

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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January 24, 2023

Laura Simpson, Interim Director  
Planning and Community Services Department  
City of Sonoma  
No. 1 The Plaza  
Sonoma, CA 95476

Dear Laura Simpson:

**RE: City of Sonoma's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Sonoma's (City) housing element received for review on October 26, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on January 12, 2023, with you, Wendy Atkins, Associate Planner and the City's consultant Beth Thompson. In addition, HCD considered comments from, Sonoma County Housing Element Working Group, Fred Allebach, Daniel Golub and David Brigode pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). See enclosed Appendix.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that

represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community/development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD is committed to assisting the City of Sonoma in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Fidel Herrera, of our staff, at [Fidel.Herrera@hcd.ca.gov](mailto:Fidel.Herrera@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief

Enclosure

## APPENDIX CITY OF SONOMA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Fair Housing Enforcement and Outreach Capacity: The element should include findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil Rights.

Disparities in Access to Opportunity: The housing element must identify and analyze significant disparities in access to opportunity. A complete analysis should include the locally and regional disparities of economic, education, environmental, and transportation opportunities through local, federal, and/or state data. The element should be revised as follows:

- For economic the element includes some information on economic scores from the California Fair Task Force; however, it should also describe any disparities in access to jobs by protected groups, address where protected groups live and how that affects their ability to obtain a job; and evaluate employment trends by protected groups. Trends should then be compared to the region.
- For education the element includes some information on student enrollment and the ethnic/racial make-up; however, the element should also describe any differences amongst schools within the City and whether access to more proficient schools has any patterns across protected characteristics (e.g., race and ethnicity, familial status, persons with disabilities); analyze the proximity of proficient and less proficient schools to areas of segregation and racial and ethnic concentrated areas of poverty; and evaluate the presence or lack of policies, practices, and investment to promote access to more proficient schools or that contribute to a disparity in access to opportunity.

- While the element includes environmental scores within the City for environment, the element should also describe any disparities in access to environmentally healthy neighborhoods by protected class groups and discuss policies, practices and investments that impact access to environmentally healthy neighborhoods.
- For transportation opportunities, the analysis should, compare concentrations of protected groups with access to transportation options and assess any disproportionate transportation needs for members of protected classes.

Integration and Segregation: The element includes data on integration and segregation at the local and regional level for race and familial status; however, it does not include sufficient regional information to adequately compare income and disability to the City. The element must include additional information related to income and disability on a regional level.

Disproportionate Housing Needs, Including Displacement: The element does not include sufficient regional information to adequately compare cost burden, substandard housing and displacement to the City. The element must include additional information related cost burden, substandard housing and displacement on a regional level. In addition, for homeless the element should examine disproportionate impacts on protected characteristics (e.g., race, disability) and patterns of need, including access to transportation and services.

Site Inventory and AFFH: The element must include an analysis demonstrating whether sites identified to meet the regional housing needs allocation (RHNA) improves or exacerbates conditions. HCD recognizes that the majority of the City is considered low resourced and therefore, while the sites are distributed throughout the City, sites to accommodate the lower-income are all located within these areas. While the element states that by promoting new development opportunities in low opportunity areas, the City intends to improve the conditions of these census tracts by providing a boarder range of goods and services, bring new residential development closer to transit and jobs, and support community revitalization, it must substantiate this claim with evidence. For example, the analysis could describe the disparities in access to opportunities for these sites and how the City is addressing these disparities. The element must have commensurate programs with place-based strategies for community revitalization and new opportunities in higher opportunity areas to result in an equitable quality of life and (AFFH) throughout the City.

Contributing Factors to Fair Housing Issues: the element lists contributing factors on Table 71, such as “Lack of Access to Opportunity, including areas with Low Racial/Ethnic Diversity and Higher Incomes”; however, it is unclear the relationship between those contributing factors and their corresponding meaningful actions address those factors. For example, it is not clear how contributing factors such as low educational opportunity scores and low environmental opportunity scores were addressed by any of the meaningful action programs that were included in the Table. The element should

reevaluate actions provided to ensure strategic approaches to mitigate contributing factors to lack of fair housing choice and address AFFH.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Approved/Pending Sites: The housing element relies on approved/pending projects to accommodate the City's regional housing need for lower-income households. The element should describe the status of the project, including any necessary approvals or steps prior to development, development agreements, conditions, or requirements such as phasing or timing requirements that impact development in the planning period, and the affordability of the project's units based on anticipated rents, sales prices or other mechanisms (e.g., financing, affordability restrictions) ensuring their affordability.

