



# Mendocino County

## Legislation Text

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File #: 20-0945, Version: 1

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**To: Board of Supervisors**

**From:** Planning and Building Services

**Meeting Date:** October 20, 2020

**Department Contact:** Brent Schultz

**Phone:** 234-6650

**Department Contact:** Julia Acker Krog

**Phone:** 234-6650

**Item Type:** Regular Agenda

**Time Allocated for Item:** 15 min.

**Agenda Title:**

Discussion and Possible Adoption of an Urgency Ordinance for Temporary Business Modifications During the COVID-19 Pandemic

(Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Adopt Urgency Ordinance for Temporary Business Modifications during the COVID-19 Pandemic; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On September 22, 2020, the Board directed Planning and Building Services to prepare an Urgency Ordinance in response to the current Public Health Order and COVID-19 Pandemic restrictions on local businesses. Specifically the direction requested Planning and Building Services to waive zoning requirements and expedite approvals of canopies or other roofed structures to shelter and protect the activities of these businesses during times of inclement weather.

**Summary of Request:**

Government Code section 25131 provides that ordinances shall become effective thirty (30) days from the date of final passage, except for certain ordinances which become effective immediately. An ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the board of supervisors, shall take effect immediately. Government Code section 25131 specifies that an urgency ordinance may be passed immediately upon introduction.

At the direction of the Board of Supervisors, County staff prepared an Ordinance that waives certain zoning requirements for all businesses so that there is greater flexibility in the areas in which businesses can operate to maintain conformance with the current Public Health Order related to the COVID-19 pandemic. In particular, the Ordinance focuses on allowance for temporary modifications to ensure businesses can continue operations during times of inclement weather.

The proposed ordinance would allow for the temporary modifications to both indoor and outdoor areas to support the continued operation of local businesses during the COVID-19 pandemic. The proposed ordinance

would exempt local businesses who pursue temporary modifications from certain County Zoning Code provisions related to off-street parking standards, lot coverage, corridor preservation setbacks and discretionary review. The ordinance provides that temporary modifications must still comply with yard setbacks for the zoning district in which they are located, with a minor exception for properties with yard setbacks greater than 30 feet, and certain health and safety related requirements including the potential need for a building permit. The ordinance also establishes procedures for businesses who may wish to maintain the temporary modifications after the expiration of the ordinance.

The ordinance provides that it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the following: Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) as an action immediately necessary to mitigate or prevent an emergency because the Ordinance establishes temporary measures to enable physical distancing to reduce the risk of transmission of COVID-19 and because the anticipated time to conduct environmental review would pose a grave risk to public health, safety, and welfare, and because the action is immediately necessary to allow businesses to safely reopen to prevent an economic emergency that similarly poses a grave risk to public health, safety, and welfare; CEQA Guidelines Section 15301 (Class 1) as an action authorizing the use or minor alteration of existing facilities in order to accommodate physical distancing for existing entitled uses; CEQA Guidelines Section 15303 (Class 3) as an action authorizing the conversion of existing small structures and the installation of only small, temporary structures to accommodate physical distancing for existing entitled uses; CEQA Guidelines Section 15304 (Class 4) as an action authorizing minor temporary uses of previously disturbed land having negligible or no permanent effects on the environment in order to allow use of lower risk outdoor spaces for existing entitled uses; and CEQA Guidelines Section 15061(b)(3) (Common Sense) because it can be seen with certainty that there is no possibility that the action will have a significant effect because allowed modifications to existing legal uses are temporary and minor in scale.

The ordinance must be adopted on at least a 4/5 vote of the Board. As required by Government Code Section 25131, the ordinance contains recitals and findings substantiating the need to adopt this ordinance on an urgency basis.

**Alternative Action/Motion:**

Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

**Supervisory District:** All

**vote requirement:** 4/5ths

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**budget clarification:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Steve Dunncliff, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

Executed By: Atlas Pearson, Deputy Clerk I

Date: **OCTOBER 22, 2020**

Final Status: Adopted

Executed Item Type: Ordinance Number: 4472

