



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager's Office



Date: November 9, 2015
Board Meeting Date: November 17, 2015
Special Notice / Hearing: None
Vote Required: Four-fifths

To: Honorable Board of Supervisors

From: John Maltbie, County Manager

Subject: Adopt an Interim Urgency Ordinance establishing a moratorium on the conversion or closure of mobilehome parks pending the review and possible adoption of land use regulations applicable to such conversions and closures.

RECOMMENDATION:

Adopt an Interim Urgency Ordinance establishing a moratorium on the conversion or closure of mobilehome parks pending the review and possible adoption of land use regulations applicable to such conversions and closures, and waive the reading of the ordinance in its entirety.

BACKGROUND:

Within unincorporated San Mateo County ("County"), there are eight mobilehome parks containing more than 850 mobilehome spaces. County staff estimates that more than 350 spaces in these mobilehome parks are currently occupied by mobilehomes. Based on investigation undertaken by County staff, we believe that a large portion of the remaining spaces are occupied by recreational vehicles and other forms of shelter. Many of these mobilehome park spaces, whether occupied by a mobilehome or other type of shelter, provide affordable housing for low-income families and seniors.

When a mobilehome park is converted to another land use, or closes, residents are displaced. Displaced owners of mobilehomes generally cannot move their home to another mobilehome park due to the physical condition of the home and/or the fact that parks generally only accept new mobile homes. Displaced residents of other types of mobile shelter also face challenges because most of the facilities that accept RV, travel trailers and other types of mobile shelter in San Mateo County have long waiting lists for long term residents.

The ongoing housing crisis in the Bay Area has led to concern about the preservation of all types of affordable housing in mobilehome parks. A number of mobilehome parks are in the process of converting or closing in cities within or near San Mateo County, including Palo Alto, Pacifica, and San Jose. In Palo Alto, the owner of the Buena Vista Mobilehome Park has completed the city's process for closure of the 104-space park. The park owner had applied to rezone the property to develop a high-density multi-family apartment development, but current development plans are unclear; litigation over the park closure is ongoing. In Pacifica, news reports indicate that an investment group has entered into a joint venture with the longtime owner of the Pacific Skies Estates mobilehome park with plans to convert the property to a luxury manufactured home community. A number of park residents received notices of termination; those notices were later rescinded and it appears the city is negotiating with the park owner regarding relocation assistance. The City of San Jose also recently adopted a temporary moratorium prohibiting mobilehome park conversions; the ordinance was adopted, in part, in response to an application to close the Winchester Ranch Mobile Home Park Community after a national developer reportedly offered to purchase the land. The market conditions that led to planned conversions or closures such as these create a high risk of similar conversion or closure of mobilehome parks located in the unincorporated County.

Existing State law (California Government Code sections 65863.7, 66427.4(a)) requires park owners to submit relocation impact reports to local governing bodies prior to converting or closing mobilehome parks. The report is required to address the availability of adequate replacement housing in mobilehome parks and identify relocation costs. Local governing bodies may impose conditions on the conversion or closure to mitigate adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park. The cost of any steps required to mitigate impacts cannot exceed the reasonable costs of relocation.

Many local jurisdictions have adopted supplemental local regulations to implement State law. Such local regulations often designate a decision-making body (such as a planning commission or hearing officer), provide standards or guidelines for measuring the costs of relocation, impose other permissible relocation or conversion conditions, and establish application review fees. Supplemental local regulations may require consideration of specific features of importance to the local community, such as proximity to employment centers, and can provide park owners with a better understanding of the potential costs that may be associated with conversion or closure. The County has no such supplemental local regulations at this time.

DISCUSSION:

Proposed Interim Urgency Ordinance

The proposed Interim Urgency Ordinance would impose a temporary moratorium on the conversion or closure of any mobilehome park located within the unincorporated County. The intent of the interim ordinance is to provide the County sufficient time to study and consider adoption of potential land use regulations applicable to the

conversion or closure of mobilehome parks. Without such an interim ordinance in place, a mobilehome park could convert or close, displacing vulnerable residents of the County, before the County is able to potentially adopt supplemental procedures to ensure impacts are adequately mitigated.

The Board of Supervisors is authorized to adopt such an interim ordinance, on an urgency basis to take effect immediately upon adoption, pursuant to California Government Code section 65858 in order to avoid a current and immediate threat to the public health, safety, or welfare. Pursuant to State law, the interim ordinance, if adopted, would be effective for a period of forty-five (45) days. The Board of Supervisors could then extend the interim ordinance once for an additional 22 months and 15 days, for a total of up to two (2) years. The adoption of the interim ordinance, and any extension thereof, is subject to a four-fifths vote of the Board of Supervisors.

Environmental Review

The proposed ordinance does not require review under the California Environmental Quality Act (“CEQA”) because it is not a “project” within the meaning of section 15378 of the State CEQA Guidelines, in that adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment. Further, even if the adoption of such an ordinance was a project under CEQA, it would be categorically exempt pursuant to section 15308 of the CEQA Guidelines as a regulatory action taken by the County pursuant to its police power and in accordance with Government Code section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies.

County Counsel has reviewed and approved the ordinance as to form.

SHARED VISION 2025:

Adopting this urgency ordinance preserves affordable housing units in the County which is consistent with the livable community shared vision goal.

FISCAL IMPACT:

There is no fiscal impact associated with adopting this ordinance.