In addition, the element states on page HBR-9 that there are no known site-specific environmental constraints that would substantially impact development on the identified Housing Opportunity sites; however, HCD received public comments regarding the Montaldo Apartments project which is included as a pending project in the sites inventory that a full new EIR is required to develop this housing opportunity site because the City considers there to be a CEQA issue not "addressed... in the prior General Plan EIR." The element should clarify the status of this project and clarify whether there are any known environmental issues that would render the project infeasible.

Realistic Capacity: While the element provides assumptions of realistic capacity of 85 percent for residential zoning districts and 75 percent for commercial and mixed-use districts that allow residential development, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in the City, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element includes several projects on Table 60; however, it is unclear if those projects represent a trend for all developments at similar affordability levels in the City.

Sites Identified in Prior Planning Periods: While the sites inventory in Appendix A indicate if vacant and nonvacant sites were identified in the 5th cycle planning period, the element must also indicate which vacant sites were identified in the 4th cycle planning period. Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years of the beginning of the planning period to allow residential use by-right for housing developments in

which at least 20 percent of the units are affordable to lower-income households (Gov. Code, § 65583.2, subd. (c).). The element must clarify if vacant sites were used to accommodate the housing need for lower-income households in the 4th cycle planning period and include or modify programs as appropriate.

Infrastructure: While the element describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the city's regional housing need for the planning period (Gov. Code, § 65583.2, subd. (b).).

Zoning for a Variety of Housing Types: The element must demonstrate zoning to encourage and facilitate a variety of housing types, as follows:

- *Emergency Shelter*: The element states emergency shelters are permitted by-right in the Public Facilities zoning district; however, emergency shelters with 16 or more beds require a use permit. The element must analyze the use permit process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the use permit and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the use permit requirement.
  - *Employee Housing*: The element should clarify if there are any zones that allow agriculture uses. If there are zones that allow agriculture uses, then the City must comply with California Health and Safety Code Section 17021.6. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone.
3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element must analyze the height requirement (p. 58) of only allowing two stories in zones that allow multifamily for its impact as a potential constraint on housing, including the ability to achieve maximum densities and cost and supply of housing. Should the analysis determine the height requirement is a constraint on residential development, it must include a program to address or remove any identified constraints.

Codes and Enforcement: The element states the City enforces the 2019 California Building Code (CBC) for existing units, new construction, and residential rehabilitation; however, it should also discuss the type (e.g., compliant based) and degree of enforcement.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements (e.g., curbing requirements, circulation improvements, minimum street widths) and analyze their impact as potential constraints on housing supply and affordability.

Growth Control: The City must evaluate against SB 330 requirements and whether the growth cap is consistent with 66300 (b)(1)(D)(i) and (ii). Which prohibits establishing or implementing any provision that:

- Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected county or affected city, as applicable.
- Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

Processing and Permit Procedures: The element includes Table 56 (Page HBR-78) that has estimated total processing procedures by type; however, the element should clarify if these are the typical total permit and entitlement process for a typical single-family unit, subdivision, and multifamily project. In addition, while the element describes the design review findings and process; it must analyze the finding, “the project responds appropriately to the context of adjacent development, as well as existing site conditions and environmental features,” as a potential constraint on housing supply and affordability. The element must demonstrate the finding is not a constraint and add or modify programs to address and remove or mitigate the constraint.

SB 35 Streamlined Ministerial Approval Process: It appears the City does not have a streamline, ministerial approval process for SB 35. While Program 15 is included to streamline ministerial review for eligible affordable housing projects, it is not clear if the City is committing to include a streamline, ministerial approval process. The element must describe the availability of written procedures for the SB 35 streamlined, ministerial approval process or include a program as appropriate.

Inclusionary Housing: While the element describes the framework of inclusionary requirements and available alternatives, it must also include the amount of in lieu fees instead of providing affordable units in a residential project of four or fewer units that a developer would pay if this option were chosen.

Housing for Persons with Disabilities: The element states the City provides reasonable accommodation for persons with disabilities; however, it should include the procedure and the review findings. In addition, the element should clarify if the City has a definition of family and include a program if necessary.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at*

*densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Requests for Lesser Densities and Approval Times: The element must include the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of January 18, 2022 housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings A3 and A4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

3. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex,*



*marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends.

### **C. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

Please note HCD received public comments that the City did not consider all comments from the public in the revision that was sent to HCD. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

### **D. Consistency with General Plan**

*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

The housing element affects a locality's policies for growth and residential land uses. The goals, policies and objectives of an updated housing element may conflict with those of the land-use, circulation, open space elements as well as zoning and redevelopment plans. The general plan is required to be "internally consistent." As part of the housing element update, the City should review the general plan to ensure internal consistency is maintained. In addition, the City should consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.