



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department

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FILE: ORD16-0002
DATE: December 15, 2016
TIME: 2:00 p.m.
STAFF: Misti D. Harris, Project Planner

**Board of Supervisors
Hearing will be held at a later
date and will be noticed at
that time.**

SUMMARY

Applicant: County of Sonoma

Location: County-wide
APNs: All Supervisorial District No.: All

Subject: Zoning Code Amendments

PROPOSAL: Amend Zoning Code to implement State law requirements for Accessory Dwelling Units and to allow Junior Accessory Dwelling Units within an existing legal bedroom in existing residences

Environmental Determination: Categorical Exemption, Section 15061(b)(3) (General Exemption)

General Plan: All

Specific/Area Plan: All

Land Use:

Ord. Reference: Chapter 26, Article 88

Zoning: Various

Land Conservation Contract: N/A

Application Complete for Processing: N/A

RECOMMENDATION: Recommend to the Board of Supervisors approval of an ordinance amending the zoning code for Accessory Dwelling Units to comply with State law, adopt new and revised definitions to comply with State law, and adopt new zoning text to allow Junior Accessory Dwelling Units.

BACKGROUND

Housing is a matter of vital statewide importance. The California State legislature has declared that (Government Code 65580):

- (a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
- (b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.*
- (c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.*
- (d) Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.*
- (e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the State in addressing regional housing needs.*

On December 2, 2014 the Board of Supervisors adopted a new Housing Element. The Housing Element contains 73 Policies and 45 Implementation Programs, many of which require zoning code amendments. The Comprehensive Planning Work Plan and the Housing Element set forth a schedule to bring packages of changes to the zoning code to support housing, including changes adopted by the Board of Supervisors as part of the “Building HOMES” Toolbox. The Planning Commission will have an opportunity to review the next set of zoning code changes to support housing in the Spring of 2017.

In addition to packages of Zoning Code changes that are currently scheduled through implementation of the Housing Element, the State Legislature sometimes makes changes to State housing laws that also require changes to the zoning code to maintain compliance with State law. Recent changes in State law related to Accessory Units now require zoning code changes to be made within in a very short timeframe. These changes are the subject of the current round of recommended code changes for housing.

Second Dwelling Units (now Accessory Dwelling Units)

Sonoma County has long considered Accessory Dwelling Units (“Accessory Units”) to be an important component of its affordable housing stock. Because most of the county lies outside of urban service area boundaries, rural housing parcels typically do not have the infrastructure in place to support affordable housing development, nor do they offer the amenities and conveniences often desired by residents in affordable units (e.g., proximity to services and places of employment). For these reasons, the County’s Housing Element assumes that only above moderate income housing units are likely to be developed on rural parcels, with the exception of agricultural units and Accessory Units. Currently there are approximately 500 existing and approved Accessory Units within unincorporated Sonoma County, providing a significant source of smaller rental housing units.

In 2003, the Board of Supervisors adopted an Accessory Dwelling Unit Ordinance to comply with new State legislation (SB1818) that generally required local jurisdictions to allow Accessory Units meeting certain standards without need for a use permit. The Ordinance sets

forth the standards and requirements for Accessory Units to be allowed with only a zoning permit (Sonoma County Code Section 26-88-060).

In 2004, the Board of Supervisors adopted an incentive program for affordable units that allowed Accessory Units on lots smaller than the minimum required lot size (1.5 acres vs. 2.0 acres), or larger units than the maximum allowable size (up to 1,000 square feet, rather than the maximum of 840 square feet that is normally allowed), provided that an Affordable Housing Agreement was entered into restricting the occupancy and rent to low income tenants for a minimum period of 30 years. Twenty-eight Accessory Units were constructed countywide under this program over a period of ten years (2004 – 2014). The Sonoma County Community Development Commission (CDC) monitors the Affordable Housing Agreements (“Agreements”) on an annual basis.

In 2005, the Board of Supervisors adopted the County’s Affordable Housing Program as part of Article 89 of the Zoning Code. Under the Affordable Housing Program, all new development must contribute in some way to meeting the County’s affordable housing needs. The different ways in which this contribution can take place are outlined within Article 89, and include such things as the provision of affordable housing units, the dedication of land, the payment of affordable housing fees, or the provision of an “Alternative Equivalent.” Construction of an Accessory Unit would meet the affordable housing requirement, and thus allow the affordable housing in-lieu fee to be waived. In late 2005, this program commenced, resulting in construction of 265 Accessory Units, including 219 detached units and 46 attached to the main residence.

In 2007, the Board of Supervisors adopted additional revisions to the Affordable Housing Program (Article 89) to specify certain conditions under which the construction or conversion of an Accessory Unit could substitute for the affordable housing program requirement for construction of a new single family home. To qualify for this program, the property owner was required to record a covenant agreeing to make the Accessory Unit available for rent to another household. The covenant runs with the land, even if the property is sold and the new owner does not wish to rent the Accessory Unit. While this program was successful in generating Accessory Units, a 2014 survey found that a significant percentage were not being rented or operated in compliance with the program requirements.

In August 2015, the Board of Supervisors adopted the most recent set of changes to the Accessory Unit program. These changes removed the requirement that a long-term Affordable Housing Agreement be recorded for units on lots smaller than the minimum required lot size (1.5 acres vs. 2.0 acres), or larger units than the maximum allowable size (up to 1,000 square feet, rather than the maximum of 840 square feet that is normally allowed). Instead, the 2015 changes allowed these larger units on smaller parcels subject to the granting of a use permit so that the suitability of individual parcels could be evaluated. Changes made at this time also discontinued the substitution from the Affordable Housing Program fee in exchange for the provision of a Accessory Unit with a covenant, replacing it instead with an automatic deferral of the Program fee as long as the Accessory Unit is rented affordably. Thirty-five additional Accessory Unit permits have been approved over the past year under these changes.

