



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 12/5/2023

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Eric Gage, Planner III (707) 565-1391

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

1: 55 PM - Housing Action Plan Implementation Round 1: Programs 4a, 4b, and 15b

Recommended Action:

Conduct a public hearing. After closing the public hearing:

1. Adopt a resolution (Attachment 1):
 - a. Certifying independent consideration and review of the North Santa Rosa Station Area Specific Plan EIR as a responsible agency under the California Environmental Quality Act (CEQA) and adopting the findings required by CEQA Guidelines § 15091, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program;
 - b. Determining that adoption of amendments to land use, zoning and Sonoma County Code Chapter 26 (Zoning) for specified parcels on Lance Drive in Santa Rosa (APNs 036-111-009, -010, -016, -002 and -011; 0-1705 Lance Drive, Santa Rosa; "Lance Drive Parcels") is exempt from further CEQA review pursuant to Public Resources Code § 21155.4 and CEQA Guidelines § 15182(b); and
 - c. Approving amendments to the General Plan Land Use Map and designations for the Lance Drive Parcels and 3400 Ross Road, Graton (APN 130-090-009).
2. Adopt an ordinance amending the Official Zoning Database to rezone the Lance Drive Parcels and 3400 Ross Road, Graton (Attachment 2); and
3. Adopt an ordinance amending Sonoma County Code Chapter 26 (Zoning) as set forth in Attachment 3.

Executive Summary:

The 2023-2031 Housing Element update will facilitate and encourage housing development over the 8-year planning period beginning February 1, 2023 and ending in early 2031. The Board of Supervisors adopted the Housing Element at a public hearing on August 22, 2023. The State Department of Housing and Community Development (HCD) certified the Housing Element on October 26, 2023.

The Housing Element update includes a total of 32 implementation programs with numerous subprograms as part of the County's Housing Action Plan to address the housing issues and barriers, and to address inconsistencies with State housing law. Certain programs must be completed by January 31, 2024 in order for the Housing Element to remain compliant with State law and maintain certification.

This item includes amendments to General Plan Land Use Map designations and rezoning of housing sites included in

Subprograms 4a and 4b, and text amendments to Sonoma County Code Chapter 26 (Zoning) included in Subprogram 15b as follows:

- **Subprogram 4a.** For the site identified as GRA-2 in the Housing Element and Housing Element EIR (3400 Ross Road) (APN 130-090-009), redesignate the General Plan Land Use from General Industrial (GI) to Urban Residential at a density of 20 dwelling units per acre (UR 20), and rezone from Limited Urban Industrial (M1) to the High Density Residential (R3) zone at a density of 20 dwelling units per acre.

- **Subprogram 4b.** For the unincorporated parcels within the City of Santa Rosa identified in the Housing Element and Housing Element EIR as SAN-18, SAN-19, and SAN-20 (APNs 036-111-009, 036-111-010, 036-111-016) (0, 1696, 1601, and 1607 Lance Drive, Santa Rosa), together with two smaller adjacent parcels not identified in the Housing Element (APNs 036-111-002 and 036-111-011) (1680 and 1705 Lance Drive):
 - Redesignate the General Plan Land Use from Rural Residential at a density of 5 acres per dwelling unit (RR 5) to Urban Residential at densities between 11-20 dwelling units per acre and Limited Commercial (LC); and
 - Rezone from Rural Residential (RR) at a density of 5 acres per dwelling unit to Medium Density Residential (R2) at a density of 11 dwelling units per acre, High Density Residential (R3) at a density of 20 dwelling units per acre, and Retail Business and Service (C2).

Proposed General Plan Land Use and zoning amendments are consistent with the land use specified for these parcels in the City of Santa Rosa’s North Santa Rosa Station Area Specific Plan and the related pre-zoning adopted by the City. The proposed amendments to Chapter 26 (Attachment 3) create a new Local Area Development Guidelines combining district for the rezoned Lance Drive parcels and add development standards that implement and are consistent with the Station Area Specific Plan.

