



Legislation Details (With Text)

File #: 2021-1185
Type: Regular Calendar Item **Status:** Agenda Ready
File created: 10/12/2021 **In control:** Permit and Resource Management
On agenda: 12/14/2021 **Final action:**
Title: 1:45 P.M. - Zoning Code Update - Business Modifications for COVID-19
Sponsors: Permit and Resource Management
Indexes:
Attachments: 1. Summary Report, 2. Att 1 ORD21-0003 Ordinance.pdf, 3. Att 1 ORD21-0003 Ordinance Exhibit A.pdf, 4. Att 2 ORD21-0003 PC Resolution.pdf, 5. Att 3 PC Staff Report COVID Business Mods.pdf, 6. Presentation ORD21-0003.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|-------------------------|--------|
| 12/14/2021 | 1 | Board of Supervisors | Approved as recommended | Pass |

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Eric Gage (707) 565-1391
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:
1:45 P.M. - Zoning Code Update - Business Modifications for COVID-19

Recommended Action:

To conduct a public hearing to adopt an Ordinance revising Sections 26-10-030, 26-24-180, 26-26-140, and 26-88-121 of the Sonoma County Zoning Code related to Home Occupations and Restaurants, and determine that the Ordinance is categorically exempt from CEQA under Sections 15061(b)(3) and 15301.

Executive Summary:

The urgency ordinance approved on July 7, 2020 (Ord. No. 6315) authorized temporary regulatory relief measures to support the local economy while complying with the COVID-19 public health order. The urgency ordinance is currently in effect and provides flexibility to businesses needing to comply with the provisions of COVID-related health orders such as social distancing and reduced capacities.

As part of an ongoing effort to modernize the Zoning Code, staff has evaluated the provisions of the urgency ordinance to recommend specific measures to make permanent including, eliminating the zoning permit requirement for home occupations, eliminating the restriction of one home occupation per dwelling, and adding take-out service as a by-right use for restaurants. The proposed Zoning Code changes will support a more resilient local economy, providing additional job security and flexibility to working residents and businesses in the post-pandemic recovery.

On September 2, 2021 the proposed revisions were reviewed and approved by the Planning Commission.

Discussion:

Background

The COVID-19 pandemic and Shelter in Place Order have resulted in significant disruption to the local economy and business environment. In May 2020 as businesses reopened after closure of all non-essential businesses, the Public Health Order required them to modify operations and accommodate physical distancing requirements to slow the spread of COVID-19. In July 2020, the Board of Supervisors approved Urgency Ord. No. 6315 to provide immediate flexibility for businesses to remain open while implementing health safety requirements. The ordinance addressed temporary modifications such as expansion into outdoor spaces, and expanded business hours. The ordinance also included business encroachment into parking areas and public right-of-ways, permit exemptions for home occupations, and others. The proposed permit exemptions for home occupations and restaurant take out are deemed minor with minimal impacts, and exempt from CEQA review. Other temporary ordinance measures would require additional analysis and staff time to make permanent.

County has been aligned with the State's health order (also called the Blueprint for a Safer Economy) since September 2020. The Blueprint was lifted on June 15, 2021 and so was the local order requiring compliance with the Blueprint. The State and County have not re-imposed social distancing as a requirement, but have encouraged it as an option for businesses to consider implementing. The public health focus has now shifted to vaccines, face coverings, and testing as the strategy to combat COVID-19. The Health Officer encourages the continuation of social distancing and hygiene. In response to the ordinance's sunset, and the Health Officer's guidance staff prepared Zoning Code revisions to eliminate permit requirements for home occupations and restaurant take-out. On September 2, 2021 the proposed revisions were reviewed and approved by the Planning Commission.

General Plan Consistency

The Sonoma County General Plan contains policies that recognize existing commercial uses, support new commercial uses in Urban Service Areas, and encourage telecommuting or home-based business. The proposed Zoning Code revisions are consistent with these policies and will contribute to a more resilient economy because they eliminate permit requirements for telecommuting and restaurant take out. They will provide employment flexibility and greater financial stability to County residents.

Environmental Analysis

The project is exempt from CEQA based on CEQA Guidelines Section 15061(b)(3) (common sense exemption) and Section 15301 (Class 1 / Existing Facilities). This Ordinance is exempt under these provisions because home occupations will be subject to the current design, development, and operational standards ensuring no additional impacts on neighboring residential uses; and because allowing for take-out services within a restaurant involves a negligible expansion of use that requires no modifications to the facility and does not have an added adverse effect on the environment. Since adoption of Urgency Ord. No. 6315, no code enforcement complaints have been received pertaining to home occupations or restaurant take-out.

Proposed Changes

The draft Ordinance would revise Sections 26-10-030, 26-24-180, 26-26-140, and 26-88-121 of the Sonoma County Zoning Code. The standards for Home Occupations would be revised to delete permit requirements for home occupations and remove the limit of one home occupation per residence. The standards for restaurants would be revised to delete permit requirements for restaurant take-out. The corresponding tables of allowable uses would be updated to reflect these changes.

Restaurant Take-out

Restaurants are allowed by-right in Industrial Park (MP), Neighborhood Commercial (C1), Retail Business and Service (C2), Limited Commercial (LC), and Recreation and Visitor-Serving Commercial (K) Zoning Districts. However, a use permit is required for restaurants in C1, C2, and LC to provide take-out meals for customers.

Since the implementation of the temporary ordinance, no complaints have been reported to code enforcement regarding unpermitted restaurant take-out. Additional research into Code Enforcement complaint data did not identify any complaints specific to unpermitted restaurant take-out extending back to the limit of available digital data, approximately 2006. Further, the Zoning Code does not require additional parking for restaurants that provide take-out service. Therefore, nuisance impacts from unpermitted restaurant take-out would continue to be addressed through code enforcement complaints, but no nuisance impacts are anticipated. The proposed text revisions would eliminate the use permit requirement for restaurant take-out in zones where restaurants are allowed.

Home Occupations

The Zoning Code currently requires people working from home to first obtain a zoning permit to establish a home office or business. Applicants must also sign affidavits agreeing to the applicable operating requirements and development standards for home occupations listed in the zoning code. The affidavit requirement has been deemed redundant of existing operational requirements and code enforcement activities because residents are already required to comply with the standards of the county code.

Sonoma County Code Section 26-88-121 restricts allowable types of home occupations (such as prohibiting vehicle repair shops and hair salons), establishes design and development standards, and mandates operating standards (such as limiting commercial vehicles, visits and deliveries). The proposed ordinance would eliminate the zoning permit and affidavit requirements. The update would also eliminate the restriction of one home occupation per dwelling to accommodate more than one resident working from home. All other code standards governing home occupations would remain unchanged and thus there will not be any new impacts to surrounding residential areas. Further, the County suspended the permitting and affidavit requirements during the COVID-19 pandemic and while most residents were working from home the County did not receive any complaints related to home occupations. Additional research into Code Enforcement complaint data did not identify any complaints specific to unpermitted home occupations extending back to the limit of available digital data, approximately 2006.

Conclusion

Staff recommends that the Board adopt the proposed Ordinance and find it exempt from the California Environmental Quality Act. The proposed Zoning Code changes will support a more resilient local economy by providing additional job security and flexibility to working residents and businesses in the post-pandemic recovery.

Strategic Plan:

N/A

Prior Board Actions:

March 4, 2020: 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.

July 7, 2020: 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.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: Proposed Ordinance with Exhibit A

Attachment 2: Planning Commission Resolution

Attachment 3: Planning Commission Staff Report, dated September 2, 2021

Related Items “On File” with the Clerk of the Board:

N/A