



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



Date: December 4, 2015
Board Meeting Date: December 15, 2015
Special Notice / Hearing: Newspaper – 10 Day
Notice
Vote Required: Four-fifths

To: Honorable Board of Supervisors

From: John Maltbie, County Manager

Subject: Adopt an Interim Urgency Ordinance extending the 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 extending the 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:

At its meeting on November 17, 2015, the Board of Supervisors adopted a moratorium on the conversion or closure of mobilehome parks within unincorporated San Mateo County ("County") (Ordinance No. 04749). The temporary moratorium was adopted in order to protect the public health, safety, and welfare while the County studies potential land use regulations available to preserve an important source of existing affordable housing. The adoption of the interim urgency ordinance was based on the facts described in Ordinance No. 04749 and the memorandum to the Board of Supervisors dated November 9, 2015, as well as additional testimony and information presented to the Board at its meeting on November 17, 2015.

Consistent with State law, Ordinance No. 04749 will expire on January 1, 2016, 45 days after its adoption. Before its expiration, the Board of Supervisors may extend the temporary moratorium for an additional 22 months and 15 days.

DISCUSSION:

Proposed Extension of the Interim Urgency Ordinance

As described in more detail in the memorandum to the Board of Supervisors dated November 9, 2015, there are eight mobilehome parks located in unincorporated San Mateo County, which provide an estimated 850 spaces for mobile shelter of various forms, including, but not limited to, mobilehomes, manufactured homes, or recreational vehicles. Many of these mobilehome park spaces provide affordable housing for low-income families and seniors. Conversion or closure of these existing parks displaces these residents, who face a difficult market in which to find replacement housing. A number of mobilehome parks in nearby cities are in the process of conversion or closure, indicating a high risk of similar conversion or closure of mobilehome parks located within the County's unincorporated area.

The proposed Interim Urgency Ordinance would extend the temporary moratorium on the conversion or closure of any mobilehome park located within the unincorporated County for an additional 22 months and 15 days (extending the moratorium from 45 days to two (2) years). Extending the temporary moratorium will 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 fully consider adoption of supplemental procedures to ensure impacts are adequately mitigated.

The Board of Supervisors is authorized to extend an interim ordinance 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 Board of Supervisors can extend the interim ordinance for an additional 22 months and 15 days, for a total of up to two (2) years. The extension of the interim ordinance is subject to a four-fifths vote of the Board of Supervisors.

Report of Measures Taken to Address Situation

As required by California Government Code section 65858(d), this memorandum describes the measures the County has taken to alleviate conditions leading to the adoption of the interim ordinance:

- The County has convened an interdepartmental group tasked with comprehensively evaluating issues related to mobilehome parks, composed of staff from the County Manger's Office, Department of Housing, Department of Planning and Building, and County Counsel's Office.
- Staff conducted a survey of the eight mobilehome parks, collecting information regarding the park owner or operator, the number of spaces provided at each park, and the types of shelter occupying spaces at each park.
- Staff reviewed the County's existing mobilehome rent control ordinance (Ordinance Code Chapter 1.30) and conducted a gap analysis to determine whether legislative changes are needed to improve effectiveness.

- Staff has researched and analyzed the requirements of State law governing mobilehome park closure, and conducted preliminary research into ordinances intended to protect mobilehome parks as a form of affordable housing in other jurisdictions.

In addition, staff has identified further research, study, and other work that is required in order to determine what, if any, legislative changes are needed. Among the tasks identified are the following:

- Convening a public process to facilitate input from stakeholders, including park owners and their representatives, park residents, and community and business organizations.
- Conducting a study of existing zoning regulations, and analyze the development potential for various mobilehome park locations.
- Leveraging information gleaned from the initial census of existing mobilehome parks, staff will further clarify the types of mobile shelter occupying spaces at the parks, and analyze the legal protections available for each form of shelter and any related policy implications.
- Conducting a comprehensive review and analysis of conversion protections provided by State law and the additional protections and procedures that may be offered as part of a local ordinance.

Environmental Review

Extension of the interim 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 extending 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:

Extending the 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.