

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400

# Th5a



DATE: April 24, 2009

TO: Commissioners and Interested Parties

FROM: Charles Lester, Senior Deputy Director  
Ruby Pap, North Central Coast District Supervisor  
Doug Macmillan, Coastal Planner

SUBJECT: **Sonoma County LCP Amendment No. SON-MAJ-1-06 (Second Units):**  
Concurrence with the Executive Director's determination that the action of the County of Sonoma accepting the Commission's certification of LCP Amendment No. SON-MAJ-1-06 and adopting implementing ordinances is legally adequate (For Commission review at the meeting of May 7, 2009).

1. BACKGROUND:

The Commission acted on County of Sonoma LCP Amendment No. SON-MAJ-1-06 (Second Units), on September 11<sup>th</sup>, 2008. The proposed amendment involved changes to the Implementation Plan to revise procedures and standards for second dwelling units, add provisions for homeless shelters in urban zoning districts, specify minimum residential densities, and remove restrictions on Type A and C density bonus projects located within 1/4 mile of a similar project in Sonoma County.

The Commission rejected the IP amendment as submitted and then ultimately approved it with six suggested modifications as recommended by staff. The suggested modifications specify where second dwelling units may be established in the Coastal Zone, that they are required to have sufficient demonstrated water supply, and that they must meet all Second Dwelling Unit Design and Development Standards and conform with the certified LCP. In the agricultural zoning districts LIA (Land Intensive Agriculture) and LEA (Land Extensive Agriculture), second dwelling units continue to require a Use Permit and their approval may be appealed to the Coastal Commission.

2. EFFECTIVE CERTIFICATION:

On March 3rd, 2009, the Sonoma County Board of Supervisors held a public hearing and adopted Resolution No. 09-0186 and Ordinance No. 5829 which acknowledged receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's IP (see Exhibit No. 2).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Sonoma County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Sonoma County LCP Amendment No. SON-MAJ-1-06 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 21080.5(d)(2)(v).

3. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Sonoma to accept the Commission's certification of County of Sonoma's LCP Amendment No. SON-MAJ-1-06 and adopt the necessary changes to the County's IP are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

## CALIFORNIA COASTAL COMMISSION

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# Th5a



May \_\_\_\_, 2009

David Hardy  
Supervising Planner  
County of Sonoma  
Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403-2829

SUBJECT: Effective Certification of County of Sonoma LCP Amendment No. SON-MAJ-1-06 (Second Units)

Dear Mr. Hardy,

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 09-0186 and Ordinance No. 5829 for effective certification of County of Sonoma LCP Amendment No. SON-MAJ-1-06 (Second Units).

The County's resolution and ordinance indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of May 7, 2009 in San Francisco. Commission approval and the amendment process are now complete. If you have any questions, please contact Doug Macmillan in our San Francisco office at (415) 904-5260 or [dmacmillan@coastal.ca.gov](mailto:dmacmillan@coastal.ca.gov).

Sincerely,

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Ruby Pap  
North Central Coast District Supervisor

**Exhibit 1**  
**SON-MAJ-1-06**  
**Sample Letter to County**

ATTEST: **MAR 11 2009**

County of Sonoma  
Santa Rosa, California

ROBERT DEIS, Clerk of the Board of Supervisors  
of the State of California, in & for the County of  
Sonoma

March 3, 2009  
PLP04-0107 David Hardy

BY Woodson DEPUTY

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING THE COASTAL COMMISSION APPROVED MODIFICATIONS TO THE PREVIOUSLY APPROVED AMENDMENT TO THE LOCAL COASTAL PLAN AND COASTAL ZONING ORDINANCE TO IMPLEMENT FAIR HOUSING LAWS, ESTABLISH REVISED PROCEDURES AND STANDARDS FOR SECOND DWELLING UNITS, ADD PROVISIONS FOR HOMELESS SHELTERS IN URBAN ZONING DISTRICTS, SPECIFY MINIMUM RESIDENTIAL DENSITIES, AND REMOVE RESTRICTIONS ON TYPE A AND C DENSITY BONUS PROJECTS LOCATED WITHIN 1/4 MILE OF A SIMILAR PROJECT.

