 95403  
Contact: Ross Markey, Comprehensive Planning Manager  
Ross.Markey@sonoma-county.org

#### G. Conclusion

The Board has reviewed each of the mitigation measures and alternatives identified in the EIR and the implementation and monitoring responsibilities described in the MMRP. The Board finds that each of the potentially significant impacts identified in these Findings of Fact can be mitigated to less than significant levels by the changes, alterations, or mitigation measures described in the MMRP and the EIR. The Board does not find any feasible alternative or mitigation measures within its powers that would substantially lessen or avoid any significant effect that the project would have on the environment.

## II. Statement of Overriding Considerations

The Specific Plan EIR identified the following air quality and transportation impacts as significant and unavoidable, and in its Resolution No. 28188 adopting the Specific Plan Project (including the Specific Plan and associated amendments to the City's General Plan, Zoning Code, Design Guidelines, Citywide Creek Master Plan and Pedestrian Bicycle Master Plan), the City Council made findings that the following impacts are significant and unavoidable and cannot feasibly be mitigated:

Impact 3. 3. 6 Air Quality. Implementation of the proposed Specific Plan, in combination with cumulative development in the San Francisco Bay Area Air Basin ( SFBAAB), would result in a cumulatively considerable net increase of ozone and coarse and fine particulate matter. This impact is considered cumulatively considerable and significant and unavoidable.

Impact 3. 13. 2 Traffic and Circulation. The three Highway 101 freeway segments from downtown Santa Rosa to College Avenue, College Avenue to Steele Lane, and Steele Lane to Bicentennial Avenue are projected to operate below Caltrans' LOS standard of the LOS C/ D threshold in the future, both without and with the Specific Plan. The incremental increase in traffic associated with the Specific Plan that would be added to Highway 101 is considered to be cumulatively considerable and significant and unavoidable.

With respect to Impact 3.3.6 Air Quality, the City Council made the following findings, based on substantial evidence in the record, with respect to the significant, unavoidable air quality effects of the Specific Plan Project:

Air Quality. With buildout of the proposed Specific Plan, the projected citywide 2035 population would increase by approximately 1. 8 percent compared with current 2035 population projections. This projected increase in population would contribute to a corresponding increase in citywide vehicle miles traveled (VMT) of approximately 2. 8 percent compared with current 2035 VMT projections. The main basis for concluding that air quality impacts are significant and unavoidable in the EIR is that the current General Plan 2035 population and employment growth projections exceeded those included in the 2005 *Bay Area Ozone Strategy* when it was adopted in 2009, indicating an increase in vehicle miles traveled relative to plan projection. It was anticipated in the 2009 General Plan EIR that the subsequent Bay Area Air Quality Management District's *2010 Clean Air Plan* would resolve this conflict. The *2010 Clean Air Plan*, however, also includes population projections below those identified in the City' s 2035 General Plan based on build out under General Plan and the North Santa Rosa Station Area Specific Plan. Because this conflict persists, this remains a significant and unavoidable impact.

During the past few years the City of Santa Rosa has modified its planning policies and land use regulations to increase residential densities in the vicinity of rail and bus transit facilities and on other infill properties. This has resulted in accommodating the increase in population projected through the year 2035 within the same Urban Growth Boundary established to accommodate projected population to the year 2020. This land use pattern is designed to reduce automobile trips (and, therefore, vehicle miles travelled) and is supportive of a program of greenhouse gas reduction. This is presented as mitigation to greenhouse gas emissions, and were it not for the technical noncompliance with the *Bay Area Ozone Strategy* and the *2010 Clean Air Plan*, would serve as sufficient mitigation to reduce the impact to less than significant. Thus a basis for a finding of overriding consideration is the fact that the policies included in the Draft North Santa Rosa Station Area Specific Plan will provide a more efficient settlement pattern compared to the current General Plan for the plan area.

