

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE SONOMA COUNTY CODE CHAPTER 26 (ZONING REGULATIONS) TO ALLOW RESTAURANT TAKE-OUT BY-RIGHT, REMOVE PERMITTING REQUIREMENTS FOR HOME OCCUPATIONS, AND ALLOW MORE THAN ONE HOME OCCUPATION PER RESIDENCE

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

Section I. Findings.

- a. 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, and on March 16, 2020, the Governor of the State of California proclaimed a State of Emergency as a result of the threat of COVID-19 to the public health and the economy.
- b. Throughout 2020 and 2021, the County Health Officer and the Governor issued a series of county health orders and executive orders (collectively “health orders”) to slow the rate of transmission of COVID-19 to protect the most vulnerable and prevent the health care system from being overwhelmed.
- c. Health orders initially required 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.
- d. As the pandemic progressed, businesses were allowed to reopen, but were required to modify their operations to implement physical distancing protocol to protect employees, customers, and the general public and comply with other health order requirements and regulations specific to their industry sector.
- e. On July 7, 2020, the Board of Supervisors approved Urgency Ordinance No. 6315 to allow commercial operations to make temporary modifications in order to safely reopen and comply with physical distancing and other health and safety requirements. Urgency ordinance provisions included exempting restaurant take-out and home occupations from permit requirements.
- f. The urgency ordinance remained in effect so long as physical distancing was mandated by the local, state, or federal government. On June 15, 2021, physical distancing requirements were lifted, however, physical distancing is

still recommended by the County Health Officer to minimize the spread of COVID-19 and its variants.

- g. During the term of the urgency ordinance, the County assessed the temporary measures and did not find any additional or unforeseen land use or environmental impacts resulted from the permit exemptions for restaurant take-out and home occupations.
- h. Permanently eliminating the permitting requirements for restaurant take-out services and home occupations and allowing more than one home occupation per residence is necessary and desirable because it supports economic recovery, reduced greenhouse gas emissions, and continued physical distancing.
- i. This ordinance is consistent with the overall goals, objectives, policies and programs of the General Plan to support existing commercial uses and new commercial uses in urban service areas, and to encourage telecommuting and home-based businesses.

Section II. Zoning Code Amendments. The Zoning Code Regulations of the County of Sonoma, Chapter 26 of the Sonoma County Code, Sections 26-10-030, 26-24-180, 26-26-140, and 26-88-121 are amended to read as set forth in Exhibit “A”, attached hereto and incorporated herein by this reference.

Section III. CEQA. This project is exempt from the California Environmental Quality Act under the CEQA Guidelines Section 15061(b)(3) (General Rule) and Section 15301 (Class 1/Existing Facilities) because home occupations will be subject to the same design, development, and operational standards ensuring no additional impacts on neighboring residential uses; because allowing for take-out services within an existing restaurant involves only a negligible expansion of use that can be accommodated without modifications to the facility and does not have an added adverse effect on the environment. The changes to the Zoning Code make permanent provisions currently in effect that have not resulted in code enforcement complaints or impacts to the environment. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section IV. 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 V. 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, passed, and adopted on the 14th of December, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

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:

Sheryl Bratton,
Clerk of the Board of Supervisors