



# **COUNTY OF SONOMA**

## **PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

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### **OVERVIEW OF PROPOSED ZONING CODE AMENDMENTS TO IMPLEMENT HOUSING ELEMENT PROGRAMS**

The County of Sonoma Permit & Resource Management Department has drafted a number of proposed changes to the existing Zoning Code that would implement the programs and policies contained in the General Plan Housing Element. The proposed Zoning Code Amendments will bring the County's zoning regulations and development standards into conformance with adopted policies contained in the County's General Plan Housing Element and other changes in State law.

#### **PURPOSE**

The proposed code changes are intended to accomplish three primary goals and objectives of the Housing Element: 1) removing constraints to the development of housing by revising development standards; 2) providing expanded opportunities for affordable housing and a variety of housing types by allowing: mixed use, work/live, live/work, mobile homes and single room occupancy units; and, 3) producing affordable housing by requiring that all new development participate in the County's Affordable Housing Program through either construction of affordable units, payment of in-lieu fees or other equivalent alternative. Other changes are proposed to simplify, streamline and clarify procedures and requirements that apply to affordable housing projects, and to correct errors and provide consistency between code sections.

#### **Areas Affected**

While the majority of the changes to the development standards to allow various types of housing will apply only to properties located within Urban Service Areas where public water and sewer are available, other changes to the standards for second units would affect both urban and rural properties, where second units are permitted. The changes to standards for farmworker housing within Agricultural Preserves affects only lands zoned for agricultural use. The proposed Affordable Housing and Workforce Housing requirements and in-lieu fees would apply to all properties where new development is proposed, unless otherwise exempt.

#### **Public Review and Approval Process**

This paper provides an overview of the various code changes that are proposed as a part of the Housing Element implementation package. Handouts for each of the major changes are also available that describe the proposed standards and programs in more detail and what properties are potentially affected. Policy options and alternatives are presented in a series of separate discussion papers along with the proposed zoning code text amendments, which will be available for public review prior to the public hearings. An environmental document has also been prepared which analyzes potential impacts and is available for public review. A public information workshop

with County staff is scheduled to provide an opportunity for the public to ask questions and obtain additional information.

The proposed amendments will be considered at public hearings before the Planning Commission and Board of Supervisors prior to adoption of the code changes. The Planning Commission and Board of Supervisors will consider all of the policy options and alternatives, staff's recommendations and all public testimony and written comments received before adopting any code changes. The following discussion provides an overview of the proposed changes.

## **I. REMOVING CONSTRAINTS TO HOUSING DEVELOPMENT**

The following changes to the zoning code are proposed to remove constraints to housing production and encourage the use of available sites for affordable housing by revising the development standards for various types of housing.

- A. Revised High Density Residential Standards.** The development standards for the High Density Residential (R3) Zoning District are being modified to remove constraints to urban in-fill housing developments while preserving residential privacy, quality and open space. These changes will also provide consistency with state law and other Sections of the Zoning Code. The requirement for a use permit for three story construction is being eliminated for affordable housing apartment projects and for projects with tuck under parking. The setback from residential zones is being revised from 50-feet to 30-feet for buildings that exceed 30-feet in height. The maximum lot coverage requirements are being revised to from 50 percent to 60 percent and to allow a 10 percent increase with Design Review approval. Front and side yard setbacks are being reduced and parking standards and open space requirements are being added/clarified. These changes apply only to property in the R3 High Density Residential zoning district. Adoption of these changes, along with adoption of the new Article 89, will implement Housing Element Policy HE-3h.
- B. Revised Standards for Second Dwelling Units.** The Second Dwelling Unit standards that were adopted in 2003 are proposed to be amended to clarify that height restrictions in rural areas are the same as for the main home. The standards are also being revised to allow Second Dwelling Units to be constructed over, or attached to, unconditioned structures of unlimited size (such as barns) so long as a deed restriction limiting the size of the second unit is recorded. These changes affect all residential properties where second units are allowed. Changes to the minimum lot size requirements for Second Dwelling Units in areas with public sewer are being revised to match the lot size requirement for urban areas. In areas with public water, but not sewers, the lot size will remain at 2 acres to protect groundwater quality.
- C. Revised Standards for Mobile Home Parks** In accordance with requirements of state law, the R1 Low Density Residential and PC Planned Community zoning districts will be modified to allow residential mobile home parks with a use permit with a minimum park size of 3 acres. Storage of recreational vehicles (RV) and overnight occupancy of RV's will be allowed with a use permit in the R2 and R3 districts, but are not allowed in the R1 or PC districts. The standards for the establishment of new mobile home parks in the R2 and R3 districts will be modified to reduce the minimum lot size from 4 acres to 2 acres. Expansion of existing mobile home parks will not be subject to these minimum park size requirements. Because mobile home parks are rent controlled and therefore qualify for a Housing

