



## COUNTY OF MENDOCINO

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## MEMORANDUM

DATE: SEPTEMBER 13, 2016

TO: BOARD OF SUPERVISORS

FROM: JOHN SPEKA

SUBJECT: OA 2015-0001 HOUSING ELEMENT IMPLEMENTATION- EMERGENCY SHELTERS

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### **Background**

On August 2, 2016, the Board of Supervisors reviewed the County initiated request to amend language within Divisions I (Inland) and II (Coastal) of the County Zoning Code. The amendment would have modified the definitions of "Family," "Supportive Housing," "Transitional Housing," "Emergency Shelter;" and the "Group Care" use type; allowed supportive and transitional housing the same rights as other residential units of the same type; and allowed emergency shelters in Inland commercial zoning districts (C-1 and C-2) by right, consistent with the 2014 Housing Element Update and State law.

During the hearing, staff was directed to explore having "emergency shelters" removed from the list of "typical uses" under the "Group Care" civic use type where it is currently couched and instead have it accorded a use type of its own to delineate notable differences with other typical uses under the current use type definition. The reason would be twofold in that, 1) the Group Care use type is defined in part as "facilities authorized, certified or licensed by the State," which is not a requirement for emergency shelters per the definition under State law, and 2) per Board direction, staff should explore whether emergency shelters should allow for more than a 25 person limit by right, although the limit remains appropriate for the other "typical uses" listed under the Group Care use type definition.

### **Discussion**

Included as part of the original request to the Board (described above) was an allowance for emergency shelters by right within C-1 and C-2 zoning districts. Adoption of the ordinance amendment would have implemented Housing Element Action Item 4.3j which directs the County as follows:

*Amend the Commercial (C-1, C-2) zoning districts to allow for emergency and transitional housing by right provided that the site is (1) located in a water and sewer district, (2) located more than 300 feet from industrial uses, (3) not located in Airport Zones A-1, A-2 or B-1, and (4) not located in an Alquist-Priolo Fault zone.*

Transitional housing would be covered by allowing it the same rights as other residential units in similar zonings. With respect to emergency shelters, they have been included historically as a "typical use" within the Group Care Civic Use Type (County Code Section 20.020.060-Inland/20.320.060-Coastal).

Because of this, staff's recommendation at the August 2 hearing was to amend the zoning code to allow for Group Care by right within C-1 and C-2. Should the Board instead decide to create a new Emergency Shelter use type, staff would recommend that Group Care remain as it currently stands under C-1 and C-2 (subject to a minor use permit) as it is not in and of itself required per the above Housing Element action item.

In creating a new Emergency Shelter use type (as well as removing emergency shelters as a typical use under Group Care), staff recommends that a separate ordinance amendment process take place in which a hearing is held before the Planning Commission to seek possible input and further recommendations to the Board at a later date.

With respect to the remainder of the items brought before the Board on August 2, most are proposed to remain the same. However, Group Care would no longer be proposed to be allowed within C-1 or C-2 zonings, instead awaiting the creation of a new Emergency Shelters use type, which would then be allowed by right in those districts to satisfy the directive of the Housing Element. At that point, emergency shelters would be removed from the list of typical uses under Group Care.

All other components of the original request are recommended to remain the same.

### **Recommendation**

1. Approve the attached ordinance amending Divisions I (Inland) and II (Coastal) of the County Zoning Code to modify the definitions of "Family," "Supportive Housing," and "Transitional Housing" use types, and allow supportive and transitional housing the same rights as other residential units of the same type, consistent with the 2014 Housing Element Update and State law.
2. Direct staff to eliminate "emergency shelters" from the typical uses under the "Group Care" Civic Use Type, and create a standalone "Emergency Shelters" Civic Use Type to be considered by the Planning Commission and Board at a later date