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07 February 2025

Jamie Candelaria, Senior Housing Accountability Manager
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**RE: REVIEW OF SONOMA COUNTY'S ACCESSORY DWELLING UNIT
(ADU) ORDINANCE UNDER STATE ADU LAW
(GOV. CODE, §§ 66310 – 66342)**

Dear Jamie Candelaria,

Please accept this letter as the County's response to the letter of findings from HCD dated 09 January 2025 regarding the compliance of the County's accessory dwelling unit (ADU) ordinance with state law. Permit Sonoma has begun work on an update to the County's ordinance for consistency with Government Code requirements for ADUs and JADUs. In the interim, the County will review applications for ADU and JADU applications consistent with the Government Code.

The following provides clarification or a statement of intent to update County Code ("County Code amendments") for each item referenced in the letter provided by HCD.

1. Senate Bill (SB) 1211 (Chapter 296, Statutes of 2024) – Multifamily allowances and Objective Standards for 66323 ADUs

- County Code amendments will address recent amendments to Government Code § 66323, subdivision (a)(4)(A)(ii) that allow for "...up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling."
- County Code amendments will reflect limitations on and the application of objective standards for ADUs as described in Government Code § 66323.

2. Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024) – Permitting Unpermitted ADUs/JADUs

- County Code amendments will reflect recent changes to Government Code § 66332. The County will inform the public about the provisions of this section through public information resources as required by Gov. Code § 66332.



3. Statutory Numbering

- The County will replace outdated references to §§ 65852.2, 65852.22, and 65852.26 with references to Government Code §§ 66310 - 66342 as appropriate. County Code sections identified to require updated references include:
 - § 26-24-020 (A) Definition (ADU)
 - § 26-88-060 (a) Purpose (ADUs)
 - § 26-88-060 (c)(1) Applicability (ADUs)
 - § 26-88-060 (d) Density (ADUs)
 - § 26-88-061 (a) Purpose (JADUs)
 - § 26-88-061 (c) Applicability (JADUs)
 - § 26-88-061 (g)(4) Deed Restriction (JADUs)

4. Section 26-88-060 (a),(h)(2)(i) – JADU Governance

- County Code describes standards for ADUs in § 26-88-060 and separate standards specifically for JADUs in § 26-88-061. The JADU standards include the following subsections describing ministerial approval of JADUs and the quantity of JADUs allowed per lot.
 - § 26-88-061 (c): “Applicability. Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses...”
 - § 26-88-061 (f)(1): “Number of Units. One (1) JADU is allowed per lot, within a single-family residence.”
- County Code amendments will include reference to § 66333 as appropriate. Please review County Zoning Code § 26-88-061 and clarify whether additional changes regarding this comment still need to be made to § 26-88-060, § 26-88-061, or both.
- Please clarify whether, in Gov. Code § 66333, “single-family residential zones” and “zoned for single-family residences” should be interpreted to mean, “zones where single-family residential is the principal permitted use,” or if these phrases should be interpreted to mean, “any zone where single-family residential use is a permitted use.”

5. Section 26-88-060 (b)(4) and (5) – “Legally Permitted”, “Existing Space”, & “Recognized as Legal by the Director”

- County Code amendments will revise the definitions of “accessory structure” and “existing space” to remove subjective language and clarify that the County will not require correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit, consistent with Government Code §§ 66322, 66314, and 66313.
- Please confirm whether applications for ADUs under Government Code § 66323(a)(1)(A) that are proposed to be converted from existing space within a single family dwelling or accessory structure may be converted from unpermitted existing space without correction of nonconforming zoning conditions or building violation.

6. Section 26-88-060 (c)(1) – Denial

- County Code amendments will incorporate the provisions of Government Code § 66317 regarding ADU and JADU application denial procedures.

7. Section 26-88-060 (c)(2) – Agricultural District “Agricultural Dwelling Units”

- County Code amendments will clarify that ADU applications subject to State ADU Law will be ministerially permitted without reference to other categories of density-exempt dwelling units onsite and ensure compliance with Gov. Code §§ 66310 – 66342.