- **Subprogram 15b.** Amend Sonoma County Chapter 26 (Zoning) to ensure compliance with State law and reduce constraints on housing development. Revisions include updates to definitions, allowed uses and development standards for consistency with current State laws. A State-mandated update to the ADU ordinance includes changes to standards to allow for a maximum of two ADUs on eligible lots.

Notice of the December 5th public hearing with the Board of Supervisors was published in the Press Democrat on November 22, 2023. A mailed notice was sent to parcel owners and neighbors within 300 feet of the parcels subject to General Plan amendments and rezonings. In addition, email notification of the hearing was sent on November 22, 2023 to the Housing Element notification list of approximately 4,800 recipients.

Discussion:

This item is to implement the first components of the County’s Housing Action Plan outlined in the 2023-2031 Housing Element, specifically Subprograms 4a, 4b, and 15b. These programs must be completed by January 21, 2024 in order for the Housing Element to remain compliant with State law and maintain certification.

Housing Element Program 4: Actions to meet the County’s Regional Housing Needs Allocation (RHNA).

This program describes separate required actions that the County will take to meet the County's 6th cycle Regional Housing Needs Allocation (RHNA) obligation of 3,824 units. The County must rezone sufficient sites to establish an adequate inventory of sites to accommodate its RHNA to remain compliant with State Housing Element Law.

Subprogram 4a. The site identified in the Housing Element as GRA-2 (3400 Ross Road) (APN 130-090-009) was included in the staff recommendation to the Planning Commission for rezoning to add the Workforce Housing Combining District. During a July 20, 2023 hearing, the Planning Commission recommended revisions to the draft list of rezoning sites for the Housing Element site inventory, including a recommendation to instead rezone the GRA-2 site as high density residential, with corresponding amendments to its General Plan Land Use. To ensure that adequate public notice was provided for the rezoning of this site to high density residential, staff recommended during the hearing that the Commission include this site as a part of Subprogram 4a, and this was carried forward into the Commission's recommendation to the Board and ultimately accepted by the Board during its hearing for adoption of the Housing Element.

Subprogram 4b. This subprogram identifies three large, primarily vacant parcels (SAN-18, SAN-19, and SAN-20) in an unincorporated island within the Santa Rosa city limits, located at Guerneville Road and Lance Drive (APNs 036-111-009, 036-111-010, 036-111-016). With a development capacity of 641 units, these parcels are surrounded by incorporated lands and would have access to city services at the time of development. In addition to the previously identified sites, to avoid creating a small pocket rural residential zoning largely surrounded by parcels zoned for much higher density, staff and the Planning Commission also recommend amending the General Plan land use designations and zoning of two narrow, adjacent one-acre parcels (APNs 036-111-002, 036-111-011) that are largely surrounded by the three larger Lance Drive parcels identified during the Housing Element process, for consistency with the City's rezoning. Maps of the Lance Drive Parcels and area are attached to the staff report (Attachment 1, Exhibit E). Rezoning these parcels as part of this project could also help to facilitate more orderly and flexible development of the adjacent properties as a whole.

The redesignation of these parcels and inclusion in the Housing Element inventory helps to address the County's current shortfall in having sufficient land zoned to accommodate the State imposed (RHNA). It is expected that these parcels would be annexed before construction of new development in order to connect to municipal water and wastewater service. At the time of annexation to the City, RHNA responsibility will be transferred to the City pursuant to Government Code §65584.07(d).

The eventual development of these properties was envisioned in the City of Santa Rosa's North Santa Rosa Station Area Specific Plan, with multifamily residential development as part of the larger transit-oriented community. The Housing Element process is an opportunity for the County to rezone these properties for residential use prior to annexation.

