ZONING INTERPRETATION RECORD

Subject of Interpretation:
Requirements for Social Services Program for Unaccompanied Minors

Zoning Ordinance Section Number:
11-86-3, 11-86-2

Title of Section:
Public and Semi-Public Use Classification, Residential Use Classifications

Cause for Interpretation:
The applicant, the director to a nonprofit organization, wanted to determine the land use classification of the proposed reuse of a former nursing home facility, at a certain location, based on the requirements of the Mesa Zoning Ordinance.

The applicant stated that the facility would be used to provide several services to Unaccompanied Minors brought to the attention of the organization by federal immigration staff. Unaccompanied Minors are undocumented alien children (less than 18 years of age) that are not presently in the custody of an identified responsible parent or guardian. The services provided by the organization to these minors at this facility are proposed to include:

1) A place of temporary, transitional residence while the location/status of parents/guardians/family of the Unaccompanied Minor is being determined;
2) Interim K-12 educational services done in collaboration with a local school district;
3) Recreational and leisure activities;
4) Medical assessments;
5) Mental health assessments;
6) Counseling services, both individually and in groups;
7) Vocational and life skills training; and
8) Transportation services related to the status and well-being of Unaccompanied Minors.

Interpretation:
At issue is a determination of whether this program and the services provided are a Social Service Facility (SSFs) as defined in Section 11-86-3 of the Mesa Zoning Ordinance, which states:

**Social Service Facilities.** Any noncommercial facility, such as homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, substance abuse detoxification and treatment centers, halfway houses and similar facilities and emergency shelters, that may also provide meals, showers, and/or laundry facilities to individuals with limited ability for self-care, or those
persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all related establishments intended for use by patrons of such facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term (See Group Housing). The classification also does not include homes for the developmentally disabled, child crisis centers and domestic violence centers. (Bold font added for emphasis).

Of note in the definition of SSFs is the exclusion of child crisis centers, which is a land use without a specific description in the Mesa Zoning Ordinance. The working understanding of that term is that it is a temporary place of residence for children (minors under 18-years of age) that may be in need of a short-term place to stay because of a family related emergency or because of possible abuse situations. The organization proposed to provide the services listed in the description of the Unaccompanied Minor program specifically to children that are not in the custody of a known, responsible adult. Also, the organization is not providing these services to adults, nor are the services provided to children that are the custody of an adult-aged parent or guardian. While the services provided are not necessarily “crisis-oriented” as that term may apply to something of an emergency, time-critical nature, the same child-oriented services are being provided in the form of counseling, education, and temporary room and board. The distinction being that services provided by the organization are generally for a longer interim, but still transitional period of time than what is expected for a child crisis center.

It is important to note the purpose and intent of the Mesa City Council’s adoption of standards related to social service facilities. While acknowledging that social service facilities play a vital role in the community, the Council also wished to provide a measured level of control on the impacts that social service uses have on adjacent properties. In particular, the Council wished to address issues relating to loitering, and for congregating of people without appropriate facilities present. The proposed program for Unaccompanied Minors will be available only to a rather limited range of potential clients, and these clients will be under constant watch in a closed campus. Loitering, and the congregation of people without facilities, will not be at issue in this case.

Another possible option is to classify this activity as group housing, which is defined in Section 11-86-2 of the Mesa Zoning Ordinance:

**Group Housing.** A residential facility of 6 or more unrelated persons providing living facilities, sleeping rooms, and meals and which shall have a permit issued by the Maricopa County Health Department as a boarding home.

The Group Housing definition includes mention of living facilities and meals, but lacks any mention of other non-residential services, such as counseling or education. If a group housing activity provided such non-residential services, then these other services (such as provision of K-12 education, counseling, or medical assessment) would need to be shown as accessory uses, and not as possible principal uses of the site. Further, the description of the services offered in the described Unaccompanied Minor program are somewhat analogous to those services provided by a public school district at a typical public high school or junior high school (education, counseling, vocational education, meals, medical assessments), save for the residential component.

The comparison of organization’s description of the proposed land use with the land use classifications used in the Mesa Zoning Ordinance show that the Unaccompanied Minor Program is a derivative land use.
activity that actually encompasses multiple classifications. There does not appear to be an exact, definitive match, but rather a unique combination of activity classifications that respond to the specific needs of Unaccompanied Minors.

A) Similar to a child crisis center, the Unaccompanied Minor program caters specifically to children who are separated from an available parent or guardian, and are in need of several support services. However, while an assignment of a child to a facility occurs quickly, the Unaccompanied Minor program is transitional over a somewhat longer period of time and lacks an immediate, time-critical emergency or “crisis.”

B) Group Housing could also describe several of the residential components of this proposal, but the description of that land use classification lacks any descriptions of support services. As this use is classified as a type of boarding house, this classification also includes the longer-term nature of the stays anticipated for an Unaccompanied Minor program.

C) A boarding school could be considered as a possible land use classification, but the educational services being provided are not the principal reason the children would be placed at this facility. Educational services are one of several support services that would be offered at this facility.

Therefore, the organization’s Unaccompanied Minor Program shall be classified as a multiple activity land use whose critical components are analogous to both a child crisis center and group housing. Because a child crisis center is excluded from consideration as a social service facility, and because group housing is a permitted ‘by-right’ land use in the NC-Neighborhood Commercial zoning district, then the Southwest Key Unaccompanied Minor program is also a permitted land use in the NC zoning district. No additional public reviews are required.

Further, the several support activities are deemed to be accessory activities to the combined child center/transitional group housing activity, and therefore also permitted. This includes providing meals, minor outdoor recreational uses, education services, counseling services, medical and mental health assessments, and vocational and life skills training.

Specific to the design of the site plan at the property in question, these accessory uses are not allowed as primary activities unless a request for site plan modification is reviewed and approved by the Planning and Zoning Board. It also my understanding that there may an issue with providing minimum on-site parking requirements. Both of these questions require additional attention from Planning Division staff. Technical reviews will be needed to update the Certificate of Occupancy for the buildings at this location through the building plan review (an administrative) process. Please contact Development Services staff for more information.