With respect to Impact 3. 13. 2 Traffic and Circulation, the City Council made the following findings, based on substantial evidence in the record, with respect to the significant, unavoidable effects of the Specific Plan Project:

Transportation and Circulation. For the city to meet its mandated share of regional housing needs, as well as the additional density needed to support transit, residential development within the city and Urban Growth Boundary and surrounding transit stations must continue to be allowed, and at higher densities. Commercial and industrial development, which also generate traffic, are needed to provide services to the increased population, a tax base for revenues, and jobs for a portion of the population.

Based on the foregoing, the City Council ultimately determined that the benefits of the Specific Plan Project, such as higher residential densities and increased multi-modal connectivity that will support SMART and other transit ridership, and will be realized and achieved from the implementation of the Specific Plan Project, outweigh the environmental risks associated with the adoption and implementation of the Specific Plan Project, and further found on this basis that the significant effects were acceptable.

The Board has considered alternatives and mitigation measures to reduce or avoid the significant environmental effects of the Specific Plan. The Board concurs with and relies upon the City's findings in Santa Rosa City Council Resolution No. 28188, as well as Resolution No. 28187, regarding the potentially significant environmental effects of the Specific Plan. The Board finds pursuant to State CEQA Guidelines section 15162 that those conclusions do not require modification.

The Board rejects the "no project" alternative analyzed in the Specific Plan EIR, because it is infeasible. Under the "no project" alternative, no changes in the Specific Plan area, or pertinent here on the Lance Drive sites, would occur beyond the land use currently allowed under the City and County General Plan and zoning. While this alternative focuses on "no project" meaning continuance of the City's General Plan 2035, for the Lance Drive Parcels "no project" would mean that the sites are never annexed to the City and the County's existing Rural Residential General Plan designation and Agriculture and Residential zoning remain in effect. This alternative would consist of taking no action, resulting in continuation of the existing policies into the future. Although this alternative would have fewer adverse environmental impacts, the "no project" alternative would not meet the Specific Plan project objectives because it would not result in any changes to focus development around the North Santa Rosa SMART Station.

The Board rejects as infeasible the "Reduced Development Potential" alternative, which, although increasing the density of residential uses around the SMART station and continuing some Station Area Specific Plan policies and guidelines, would not meet project objectives of creating an environment that supports successful transit and alternative modes of transportation. It would not allow for the density associated with transit-supportive uses. Land use under this alternative is broadly not as compact as the Station Area Specific Plan, and the alternative would not be as supportive of the fundamentals of smart growth and, as a result, of transit-oriented development. Limiting development around a SMART station that provides transit links to major regional job and commercial centers conflicts with local, regional and state climate and housing goals.

The Board finds that the interests and policy goals of the Board in identifying adequate sites to accommodate its RHNA outweigh the significant and unavoidable impacts identified in the Final EIR. With respect to the significant and unavoidable impacts to Air Quality and Traffic and Circulation, the Board concurs in and adopts the statement of overriding considerations adopted by the City in Resolution No. 28188, for the reasons stated in that resolution and set forth above.



EXHIBIT F

County of Sonoma

MITIGATION MONITORING AND REPORTING PROGRAM

County Of Sonoma Responsible Agency Activities - North Santa Rosa Station Area Specific Plan Project

This document is the Mitigation Monitoring and Reporting Program (MMRP) to be adopted by the County of Sonoma, as responsible agency under CEQA, related to its proposed rezoning and redesignating of the following five unincorporated parcels located within the Specific Plan boundaries to implement and be consistent with the North Santa Rosa Station Area Specific Plan.

1680 Lance Drive, Santa Rosa	036-111-002
0 Lance Drive, Santa Rosa	036-111-009
1696 Lance Drive, Santa Rosa	036-111-010
1705 Lance Drive, Santa Rosa	036-111-011
1601, 1607 Lance Drive, Santa Rosa	036-111-016

The function of a mitigation monitoring and reporting program is to describe measures, which have been adopted to mitigate or avoid significant effects on the environment. An MMRP is required for the County’s responsible agency actions in implementing the Specific Plan Project because the Specific Plan EIR identified significant impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Specific Plan EIR an the MMRP adopted by the City of Santa Rosa when it approved the North Santa Rosa Station Area Specific Plan project. All revisions to mitigation measures that the County determined necessary to meet its obligations as a responsible agency are incorporated into this MMRP.

