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Zoning Administrator Record of Action

Action Date: February 26, 2026
Appeal Status: Filing period closed; no appeal

AGENDA ITEM 4
File No.: CCC23-0001
Staff: J. Sedgley
Applicant: Allan Tose Tr and Beth R. Biermann Tr et al.
Owner: Allan Tose
Prior Agenda: N/A, no prior hearing
CEQA Status: Exempt under CEQA Sections 15305 (Minor Alterations in Land Use Limitations)
Proposal: Conditional Certificate of Compliance for an illegally created by deed parcel approximately 18,439 sq ft in size located at the corner of Highway 12 and Bernhard Avenue, Sonoma.
Recommend: Find the project exempt from the California Environmental Quality Act and approve Conditional Certificate of Compliance subject to the attached conditions
Location: 17527 Balsam Ave, Sonoma
APN: 056-314-026
District: One
Zoning: Limited Commercial District, Traffic Sensitive Combining District, Low Density

ZONING ADMINISTRATOR ACTION

Environmental Determination

- ☒ Exempt from the California Environmental Quality Act per §15305 (Minor Alterations in Land Use Limitations)

Project Decision

- ☒ Approved: subject to attached findings and conditions
☒ with modification (see comments)
☒ Subject to 10-day appeal period, ending March 9, 2026

ZONING ADMINISTRATOR

Derik Michaelson, Planner III

February 26, 2026

Date

MODIFICATION

☐ N/A ☐ Findings ☒ Conditions ☐ Revisions to return

COMMENTS

ADD CONDITION: Prior to recordation of the Conditional Certificate of Compliance and upon submittal for review and signature by the County Surveyor, the applicant shall pay the required recordation fees of the County surveyor and any outstanding balance related to this At-Cost Entitlement.

ZONING ADMINISTRATOR FINDINGS

1. The subdivision is exempt from provisions of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15305 for Minor Alterations in Land Use Limitations. This section provides an exemption from the provisions of the California Environmental Quality Act (CEQA) including the issuance of a Conditional Certificate of Compliance to determine the legal status of a parcel. No exceptions listed under Section 15300.2 apply.
2. The original legal parcel has been repeatedly and consistently conveyed as a single unit of land, and lots shown in Book 30 of Maps, Page 27, that make up the original legal parcel were never conveyed separately prior to March 2, 1967, when conveyance by grant deed became illegal.
3. The 2003 survey demonstrates that (1) Lot 9's net area is approximately 4,935 square feet—below the 6,000-square-foot minimum lot size—and (2) the combined residential area of Lots 7, 8, and 9 totals 12,886 square feet, which is less than the 17,424 square feet (two-fifths of an acre) required to create two legal lots at a density of 5 dwellings per acre. Accordingly, as configured by the prior illegal division, the property lacks sufficient net acreage to satisfy the General Plan density and zoning minimum lot size standards for subdivision.
4. County Code – Subdivisions, Chapter 26 of Sonoma County Code – Sonoma County Zoning Regulations, and the Subdivision Map Act, and do constitute violations of the Subdivision Map Act.
5. Pursuant to Government Code § 66499.35(b), when real property does not comply with the Subdivision Map Act or local ordinances enacted pursuant to Government Code § 66499.35, the County shall issue a Conditional Certificate of Compliance.
6. Granting a Conditional Certificate of Compliance in this case does not establish a new subdivision but acknowledges an existing, albeit illegal, conveyance while imposing conditions to ensure compliance with current regulations. Issuance of the Conditional Certificate of Compliance does not grant new development rights and acknowledges the existing division while imposing necessary conditions.
7. As conditioned, the Conditional Certificate of Compliance will require the applicant or subsequent owners to comply with zoning, minimum lot size, and other local regulations that are applicable at the time of application before any further development.

ATTACHMENTS

1. Final Conditions of Approval

Sonoma County Zoning Administrator

Final Conditions of Approval

Staff: Jacob Sedgley
Applicant: Allan Tose
Owner: Allan Tose & William H. Mitchell
Address: 17527 & 17529 Balsam Ave., 95 & 99
Bernhard Ave., Sonoma, CA 95476

Date: February 26, 2026
File No.: CCC23-0001
APN: 056-314-026

Project Description: Conditional Certificate of Compliance for an illegally created by deed parcel 18,439 sq ft in size.

GENERAL:

1. A Conditional Certificate of Compliance, along with these Conditions of Approval dated February 26, 2026, shall be recorded and a copy filed with Permit Sonoma.
2. Prior to recordation of the Conditional Certificate of Compliance and upon submittal for review and signature by the County Surveyor, the applicant shall pay the required recordation fees of the County surveyor and any outstanding balance related to this At-Cost Entitlement.
3. This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.
4. This Certificate of Compliance shall not constitute a determination that said parcel is buildable or is entitled to a building permit or other development approval without compliance with the provisions of all other Sonoma County ordinances and regulations. Compliance with the enumerated conditions shall be required prior to application for a building permit or other development permit approval by the County of Sonoma.
5. Prior to being considered as a building site and submitting plans for building, grading, or other development permits, the owner or applicant must provide evidence subject parcel complies with the Sonoma County General Plan and Zoning Ordinance requirements for density and minimum lot size. The current configuration does not comply with applicable requirements. As such, the owner or applicant may be required to successfully pursue a rezone, general plan amendment, lot line adjustment, urban lot split, merger, or other action, to meet this condition. The Permit Sonoma Planning Division shall verify whether the parcel complies.
6. The parcel shall meet all current pertinent zoning and density regulations together with the California State Subdivision Map Act law and Sonoma County Subdivision Ordinance.
7. The applicant shall include these Conditions of Approval on a separate sheet of plan sets to be submitted for development permits including, but not limited to, building and grading permit applications.
8. Prior to building permit issuance, the applicant shall submit a letter from the Valley of the Moon Water District to Permit Sonoma's Project Review Section, stating its ability and willingness to provide water services to the proposed project, and stating that the applicant and the water supplier have entered into an agreement for water service. Note that will serve letters in contradiction of a moratorium by the appropriate regulating agency are not acceptable.
9. Sonoma County Zoning Administrator decisions shall be final on the eleventh (11th) day after final action on the item unless an appeal is filed.

10. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state, and federal regulations.
11. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved Tentative Map. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.