8. Section 26-88-060 (c)(3) – Z Combining District

- The Z Combining District (“Z District”) was added to the County Code in 1985, via Ordinance No. 3511. Ord. 3511 found that the ordinance was necessary to address “public health, safety and welfare problems that have been identified through the administration of second unit applications over the last 23 months. There is reason to believe that, unless this ordinance is passed on an urgency basis, a large number of applications for second units will be received from applicants who wish to process their applications under the current less restrictive second unit ordinance. Processing a large number of applications under the existing ordinance could intensify public health, safety and welfare problems in areas where there are identified water, sewer, traffic or compatibility problems.” (Ord. No. 3511, Sec. XXXIX.)
- Over the 40 years since the Z District was created, numerous parcels have been rezoned to add the Z District, and also to remove the Z District. Each rezoning action required its own set of findings. County staff is reviewing voluminous legislative and parcel-specific files to identify parcels currently in the Z District where the basis or findings for the Z District are not adequate to comply with Gov. Code Sec. 66314, subd. (a). These parcels will be brought forward for rezoning, and/or Sec. 26-76-005 substantially amended to address HCD’s comments, concurrently with the County Code amendments for consistency with State ADU law.
- Gov. Code § 66314, subd. (a), indicates a local agency’s ADU ordinance may, “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.”
- Please provide guidance on determining adequacy of water and sewer services where they are either physically not available, or legally not available without action by the Local Agency Formation Commission. Most parcels located within the Z District are in areas where there is no water or sewer service provider. Some parcels are located in an area where sewer or water service is not legally available, and action by the Local Agency Formation Commission and a nearby services district or city is required to make the service available. Please provide guidance as to how the County should interpret Sec. 66314(a) in light of these circumstances.

9. Section 26-88-060 (h)(2)(ii) and (iii) – Multifamily and Gov. Code § 66314

- Multifamily Unit Quantities: The County’s ADU ordinance update will reflect the new allowable quantities of detached ADUs for existing and proposed multifamily dwellings as established by Gov. Code § 66323.
- Single-family and Multifamily vs Primary Dwelling: The following County Zoning Code sections describe ADUs and the various types of ADUs as permissible on both single-

family and multifamily lots, either through specification of each or reference to a primary residence. Single-family and multifamily dwellings are generally specified when different standards apply to lots with each, or to clarify the zones where ADUs are permitted.

- § 26-88-060 (b)(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.”
- § 26-88-060 (c)(1): “ADUs shall be ministerially permitted in **zoning districts that allow single-family or multifamily dwellings...**”
- § 26-88-060 (g): “Timing. An ADU is allowed on a lot with an **existing or proposed primary dwelling unit...**”
- § 26-88-060 (h)(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.”

County Code amendments will include specification of “existing or proposed” rather than just “existing” as appropriate to ensure compliance with Gov. Code § 66314. Further, County Code amendments will define “proposed” status to ensure compliance with Gov. Code 66328. Please review the above and clarify whether further modification of language is required.

10. Section 26-88-060 (h)(3)(iv) – Riparian Corridor

- Current provisions of the County Zoning Code specify the following for ADUs consistent with Government Code §§ 66314(d)(7) :
 - § 26-88-060 (h)(3)(ii): “Side and Rear Yard Setbacks: Four (4) feet.”
 - § 26-88-060 (h)(3)(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.”
- County Code amendments will clarify that Riparian Corridor setbacks will apply to new construction ADUs except that no ADU shall be required to have greater than four-foot side and rear yard setbacks and that no setback shall be required for an ADU converted from existing space, consistent with Government Code §§ 66314(d)(7).
- The County will also clarify that no additional permit will be required for ADUs constructed within Riparian Corridor setbacks to ensure compliance with Gov. Code § 66315.

11. Section 26-88-060 (h)(4)(i)(A) and (B) – Roof Pitch and Height

- County Code amendments will include revision of height standards for ADUs proposed within one-half mile walking distance of a major transit stop or a high-quality transit corridor to ensure compliance with the provisions of Government Code § 66321.

12. Section 26-88-060 (h)(7) – Lot Coverage vs 66323 ADUs

- County Code amendments will clarify lot coverage requirements for ADUs created from existing structures to ensure compliance with Government Code § 66323.

13. Section 26-88-060 (k) – Affordability Program Design Standards vs 66323 ADUs

- The County will review its application of additional objective standards for ADUs used to meet Affordable Housing Program requirements either through specification to exclude 66323 ADUs from the additional objective requirements or deletion of the additional requirements to ensure compliance with provisions of Gov. Code § 66323.

14. Section 26-88-060 (m)(3) – Sprinklers

- County Code amendments will clarify sprinkler requirements for ADUs converted from existing structures greater than 1,200 square feet for compliance with Gov. Code § 66314 and § 66323.

The County is committed to maintaining compliance with State ADU and JADU Law, and promoting the construction of ADUs as a valuable form of housing in Sonoma County. The County has identified a preliminary hearing date of 15 May 2025 to bring a revised ADU Ordinance to the Planning Commission, prior to review and adoption by the Board of Supervisors.

Please contact me at ross.markey@sonoma-county.org or 707-565-2543 if HCD requires any further information to confirm the County's intention to comply with State ADU and JADU ordinances.

Sincerely,

Ross Markey
Comprehensive Planning Manager
Permit Sonoma

Enclosed: Review of Sonoma County's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 – 66342)

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