Affordability of Accessory Units

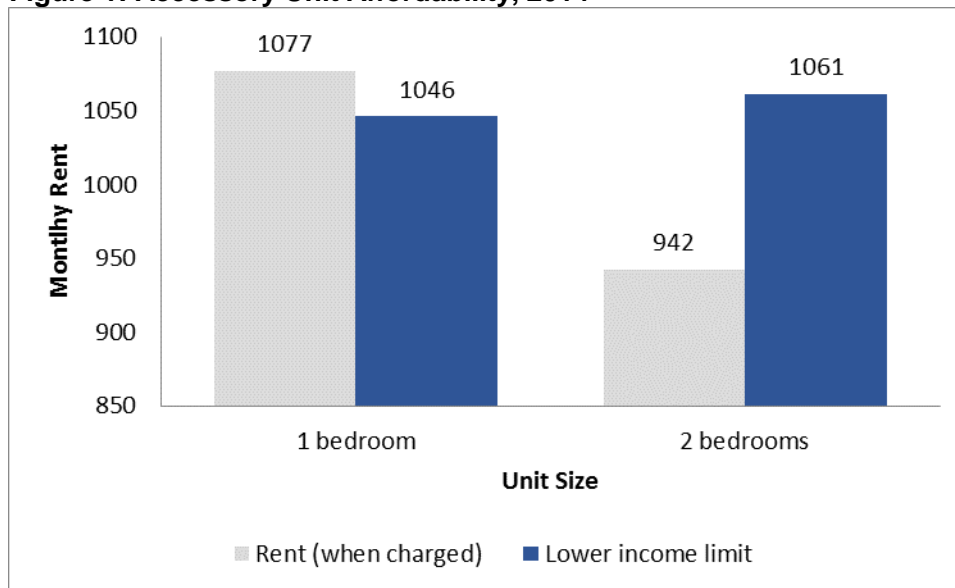
Every year the County Community Development Commission identifies the county’s average (median) household income and establishes income ranges to define households as having moderate, low, very low, or extremely low income. The Community Development Commission uses these thresholds to determine if a household qualifies for an affordable

dwelling unit. Permit Sonoma used these thresholds in a recent survey to determine the affordability of Accessory Units.

During the 2014 survey of Accessory Units, the majority (82 percent) were reported to be occupied by households with total incomes of less than \$48,000 per year, and were thus considered affordable to low and moderate income households. Of the units that were being occupied in accordance with the program requirements, all but one were provided to a separate (but typically related) household at no cost, which is allowed under the program.

When rent is charged, the average rent for a one-bedroom unit was \$1,077, and for a 2-bedroom, \$1,046 (see Figure 1, below). Tenant-paid utilities were included in slightly over half of these cases. By contrast, maximum monthly rents considered affordable to lower-income households (60 percent of Area Median Income) are \$942 for a one-bedroom unit and \$1,061 for a two-bedroom, inclusive of utilities. It appears that, on average, Accessory Units which are occupied by rental tenants continue to be affordable to low- and moderate-income households, while Accessory Units provided at zero rent to a related household are affordable at the extremely low income rent level. The Commission should note that these 2014 survey results include only units built in the previous 8 years; the 184 Accessory Units that had been built prior to 2006 were previously surveyed in early 2008. At that time, the pre-2006 Accessory Units were also found to be affordable at the upper end of the lower range.

Figure 1: Accessory Unit Affordability, 2014



NOTE: Lower rental amounts for the larger units are based on a smaller sample size: only six of the units were reported as having 2 bedrooms.

While surveyed rents for almost 450 Accessory Units were either in the extremely low category (in cases where no rent was charged, usually to family members) or within the lower and moderate income categories (when rent was charged) up until 2014, more recent rental data for these units is not yet available. With average rents for 2-bedroom apartments climbing at reported rates ranging from 4% to almost 10% over the last 2 years (June 2016 California Apartment Rent List Report), it is reasonable to assume that Accessory Unit rents have risen a similar amount. With this likely increase factored in, affordability for Accessory Units where rents are charged is likely to be within the moderate range for all but the smallest

Accessory Units. The likely increase in rents negatively impacts households with lower incomes because fewer Accessory Units are available to them.

New Housing Laws

In September 2016, the Governor signed two bills that change State housing law regulating Accessory Dwelling Units. SB 1069 and AB 2299 remove barriers to Accessory Units to encourage creation of more affordable housing statewide. Notably, the new law prevent local agencies from requiring separate water and sewer connections in converted units and introduce a statutory 120 day review period. The law requires that changes be adopted by local agencies by January 1, 2017.

The Governor also signed a bill establishing regulations to enable local jurisdictions to permit “Junior Accessory Dwelling Units.” Junior Units are very small living units created in an existing bedroom within a single-family dwelling.

These State laws appear to have been written from an urban perspective, making certain sections more challenging to implement outside of Urban Service Areas where properties rely on wells and septic systems. Nonetheless, the provision of additional small living units is an important part of the housing solution and staff has proposed amendments to the Accessory Unit Ordinance (Section 26-88-060) to implement the purpose and intent of the new State laws while acknowledging issues of rural communities such as water availability and septic suitability. The State Department of Housing and Community Development staff are in the process of developing a technical memorandum to assist local communities in their preparation of codes that comply with the new state laws; this guidance is expected to be released in mid-December. If State guidance becomes available prior to the December 15 hearing date, staff will forward it to the Commission.

Code Amendments

The current Accessory Unit Ordinance (Section 26-88-060) permits the provision of Accessory Units by-right on most residential parcels, subject to standards that are designed to mitigate potential impacts and ensure neighborhood compatibility. The differences in the current Code and the proposed amendments are summarized in the table below. The proposed zoning code amendments are discussed below within the Analysis section. See Exhibit B for complete proposed text changes.

Table 1. Summary of Changes between Existing and Proposed Standards

Standard	Existing Code	Proposed
Nomenclature	Second Dwelling Unit	Accessory Dwelling Unit
Minimum parcel size - septic	2.0 acres; 1.5 with use permit	2.0 acres
Minimum parcel size – sewer	6,000 SF; 5,000 SF with use permit	5,000 SF by right
Maximum unit size	840 SF; 1,000 SF with use permit	1,000 SF by right
Required parking	1 space; tandem OK	1 space or 0 spaces
Setbacks - rural	Same as main house or 60;' reduced setbacks with use permit	Same as main house; must be closer to main house than dwellings on other lots
Setbacks - urban	Same as main house but 5' rear OK	5' rear, 5' side where provided above garage
Setbacks – unit conversions	Same as above	Reduce to zero if building and fire codes can be met
Driveway access	Shared driveway required unless Director determines otherwise	Discretion removed; reference to driveways removed
Utility connections	Separate connections required for detached units	Separate connection & fees not required for conversions

Junior Accessory Dwelling Unit summary

In addition to the proposed changes to achieve compliance with new State laws for Accessory Units, additional changes are proposed to allow Junior Accessory Dwelling Units (“Junior Units.”) As noted above, Junior Units are very small living units created in an existing bedroom within a single-family dwelling. Staff proposes code changes to offer more options for housing that is affordable by design. These changes are consistent with the recently adopted State enabling legislation. Please refer to discussions and policy options under the Analysis in this report.

ANALYSIS

Issue #1: General Plan Consistency

The Housing Element recognizes Accessory Units as an important housing type because these small units are accessory to the primary residence and are generally affordable by design due to their small size. They also utilize existing infrastructure and allow flexible housing opportunities for property owners and renters alike. The Housing Element encourages Accessory Units as an essential part of the County’s Affordable Housing program.