The North Santa Rosa Station Area Specific Plan designates the land use of these properties as Medium Residential, Medium High Residential, and Retail and Business Service. The properties are rezoned by the City for multifamily residential (R-3), with a 27-acre 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. The proposed action would change the County's current Rural Residential land use designation and Agriculture and Residential (AR) zoning for these properties to multifamily residential and commercial to align with the City's Specific Plan and pre-zoning. The project will also establish a new Local Area Development Guidelines Combining District, Lance Drive (LG/LAN), in the County Zoning Code Article 90. Since these parcels are expected to annex to the City in the future to obtain municipal water and wastewater services, this combining district incorporates the City's development standards and design guidance to

ensure that new development on the property will be consistent with the requirements of the City's Specific Plan. The rezoning implements the intent and policies of the North Santa Rosa Station Area Specific Plan applicable to the parcels to intensify residential density and encourage affordable and transit-oriented development.

There are no pending applications for development of these parcels before the County at this time.

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

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

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

- If a housing development is proposed on the site, it must meet the minimum density provided by the zoning. (This is an existing requirement for all urban residential sites within the unincorporated County, including a site in Inventory does not change this requirement.)
- If the proposed housing development is approved with fewer units or less affordability than listed for the site in the Sites Inventory, the County may need to identify and/or rezone additional sites to make sure the County always has adequate sites to meet its remaining RHNA (this is called the "No Net Loss" rule).
- If a housing development application is submitted on an Inventory site, and the housing project both contains at least 20% affordable units and meets the County's adopted, objective design criteria and development standards, in most cases State law requires that the project must be approved.

Housing Element Program 15: Review and Update Zoning Code and General Plan

This program describes a series of individual implementation actions necessary to ensure compliance with State law and to reduce constraints to the development of housing, especially for residents with special housing needs. Program 15a, to eliminate references in the Zoning Code to Growth Management Plan areas and permit allocations, was accomplished at the time the Housing Element was adopted. (See Ord. 6444, adopting amendments to Sonoma County Code Sections 26-02-040, -050, and -060.)

Housing Element Subprogram 15b requires the County to review and update its Zoning Code provisions for transitional housing, supportive housing, residential community care facilities, Low Barrier Navigation Centers, emergency shelters, accessory dwelling units, employee housing, and State Density Bonus Law.

Subprogram 15b. The current project implements Subprogram 15b, which includes numerous revisions to Chapter 26 (Zoning) of the County Code. The proposed text revisions include the following:

- Amendments to specify that Low Barrier Navigation Centers are a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, and establishing basic standards consistent with State law;
- Amendments to provide that community care facilities are subject to the same provisions as other residential dwellings of the same housing type in the same zone in all zones allowing residential uses;

- Amendments to clarify that transitional housing is only subject to the same provisions as other residential dwellings of the same housing type in the same zone;
- Amendments to maintain consistency with current State provisions for ADUs. These updates include additions and changes to definitions, development standards to align with relaxed provisions in State law. The State has also mandated that lots containing a single-family dwelling may develop 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 ADU;
- Amendments to update standards for emergency shelters to comply with State law requirements specifying that only certain objective standards may be applied;
- Amendments for compliance with the State Employee Housing Act (Zoning Code Sections 26-04-020, 26-06-030, 26-08-030, 26-10-030, 26-14-030, 26-24-260, 26-88-010(k)), reflecting existing State law that employee housing for up to six employees in a single-family dwelling, subject to State permit requirements, must be treated the same as any other single-family residential use where single-family dwellings are allowed. In addition, the Employee Housing Act requires local jurisdictions to treat agricultural employee housing, as defined within the statute, with up to 36 beds or 12 units, as an agricultural use in any zone where agricultural use is permitted. The amendments to the Zoning Code stipulate that the County will allow agricultural employee housing in compliance with the State Employee Housing Act.
- Amendments to resolve conflicts with State Density Bonus Law (Zoning Code Article 89). These changes remove portions of the County's code that reiterate provisions of State density bonus law or related housing State law and add language to make clear that all density bonuses allowed by State law are allowed locally and must comply with the requirements in the Government Code. The intent behind removing code language that only reiterates State law is to prevent the need for regular updates to this section of the County Code to maintain consistency with State law, which changes frequently.