The MMRP, as outlined in the following table describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** Mitigation measures contained in the MMRP are taken from the Draft EIR in the same order that they appear in the Draft EIR. The MMRP contains revisions to mitigation measures adopted by the City of Santa Rosa in 2012.
- **Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the County, or other entity responsible for mitigation monitoring.



**COUNTY OF SONOMA MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE NORTH SANTA ROSA STATION AREA  
SPECIFIC PLAN EIR**

<b>MITIGATION MEASURE</b>	<b>SUMMARY OF MEASURE</b>	<b>MONITORING RESPONSIBILITY</b>	<b>TIMING</b>	<b>VERIFICATION</b> (Date And By Whom)
	<b>Aesthetics and Visual Resources</b>			
<b>MM 3.1.4</b>	For construction of structures greater than three stories tall, the County shall require the use of building materials designed to reduce glare. Examples of these types of materials include, but are not limited to, windows treated with glare-reductive coating or film covering, matte-finish tiles, marble, or sheet metal, and nonreflective flashing material.	Permit Sonoma, Planning Division	During project design review where applicable, or prior to building permit approval	
	<b>Air Quality</b>			
<b>MM 3.3.1</b>	<p>During earth-disturbing activities, the contractor shall be responsible for spraying exposed soil surfaces with water or another approved dust inhibitor. The contractor would be responsible for cleaning streets and driveways of fugitive soils in the immediate vicinity of construction work, as necessary.</p> <p>The contractor shall be responsible for ensuring that all construction equipment and vehicles are maintained in good operating order and that all factory-installed emission control devices are installed and functioning properly. All vehicles and construction equipment shall be turned off when not in use to minimize emissions.</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily as required.</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all truck to maintain at least 2 feet of freeboard.</li> </ul>	Permit Sonoma, Planning Division	During construction	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<ul style="list-style-type: none"> <li>• Sweep daily, as required, all paved access roads, parking areas and staging areas at construction sites.</li> <li>• Sweep streets daily as required if visible soil material is carried onto adjacent public streets.</li> <li>• Reduce unnecessary idling of truck equipment within proximity to sensitive receptors (i.e., idle time to 5 minutes or less).</li> <li>• Where possible, use newer, cleaner-burning diesel-powered construction equipment</li> <li>• Properly maintain construction equipment per manufacturer specifications.</li> <li>• Designate a disturbance coordinator responsible for ensuring that mitigation measures to reduce air quality impacts from construction are properly implemented.</li> </ul>			
<b>MM 3.3.3</b>	<p>The following measures shall be implemented for future development projects located on the Lance Drive Parcels within the Specific Plan area:</p> <p>a. Project-specific analyses shall be required for future development projects within the Specific Plan area that would result in the development of new sensitive land uses within 1,000 feet of a major permitted stationary source or within the overlay zones of Highway 101, sufficient to demonstrate consistency or inconsistency with applicable BAAQMD-recommended health-risk thresholds (i.e., increased cancer risk of 10 in a million, increased non-cancer risk of &lt;1.0 Hazard Index [Chronic or Acute], ambient PM<sub>2.5</sub> increase of &lt;0.3 g/m<sup>3</sup> annual average). If site-specific modeling indicates that significant exposure to criteria</p>	Permit Sonoma, Planning Division	During construction	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>pollutants, including toxic air contaminants, would occur, future development shall comply, to the maximum extent feasible, with mitigation measures provided by the BAAQMD for the reduction of air quality impacts. These measures shall comply with the most current regulations available at the time of development and will likely include the following measures:</p> <ul style="list-style-type: none"> <li>• Modification to the location and height of intakes to the ventilation system.</li> <li>• Addition of HEPA air filtration systems.</li> <li>• Limiting the placement of recreational use areas, such as patio areas and balconies, to interior courtyards and requiring that they be shielded by the structure.</li> <li>• Triple-paned windows.</li> <li>• Central heating, ventilation, and air conditioning (HVAC) systems with high efficiency filters.</li> <li>• Locating air intake systems for the HVAC systems as far away from the roadway as possible.</li> <li>• An ongoing HVAC maintenance plan.</li> </ul> <p>These measures shall be designed and implemented to the satisfaction of the County in consultation with the BAAQMD.</p> <p>b. Project-specific analyses shall be required for future development projects within the Specific Plan area that would result in the development of new area sources of TAC or PM2.5 emissions (such as non-permitted sources like loading docks involving the use of diesel-powered equipment and delivery vehicles) within 1,000</p>			