Junior Units are a new concept, gaining momentum in Marin County and at the State level. The Housing Element gives no specific direction on Junior Units because they are a new idea.

The following policies are applicable to both Accessory Units and Junior Units:

“Policy HE-1f Encourage retention and further construction of small rental units such as granny units, rental studios, and SRO units;” and

“Policy HE-1l: prohibit the use of Second Dwelling Units for vacation rentals.”

Discussion: Revising the existing code to meet State requirements, and adopting new code to allow Junior Units, would be consistent with Policy HE-1f because these small rental units are affordable by design. The use of these units as vacation rentals, or for any occupancy of less than 31 days, will be specifically prohibited by the Code.

Issue #2: Consistency with State Law

The existing zoning code does not reflect the recent changes to State land use and planning laws, including SB 1069 (Accessory Units), AB 2299 (Accessory Units), and AB 2406 (Junior Units). The proposed code changes include definitions and standards for Accessory Unit that must comply with State law. The changes to allow Junior Units are not required by, but are consistent with, State law. Accessory Units currently contribute to the County's Regional Housing Needs Allocation (RHNA) numbers. Junior Units, if allowed, will also count towards the County's RHNA.

The new Accessory Unit law also states that, "accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence." This language is vague and appears to conflict with State law requiring fire sprinklers for new and converted residential structures. It is the Fire Marshal's responsibility to address life/safety issues through enforcement of the County Fire Safe Standards and fire code. The proposed Accessory Unit Ordinance does not require fire sprinklers, but instead requires only that Accessory Units meet fire code(s). The County Fire Marshal will determine if fire sprinklers are required based on State law.

Discussion: The proposed changes will encourage the construction of smaller housing units and ensure that the county codes related to Accessory Units remain consistent with State law.

Issue #3: Issues and Policy Options for Accessory Units

As outlined above, a number of Zoning Code changes must be made to provide consistency with the new State laws. Each of the proposed changes for Accessory Units is discussed below. Policy options are included when appropriate.

1. Global amendment to change "Second Unit" and "Second Dwelling Unit" to "Accessory Dwelling Unit."

Discussion: The new bills rename second units to Accessory Units. This is not a substantive change.

2. Establishment of a 120-day turnaround time on building permits (Section 26-88-060(c)(1)).

Discussion: New State law requires the County to take action on a permit for an Accessory Unit within 120 days of receiving the application. The Legislature's intent is to ensure permits are issued quickly so units are constructed. Permit Sonoma will change its business practices if and where necessary to comport with this State mandate.

3. Elimination of the allowance for an Accessory Unit on a smaller lot size in rural areas with a use permit (Section 26-88-060(h)(2)).

Discussion: State law prevents the County from using discretion when reviewing permits for an Accessory Unit. The current ordinance allows an Accessory Unit on a one and one-half

acre lot with a Use Permit; the minimum lot size without a use permit is two acres. The proposed ordinance limits minimum lot size to two acres when not served by sewer and removes the possibility of a use permit to make an exception allowing a smaller lot size. Staff does not recommend decreasing the minimum allowable lot size in rural areas because a smaller lot size could result in potential water quality issues due to septic constraints and the need to provide adequate distance between septic systems and water supply wells. A change to the Code to allow Accessory Units as a permitted use on all parcels of 1.5 acres or greater would require environmental review on a countywide level and is not within the scope of this request. Junior Units, however, would be allowed in all areas where single family homes are allowed, regardless of parcel size. This is because Junior Units make use of an existing, legally established bedroom which was already considered in the design of the septic and the site.

4. Elimination of the allowance for an Accessory Unit on a smaller lot size in urban service areas with a use permit (Section 26-88-060(h)(2)).

Discussion: State law prevents the County from issuing any discretionary permits for an Accessory Unit. The current ordinance allows an accessory unit on a 5,000 square foot parcel served by sewer and located within an Urban Service Area with a Use Permit; the minimum lot size is otherwise 6,000 square feet. The Planning Commission has two policy options when considering appropriate minimum lot size in an Urban Service Area where a parcel is served by sewer.

Policy Options:

- Option A. Keep the minimum lot size at 6,000 square feet.
- Option B. Reduce the minimum lot size to 5,000 square feet.

In considering minimum lot size in Urban Service Areas, staff considered the importance of keeping smaller lots available for Accessory Units. The housing shortage is intense and far-reaching, so keeping more lots available with adequate services is important. Staff also considered neighborhood compatibility issues related to allowing Accessory Units on smaller lots without the opportunity to review those impacts. Neighborhood compatibility issues in these urban residential areas could result from the proximity of Accessory Units to neighboring homes, which can lead to decreased privacy and a shortage of parking in some areas.

Recommendation: Option B, reduce the minimum parcel size in urban areas to 5,000 square feet. While potential exists for neighborhood compatibility issues in some areas where homes are very close together, the housing shortage is critical and potential site constraints are largely resolved with existing development standards including height limits, lot coverage, and setbacks.

5. Eliminate the Use Permit requirement to establish a larger Accessory Unit (Section 26-88-060(i)(3)).

Discussion: State law prevents the County from using discretion when reviewing a permit for an Accessory Unit. The current ordinance allows an accessory unit of 1,000 square feet with a Use Permit; the maximum size is otherwise 840 square feet. See the next item for a discussion on maximum unit sizes.

6. Limit the maximum size of an Accessory Unit to 1,000 square feet (Section 26-88-060(i)(3)).

Discussion: State law allows a maximum accessory unit size of up to 1,200 square feet for a detached use, and a maximum percentage of 50% of the size of the primary dwelling for an attached unit. The current ordinance allows 840 square feet for attached or detached units by right, and allows 1,000 square feet subject to the granting of a use permit. The County has approved eight use permits for these larger units since August 2015, with another 12 applications for larger units currently pending. There is currently no size limitations for attached units based on the size of the primary dwelling.

Policy Options:

The Planning Commission has three policy options when considering the maximum size of an accessory unit.

- Option A: Keep the limit at 840 square feet.
- Option B: Increase the size limit to 1,000 square feet.
- Option C: Increase the size limit to 1,200 square feet.

Given that the most recent (2014) survey of rents for accessory units and the additional increases in countywide rental housing prices since that time, it is important to keep the size of Accessory Units small enough to ensure affordability. Staff suggests that smaller units are affordable by design without need for rent restrictions. Increasing the allowable sizes of these units can be expected to result in an increase of rental costs. Housing Element Policy HE-1f, cited earlier, encourages small rental units. The County has previously considered units of up to 1,000 square feet affordable, and exempts units of 999 feet and less from the affordable housing program fees in order to encourage more small units. The County also limits agricultural employee units to 1,000 square feet to maintain affordability. Keeping the size limit at 840 square feet would best ensure future affordability of these units, but may also limit the size of households that could be accommodated in accessory units. Increasing the size limit to the maximum allowable 1,200 square feet would not generate units the County has traditionally considered affordable and would likely trigger a CEQA document.