The ordinance adopting amendments to Chapter 26 also adds a new combining district (LG/LAN) and development standards for the Lance Drive parcels proposed for rezoning. These Zoning Code amendments ensure that the proposed zoning for the Lance Drive parcels implements and is consistent with the North Santa Rosa Station Area Specific Plan. (See discussion above of the Lance Drive parcels, background, and proposed actions.)

General Plan Consistency

On balance, the project implements the goals and intent of the General Plan and adopted Housing Element. The inconsistencies do not frustrate the General Plan's goals and policies, are unavoidably necessary to meet the County's duty to provide adequate sites to accommodate its RHNA and to comply with other provisions under State housing law, and are outweighed by strong consistency with multiple goals and objectives of the General Plan.

Further, provisions of the General Plan and Area Plans that are inconsistent with the General Plan were generally identified at adoption, and as provided in the resolution adopting the Housing Element, amendments necessary to maintain internal consistency are programmed to be drafted and brought forward for consideration by December of 2024 (Housing Element Program 15, Subprogram 15k).

Environmental Review

Subprogram 4a Implementation: Within the scope of the Housing Element Update EIR.

Agenda Date: 12/5/2023

An Environmental Impact Report (EIR) was prepared to analyze the impacts of rezoning the Housing Element inventory sites for residential use. The Draft EIR studied the environmental impacts of future development facilitated by the Housing Element Update project, including Site GRA-2, located at 3400 Ross Road in Graton rezoning at a residential intensity of up to 24 dwelling units per acre.

Staff has determined that the proposed General Plan land use amendment and rezoning of 3400 Ross Road in Graton (GRA-2), was part of the project specifically described and therefore is within the scope of the EIR certified by the Board on August 22, 2023 for the Housing Element Update. All applicable mitigation measures identified in the EIR and adopted by the Board of Supervisors will apply to any future development of this site. Pursuant to CEQA Guidelines § 15162, no further CEQA documentation is required.

Subprogram 4b Implementation: Adoption of the proposed amendments to General Plan land use and zoning for the Lance Drive parcels, and adoption of amendments to Chapter 26 to add development standards consistent with the City of Santa Rosa's North Santa Rosa Station Area Specific Plan and related City of Santa Rosa zoning, requires the Board to take the following actions under CEQA:

1. Acting as a responsible agency under CEQA, independently consider the EIR certified by the City for the North Santa Rosa Station Area Specific Plan and reach its own conclusions on whether and how to adopt the portion of the Specific Plan Project that is within the County's jurisdiction; make the findings required by CEQA Guidelines § 15091, adopt the statement of overriding considerations pursuant to CEQA Guidelines § 15093, and adopt the mitigation monitoring and reporting program. These findings and actions are set forth in the draft resolution and its exhibits (Attachment 1.)
2. Based on these actions as a responsible agency for the North Santa Rosa Station Area Specific Plan project, the Board may determine that no additional CEQA analysis is required for the proposed amendments to land use, zoning, and development standards for the Lance Drive parcels if it finds that the proposed Lance Drive actions meet the criteria specified in Public Resources Code § 21155.4. A discussion and analysis of these criteria is Exhibit C to the draft resolution.

Program 15b Implementation: Exempt. The proposed amendments to Chapter 26 are necessary to comply, and are consistent, with mandatory State housing laws that preempt inconsistent local ordinance and action. Therefore, adoption of the ordinance is exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3), because it can be seen with certainty that there is no possibility that the County's action may have a significant effect on the environment. Amendments to Zoning Code Section 26-88-060 are also statutorily exempt pursuant to Public Resources Code § 21080.17 and CEQA Guidelines § 15282(h), which exempt ordinances implementing Government Code § 65852.2, State accessory dwelling units law.

No housing development is currently proposed before the County for either the Lance Drive sites or the Graton (GRA-2, 3400 Ross Road) site. Any development application received in the future would be evaluated for consistency with applicable plans, zoning, and standards, and would also be evaluated as required by CEQA and in the light of the applicable program EIR to determine whether an additional environmental document must be prepared. However, as noted, staff expects that the Lance Drive sites will annex to the City of Santa Rosa before development.