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>feet of a sensitive land use, sufficient to demonstrate consistency or inconsistency with applicable BAAQMD-recommended health-risk thresholds (i.e., increased cancer risk of 10 in a million, increased non-cancer risk of &lt;1.0 Hazard Index [Chronic or Acute], ambient PM2.5 increase of &lt;0.3 g/m<sup>3</sup> annual average). If site-specific modeling indicates that significant exposure to criteria pollutants, including toxic air contaminants, would occur, future development shall comply, to the maximum extent feasible, with mitigation measures provided by BAAQMD for the reduction of air quality impacts. These measures shall comply with the most current regulations and recommended best management practices available at the time of development and may include the following measures:</p> <ul style="list-style-type: none"> <li>• Increase new area sources of TAC or PM2.5 emissions distance from sensitive land uses.</li> <li>• Design the site layout to locate any permitted major stationary source of air toxics or other non-permitted TAC sources (e.g., loading docks, parking lots) as far as possible from sensitive receptors.</li> <li>• Large projects involving non-permitted TAC sources like loading docks or parking lots shall consider phased development where commercial/retail portions of the project that are near sensitive land uses are developed last. This would allow time for CARB's diesel regulations to take effect in reducing diesel emissions. Ultimately, lower concentrations would be anticipated in the near future such that residential development would be impacted by less risk in later phases of development.</li> </ul>			