Recommendation: Option B, increase the size limit to 1,000 square feet. Staff recommends increasing the size limit to 1,000 square feet. This size limit will better assure the units remain affordable, allow a variety of household sizes to be accommodated, and is consistent with size limits for similar, smaller units.

7. Eliminate setbacks when a garage is converted to an Accessory Unit. Establish side and rear setbacks of five feet for an Accessory Unit above a garage (Section 26-88-060(i)(5)(i)(C)).

Discussion: The current ordinance allows setback reductions in for legal non-conforming structures. The proposed ordinance includes this additional option for reduced setbacks when such structures are converted to Accessory Units, so long as the building and fire codes are met.

8. Eliminate the ability to reduce setbacks with a use permit when an Accessory Unit is located more than 100 feet from the primary residence (Section 26-88-060(i)(5)(ii)).

Discussion: State law prevents the County from issuing any discretionary permits for an Accessory Unit. The current ordinance requires an Accessory Unit to maintain 60 foot setbacks from all property lines if located more than 100 feet from the primary residence. Reduced setbacks are allowed with a Use Permit if an Accessory Unit is located more than 100 feet from the primary residence. The new State law allows reduced setbacks for the conversion of existing structures to Accessory Units, and limits required setbacks for

construction of new Accessory Units. Therefore, this provision has been changed to require that a new Accessory Unit be located closer to the main residence than to any dwelling on a neighboring property.

9. Waive the parking requirement under certain, mostly urban circumstances (Section 26-88-060(i)(6)(ii)).

Discussion: The current ordinance requires one uncovered parking space for an Accessory Unit. The proposed ordinance implements the new State law by waiving the parking requirement in specific circumstances that are typically found in an urban setting, such as close proximity to a public transit stop or car share. It also waives parking if the accessory unit is part of the existing single-family dwelling or existing accessory structure, or located within the HD (Historic District) overlay zone.

10. Allow replacement parking spaces to be uncovered if covered parking is demolished to construct an Accessory Unit (Section 26-88-060(i)(6)(iii)).

Discussion: The current ordinance requires one covered parking space, either by a garage or carport, for each single-family dwelling unit. The proposed ordinance will allow that required parking space to be uncovered if the garage or carport is demolished or converted to construct the Accessory Unit.

11. Prohibit separate water and sewer connections and associated fees for Accessory Units converted from an existing, legal accessory structure or portion of a single-family dwelling. For all other Accessory Units, reasonable connection fees may be established (Section 26-88-060(i)(7)).

Discussion: Currently, each Accessory Unit in an urban area must have separate connections for water and sewer services. The new State law prevents local agencies from requiring separate utility connections if the Accessory Unit is converted from an existing portion of a single-family dwelling or accessory structure. The Legislature included this language to reduce construction costs. The proposed ordinance includes this language.

12. Approve Accessory Units converted from an existing, legal accessory structure or within a single-family dwelling, and meeting certain requirements, with a building permit and planning clearance only (Section 26-88-060(j)).

Discussion: The current ordinance requires consistent development standards and issuance of a zoning permit for all Accessory Unit approvals. The new State law requires a significant change in the County's permitting authority and development standards when the Accessory Unit is converted from a legal accessory structure or portion of a single-family dwelling in a single-family zoning district. In these cases, the County cannot require a zoning permit or impose other development standards applied to all other Accessory Units, such as minimum lot size and required parking. The Legislature includes this language to streamline permitting for Accessory Units.

The proposed ordinance requires the County to issue only a building permit for an Accessory Unit if all the following standards are met.

- The property is located in the AR, RR, or R1 district and does not have a Z overlay; and
- The proposed Accessory Unit is located within the existing space of a single-family dwelling or a legal accessory structure in existence on January 1, 2017; and

- The proposed Accessory Unit has separate exterior access; and
- The structure has side and rear setbacks in conformance with the Fire Code; and
- The parcel is within an Urban Service Area and served by water and sewer.

Issue #4: Issues and Policy Options for Junior Accessory Dwelling Units

A Junior Unit is a small living space within a legally established bedroom of an existing single-family home. Junior Units will help address the County's housing situation because homeowners can inexpensively convert one existing bedroom, with or without a bathroom, into a Junior Unit. This allows the property owner to earn extra income while providing housing that is affordable due to its small size. Use of the Junior Unit for rentals periods of less than 31 days would be prohibited. Each of the proposed changes to allow Junior Unit are discussed below.

13. Establish regulations for Junior Units (Section 26-88-061).

Discussion: The new State laws include requirements for local jurisdictions to make changes for Accessory Units, but not for Junior Units. Rather, the State has provided enabling legislation for these junior units, and local jurisdictions have the option of changing their codes to allow them.

Policy Options:

Option A: Adopt allowances for Junior Units.

Option B: Do not adopt allowances for Junior Units.

Recommendation: Option A, adopt allowances for Junior Units. Junior Units provide small, affordable rental units, consistent with the Housing Element. Adoption of these provisions also follows previous direction by the Board of Supervisors adopted in the "Building Homes" Toolbox in 2015.

- 13a. New regulations for Junior Units.

Discussion: This proposed new code section follows the Accessory Unit ordinance in the zoning code. It allows Junior Units, establishes a permitting process, and provides development standards. Junior Units would be allowed with only a building permit. It has an efficiency kitchen; it may have a bathroom or share the bathroom in the house. It is not an independent living unit; therefore, it is not subject to any impact fees. An interior connection must be maintained. A property owner may install a second door in the same doorframe for noise attenuation. The additional door would be similar to those found between connecting rooms in hotels, commonly called connecting doors. The additional door

14. Include "Junior Accessory Dwelling Unit" and "efficiency kitchen" in Definitions (Section 26-02-140).

Discussion: The proposed ordinance includes these definitions for clarity.

15. Allows in residential zones on parcels which contain a single-family dwelling (Sections 26-16-010 (AR Ag Residential), 26-18-010 (RR Rural Residential), and 26-20-010 (R1 Single Family Residential)).

Discussion: The proposed ordinance allows junior units in residential zones where single-family homes are allowed for maximum opportunity to create these affordable living units. As

proposed, a property owner could have a single-family home with both a Junior Unit and an Accessory Unit on a single property. Accessory Units and Junior Units do not count toward the allowable density under the General Plan.

Policy Options:

Option A: Allow a Junior Unit and an Accessory Unit on the same parcel, so long as building and fire codes are met.

Option B: Allow only one type of accessory unit per parcel.

