



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: May 14, 2024

TO: General Services Agency

FROM: Julia Krog, Director

SUBJECT: Planning Determinations for Psychiatric Health Facility (PHF) at 2840 S State Street, Ukiah

Project Description:

The County of Mendocino is constructing a new psychiatric health facility (PHF) on a 1.23-acre site at 2840 South State Street, Ukiah. The project will be a one-story 12,884 square foot facility that will provide 24-hour inpatient care for individuals needing intensive therapeutic psychiatric services. The new building will house up to 16 patients and will include staff offices, an intake room, a medical exam room, a day room, a dining area/room, group treatment/therapy rooms, a commercial kitchen, a laundry room, and a janitor/storage room. Associated improvements will include a new outdoor recreation yard, new parking areas, low impact development features for stormwater capture and treatment, landscaping, and a fence surrounding and screening the patient areas of the proposed PHF facility. All exterior lighting would be motion-sensored, downcast, and shielded in compliance with regulations set by the International Dark-Sky Association.

Background:

In 2019, the prior owner of the property applied for two applications with the Mendocino County Department of Planning and Building Services (PBS). The first was to Rezone the property from its prior zoning designation of Single-Family Residential with Flood Plain and Airport Combining Districts (R-1[FP][AZ]) to Suburban Residential with Flood Plain and Airport Combining Districts (SR[FP][AZ]). The second was a Major Use Permit to allow for a Major Impact Facility (at that time a Skilled Nursing Facility). Collectively, the applications are known by the permit numbers U_2019-0027/R_2019-0010.

The project description for U_2019-0027/R_2019-0010 was as follows:

Request to rezone a property from Single Family Residential with Flood Plain and Airport Zone Combining Districts (R-1[FP][AZ]) to Suburban Residential with Flood Plain and Airport Zone Combining District (SR[FP][AZ]), which is a Zoning Designation consistent with the existing General Plan designation of Suburban Residential (SR). Additionally, the Applicant is requesting a Major Use Permit to allow for a Major Impact Facility to establish a Skilled Nursing Facility (SNF) in an existing 22,633 square foot building located at 131 Whitmore Lane (CR 210C). The building was formerly in use as an SNF that was in operation until 2007; and has been vacant since that time.

The two applications were processed concurrently with hearings in front of the Mendocino County Planning Commission and the Mendocino County Board of Supervisors. The Mendocino County Planning Commission provided its report and recommendation to the Mendocino County Board of Supervisors on

April 16, 2020 via Resolution Number PC_2020-0002, recommending that the Board of Supervisors approve the requested Rezone and Major Use Permit. The Mendocino County Board of Supervisors approved the project at their August 18, 2020 meeting via adoption of Ordinance No. 4467 and Resolution No. 20-109. Resolution No. 20-109 includes several conditions of approval that must be satisfied prior to operation of the facility as a Major Impact Facility.

On September 22, 2020, the Mendocino County Board of Supervisors ratified Agreement No. 20-133 for the purchase of the property subject to U_2019-0027/R_2019-0010.

Subsequent to the purchase of the property by the County, the County began preparation of plans to operate the property consistent with the approved Use Permit by establishing a Major Impact Facility (a psychiatric health facility).

The General Services Agency contacted Planning and Building Services beginning in September 2021 to determine how a revised project request related to the approved Use Permit and Rezoning. No further Rezoning was/is required since the PHF is a Major Impact Facility and is permissible in the new Suburban Residential zoning district subject to a Use Permit. As for the Use Permit, U_2019-0027, Staff reviewed the changes to determine if the revised project scope fit within the approved Use Permit and if anything additional would be required in order to construct the PHF, as detailed below.

Note that the property located at 2840 South State Street was previously addressed as 131 Whitmore Lane. The address was officially changed by the County Addresser on October 2, 2023.

Planning Review:

The County entered into a grant agreement with Advocates for Human Potential, Inc. on March 21, 2024 for construction of the proposed PHF under the Behavioral Health Continuum Infrastructure Program. California Welfare and Institutions Code section 5960.3(a) provides that:

...a facility project funded by a grant pursuant to this chapter shall be deemed consistent and in conformity with any applicable local plan, standard, or requirement, and allowed as a permitted use, within the zone in which the structure is located, and shall not be subject to a conditional use permit, discretionary permit, or to any other discretionary reviews or approvals.

This code section provides that the PHF is deemed to be consistent and in conformity with the land use regulations of Mendocino County; however, Staff provides the analysis below to further bolster the consistency of the project with local land use requirements and to document compliance with the California Environmental Quality Act.

Both the originally proposed SNF and the proposed PHF are considered Major Impact Facilities under the County Zoning Code¹. Since the classification of the use would be the same, Staff determined that the proposed PHF is in conformance with the existing Use Permit. The Use Permit approval noted that improvements would need to be made to the existing structure to bring it up to current Building code standards. Subsequent to the County's acquisition of the property the structure suffered a roof collapse. Demolition and reconstruction became the most viable option for the structure to be brought up to standard for a psychiatric health facility. The Use Permit primarily related to the establishment of the Major Impact Facility land use and is not affected by whether or not the structure is demolished and rebuilt or has improvements made to it. As such, Staff determined that the demolition and reconstruction of the structure was in conformance with the approved Use Permit. Demolition was completed in 2023.

