

Resolution Number 21-005

County of Sonoma
Santa Rosa, California

September 2, 2021
ORD21-0003
Eric Gage

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE, AND FINDING THE ACTION EXEMPT FROM CEQA.

WHEREAS, on March 4, 2020, the Board of Supervisors adopted Resolution No. 20-0074 ratifying the Declarations of a Local Emergency and Local Health Emergency, finding that conditions of extreme peril to the safety of persons and property had arisen within the County caused by the threat of COVID-19.

WHEREAS, on March 17, 2020, the Sonoma County Health Officer (Health Officer) ordered all individuals living in the County to shelter in their place of residence, except to provide or receive certain essential services, engage in certain essential activities, and work for essential businesses and governmental services (Order No. C-19-03). Order No. C-19-03 was issued on evidence of increasing occurrence of COVID-19 within the community and the Bay Area, and the need to slow the rate of transmission to protect the most vulnerable and prevent the health care system from being overwhelmed.

WHEREAS, on March 31, 2020, the Health Officer extended the duration of Order No. C-19-03 until May 3 and established social distancing protocol for businesses, and social distancing and hygiene protocol for individuals (Order No. C9-05); and on May 1, 2020, the Health Officer extended Order No. C9-05 without an end date and reduced restrictions on some industries while keeping the majority of restrictions in place to continue to reduce the rate of transmission and protect the most vulnerable in the community (Order No. C9-09).

WHEREAS, on May 7, 2020, May 14, 2020, and May 22, 2020, Order No. C9-09 was amended to allow retail sales by curbside pickup, delivery, or shipping, and to allow manufacturing, supply chain, and logistical support business that support retail businesses to resume operations (Amendment No. 1); to allow some office workspaces, outdoor museums, botanical gardens, car washes, pet groomers, dog walking services, and expanded childcare facilities, and to allow retailers in shopping malls to offer retail sales by curbside pickup, delivery, or shipping (Amendment No. 2); to allow restaurants, bars, and wineries to operate outdoors if they offer sit-down meals, summer day programs, drive-in ceremonies and movies, and in-person counseling provided by faith based organizations (Amendment No. 3).

WHEREAS, on June 5, 2020, the Health Officer issued Order No. C19-14 allowed additional businesses and activities to reopen, including dine-in restaurants, hair salons, outdoor

recreation businesses, and limited personal services; and on June 12, 2020, the County Health Order was amended to allow restaurants, bars, and wineries to operate for outdoor alcohol-only service without food service, in compliance with the Governor's guidance.

WHEREAS, on June 18, 2020, the Health Officer issued Order No. C19-15 ("County Health Order") which largely aligned with the State's allowance for certain activities and businesses, including expanded personal services.

WHEREAS, all businesses that were allowed to open had to modify operations to comply with the County Health Order and guidelines and regulations specific to their industry sector from relevant local and state agencies, as well as prepare, post, and implement a physical distancing protocol to protect employees, customers, and the general public, and self-certify compliance.

WHEREAS, on July 7, 2020 the Board of Supervisors approved Urgency Ordinance No. 6315 to allow commercial operations to make temporary modifications in order to remain open and comply with public health and safety guidance promulgated at the State and local levels. Provisions included exempting restaurant take-out and home occupations from permit requirements.

WHEREAS, the effective period for the temporary provisions ends 30 days after the termination of physical distancing requirements. Since the Urgency Ordinance was adopted, the County has been able to assess the temporary measures and has not found any additional or unforeseen land use or environmental impacts have resulted from the permit exemptions for restaurant take-out and home occupations. In the interest of supporting economic recovery, these Urgency Ordinance provisions are proposed to be made permanent.

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 2, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. CEQA. The proposed Chapter 26 amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the following: Section 15301 (Class 1) exempting activities that consist of permitting existing private facilities involving negligible or no expansion of use, and Section 15304(e) (Class 4) exempting activities that include minor temporary use of land having negligible or no permanent effects on the environment, and CEQA Guidelines Section 15061(b)(3) (Common Sense) because it can be seen with certainty that there is no possibility that the action will have a significant effect on the environment because proposed modifications to permitted uses are very minor in scale.
2. General Plan Consistency. The proposed changes to Chapter 26 streamline permitting for local businesses and are consistent with goals, policies, and programs in the General

Plan Land Use to increase economic resilience and employment flexibility in the region.

3. Zoning Consistency. The proposed amendments would not create internal inconsistencies in Chapter 26.

4. Additional Findings:

a. A notice of the public hearing was duly published for public review and comment at least 10 days prior to the public hearing.

b. The Planning Commission has reviewed and considered the staff report and presentation, and all comments, materials and other evidence presented by members of the public prior to and during the public hearing held by the Commission on September 2, 2021.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested Zoning Code Amendment.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission 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 Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Tamura, who moved its adoption, seconded by Commissioner Cornwall, and adopted on roll call by the following vote: 4-0-1

Commissioner	Cornwall	Aye
Commissioner	Ocana	Aye
Commissioner	Deas	Aye
Commissioner	Koenigshofer	Absent
Commissioner	Tamura	Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

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

SO ORDERED.