Recommendation: Option A, allow an Accessory Unit and a Junior Unit on the same parcel so long as codes are met. Given the magnitude of the housing situation and the need to provide fast, inexpensive solutions, staff recommends allowing both types of units on a single parcel (one of each).

Issue #5: Environmental Determination

Staff recommends the code amendments be found exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The code amendments pertaining to Accessory Units update existing code language for consistency with State law. The code amendments pertaining to Junior Units will allow use of legally existing residential space, with no change in use and minimal improvements. There is no possibility these code amendments will cause a significant effect on the environment.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the attached Resolution recommending the Board of Supervisors approve the ordinance amending the Accessory Dwelling Unit ordinance, adding the Junior Accessory Dwelling Unit ordinance (Article 88 of the Sonoma County Code).

LIST OF ATTACHMENTS

Attachment A: Draft Ordinance with Exhibits A-E

Attachment B: Draft Resolution

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 (ZONING CODE) OF THE SONOMA COUNTY CODE TO AMEND THE ACCESSORY DWELLING UNIT REGULATIONS, ADD JUNIOR ACCESSORY DWELLING UNIT REGULATIONS, AND AMEND AND ADD DEFINITIONS.

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

Section I. The Board finds and declares that the adoption of this Ordinance is necessary to implement certain policies and programs set forth within the adopted General Plan Housing Element, and to comply with changes in State laws. The Board hereby finds that the many facts supporting the adoption of this Ordinance include the following:

1. The Sonoma County General Plan Housing Element, adopted by the Board on December 2, 2014, sets forth policies and programs intended to remove constraints and to promote the development of additional affordable housing and special needs housing within the County of Sonoma, which depend on adoption and implementation of this Ordinance; and
2. This Ordinance is necessary to achieve consistency with the State laws and the General Plan Housing Element, as required by law; and
3. Adoption of the Ordinance, including its amendments to reduce barriers in constructing accessory dwelling units, is a necessary and appropriate measure to increase the number of such units that are affordable by design, without the increased administrative burden that would otherwise be imposed by the requirement for long-term affordability restriction contract, and to achieve compliance with SB 1069 and AB 2299.
4. Adoption of the Ordinance, including allowances for junior accessory dwelling units, is a necessary and appropriate measure to increase the number of small housing units that are affordable by design, without the increased administrative burden that would otherwise be imposed by the requirement for long-term affordability restriction contracts, consistent with AB 2406.
5. Adoption of the Ordinance, including its amendments to revise and add definition of terms, is a necessary and appropriate means of implementing State laws set forth in SB 1069, AB 2299, AB 2406, and within Health and Safety Code section 1502.

Section II. Amendments to Accessory Dwelling Unit Regulations. Section 26-88-060 (Second Dwelling Units) of the Sonoma County Code is amended as set forth in the attached Exhibit A.

Section III. Amendments Providing for Junior Accessory Dwelling Units. Section 26-88-061 (Junior Accessory Dwelling Units) of the Sonoma County Code is added as set forth in the attached Exhibit B.

Section IV. Amendments to Definition of Terms. Section 26-02-140 (Definitions) of the Sonoma County Code is amended as set forth in the attached Exhibit C.

Section V. Amendments to the AR, RR, and R1 Districts. Sections 26-16-010 (Agriculture Residential), 26-18-010 (Rural Residential), and 26-20-010 (Low Density Residential) are amended as set forth in the attached Exhibit D.

Section VI. Amendments to the Z Combining District. Article 76 (Second Unit Exclusion Combining District) of the Sonoma County Code is amended as set forth in the attached Exhibit E.

Section VII. Environmental Determination. The Board of Supervisors hereby finds and declares that the adoption and implementation of this Ordinance is exempt from further review under the California Environmental Quality Act (CEQA) Section 15061(b)(3). Adoption of the ordinance will have no physical change on the environment and will cause no significant impacts to the environment

Section VIII. Severability. 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 IX. Effective Date. 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 introduced on the X day of X, 2016, and finally passed and adopted this X day of X, 2016, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Gore: ___ Carrillo:___

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:

Veronica Ferguson,
Clerk of the Board of Supervisors

**Article 88. - General Exceptions and Special Use Standards and ~~Bulk Exceptions~~—
Building Lines.**

Sec. 26-88-060. - ~~Second-Accessory~~ dwelling units.

- (a) ~~(a)~~—Purpose. This section implements the requirements of Government Code Section 65852.2 and the provisions of the general plan housing element that encourage the production of affordable housing by means of ~~second-accessory~~ dwelling units.
- (b) ~~(b)~~—Applicability. ~~Second-Except as otherwise provided by this section, accessory~~ dwelling units shall be ministerially permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, ~~except as otherwise provided by this section,~~ in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural Resources and Development), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), and R2 (Medium Density Residential). ~~Second-Accessory~~ dwelling units are prohibited in the Z (~~second-accessory~~ dwelling unit exclusion) combining district.
- (c) ~~(c)~~—Permit Requirements. A ministerial zoning permit (Section 26-92-170) shall be required for an second-accessory dwelling unit. Additionally, ~~second-accessory~~ dwelling units must comply with all other applicable building codes, fire codes, and requirements, including evidence of adequate septic capacity and water yield.
- ~~(c)~~(d) Time Limits. Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within 120 days from submittal of an application that includes all materials required to process the permits.
- ~~(d)~~(e) ~~(d)~~—Use. ~~Second-Accessory~~ dwelling units may not be sold separately from the main unit, but may be rented separately. Occupant(s) need not be related to the property owner. Accessory dwelling units Units may not be rented on a transient occupancy basis (periods less than thirty (30) days).
- ~~(e)~~(f) ~~(e)~~—Unit Type. An second-accessory dwelling unit may be attached or detached from the primary dwelling on the site. A detached ~~second-accessory~~ dwelling unit may also be a manufactured home on a permanent foundation, in compliance with Section 26-02-140.
- ~~(f)~~(g) ~~(f)~~—Timing. An second-accessory dwelling unit allowed by this section may be constructed prior to, concurrently with, or after construction of the primary dwelling.
- ~~(g)~~(h) ~~(g)~~—Density. As provided by Government Code Section 65852.2(b)(5), ~~second-accessory~~ dwelling units are exempt from the density limitations of the general plan, provided that no more than one (1) ~~second-accessory~~ dwelling unit may be located on any parcel. An second-accessory dwelling unit may not be located on any parcel already containing a dwelling unit that is non-conforming with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.
- ~~(h)~~(i) ~~(h)~~—Site Requirements.
 - (1) Water Availability.
 - (i) Except as provided in subsection (i) (b) of this section, an second-accessory dwelling unit shall be permitted only in designated groundwater availability classification areas 1 or 2, or where public water is available.