Opportunity Area density bonus, the maximum density for a mobile home park will be 11 units/acre in the R1 and PC (4 units or more per acre only), and 12 to 24 units per acre in the R2 and R3 districts depending upon the base density. Overnight use of recreational vehicles in the R2 and R3 districts have been clarified to require sewer and water hookups and approval of a use permit. The minimum lot size for individual mobile homes, setback requirements, and the required interior road width for the development of new mobile home parks is also reduced. Requirements for parking and open landscaped areas will be increased. These changes will provide consistency with state laws, with the other provisions of the Zoning Code, and will implement Housing Element Policy HE3g.

- D. Revised Standards for Farmworker Housing in Agricultural Preserves.** Changes are proposed to allow a 2-way lot split of land within an Agricultural Preserve contract for the sole purpose of providing farmworker housing as allowed by recent changes in state law. Lots may be no more than 5 acres in size and the farmworker project must be owned or leased by a qualified public or nonprofit agency and used for farmworker housing for not less than 30 years. The parcel must be merged when the site is no longer used for farmworker housing. Eligible farmworker housing projects are limited to seasonal or year round farmworker housing presently allowed by County ordinance. These changes apply only to lands zoned for agricultural use on the urban fringe that are within an agricultural preserve (Williamson Act contract). These changes will provide consistency with State law and will implement Housing Element Policy HE-3n.
- E. Revised Home Occupation Standards.** Home Occupations are small-scale businesses and services within a private residence or property which meet certain standards and are compatible with surrounding residential uses. Home Occupation standards are being revised to allow the home occupation to be located in accessory structures, such as a detached studio or garage. Other changes are proposed to clarify and distinguish Home Occupation uses from the new provisions for Live/Work uses. Home occupations differ from Live/work uses in the intensity of use that is permitted and require only a zoning permit. All employees of the home occupation business must live in the residence, where live/work uses allow up to two non-resident employees. Home occupations are proposed to be limited to no more than 4 visitors or clients, where live/work uses permit more than 4 visitors with the granting of a use permit. The intent of these changes is to ensure compatibility of business uses in the residential districts, while still allowing for an increase in business activities with the Live/Work standards. These changes will help maintain a jobs/housing balance and retain existing residents employed within the County.

## **II. EXPANDING OPPORTUNITIES FOR A VARIETY OF HOUSING TYPES**

The following changes are proposed to increase the opportunities for a variety of housing types and to allow certain types of residential uses in commercial and industrial zones, where compatible. The changes are also intended to update the zoning code to reflect new trends in land use related to the advent of computer technologies, telecommunications and home-based businesses. In addition, more flexibility in the design standards for a variety of housing types is proposed through use of the Planned Community (PC) zoning district, and adoption of a Precise Development Plan. These changes will implement Policy HE-1b.

- F. New Live-Work Uses in Residential Zones.** The new Live-Work standards permit small-scale business activities within certain residential units. Currently, businesses are not permitted within residential zones or are limited to Home Occupations. Live-Work uses are

small-scale business activities and services conducted within a private residence, and are allowed to have up to two non-resident employees. Live-Work Uses can have more customers/visitors and can provide a broader range of services or uses, than are permitted by Home Occupation permits. Live-Work uses will require a Use Permit to ensure compatibility with surrounding residential uses. Live/work uses will be permitted in all low density residential zoning districts and in commercial districts where residences are allowed. Live/Work uses are not allowed in high density residential districts or in mixed use developments.