WHEREAS, the Board of Supervisors directed staff to prepare a Coastal Zoning Ordinance amendment to implement fair housing laws, establish revised procedures and standards for second dwelling units, add provisions for homeless shelters in urban zoning districts, specify minimum residential densities, remove restrictions on Type A and C Density Bonus projects located within 1/4 mile of a similar project in the Coastal Zone; and

WHEREAS, the proposed Ordinance amendment to modify the housing provisions has been reviewed pursuant to the California Environmental Quality Act and determined exempt from CEQA under Sections 15061(b)(3) of the CEQA Guidelines (actions where it can be seen with certainty that there is not possible significant effect on the environment; and

WHEREAS, County staff submitted the proposed amendments to the California Coastal Commission on December 21, 2006; and

WHEREAS, the California Coastal Commission approved the amendments on September 11, 2008, with modifications recommended by Coastal Commission staff. As a result, the County was required to act upon the revisions by March 12, 2009; and

WHEREAS, the modifications will ensure consistency with the Local Coastal Program; and

WHEREAS, a notice of the public hearings was published in the Santa Rosa Press Democrat, a newspaper of general circulation within the affected area of the Ordinance and the Coastal Zone; and

WHEREAS, at its regularly scheduled meeting on February 5, 2009, the Planning Commission, with a 5-0 vote, recommended approval to the Board of Supervisors, and

WHEREAS, in accordance with the provisions of law, a duly noticed public hearing was held on March 3, 2009, by the Board of Supervisors at which time all interested persons were given an opportunity to be heard; and

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors does make the following findings:

1. The proposed Ordinance amendment to modify the housing provisions has been reviewed pursuant to the California Environmental Quality Act and determined exempt

from CEQA under Sections 15061(b)(3) of the CEQA Guidelines (actions where it can be seen with certainty that there is not possible significant effect on the environment).

2. The proposed Ordinances are consistent with the General Plan and its policies and the Local Coastal Plan and its policies, and will bring the County's Coastal Zoning Ordinance into conformance with the requirements of Government Code section 65852.2(j), which provides that in the Coastal Zone a local government shall not be required to hold public hearings for Coastal Permits for second units in residential zoning districts, and with Coastal Act sections 30241 and 30242 regarding protection of agricultural production.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the project categorically exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possible significant effect on the environment from this regulatory action.

BE IT FURTHER RESOLVED that the Board of Supervisors adopts the proposed Ordinance amendment to Chapter 26C of the Sonoma County Code with the modifications approved by the Coastal Commission on September 11, 2008, and authorizes staff to submit same to the California Coastal Commission.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown: Aye      Kerns: Aye      Zane: Aye      Carrillo: Aye      Kelley: Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

SO ORDERED.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26C (COASTAL ZONING ORDINANCE) OF THE SONOMA COUNTY CODE TO IMPLEMENT MODIFICATIONS REGARDING SECOND DWELLING UNITS AS RECOMMENDED BY THE CALIFORNIA COASTAL COMMISSION.

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

**SECTION I. Purpose.** The Board of Supervisors finds and declares that the adoption of this ordinance is necessary to implement certain policies and programs set forth within the adopted Sonoma County General Plan Housing Element ("the General Plan Housing Element"), and to comply with changes recommended by the California Coastal Commission to achieve consistency with the adopted Sonoma County Local Coastal Program ("the Local Coastal Program") and the Coastal Act. The Board of Supervisors hereby finds that the facts supporting the adoption of this ordinance include the following:

1. The General Plan Housing Element, adopted by the Board of Supervisors on January 29, 2002, sets forth policies and programs intended to promote the development of additional affordable housing and additional special needs housing within the unincorporated area of Sonoma County, which depend on implementation of this ordinance.
2. This ordinance is necessary to achieve consistency of certain General Plan Housing Element provisions and implementing ordinances with the Local Coastal Program, as required by law.
3. The adoption of this ordinance is a necessary and appropriate measure to reduce constraints to the provision of affordable housing.
4. The adoption of this ordinance is necessary to implement Section 30242 of the Public Resources Code to preserve lands suitable for agricultural use and to avoid their conversion to incompatible uses, and to implement the corresponding policies in the Local Coastal Program that place a higher priority on the use of land for agriculture rather than housing.

**SECTION II. Amendments to the Second Dwelling Unit Regulations.** Chapter 26C of the Sonoma County Code is amended as follows:

(a) **Subsection (c) of Section 26C-2 is revised to read:**

(c) Principal permitted uses:

The Coastal Act requires definition of principal permitted uses which clearly carry out the intent and purpose of each zoning district utilized in the coastal zone. Any development that is not designated as a principal permitted use is appealable to the coastal commission.