- (ii) ~~An second-accessory dwelling unit in a Class 3 groundwater availability area shall be permitted only if:~~
 - (A) The domestic water source is located on the subject parcel, 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 this code.
 - (iii) ~~Second-Accessory~~ dwelling units shall not be established within designated Class 4 groundwater availability classification areas except where both requirements for Class 3 areas, above, are met and a groundwater report prepared by a qualified professional determines that the accessory dwelling unit would not result in a net increase in water use. On site water reduction may occur through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project. ~~that there is no long-term or cumulative impact to groundwater resources. All applications for a zoning permit to allow a second dwelling unit within a Class 4 area shall be accompanied by a groundwater report containing information and analysis as specified by the director. Said report shall be prepared and certified by an appropriate licensed professional, specific for the subject site and the existing and proposed use, and the report must find and determine that:~~
 - (A) ~~Water yield will be sufficient year-round to serve both the primary and the secondary residential use; and~~
 - (B) ~~The establishment and continuation of the use will not result in significant impacts to local groundwater availability or yield, nor is it expected to have significant long-term or cumulative impacts.~~
- (2) Minimum Parcel Size.
- (i) ~~An second-accessory dwelling unit shall be permitted only on parcels with a minimum gross lot area of at least two (2) acres, except as provided for below:~~
 - (A) ~~An exception will be made to permit an affordable second dwelling unit on a parcel with a minimum of one and one-half (1.5) acres in gross lot area in designated Class 1 or 2 groundwater availability areas, provided that a use permit is first obtained.~~
 - (B)(A) In designated urban service areas, where the parcel is served by public sewer, second-accessory dwelling units shall be permitted only on parcels with a minimum gross lot area of at least six thousand five thousand (65,000) square feet ~~with a zoning permit.~~
 - (C) ~~In designated urban service areas, where the parcel is served by public sewer, second dwelling units shall be permitted on parcels with a gross lot area of at least five thousand (5,000) square feet, provided that a use permit is first obtained.~~
- ~~(j)~~ (i) ~~Design and Development Standards.~~
- (1) Height. In designated urban service areas, an second-accessory dwelling unit shall not exceed sixteen feet (16') in height except that where the unit is attached to the

primary unit, or where the ~~second-accessory~~ dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the primary dwelling in the underlying zoning district. In no case shall the provision of an ~~second-accessory~~ dwelling unit result in a substantial reduction in solar access to surrounding properties.

(2) Design. The ~~second-accessory~~ dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping. ~~Second Accessory~~ dwelling units shall also meet all standards set forth in any applicable combining district, specific plan or area plan, or local area development guidelines.

(3) Size. An ~~second-accessory~~ unit shall not exceed ~~eight hundred forty (840) one thousand (1,000)~~ square feet in floor area ~~unless a use permit is first obtained to allow up to one thousand (1,000) square feet~~ and shall not be larger than the single-family dwelling.

(i) ~~(i)~~—Calculating the Size of ~~Second-Accessory~~ Dwelling Units. Floor area shall be calculated by measuring the exterior perimeter of the ~~second-accessory~~ dwelling unit and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. Any storage space or other enclosed areas attached to the ~~second-accessory~~ dwelling unit shall be included in the size calculation, except: a) an attached garage, as described in subsection (i)(3)(ii) of this section; or b) where the ~~second-accessory~~ dwelling unit is constructed over or attached to an unconditioned accessory structure, as described in subsection (i)(3)(iii) of this section.

~~Second-Accessory~~ dwelling units located above garages of greater than 400 square feet shall be accessed through an exterior staircase only. Wherever an ~~second-accessory~~ dwelling unit is located above a garage, the total enclosed floor area of the second floor may not exceed one thousand (1,000) 840 square feet.

~~(ii)~~ ~~(ii)~~—Allowable Garage Area. An attached garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for an ~~second-accessory~~ dwelling unit provided that all required setbacks are met. No conditioned space shall be allowed within the garage area. An access door between the attached garage and the ~~second-accessory~~ dwelling unit may be provided. A deed restriction shall be recorded limiting the floor area of the ~~second-accessory~~ dwelling unit to eight hundred forty (840) one thousand (1,000) square feet, and declaring that no portion of the attached garage is to be utilized as a part of the conditioned residential space.

~~(ii)(iii)~~

~~(iii)~~—Units Attached to Accessory Structures. Notwithstanding subsection (i)(3)(ii) above, an ~~second-accessory~~ dwelling unit may be located above or attached to a garage of more than four hundred (400) square feet, or a barn or other unconditioned accessory structure only where the garage or accessory structure clearly serves the primary residential or agricultural use of the property. In such cases, access to the ~~second-accessory~~ dwelling unit from the garage or accessory structure shall be provided by an exterior entrance only. Access doors between the attached structure and the ~~second-accessory~~ dwelling unit are prohibited. ~~Second-Accessory~~ dwelling

units located above unconditioned accessory structures and garages of greater than four hundred (400) square feet shall be accessed through an exterior staircase only. Wherever an ~~an second-accessory~~ dwelling unit is located above an unconditioned accessory structure or garage of greater than four hundred (400) square feet, the total enclosed floor area of the second floor may not exceed ~~eight hundred forty (840)~~one thousand (1,000) square feet. A deed restriction shall be recorded limiting the floor area of the ~~second-accessory~~ dwelling unit to ~~eight hundred forty (840)~~one thousand (1,000) square feet, and declaring that no additional portion of the structure may be enclosed, converted, or utilized as conditioned or habitable space.

- (4) Lot Coverage and Impervious Surface Limitation. The total lot coverage for parcels developed with an ~~an second-accessory~~ dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located. The total amount of impervious surface added to serve the accessory dwelling unit shall not 100% of the footprint of the accessory unit.
- (5) Setback and Location Requirements.
 - (i) ~~(i)~~ (i)—An ~~second-accessory~~ dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district and combining districts in which the ~~second-accessory~~ dwelling unit is located, with the following exceptions:
 - (A) except that tThe rear yard setback for ~~second-accessory~~ dwelling units located in urban service areas within zone districts RR, R1, ~~and R2,~~ and R3 shall be reduced to five feet (5').
 - (B) In the case of an existing legal structure that is nonconforming with respect to setbacks, yard requirements may be reduced through use permit approval in order to allow the legal conversion of the existing structure for use as a second dwelling unit.
 - (B) Setbacks for an accessory dwelling unit converted from a legal, permitted garage shall be reduced to zero feet (0'). Side and rear yard setbacks for an accessory dwelling unit constructed above a garage shall be reduced to five feet (5').
 - ~~(i)(ii)~~ (ii)—In the case of an ~~an second-accessory~~ dwelling unit in a rural zone district that is located more than one hundred feet (100') from the primary dwelling, the ~~second-accessory~~ dwelling unit shall be located closer to the primary dwelling than any dwelling on an adjacent parcel. ~~maintain minimum front, rear and side setbacks of sixty feet (60'), unless otherwise provided through use permit.~~
- (6) Access and Parking Requirements.
 - ~~(i)~~ (i) Driveway Access. Both the primary unit and the ~~second accessory~~ dwelling unit ~~shall are strongly encouraged to be served by one common, all-weather surface access driveway with a minimum width of twelve feet (12'), connecting the second accessory dwelling unit to a public or private road. The requirement for a single driveway connection may be waived in each of the following instances if the director determines that the waiver of the~~

requirement would not be detrimental to the public health, safety or general welfare:

- ~~(ii) (A) Where an applicant seeks to convert an existing structure to use as an second accessory dwelling unit, and that structure was served by an access driveway separate from the primary dwelling; or~~
- ~~(B) Where the applicant can show that there are already two (2) legally established access driveways to the parcel that are available to serve the primary and secondary accessory dwelling units separately; or~~
- ~~(C) Where the parcel is split by a public or private road, or where the parcel has frontage on two (2) roads (public or private); or~~
- ~~(D) Where the applicant demonstrates an alternative access design that provides an overall reduction in the expanse of driveway area is preferable.~~
- ~~(i) (ii) Parking Required. One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the second accessory dwelling unit, in addition to the parking that is required for the primary dwelling. The parking space for the second accessory dwelling unit may be allowed in the driveway and in tandem ~~not be provided within a required front yard setback.~~ Required parking shall be waived if:~~
 - ~~(A) The parcel containing the accessory dwelling unit is within ½ mile of a public transit stop; or~~
 - ~~(B) The accessory dwelling unit is located within the HD (Historic District) combining zone; or~~
 - ~~(C) The accessory dwelling unit is part of the existing single-family dwelling or an existing accessory structure; or~~
 - ~~(D) On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~
 - ~~(A)(E) A car share vehicle is located within one block of the property in which the accessory dwelling unit is located.~~
- ~~(ii) Replacing Required Parking. If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with construction of an accessory dwelling unit, the required replacement spaces may be provided as covered or uncovered spaces.~~
- ~~(iii) (iii) Surfaces. Wherever feasible, the use of permeable surfaces for parking, driveway and walkway areas is strongly encouraged.~~
- ~~(7) Public Water and Sewer Connections. Accessory dwelling units approved under section 26-88-060(k) (Conversion of an Existing Structure) shall not be required to connect separately and directly to water or sewer systems and shall not be considered new residential uses for the purpose of calculating water and sewer connection fees or capacity charges. An accessory dwelling unit that is not approved under 26-88-060(k) may be required to connect separately and directly to water or sewer systems and may be subject to connection fees or capacity charges proportionate to the burden placed by the accessory dwelling unit on the~~

utilities. Nothing in this [subsection/subdivision] shall be construed to transfer responsibility for water and sewer services to the County from any utility district or zone or supersede the regulatory authority of any utility district or zone.

- (k) Conversion of an Existing Structure in the AR, RR, and R1 Districts. Notwithstanding the requirements of this section, a building permit for an accessory dwelling unit shall be approved if all the following circumstances are satisfied.
- (1) The parcel is located within the AR (Agricultural Residential), RR (Rural Residential), or R1 (Low Density Residential), zoning district and is not within the Z (Accessory Dwelling Unit Exclusion) combining district; and
 - (2) The accessory dwelling unit is located within the existing space of a single-family dwelling or a legal, permitted accessory structure in existence as of January 1, 2017; and
 - (3) The accessory dwelling unit has exterior access independent from the single-family residence; and
 - (4) The converted structure meets fire codes for a residential unit.
 - (5) The parcel is located within an Urban Service Area and the accessory dwelling unit is served by water and sewer services.

Accessory dwelling units approved under this subsection shall not be required to provide new or separate water and sewer connections and shall not be charged a related connection fee or capacity charge.

- (7) Standards for ~~Second~~ Accessory Dwelling Units Used to Meet the Affordable Housing Program Requirement. In addition to the standards set forth above, an ~~second-accessory~~ dwelling unit that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
- (i) Separate Parking and Pathway. A designated parking space and a path of travel into the ~~second-accessory~~ dwelling unit that does not cross the private yard space of the main home.
 - (ii) Doorways. No connecting doorways between the ~~second-accessory~~ dwelling unit and the main unit, except for a shared laundry room or vestibule; and
 - (iii) Yard. Provision of a separate yard or open space area from that of the main dwelling. For ~~second-accessory~~ dwelling units located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six (6) feet.

26-88-061 – Junior Accessory Dwelling Units

- (a) Purpose. Consistent with Government Code Section 65852.22, this section implements the provisions of the General Plan Housing Element that encourage the production of affordable housing.
- (b) Applicability. Junior accessory dwelling units shall be permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, except as otherwise provided by this section, in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Lane Extensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential). This section does not apply to accessory dwelling units, which are regulated by section 26-88-060.
- (c) Permit Requirements and Fees. A building permit shall be required for a junior accessory dwelling unit. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.
- (d) Time Limits. Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within 120 days from submittal of an application that includes all materials required to process the permits.
- (e) Use. Junior accessory dwelling units may not be sold separately from the single-family dwelling, but may be rented separately. Occupant(s) need not be related to the property owner. Junior accessory dwelling units may not be rented on a transient occupancy basis (less than thirty one (31) days). The single-family dwelling must be owner-occupied, but the owner may reside in either the junior accessory dwelling unit or the remaining portion of the single-family dwelling. This owner-occupancy requirement does not apply to single-family dwellings owned by a public agency, land trust, or non-profit housing organization.
- (f) Timing. A junior accessory dwelling unit allowed by this section must be installed after construction of the single-family dwelling.
- (g) Density. As provided by Government Code section 65852.22(d) and (e), junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan. No more than one junior accessory dwelling unit may be located on a parcel.
- (h) Design and Development Standards. Junior accessory dwelling units shall conform with the development standards of the base zoning district. In addition, junior accessory dwelling units shall meet the following standards.
- (1) Size. A junior accessory dwelling unit shall not exceed four hundred fifty (450) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.
 - (2) Location. A junior accessory dwelling unit shall be installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling. In the case of a legal, non-conforming single-family dwelling unit, the

applicant must demonstrate adequate septic capacity for the bedroom count and utilize an existing, fully permitted bathroom.