Staff Recommendation

Staff recommends that the Board conduct a public hearing, and after closing the public hearing:

1. Adopt a resolution (Attachment 1):
 - a. Certifying independent consideration and review of the North Santa Rosa Station Area Specific Plan EIR as a responsible agency under the California Environmental Quality Act (CEQA) and adopting the findings required by CEQA Guidelines § 15091, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program;
 - b. Determining that adoption of amendments to land use, zoning and Sonoma County Code Chapter 26 (Zoning) for specified parcels on Lance Drive in Santa Rosa (APNs 036-111-009, -010, -016, -002 and -011; 0-1705 Lance Drive, Santa Rosa; “Lance Drive Parcels”) is exempt from further CEQA review pursuant to Public Resources Code § 21155.4 and CEQA Guidelines § 15182(b); and
 - c. Approving amendments to the General Plan Land Use Map and designations for the Lance Drive Parcels and 3400 Ross Road, Graton (APN 130-090-009).
2. Adopt an ordinance amending the Official Zoning Database to rezone the Lance Drive Parcels and 3400 Ross Road, Graton (Attachment 2); and
3. Adopt an ordinance amending Sonoma County Code Chapter 26 (Zoning) as set forth in Attachment 3.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

Yes

The project implements the programs of the approved sixth cycle Housing Element. An extensive Racial Equity Analysis was prepared for the Housing Element attached as Attachment 8.

Prior Board Actions:

Fifth Cycle Housing Element Adopted December 2, 2014

Housing Element workshop held August 9, 2022

Sixth Cycle Housing Element Adopted August 22, 2023

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

No Fiscal Impact

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Board of Supervisors Resolution
 - a. Exhibit A: General Plan Land Use Amendments
 - b. Exhibit B: General Plan Amendments Sectional Districts Map

- c. Exhibit C: Ordinance Amending the Official Zoning Database, with Exhibit A, Rezoning Table and Exhibit B, Sectional District Maps
 - d. Exhibit D: Ordinance Amending Chapter 26
 - e. Exhibit E: CEQA Findings of Fact and Statement of Overriding Considerations
 - f. Exhibit F: County Mitigation Monitoring and Reporting Program
 - g. Exhibit G: Determination of Consistency with Public Resources Code Section 21155.4
2. Ordinance Amending the Official Zoning Database with Exhibit A, Rezoning Table and Exhibit B, Sectional District Maps
 3. Ordinance Amending Chapter 26
 4. Lance Drive Aerial Map
 5. [Sonoma County Adopted 6th Cycle Housing Element and Appendices](#)
<<https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Proposed%20Plans/Housing%20Element/Housing%20Element%20Draft%20EIR%206th%20Cycle%20Housing%20Element>>
 6. Draft EIR 6th Cycle Housing Element
 7. [Final EIR 6th Cycle Housing Element](#) <<https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Proposed%20Plans/Housing%20Element/Housing%20Element%20Draft%20EIR%206th%20Cycle%20Housing%20Element>>
 8. 6th Cycle Housing Element Racial Equity Analysis
 9. North Santa Rosa Station Area Specific Plan
 10. [North Santa Rosa Station Area Specific Plan Draft EIR](#)
<<https://www.srcity.org/DocumentCenter/View/21631/North-Santa-Rosa-Station-Area-Specific-Plan-Draft-EIR>>
 11. North Santa Rosa Station Area Specific Plan Final EIR
 12. City Council Resolution No. 28188, September 25, 2012
 13. City Council Resolution No. 28187, September 18, 2012
 14. City Council Ordinance No. 3993, September 25, 2012
 15. Notice of Sonoma County Board of Supervisors Public Hearing, December 5, 2023
 16. Staff PowerPoint
 17. Public Comments

References

[California Employee Housing Act <https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=13.&title=&part=1.&chapter=&article=](https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=13.&title=&part=1.&chapter=&article=)

[California Government Code §65583 <https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65583](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65583)

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65583

Related Items “On File” with the Clerk of the Board:

N/A