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<ul style="list-style-type: none"> <li>Tiered plantings of trees such as redwood, deodar cedar, live oak, and oleander shall be installed between loading docks and parking lots and sensitive land uses in order to reduce TAC and diesel PM exposure.</li> </ul>			
	<b>Biological Resources</b>			
<b>MM 3.4.1</b>	<p>If there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities, a plan to monitor nesting birds or bats during construction shall be prepared and submitted to the USFWS and CDFW for review and approval. The County shall comply with all USFWS or CDFW guidance for protection of nesting birds.</p> <p>If vegetation, buildings, or bridges that potentially provide nesting sites must be removed between February 1 and August 31, a qualified wildlife biologist shall conduct pre-construction surveys no greater than 14 days before removal. If an active bird nest is found, the bird shall be identified as to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance determined that nesting is complete and the young have fledged. To ensure bats are absent or flushed from roost locations prior to demolition of buildings, trees and construction activities on bridges, preconstruction surveys should be undertaken no more than 6 months before construction activities to identify suitable bat habitat. If</p>	Permit Sonoma, Planning Division	Prior to construction for any subsequent project that could result in disturbance to bird or bat nests	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	flushing of bats from construction sites is necessary, it shall be done by the qualified biologist during the non-breeding and non-hibernating seasons: August 31 through October 15 and March 1 through April 15, respectively. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. Where feasible, trees that are determined to be suitable habitat will be trimmed and removed in a two-phase, two-day method. The first day, limbs and branches will be removed by a chainsaw. Limbs with cavities, crevices, or deep bark fissures would be avoided. On the second day, the tree would be removed.			
<b>MM 3.4.2</b>	<p>A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the project. If jurisdictional waters cannot be avoided, the County shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.</p> <p>The County shall ensure that the project will result in no net loss of waters of the U.S. and/or of the State by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.</p> <p>Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland,</p>	Permit Sonoma, Planning Division	Prior to any vegetation removal or ground-disturbing activities	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>stream, or other aquatic resource restoration, creation, enhancement, or preservation activities (these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants); and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.</p> <p>Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.</p>			
	<b>Hazardous Materials/Human Health</b>			
<b>MM 3.7.2</b>	<p>If contamination is discovered in a Phase I environmental site assessment, developers shall complete site remediation in accordance with OSHA standards, and under the supervision of the Fire Prevention Division of Permit Sonoma, the Regional Water Quality Control Board, the Sonoma County Local Oversight Program, or DTSC. The Department of Toxic Substances Control (DTSC) may become involved wherever toxic levels of contamination are found that pose an immediate hazard. Remediation shall reduce human exposure risk and environmental hazards, both</p>	<p>Permit Sonoma, Fire Prevention Division or applicable successor entity with jurisdiction</p>	<p>As a standard condition, and implanted during construction activities</p>	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>during and after construction. The remediation plan shall be prepared in accordance with recommendations of the environmental consultant and established procedures for safe remediation. Specific mitigation measures designed to protect human health and the environment will be provided in the plan. Requirements shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>i. Documentation of the extent of previous environmental investigation and remediation at the site, including closure reports for underground storage tanks (USTs) and contaminant concentrations.</li> <li>ii. A site-specific Health and Safety Plan to be prepared by all contractors at the project site, where applicable. This includes a Health and Safety Plan for all demolition, grading, and excavation on the site, as well as for future subsurface maintenance work. The plan shall include appropriate training, any required personal protective equipment, and monitoring of contaminants to determine exposure. The Health and Safety Plan will be reviewed and approved by a certified industrial hygienist.</li> <li>iii. Description of protocols for the investigation and evaluation of previously unidentified hazardous materials that could be encountered during project development, including engineering controls that may be required to reduce exposure to construction workers and future users of the site.</li> <li>iv. Requirements for site-specific construction techniques that would minimize exposure to any</li> </ul>			



MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>subsurface contamination, where applicable. This shall include treatment and disposal measures for any contaminated groundwater removed from excavations, trenches, and dewatering systems in accordance with local and Regional Water Quality Control Board guidelines.</p> <p>v. Sampling and testing plan for excavated soils to determine suitability for reuse or acceptability for disposal at a state-licensed landfill facility.</p> <p>vi. Restrictions limiting future excavation or development of the subsurface by residents and visitors to the proposed development, and prohibition of groundwater development should it be determined from test results.</p> <p>vii. Completion of an approved remediation plan should land use restrictions be insufficient to allow development to proceed safely. Remediation measures may include excavation and replacement of contaminated soil with clean fill, pumping and treatment of groundwater, thermal treatment, etc.</p>			
<b>MM 3.7.3</b>	<p>Registration and compliance with the Hazardous Materials Business Plan, Hazardous Waste Generator Program, and Accidental Release Program, wherever applicable, is required for covered businesses in accordance with state and local law, with the following quantities of hazardous materials: at least 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet (compressed gases).</p>	Permit Sonoma, Fire Prevention Division	As a standard condition, and implemented during construction activities	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<b>Noise</b>			
<b>MM 3.10.4</b>	Impact pile driving equipment used within 160 feet of nearby structures shall be substituted with equipment or procedures that would generate lower levels of groundborne vibration, to the extent that geological conditions would permit their use. For instance, in comparison to impact pile drivers, drilled piles or the use of sonic or vibratory pile drivers is the preferred alternative. In the event that the use of impact pile drivers is required due to geological conditions, groundborne vibration monitoring shall be conducted for impact pile driving that occurs within 160 feet of existing structures. Pile driving activities shall be suspended if measured groundborne vibration levels approach within 0.1 in/sec ppv <sup>i</sup> of commonly applied threshold of 0.5 in/sec ppv for structural damage. In such instances, additional attenuation measures or changes in pile driving techniques shall be implemented, prior to recommencing pile driving activities, to reduce groundborne vibration levels. For impact pile driving activities that occur within approximately 75 feet of existing structures, a structural crack survey is recommended for existing structures to document existing structural conditions. Repair of any structural damage resulting from nearby impact pile driving activities shall be initiated upon completion of pile driving activities.	Permit Sonoma, Planning Division	Prior to construction	
	<b>Public Services and Utilities</b>			
<b>MM 3.12.1</b>	Future residential subdivisions and multi-family residential development within the Specific Plan area shall be required to mitigate the impacts of the	Permit Sonoma, Planning Division	Prior to issuance of construction permits	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>increased need for public safety services, including fire protection, emergency medical services, and law enforcement, resulting from a proposed development by implementation of one of the following mitigation measures:</p> <ol style="list-style-type: none"> <li>1. Annexation of all newly created parcels and multi-family residential development to the City's existing Special Tax District Number 2006-1 or successor district</li> <li>2. Payment of a lump sum adequate to cover the increased public safety service costs associated with providing ongoing services to a proposed residential subdivision or multifamily residential development.</li> <li>3. Provision of private security, fire protection, and emergency medical services equivalent or better than would be provided by applicable public safety, fire and emergency medical services, to the residents of a proposed residential subdivision or multi-family residential development in perpetuity.</li> <li>4. Inclusion of other uses, consistent with the City of Santa Rosa General Plan 2035 and zoning regulations, within a proposed residential development that would generate revenue to offset the costs of providing public safety services to the development, where appropriate.</li> </ol>			
	<b>Climate Change and Greenhouse Gases</b>			
<b>MM 3.14.1</b>	The County shall require all subsequent development projects located within the Specific Plan area to	Permit Sonoma, Planning Division	During construction	

MITIGATION MEASURE	SUMMARY OF MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (Date And By Whom)
	<p>implement applicable BAAQMD-recommended basic construction mitigation measures and, where applicable, additional BAAQMD-recommended control measures/best management practices.</p> <p>a. Prior to issuance of grading or building permits, all future development projects, to the extent applicable and practical, shall specify on the final project plans implementation of BAAQMD-recommended basic construction-related measures and and BAAQMD Best Management Practices for Construction-Related GHG Emissions, to reduce GHG emissions during construction activities. These measures include, as feasible:</p> <ol style="list-style-type: none"> <li>1. Use of alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment to the maximum extent possible;</li> <li>2. Use of local construction materials (within 100 miles) to the maximum extent possible; and</li> <li>3. Recycle construction waste and demolition materials to the maximum extent possible.</li> </ol>			

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<sup>i</sup> “PPV” means “peak particle velocity.”

## EXHIBIT G TO RESOLUTION

### Determination of Consistency with Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182(b)

Proposed Rezoning and Adoption of Corresponding Land Use Amendments Adoption of Development Standards for 0-1680 Lance Drive, Santa Rosa (the “Lance Drive Implementation Actions”)

Staff has preliminarily determined that, depending on the Board of Supervisors’ determinations with respect to the adequacy of the North Santa Rosa Station Area Specific Plan EIR and whether to proceed with the project as a responsible agency under CEQA, the Lance Drive Implementation Actions described in the Board of Supervisors’ December 5, 2023 item materials, would qualify for exemption from further CEQA review pursuant to Public Resources Code § 21155.4 and CEQA Guidelines, § 15182. The Lance Drive Implementation Actions are intended to implement the North Santa Rosa Station Area Specific Plan and are consistent with the Specific Plan Project as adopted by the lead agency, the City of Santa Rosa, pursuant to the EIR that was prepared for the North Santa Rosa Station Area Specific Plan Project by the City of Santa Rosa and certified by the City Council on September 18, 2012. Consistency with the statutory exemption in Public Resources Code § 21155.4 is discussed herein.

