



AGENCY:	City Council
MEETING DATE:	November 27, 2017
DEPARTMENT:	Community Development
PRESENTED BY:	M Jones
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## AGENDA ITEM SUMMARY

### **TITLE:**

**RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF REGARDING ADMINISTRATIVE REVIEW OF LIMITED TERM PERMIT 27-17 (LTP 27-17) FOR OPERATION OF AN EXTREME WEATHER SHELTER**

### **ISSUE:**

In July of 2017, the Mendocino Coast Hospitality Center (MCHC) applied for funding from Mendocino County to operate the Extreme Weather Shelter (EWS) for the coast. On October 3, 2017, the City Council approved Use Permit Modification USP 9-01/17 which included a special condition prohibiting use of the Hospitality House emergency shelter for staging of the EWS. In late October of 2017, MCHC received notification that Mendocino County will provide \$50,000 in funding for the EWS. This amount is considerably less than the amount of funding that was requested.

In early November of 2017, MCHC convened a series of four meetings of EWS stakeholders (the EWS Advisory Group) which includes representatives from the faith community, the City, Police Department, the Food Bank, and the Senior Center. MCHC's initial goal was to identify another non-profit or faith organization which could manage and operate the EWS. Unfortunately, while the other organizations expressed interest in possibly assisting with operation of the EWS, no organization had the experience or ability to take on the considerable liability and management responsibilities associated with operation of the EWS. At the conclusion of these meetings, it appeared that the Coast would not have an operational EWS during the 2017-18 winter.

The MCHC Board struggled greatly with the decision of how much to participate in operation of the EWS this year. Operation of the EWS last year was extraordinarily challenging for MCHC. The biggest challenges related to difficulties in hiring, training and retaining competent staff and in providing adequate supervision. Additionally, the available funding for the EWS was inadequate given the number of nights the EWS operated during a very long and wet winter. Furthermore, many of the issues that resulted in the City pursuing a nuisance violation/code enforcement action which led to modification of use permit for the Hospitality House emergency shelter resulted from the staging of the EWS at the Hospitality House facility. After last year's challenges, the MCHC Board was appropriately concerned that operating the EWS this winter could stretch their organization beyond its capacity. This led the Board to appeal to other community partners for support and assistance. After initially voting to not operate the EWS, the Board met five times between November 16<sup>th</sup> and November 20<sup>th</sup> and, in the end, the Board agreed to operate the EWS so long as it is operated in accordance with the draft operations plan.

The draft operations plan for the EWS was developed through a collaborative process with meetings of the EWS Advisory Group and the MCHC Board, and includes the following key provisions:

1. Operation of the EWS will terminate upon the expenditure of all EWS designated funds.
2. MCHC will hire and train an EWS manager and support staff to operate the EWS.

3. The EWS Advisory Group will continue to provide policy direction, decision making and problem solving during the EWS operations. The EWS Advisory Group will meet on a regular basis and be composed of representatives of the faith community, the Food Bank, the Senior Center, MCHC, the City and the Police Department.
4. Staging of the EWS will occur in the "side room" at the Food Bank. This room is large enough to accommodate up to 15 people and has a separate locked entrance located outside of the Food Bank's locked gates. There is also a portable toilet on site that can be used by EWS clients during staging. Meals "to-go" will be prepared by the Senior Center and served at the Food Bank. EWS clients will be transferred via a County van from the Food Bank to the temporary shelter provided by a participating faith organization.
5. The EWS will be operated at a single location for no more than 14 consecutive days. Guests will arrive at the faith-based EWS location, via van, no earlier than 6 p.m. on evenings of operation, and shall vacate the EWS no later than 7 a.m. the following day. MCHC employees will be on-site to provide security and supervision during the EWS operating hours. Guests who leave the EWS will not be permitted to return that same night. EWS guests will be dropped off the next day by the van at the location of their choice.

Per Inland Land Use and Development Code (ILUDC) Section 18.70.030, the Community Development Director is the Review & Decision Authority for Limited Term Permits. Decisions of the Community Development Director can be appealed to the Planning Commission and the City Council. The Community Development Director may elevate any administrative permit decision to the Planning Commission. However, the next regularly scheduled Planning Commission meeting is December 13<sup>th</sup>. As inclement weather is already upon us, the Director is instead seeking advice from the City Council with regard to the Limited Term Permit and the proposed Special Conditions for the 2017-18 EWS.

### **ANALYSIS:**

Per ILUDC Section 18.71.030, Limited Term Permits are intended to ensure that short-term activities are not detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity. Furthermore, Limited Term Permits are for "short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature."

