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09 August 2024

Melinda Coy, Proactive Housing Accountability Chief
California Department of Housing and Community Development
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**RE: COUNTY OF SONOMA REZONE IMPLEMENTATION
LETTER OF TECHNICAL ASSISTANCE**

Ms. Coy:

Please accept this letter as our response to the Letter of Technical Assistance from HCD dated 10 July 2024 regarding the status of the County's implementation of its 6th Cycle Housing Element Program 4 (Actions to Meet Regional Housing Needs Allocation (RHNA)) to rezone sites to accommodate the RHNA and to allow by-right processing of sites identified in previous housing elements pursuant to Government Code section 65583.2, subdivision (c); specifically, HCD's determination that the County must demonstrate those rezonings meet all requirements in Government Code section 65583.2, subdivisions (h) and (i): how the County permits owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

On 22 August 2023 the County of Sonoma Board of Supervisors adopted the 6th Cycle Housing Element update by Resolution Number 23-0429. The adopted Housing Element was transmitted to HCD on 29 August 2023. Authorized technical modifications were sent to HCD on 25 October 2023. On 26 October 2023 HCD certified that the Housing Element was in substantial compliance with State Housing Element Law (Government Code Section 65580 et seq). On 5 December 2023 the Board of Supervisors adopted Resolution No. 23-0579 and Ordinance No. 6457 which included amendments to General Plan Land Use Map designations necessary to complete the rezoning of housing sites included in Housing Element Program 4 ([Appendix D, Table 16](#)).

The inventory sites contained in the adopted Housing Element were zoned to allow multifamily residential uses by right ([Appendix D, Tables 15 & 16](#)). The land use policy mechanism is the zoning designations themselves, R3 (High Density Residential) Zoning District allows multifamily residential uses by right, without distinguishing between rental and ownership, market-rate or deed-restricted dwelling units. A summary follows of the zoning code provisions and the permitting procedure for inventory sites zoned residential (R3) consistent with the requirements in section 65583.2, subdivisions (h) and (i).

Development process for HE inventory sites zoned residential (High Density Residential)

1. Residential parcels included in the Housing Element site inventory were rezoned to R3 B6 20 DU at the time of Housing Element adoption. The minimum residential density applied to parcels with this zoning is 20 dwelling units/acre.

2. The County Zoning Code [Section 26-08-030](#), Table 8-1 identifies multifamily residential use as a permitted, or by-right use in the R3 zone. The zoning code does not distinguish between rental and ownership multifamily units in its definition of multifamily (Zoning Code [Section 26-24-120](#)), or between market-rate and deed-restricted units in determining by-right uses.
3. Multifamily residential projects are subject to Design Review per [Article 82](#) of the County Zoning Code. Multifamily projects on R3-zoned inventory sites are subject to a ministerial, administrative design review process for consistency with objective standards.
4. Building permits for construction of the project can be processed simultaneously with the ministerial administrative design review.
5. The CEQA impacts of development on all Housing Element inventory sites were evaluated through the Housing Element Environmental Impact Report (EIR) to enable by-right development of high-density, multifamily housing on the rezoned sites (see EIR Supporting Documentation below). Review for consistency with general and site-specific mitigation measures of the EIR would be conducted prior to issuance of the building permit.

Supporting Documentation from Housing Element [Final Environmental Impact Report \(EIR\)](#)

Section 2.6.4 Zoning and General Plan Amendments (Page 2-9):

The Sonoma County Housing Element Update would rezone up to 59 urban sites in General Plan designated Urban Service Areas throughout unincorporated Sonoma County (as identified in Table 2-2) for by-right, medium-density housing. By-right, medium-density housing means that no discretionary land use approvals and no CEQA review would be required for the development of medium-density (up to 24 units per acre) housing on the sites. Design review approval is required for all multi-family or mixed-use housing development of more than three units.

Section 4. Summary of Public Hearing Comments, Response 3:

The commenters ask if development of each of the proposed Rezoning Sites would be by-right

“Development proposed at each of the Rezoning Sites would be required to be consistent with the zoning code. If the proposed development is consistent, then the only review required for the development would be the design review, which would not be discretionary.”

The County is committed to maintaining compliance with State Housing Element Law and implementing its Housing Action Plan during the 6th Cycle. Please contact Comprehensive Planning Manager Ross Markey at ross.markey@sonoma-county.org, if HCD requires any further information to confirm the County's compliance with rezoning requirements.



Tennis Wick, AICP
Director

Enclosed: County of Sonoma Rezone Implementation - Letter of Technical Assistance (10 JUL 24)

ec: Reid Miller (Reid.Miller@hcd.ca.gov)
Christina Rivera, County Executive
Scott Orr, Assistant Director
Ross Markey, Comprehensive Planning Manager
Katrina Braehmer, Comprehensive Planning Supervisor