#### **Analysis of Consistency with Public Resources Code 21155.4**

Public Resources Code § 21155.4 provides that:

- (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, *including any subdivision, or any zoning, change* that meets all of the following criteria is exempt from the requirements of this division:
  - (1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.
  - (2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.
  - (3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.
- (b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

## EXHIBIT G TO RESOLUTION

The Lance Drive Implementation Actions meet all the criteria of Public Resources Code § 21155.4, as outlined below.

Section (a): Project type. The Lance Drive Implementation Actions include zoning changes, implementing zoning code amendments and land use amendments for residential and mixed-use development consistent with the North Santa Rosa Station Area Specific Plan.

Section (a)(1): Within a transit priority area: The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099. Public Resources Code Section 21099 defines “transit priority area” as an area within one-half mile of a major transit stop that is existing or planned. CEQA further defines “major transit stop” to include an existing rail transit station such as the North Santa Rosa SMART station. All five subject parcels are located within a one-half-mile radius of the North Santa Rosa station. Therefore, the Project satisfies this criterion of Public Resources Code Section 21155.4(a)(1).

Section (a)(2): Consistent with the North Santa Rosa Station Area Specific Plan: The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified. The project would redesignate and rezone the identified parcels to implement and be consistent with the North Station Area Specific Plan. As discussed in the item materials for the December 5, 2023 Board of Supervisors hearing and in the staff presentation, the Project is consistent with the North Santa Rosa Station Area Specific Plan, for which an EIR was certified.

Section (a)(3): Consistent with the sustainable communities strategy: The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in Plan Bay Area 2050, which is the sustainable communities strategy for the Bay Area region. Plan Bay Area 2050 it was accepted by the State Air Resources Board as a strategy to achieve the GHG emission reduction targets required by State legislation (Assembly Bill 32 and SB 375). Plan Bay Area 2050 covers Sonoma County and identifies the North Santa Rosa Station Area Specific Plan as a priority development area and the .5-mile radius around the North Santa Rosa SMART station as a transit priority area. Plan Bay Area 2050 recognizes the North SR Station Area Specific Plan as a priority development area based on the densities and other features in the Specific Plan. The project would adopt land use designations and zoning that implements and is consistent with the applicable provisions of the specific plan.

Section (b): None of the events specified in Public Resources Code § 21166 have occurred. No new effects could occur and no new mitigation measures would be required compared to what was outlined and adopted in the North Santa Rosa Station Area Specific Plan and EIR. There is no new information of substantial importance relative to any impact since it was analyzed and addressed with mitigation measures in the EIR for the North Santa Rosa Station Area Specific Plan. The Lance Drive Implementation Actions are program-level actions and were crafted to implement and be consistent with the Specific Plan as adopted by the City and analyzed in the Specific Plan EIR. A change in the agency responsible for carrying out a component of a project is not changed circumstances or new information within the meaning of CEQA. As described in CEQA Guidelines § 15162(a)(3), “new information of substantial importance” that is sufficient to trigger additional CEQA review is information that “...was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.” Staff also notes that Public Resources Code § 21099(d) specifies that aesthetic and parking impacts of residential, mixed-use residential, or employment center uses on infill sites within a transit priority area shall not be considered significant effects on the environment.

## EXHIBIT G TO RESOLUTION

### **Conclusion**

This exemption is conditionally available, provided that the Board of Supervisors, acting as CEQA responsible agency, certifies that it independently reviewed the North Santa Rosa Station Area Specific Plan EIR, determines that it is adequate for purposes of the County's responsible agency activities, that no events specified under Public Resources Code 21166 have occurred, and meets all responsible agency requirements under Guidelines § 15091, 15093, and 15096. Following these actions the Board may consider determining that the Lance Drive Implementation Project qualifies for the Section 21155.4 exemption based on consistency with the North Santa Rosa Station Area Specific Plan and its findings regarding the EIR.