- (3) Access. A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained. Two doors may be installed within one frame for noise attenuation.
- (4) Kitchen. A junior accessory dwelling unit shall contain an efficiency kitchen, as defined in Section 26-02-140. The efficiency kitchen must be removed when the junior accessory dwelling unit use ceases.
- (5) Sanitation. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling.
- (6) Parking. A parking space is not required for the junior accessory dwelling unit.
- (i) Deed Restriction. A deed restriction shall be recorded that: prohibits the sale of the junior accessory dwelling unit separate from the single-family dwelling; specifies that the deed restriction runs with the land and is therefore enforceable against future property owners; restricts the size and features of the junior accessory dwelling unit in accordance with this section; provides that the junior accessory dwelling unit rented on a transient occupancy basis (less than thirty one (31) days); and further that the County shall be a third party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

26-02-140 – Definitions

Accessory Dwelling dwelling unit, second. ~~means~~ An attached or detached residential dwelling unit provided in compliance with Sections 26-88-060 and 26C-325.1, which unit provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling (Government Code § 65852.2). An ~~second accessory~~ dwelling unit may also be provided as an efficiency dwelling unit (Health & Safety Code § 17958.1) and/or a manufactured home (Health & Safety Code § 18007), as defined in this section.

Residential community Community care facility. ~~means a home licensed by the state which is regularly used as a community care facility, health facility, care facility for the elderly or alcoholism recovery facility (as defined by the California Health and Safety Code); or facilities for the mentally disordered, handicapped persons or dependent and neglected children (as defined by the California Welfare and Institutions Code). A facility, place, or building that is maintained and operated to provide non-medical residential care, which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally delayed or disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged.~~

- (a) **Small residential-community care facility** means a ~~residential-community~~ care facility serving six (6) or fewer persons.
- (b) **Large residential-community care facility** means a ~~residential-community~~ care facility serving seven (7) or more persons.

Efficiency dwelling unit. ~~means a~~ A small, self-contained dwelling unit containing a habitable room of not less than 70 ~~two hundred twenty (220)~~ square feet of floor area and a minimum horizontal dimension of 7 feet. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms. An additional one hundred (100) square feet of floor area within the unit shall be provided for each occupant of such a unit in excess of two (2).

An efficiency dwelling unit not provided as a part of an SRO or similar living arrangement, as provided by ordinance, must include the following facilities (2001 CBC 310.6.3):

- (a) A separate closet;
- (b) A separate bathroom, containing a water closet, lavatory, and bathtub or shower; and
- (c) Kitchen facilities, including a sink, cooking appliance and refrigeration facilities.

Efficiency kitchen. A removable kitchen that contains a sink with a maximum waste line diameter of 1.5 inches; cooking appliances that do not require natural gas, propane, or electrical service greater than 120 volts; a limited food preparation counter; and storage cabinets. The entire kitchen shall not exceed six (6) lineal feet, except that if existing counter space is being converted to efficiency kitchen use then the counter space shall not exceed eight (8) lineal feet.

Junior accessory dwelling unit. A living space not exceeding four hundred fifty (450) square feet in size and contained entirely within an existing single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure.

Section 26-16-010 – Permitted Uses.

(ff) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.

Section 26-18-010 – Permitted Uses.

(ff) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.

Section 26-20-010 – Permitted Uses.

(z) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.

Article 76. - Z ~~Second~~ Accessory Unit Exclusion Combining District.

Sec. 26-76-005. - Purpose.

Purpose: the purpose of this district is to provide for the exclusion of ~~second~~ accessory units in the following areas:

- (a) Areas where there is an inadequate supply of water for drinking or firefighting purposes;
- (b) Areas where there are inadequate sewer services or danger of groundwater contamination;
- (c) Areas where the addition of ~~second~~ accessory units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads or highways; and
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.

Sec. 26-76-010. - Permitted uses.

All uses permitted in the respective district with which the Z district is combined shall be permitted in the Z district, except for the establishment, placement or construction of an second accessory unit otherwise authorized by Section 26-92-040.

Resolution Number

County of Sonoma
Santa Rosa, California

December 15, 2016
ORD16-0002 Misti Harris

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS AMEND CHAPTER 26 OF THE SONOMA COUNTY CODE TO REVISE PROVISIONS RELATING TO SECOND DWELLING UNITS, ADOPT REGULATIONS FOR JUNIOR ACCESSORY DWELLING UNITS, AND REVISE HOUSING-RELATED DEFINITIONS.

WHEREAS, on December 2, 2014, the Board of Supervisors adopted the 2014 Housing Element, which sets forth policies and programs intended to remove constraints and to promote the development of additional affordable housing and special needs housing within the County of Sonoma; and

WHEREAS, adoption of the changes to the Zoning Ordinance is necessary to achieve consistency with the General Plan Housing Element, as required by law; and

WHEREAS, in September 2016 the State legislature adopted Senate Bill 1069 and Assembly Bill 2299, which amend residential second dwelling unit provisions of Government Code section 65852.2, and require local agencies to implement certain additional requirements to reduce regulatory constraints and encourage construction of accessory dwelling units, and to facilitate infill housing in response to a severe housing shortage that particularly impacts lower and middle income households; and

WHEREAS, in September 2016 the State Legislature adopted AB 2406, which adds junior accessory dwelling unit provisions in Government Code section 65852.22 and allows local agencies to implement regulations for permitting and construction of junior accessory dwelling units, to facilitate reutilization of space within existing single-family dwellings in response to a severe housing shortage; and

WHEREAS, the proposed amendments will not allow for, or encourage any more development than is already anticipated under the County's existing General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment; and

WHEREAS, in accordance with the provisions of law, a duly noticed public hearing was held on December 15, 2016, by the Planning Commission at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Planning Commission does make the following findings:

1. Adoption of the Ordinance, including its amendments to reduce barriers to constructing accessory dwelling units, is a necessary and appropriate measure to increase the number of such units that are affordable by design, without the increased administrative burden that would otherwise be imposed by the requirement for long-term affordability restriction contract, and to achieve compliance with SB 1069 and AB 2299.

2. Adoption of the Ordinance, including its amendment to allow junior accessory dwelling units, is consistent with AB 2406 and is a necessary and appropriate measure to increase the number of such units that are affordable by design, without the increased administrative burden that would otherwise be imposed by the requirement for long-term affordability restriction contracts.
3. Adoption of the Ordinance, including its amendments to revise and add definitions of terms, is a necessary and appropriate means of implementing State laws set forth in SB 1069, AB 2299, AB 2406, and in Health and Safety Code section 1502.
4. The project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), because adoption of the Ordinance will not cause physical changes or significant impacts to the environment. The Code revisions enacted by the Ordinance will strictly update current zoning requirements relating to construction of new accessory dwelling units, which are currently allowed by right in most residential districts; will modify or add definition of terms consistent with State law; and will add new provisions for junior accessory dwelling units to be constructed within existing single-family dwelling units, as authorized by State law.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to Chapter 26 of the Sonoma County Code.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, California 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.