Principal permitted uses are those uses listed under the heading "Uses permitted subject to site development and erosion control standards" within each zoning district, with the following exceptions:

LIA	Land Intensive Agriculture: Sec. 26C-20(c)
LEA	Land Extensive Agriculture: Sec. 26C-30(c)
DA	Diverse Agriculture: Sec. 26C-40(c)
RRD	Resources and Rural Development: Sec. 26C-50(c)
RRDWA	Resources and Rural Development (Ag Preserve): Sec. 26C-60(c)
TP	Timber Production: Sec. 26C-70(c)
AR	Agriculture and Residential: Sec. 26C-80(c)
RR	Rural Residential: Sec. 26C-90(d), (e)
R1	Low Density Residential: Sec. 26C-100(c)
R2	Medium Density Residential: Sec. 26C-110(c), (d)

Notwithstanding the above, additional dwellings beyond one single-family dwelling on parcels zoned LIA, LEA, DA, RRD, RRDWA, TP, and AR ~~RR, R1, and R2~~ are not considered to be principal permitted uses and are appealable to the Coastal Commission pursuant to Public Resources Code Section 30603.

- (b) Paragraph (7) of subsection (b) of Section 26C-40(DA), paragraph (6) of subsection (b) of Section 26C-50(AR), paragraph (4) of subsection (b) of Section 26C-80 (AR), and paragraph (2) of subsection (a) of Section 26C-90 (RR), are revised to read:

"One (1) second dwelling unit per lot, pursuant to section 26C-325.1, provided that the water supply for the second dwelling unit is proposed to be located within a designated class 1 or 2 groundwater availability area. Second dwelling units may be established within designated class 3 water areas only where the domestic water source is located on the subject parcel, or a mutual water source is available; and groundwater yield is sufficient for the existing and proposed use, pursuant to section 7-12 of this code. Second dwelling units may be established within designated class 4 water-scarce areas only where a hydro-geologic report, as defined, certifies that the establishment and continuation of the second dwelling unit use will not have significant adverse impacts on local groundwater availability or yield." Approval of any such second dwelling unit is appealable to the coastal commission pursuant to public resources code section 30603.

- (c) Section 26C-21(c)(14) and 26C-30(b)(8) are deleted in their entirety. Paragraph (17) of subsection (c) is added to Section 26C-22 (LIA) and paragraph (21) of subsection(c) are added to Section 26C-31 (LEA) to read:

One (1) second dwelling unit per lot, provided that the procedures and all criteria of section 26C-325.1 are met. Second dwelling units may be established within designated class 3 water areas only where the domestic water source is located on the subject parcel, or a mutual water source is available; and groundwater yield is sufficient for the existing and proposed use, pursuant to section 7-12 of the sonoma county code. Second dwelling units may be established within designated class 4 water areas only where a hydro-geologic report, as defined, certifies that the establishment and continuation of the second dwelling unit use will not have significant adverse impacts on local groundwater availability or yield. Approval of any such second dwelling unit is appealable to the coastal commission pursuant to public resources code section 30603.

- (d) Subsection (c) of Section 26C-325.1 is revised to read:

(c). Permit Requirements. A zoning permit (Sections 26-92-170 and 26C-330 zoning/coastal permit) pursuant to section 26C-330 shall be required for a second dwelling unit in all applicable zoning districts except LIA and LEA. A use permit shall be required for a second dwelling unit in LIA and LEA zoning districts. Additionally, second dwelling units must comply with all other applicable building codes and requirements, including evidence of adequate septic capacity and water yield. Any approval of any second dwelling unit must be supported by findings demonstrating consistency of the second dwelling unit development with the section design and development standards herein.



(e) Subsection (g) of Section 26C-325.1 is revised to read:

G. Density. As provided by government code section 65852.2(b)(5), second dwelling units in the DA, RRD, AR, RR, R1 and R2 zoning districts are exempt from the density limitations of the general plan. ~~provided that no more than one Second dwelling unit may be located on any parcel.~~ In all applicable zoning districts, no more than one second dwelling unit may be located on any parcel and a second dwelling unit may not be located on any parcel already containing a non-conforming dwelling with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.

(f) Subsection (i) Design and Development Standards of Section 26C-325.1 is revised to read:

(i) Design and Development Standards.

(1) Height. The second dwelling unit shall not exceed sixteen (16') feet in height except that where the unit is attached to the primary unit, or where the second dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the underlying zoning district. In no case shall the provision of a second dwelling unit result in a substantial reduction in solar access to surrounding properties.

