



Mendocino County

Legislation Text

File #: 20-1097, Version: 1

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: November 17, 2020

Department Contact: Brent Schultz

Phone: 234-6650

Department Contact: Julia Acker Krog

Phone: 234-6650

Item Type: Regular Agenda

Time Allocated for Item: 10 Mins

Agenda Title:

Discussion and Possible Adoption of an Urgency Ordinance for Temporary Group Care Facilities for the Purpose of Allowing for Winter Homeless Shelters during the COVID-19 Pandemic and 2020-2021 Winter (Sponsor: Planning and Building Services)

Recommended Action/Motion:

Adopt urgency ordinance for temporary group care facilities for the purpose of allowing for winter homeless shelters during the COVID-19 pandemic and 2020-2021 winter; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

None.

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.

County staff prepared an Ordinance that waives certain zoning requirements for Temporary Group Care Facilities to be used as winter homeless shelters so that these Facilities can operate in unincorporated areas of the County and provide as many options for homeless individuals for shelter during the COVID-19 pandemic and the upcoming winter months.

The proposed ordinance would allow for the Temporary Group Care Facilities during winter months, until April 1, 2021. The proposed ordinance would exempt a Temporary Group Care Facility from certain County Zoning Code provisions related to off-street parking standards and discretionary review. The ordinance provides that Temporary Group Care Facilities must still comply with certain location factors such as being located on a publicly maintained road, not within a residence or residential accessory structure, and certain health and safety related requirements.

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 authorization to operate Group Care Facilities to enable shelter during inclement weather, in order to provide as many options for homeless individuals for shelter during the COVID-19 pandemic and the upcoming winter months, and 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 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 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: District 4

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

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Lindsey Daugherty, Senior Deputy Clerk

Date: NOVEMBER 20, 2020

Final Status: Adopted

Executed Item Type: Ordinance **Number:** 4476