The proposed footprint of the replacement structure is smaller than the previous structure but within largely the same location as the previous structure. The existing structure was nonconforming in terms of setbacks in both the front yard and rear yard of the property and included non-conforming parking areas in terms of setbacks and number of spaces. The replacement structure will maintain the front yard non-conforming setback but will be conforming to the rear yard setback. The replacement structure will

also maintain the non-conforming parking areas on the southeastern side of the building that are within the yard setback area. Maintenance of the non-conforming setbacks for the structure and parking is permissible under Mendocino County Code sections 20.204.010, 20.204.015(A), and 20.204.020 with the approval of the Zoning Administrator.

In this memo, the Director acting as Zoning Administrator approves both the continuance of the non-conforming setbacks and parking. The Zoning Administrator finds that non-conforming setbacks for the replacement structure and parking areas including alterations made from the previous structure layout to the new structure layout do not increase the existing level of nonconformity as the new structure and the parking areas will be no closer to the front yard than previously. Rather the new structure reduces the level of nonconformity as the new structure now meets rear yard setback standards. The new layout also decreases the nonconformity in relation to parking as with the reduced footprint of the structure the parking requirements have reduced to 26 spaces from the previously required 45 spaces. The proposed site plan proposes 38 spaces, which is compliant with parking standards.

One additional area of review for staff was in regards to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) that was adopted by the Airport Land Use Commission on May 20, 2021, as it had not been effective at the time the original Use Permit and Rezone had been reviewed.

Page 1-2 of the UKIALUCP includes limitations in terms of the powers of Airport Land Use Commissions including "Existing Land Uses". The Aeronautics Act (California Public Utilities Code section 21670 et seq.) includes that Airport Land Use Commissions have no state-empowered authority over existing land uses and the UKIALUCP includes criteria to determine if a land use is considered existing for the purposes of needing to comply with the UKIALUCP. For example, a vacant property can be considered "devoted to" a particular use, even if the activity has not yet begun, once local government commitments are firm and would be considered an Existing Land Use. A local agency commitment to a proposal is considered firm once the discretionary permit or other land use entitlement has been approved.

Section 1.2.18 of the UKIALUCP defines an Existing Land Use as:

A land use that, as of the effective date of this UKIALUCP (see Policy 1.1.7) either physically exists or for which Local Agency commitments to the proposal have been obtained entitling the Project to move forward. (See Policy 1.5.3.) The policies of this UKIALUCP do not apply to Existing Land Uses.

Policy 1.5.3(a) of the UKIALUCP includes the Qualifying Criteria for an Existing Land Use. Under subpart (5) of this policy, a local agency commitment to a proposal is considered firm once a use permit or other discretionary entitlement has been approved and is not expired. The local agency commitment to the project only expires if the use permit expires and is not vested prior to its expiration and/or a modification is required to the use permit or other discretionary entitlement.

In the case of this particular site, U_2019-0027 was approved and valid as of the adoption of the UKIALUCP on May 20, 2021. The expiration date for U_2019-0027 was August 18, 2022. Prior to the expiration date, a demolition permit (BU_2022-0833), was obtained and work was commenced in reliance of the issued permit. On August 15, 2022, the Director determined the Use Permit to be vested based upon the commencement of work in reliance of the approved Use Permit. The demolition permit was a necessary component for the establishment of the Major Impact Facility use at the location and was conducted in conformance with the approved Use Permit.

Given that the PHF is deemed an Existing Land Use under the UKIALUCP, it is not subject to the provisions of the UKIALUCP. As provided in UKIALUCP policy 1.1.7 the policies of the 1996 Ukiah Municipal Airport section of the Mendocino County Airport Comprehensive Land Use Plan (MCACLUP) apply and the project has already been reviewed for consistency with the MCACLUP as part of U_2019-0027 and deemed consistent. An avigation easement is required to be recorded and the County of Mendocino is in the process of complying with this requirement. No further review is required for the project under either the provisions of the UKIALUCP or the MCACLUP.

As described above and pursuant to California Welfare and Institutions Code section 5960.3(a), the PHF is in conformance with all local land use requirements.

California Environmental Quality Act Compliance:

The Mendocino County Planning Commission and Mendocino County Board of Supervisors found U_2019-0027/R_2019-0010 to be Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities and Section 15183, projects consistent with the General Plan.

The current request for the PHF is similarly Categorically Exempt from CEQA under CEQA Guidelines Section 15301 Existing Facilities and Section 15302 Replacement or Reconstruction. The property was developed with an existing structure that was previously utilized as a Major Impact Facility and a Major Use Permit was granted to allow the re-establishment of said use. In addition, the reconstruction of the structure is a replacement structure of substantially the same size, purpose and capacity. The previously existing building was substantially larger than the proposed building, but both will occupy a similar location on the property. In addition, the purpose will remain the same as the PHF remains a Major Impact Facility. A Notice of Exemption for the project has been prepared.

¹https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.020CIUSTY_S20.020.070MAIMFA