- G. New Work-Live Uses in Industrial Zones.** The new Work/Live standards will allow some limited residential uses in urban industrial areas. Work/Live uses may be allowed in new buildings or in the reuse of existing commercial or industrial structures. A Work/Live unit is a combined work space and living unit. The unit must function primarily as a work space with limited residential floor area allowed. Work/live units differ from home occupations and live/work units in that they are primarily a business use with limited residential occupancy located within an industrial zoning district. Whereas, Home Occupations and Live-Work units are primarily a residential use with a limited business activity located in a residential zoning district. Work/live units are permitted with a use permit in the M1 Limited Urban Industrial District.
- H. New Mixed Use Standards for Commercial Zones.** The new Mixed Use standards will allow a mix of residential and commercial uses in certain commercial zones where urban services, such as sewer and water, are readily available. Mixed Use projects are currently allowed to contain not more than 33% of floor area in residential uses; the new standards would increase this percentage to 50%, with up to 70% residential floor area allowed when affordable units are provided. Residential uses are generally required to be located above the ground floor, but may be located adjacent to the commercial uses in some cases. Mixed Use differs from Work/Live projects in that Mixed Use projects involve separate residential and commercial spaces, where a Work/Live project combines work and living areas in a single unit. Flexible standards for Mixed Use Projects are allowed with the approval of a Precise Development Plan in the PC Planned Community zoning district. Mixed Use is allowed with a use permit in all commercial zoning districts except the General Commercial (C3) district where wholesale and heavy commercial uses would not be compatible. The adoption of the Mixed-Use, Live-Work, and Work-Live Ordinances will implement Housing Element Policy HE-3c.
- I. New Single Room Occupancy (SRO) Standards.** Single Room Occupancy (SRO) facilities are intended to provide housing opportunities in selected commercial zones for extremely-low and very-low income one or two person households that typically cannot afford apartments. SRO facilities may have shared or common kitchen and bathroom facilities. Large SRO facilities may be permitted with up to a maximum of 30 rooms while small SRO facilities are permitted with up to 10 rooms. The size of individual SRO units would be limited to between 150 square feet and 400 square feet in order to ensure affordability of the units and consistency with state law. SRO units cannot be rented for transient occupancy and must be the primary address of the resident. Development standards for SRO facilities address facility management issues to ensure neighborhood compatibility. SRO facilities are allowed with a use permit in the Limited Commercial (LC) and Retail Business and Service (C2) zoning districts. SRO facilities are also permitted with more flexible standards subject to approval of a Precise Development Plan in the Planned Community zoning district with a commercial land use designation. The new SRO standards

will facilitate the provision of SRO housing units in commercial zone districts, pursuant to Housing Element Policy HE-3e.

## PRODUCING AFFORDABLE HOUSING

There are two programs proposed to implement the policies of the Housing Element that would affect development on both urban and rural properties throughout unincorporated Sonoma County: 1) the Affordable Housing Program for residential development and 2) the Workforce Housing Program for non-residential development. The goals of these two programs are to provide for production of affordable housing and/or increase funding revenues for local subsidies of affordable housing projects through payment of affordable housing in-lieu or linkage fees. Additional changes are proposed to reduce requirements for a density bonus, extend long-term affordability restrictions and allow for the deferral of fee payments on affordable projects. The following highlights the program elements.