(2) Design. The second 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 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. A second dwelling unit shall not exceed eight hundred forty (840) square feet in floor area. When the second dwelling unit is provided as an affordable rental unit, the size limit shall be one thousand (1,000) square feet so long as an affordable housing agreement pursuant to Sections 26-88-120 and 26C-26 is first executed and recorded, restricting the occupancy and rent for the subject unit to low or very low income households for a period of at least thirty (30) years. The agreement shall be subject to review and approval of the county counsel and the executive director of the community development commission.

(i) Calculating the Size of Second Dwelling Units. Floor area shall be calculated by measuring the exterior perimeter of the second 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 enclosed

areas attached to the second dwelling unit shall be included in the size calculation, except: a) a garage, as described below; or b) where the second dwelling unit is constructed over a barn or garage serving only the primary home.

(ii) Allowable Garage Area. A garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for a second dwelling unit provided that all required setbacks are met. A garage up to five hundred (500) square feet shall be permitted if an affordable housing agreement pursuant to Sections 26-88-120 and 26C-326 is recorded restricting the rent to low or very low income households for a period of at least thirty (30) years. No conditioned space shall be allowed within the garage area. A deed restriction shall be recorded declaring that the garage or barn area is not to be utilized as a part of the conditioned residential space.

(4) Lot Coverage Limitation. The total lot coverage for parcels developed with a second dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located.

(5) Setback and Location Requirements.

(i) A second dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district in which the second dwelling unit is located, except that the rear yard setback for second dwelling unit located in urban service areas within zone districts RR, R1, R2 and R3 shall be reduced to five (5') feet. 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.

(ii) In the case of a second dwelling unit in a rural zone district that is located more than one hundred (100') feet from the primary dwelling, the second dwelling unit shall maintain minimum front, rear and side setbacks of sixty (60') feet, unless otherwise provided through use permit.

(6) Access and Parking Requirements.

(i) Driveway Access. Both the primary unit and the second dwelling unit shall be served by one common, all-weather surface access driveway with a minimum width of twelve (12') feet, connecting the second 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:

(A) Where an applicant seeks to convert an existing structure to use as a second 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 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);

(D) Where the applicant demonstrates an alternative access design that provides an overall reduction in the expanse of driveway area is preferable.

(ii) Parking Required. One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the second dwelling unit, in addition to the parking that is required for the primary dwelling. (Ord. 5429 § 6, 2003.)

**7. Conformance with certified LCP. All new second dwelling units when combined with all existing site development shall together conform to all applicable requirements fo the Coastal Plan, Administrative Manual and this chapter.**

**8. Public Access. Second dwelling units shall not obstruct public access to and along the coast, or public trails.**

**9. Visual Resources. Second dwelling units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.**

**10. Environmentally Sensitive Habitat Areas and Wetlands. All development associated with second dwelling units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method," which, for the purposes of this subsection, means the following: When circumstances do not allow a standard setback from a bluff or natural resource, or when existing development encroaches nearer than the standard setback, a line may be drawn between the structures on either side of the parcel in question and that "string line" then defines the setback for that parcel.**

11. Agricultural Lands. All development associated with second dwelling units shall be prohibited on prime agricultural soils. Where there are no prime soils second dwelling units shall be sited so as to minimize impacts to ongoing agriculturally-related activities.

12. Second dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment.

(g) Subsection (a) of Section 26C-394 is revised to read:

(a) Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following:

(1) Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;

(2) Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case;

(3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county;

(4) Whether the requested reasonable accommodation would be consistent with the general plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable zoning district;

(5) Whether the requested reasonable accommodation substantially affects the physical attributes of the property.

(6) Whether the requested reasonable accommodation would be consistent with all applicable provisions of the coastal program, the General Plan Land Use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable Zoning District.

**SECTION III. Environmental Determination.** The Board of Supervisors hereby finds and declares that there will be no significant adverse environmental impacts resulting from the foregoing amendments to the Sonoma County Code, and finds that the proposed ordinance are categorically exempt from the need for environmental review pursuant to CEQA Sec. 15061 (b)(3) because it can be seen with certainty that there is no possibility tha the activity may have a significant effect on the environment.

**SECTION XIV Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and 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 XV. Effective Date.** This ordinance shall become effective on the 30<sup>th</sup> day following its passage, and upon acceptance by the California Coastal Commission. A summary of this Ordinance 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, passed, and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Brown:                      Kerns:                      Zane:                      Carrillo:                      Kelley:

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