Furthermore, the ILUDC includes the following exemptions (Section 18.71.030.E.3):

Exempt short-term activities. The following short-term activities are allowed without the necessity of obtaining a Limited Term Permit. Short-term activities that do not fall within the following categories shall comply with Subsection F. (Allowed short-term activities).

3. Events on sites approved for public assembly. An event on the site of, or within, a golf course, religious facility, school, theater, meeting hall, or other similar facility designed and approved by the City for public assembly.

Religious facilities would be exempted from the Limited Term Permit requirement so long as the EWS qualifies as an event. Events are defined by the code as follows:

"Events. Art and craft exhibits, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, open-air or drive-in theaters, outdoor entertainment/sporting events, religious revivals, rummage sales, second hand sales, swap meets, and other special events within a 12-month period for up to: 1) seven

consecutive days, 2) four two-day weekends, 3) one-day event per week, or other similar event timing as determined by the Director.”

The proposed EWS can be considered an event under the rubric of a religious activity. The timing of the EWS can be considered “event timing” under the caveat: “or other similar event timing as determined by the Director.”

1. As proposed, the EWS would be operated at a religious facility for up to 14 days of continuous operation. This is similar to other time periods identified for a “special event” in the code.
2. The staging of the EWS at the Food Bank (wherein the EWS staging would be operated continuously the Food Bank for an hour, during nights when the temperature is below a defined threshold and/or the chance of rain is above a defined threshold) is also limited and similar to the time definition in the code as one hour per day for 90 days would approach two weeks of use.

Staff is seeking the following direction from City Council:

- Is City Council comfortable with the interpretation that operation of the EWS at a single religious facility for up to 14 consecutive days is an event?
- Is City Council comfortable with interpretation that the staging of the EWS at the Food Bank is an event?

In order to approve the Limited Term Permit, the Community Development Director will have to make the following finding:

- The proposed temporary use as described in the application and supplemental materials and as modified by any conditions of approval, will not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity.

Staff recommends that this finding can be made if the following Special Conditions are required as part of the Limited Term Permit:

1. This permit is valid for a limited term only. The temporary operation of the EWS may only occur between **December 6, 2017 and April 30, 2018**.
2. The EWS shall activate only when the NOAA weather service forecasts temperatures 40 degrees or below, and/or a 20% or greater chance of precipitation, unless alternative weather thresholds are agreed upon by the EWS Advisory Group.
3. The EWS gathering/staging location shall be operated at the Food Bank at 910 N. Franklin Street between the hours of 5:00pm and 6:00pm.
  - a. A restroom or portable toilet and trash receptacle shall be accessible at the staging facility (Food Bank) and during the staging time period of 5:00pm and 6:00pm.
  - b. The operation of the staging facility shall be managed by a paid employee of the MCHC at all times, who will be on-site while the staging area is in use.
  - c. Trash and debris will be removed from the staging area site and the public right of way in front of the Food Bank each day.
4. Guests shall arrive at the EWS shelter facility, via van, no earlier than 6:00 p.m. on evenings of operation, and shall vacate the EWS shelter facility no later than 7:00 a.m. the following day.
5. MCHC paid and trained employees shall be on-site for security and supervision during EWS operating hours. One employee shall be present if there are fewer than twelve (12) guests, two employees shall be present if there are twelve (12) or more guests.

6. Guests of the EWS must remain in the EWS overnight; guests who leave the EWS shall not be permitted to return to the EWS that night.
7. The EWS shall not be operated at a single location for more than fourteen (14) consecutive days. The EWS shall be limited to the following locations: First Presbyterian Church (367 S. Sanderson Way); Trinity Lutheran Church (620 E. Redwood Avenue); St. Michaels Church (201 E. Fir Street); Fort Bragg Grace Community Church (1450 E. Oak Street) and the Coast Christian Center (1004 E. Chestnut Street). Additional locations may be requested for consideration by the Community Development Director.
8. Guests of the EWS shall be driven to the location of their choice upon the close of the EWS at 7:00 a.m. No more than three EWS guests may be dropped at any one location.

The Community Development Director is seeking concurrence from City Council that these Special Conditions will be adequate to ensure that the operation of the EWS will not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity.

**PROPOSED ACTION:**

Provide direction to staff regarding Administrative Review of Limited Term Permit 27-17 (LTP 27-17) for the operation of the Emergency Weather Shelter.

**ALTERNATIVE ACTION(S):**

None.

**ATTACHMENTS:**

None.

**NOTIFICATION:**

1. Affordable Housing Notify Me
2. Homeless Notify Me