- J. Affordable Housing Requirements for Residential Development.** An Affordable Housing Program is proposed countywide that would establish affordable housing requirements on all residential units, unless exempt. All new residential development will be required to participate in the County's Affordable Housing Program by constructing a percentage of the units as affordable, paying an in-lieu fee, or providing an equivalent alternative, such as land dedication or restricting existing units. An Affordable Housing in-lieu fee would be established with an annual adjustment to keep pace with inflation. Affordable housing projects, remodels, additions, or replacement units and new housing units of less than a 1,000 square feet would be exempt. The Affordable Housing In-Lieu fee is recommended to be graduated based on unit size, with a smaller fee for smaller units and a corresponding higher fee for larger units. These code changes would implement the inclusionary zoning program referenced in Housing Element Policy HE-3k and Program #22 and the fee structure described in Policy HE-3p.
- K. Workforce Housing Requirements for Non-Residential Development.** A Workforce Housing Program is also proposed countywide that would establish similar affordable housing requirements on all non-residential development, unless exempt. The Workforce Housing Program would require that new non-residential development participate in the County's Affordable Housing Program through the provision of workforce housing on-site or at another location, payment of a Workforce Housing fee or providing an equivalent alternative, such as an employer-sponsored program. A Workforce Housing fee would be established with an annual adjustment to keep pace with inflation. The Workforce Housing fee is recommended to be charged on a per square foot basis in proportion to the low-income jobs generated by the development. The fee is recommended to be phased-in over a 3-year period. Exemptions are proposed for small projects, additions or a portion of new development up to 2,000 square feet, projects located in redevelopment areas, public and quasi-public projects which provide a public benefit and for projects which are currently in the approval process. These code changes would implement the Workforce Housing program pursuant to Housing Element Policy HE-4d and Program #29.
- L. Revised Standards for Housing Opportunity Density Bonus Projects.** The 'Type A' and 'Type C' Housing Opportunity Programs have been broadened to make projects of less than 5 units eligible for a density bonus. The number of units required to qualify for a Type A program (multi-family housing) would be revised from 5 units to 4 units. This change would allow small-scale developments and encourage duplex, triplex and fourplexes that

include affordable units. Type C (single family) requirements have also been revised from a minimum of 5 units to a minimum of 4 units to qualify for a density bonus. This would allow greater flexibility for small-scale single family or townhouse developments that provide affordable units. Type A and C Housing Opportunity Programs affect only residentially zoned land in urban areas where sewer and water are available. These changes meet the objective for increasing the supply of affordable housing Objective HE-3.1 and providing additional incentives for density bonus projects Policy HE-3j.

**M. Revised Requirements for Long-Term Affordability.** The requirements for long-term affordability have been modified to better recapture affordable housing subsidies, and to better reflect the requirements of the primary sources of state and federal funding programs. The minimum term of rent restrictions for projects that receive a density bonus or other subsidy is proposed to be increased from 30 to 55 years or more, to be consistent with state and federal funding programs. Resale restrictions on affordable for-sale units that receive a density bonus or other subsidy will remain at a term of 30-years. The code currently requires affordability restrictions on lower income for-sale units only. Resale restrictions are proposed to be applied to affordable moderate income units, as well. In addition to requiring a deferred loan that recaptures a share of the increase in equity in proportion to the subsidy provided, the Affordable Housing Agreements will also require a covenant to recapture the subsidy, if the loan is refinanced or prepaid during the term of the resale restriction. These changes will implement Housing Element Policies HE-1b and HE-1e and will ensure that the value of the subsidies provided to affordable housing projects are retained for potential future buyers and renters.

**N. Revised Requirements for Payment of Development Fees for Affordable Projects**

This change will allow developers of affordable housing to defer payment of development fees until the permanent financing for an affordable or special needs housing project is obtained. Development fees are charged to pay for public improvements such as traffic signals or new parks that are associated with new development. Development fees are currently required to be paid at the time a building permit is issued for a project. The current code requires developers of affordable or special needs housing to obtain a temporary loan to pay the fees as a means of deferring the payment. The proposed change would allow the fees to be deferred by signing a Deferred Payment Agreement, and recording a Promissory Note and Deed of Trust without the initial loan. Deferring the payment of development fees will reduce the cost of providing affordable or special needs housing projects, while still providing funds for future public improvements. This change will meet Housing Element Objective HE 3.4 and Objective HE4.2.