

*City of Brisbane*  
*Memo*

To: Honorable Mayor and City Council

From: Ingrid Padilla, City Clerk

Subject: Ordinance No. 630 (Zoning Amendment RZ-4-18), waiving second reading, Zoning Text and Map amendments to create a new R-MHP, Residential Mobilehome Park zoning district and to rezone the Sierra Point Mobile Home Park, from the current SCRO-1 Southwest Bayshore Commercial District designation to the R-MHP designation, implementing Housing Element Program H.B.1.i.

Date: City Council Meeting of December 6, 2018

The Ordinance listed above was introduced at the City Council Meeting of October 18, 2018. No changes were made at the time.

It is on this agenda for consideration of adoption.

# City of Brisbane

## Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Proposed Ordinance No. 630 (Zoning Amendment RZ-4-18) - Zoning Text and Map amendments to create a new R-MHP, Residential Mobile Home Park zoning district and to rezone the Sierra Point Mobile Home Park from the current SCRO-1 District designation to the R-MHP designation, implementing Housing Element Program H.B.1.i.

DATE: October 18, 2018

### **City Council Goals:**

To preserve and enhance livability and diversity of neighborhoods. (#14)

### **Purpose:**

To implement the adopted Housing Element by creating a zoning district in which mobile home parks are the only permitted use and applying it to the City's existing mobile home park to promote the retention of long-term affordable housing and allow for park upgrades and improvements to enhance livability for residents.

### **Recommendation:**

That the City Council introduce Ordinance No. 630.

### **Background:**

The 2015-2022 Housing Element adopted by the City Council contains policies and programs to encourage the development and preservation of housing affordable to a range of household incomes. To aid in the City's preservation efforts, Housing Element Program H.B.1.i requires establishment of a new zoning district in which mobile home parks and associated supportive uses are the only permitted uses. The program further requires the existing Sierra Point Mobile Home Park (3800-3824 Bayshore Boulevard) be rezoned with the new zoning designation to promote long-term preservation of the park.

The mobile home park is currently zoned Southwest Bayshore Commercial (SCRO-1), a zoning designation that allows only emergency shelters by right but conditionally allows a broad range of commercial and residential uses. The mobile home park currently operates under a Use Permit last modified in the 1970s. Per the Use Permit, no other uses are authorized on the property.

The proposed Zoning Text and Map Amendments would establish the Residential Mobile Home Park (R-MHP) district and apply the designation to the existing mobile home park, consistent with the adopted Housing Element. The provisions of the new district reflect the existing conditions of the mobile home park to avoid creating any nonconforming conditions at the park. Additional amendments to related sections of the zoning ordinance that address mobile home park regulations are also proposed to ensure consistency with the new R-MHP zoning designation. (See Attachment 1 for redline zoning text amendments and Attachment 2 for the draft ordinance.)

The Planning Commission reviewed the draft zoning text and map amendments on August 9, 2018 and recommended Council approval of the attached draft ordinance by a vote of 3-1 (Sayasane voting no). The Planning Commission agenda report and minutes of the August 9, 2018 Commission meeting are attached for the Council's reference.

**Discussion:**

As previously noted, the proposed Zoning Text and Map Amendments would rezone the properties making up the existing Sierra Point Mobile Home Park from SCRO-1, Southwest Bayshore Commercial District, to a new R-MHP, Residential Mobile Home Park District. The owner of the properties developed with the Sierra Point Mobile Home Park spoke at the August 9, 2018 Planning Commission meeting in opposition to the proposed zoning amendments. While indicating that ownership has no plans to close and redevelop the park in the near future, he was concerned that removing the SCRO-1 zoning designation would restrict future redevelopment opportunities for this property.

In considering the property owner's objections, staff notes that state law is quite detailed and prescriptive in regulating the closure of mobile home parks. The City's procedures for processing park closures or conversions, consistent with the requirements of State law, are set forth in BMC §17.32.110. With the exception of closure due to bankruptcy, the BMC and State law require Planning Commission approval of a Use Permit for park closure. The Use Permit application must include a report on the impact of the closure upon residents, the availability of adequate replacement housing in mobile home parks and the costs of relocation, and steps to mitigate those impacts. The Planning Commission may deny the application, or may grant the permit subject to conditions to mitigate the impacts of closure on the residents, including reasonable relocation costs. The draft Ordinance retains this existing Use Permit procedure for future park closure and does not materially impact the property owner's ability to apply to close the park and/or convert it to another use.

It should further be noted that the proposed zoning amendment will enhance the owner's ability to maintain and improve the park. The park is currently governed by a Conditional Use Permit, and alterations or improvements to the facility not currently allowed under the Use Permit would require additional discretionary review of a revised Conditional Use Permit. Under the new zoning regulations the park would be a use permitted by right, and modifications or improvements would be allowed as a matter of right as well.

Lastly, the proposed amendment is required to implement the adopted Housing Element. Under the implementation program for the adopted Housing Element the City is committed to adopting

this amendment by December 31, 2018. Failure to adopt this amendment would be inconsistent with the adopted Housing Element. It would further be reported to the State Department of Housing and Community Development (HCD) in the City's annual Housing Element report. Inasmuch as HCD strongly encouraged the City to incorporate this policy into the Housing Element to promote the retention of affordable housing, it is unclear how HCD might react if the City fails to implement this adopted Housing Element policy. Under recent changes to State law, HCD has broad latitude in investigating Housing Element compliance issues and under State law can de-certify a previously adopted Housing Element for non-compliance.

**Fiscal Impact:**

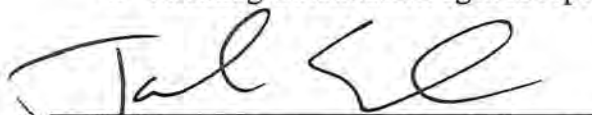
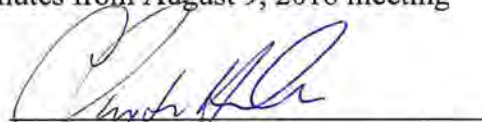
None.

**Measure of Success:**

Adoption of Ordinance 630 will implement the adopted Housing Element and promote preservation of the City's mobile home park.

**Attachments:**

1. Draft Ordinance No. 630 redlined text
2. Draft Ordinance No. 630
3. Planning Commission Resolution RZ-4-18 (without attachments)
4. Planning Commission agenda report and minutes from August 9, 2018 meeting

  
\_\_\_\_\_  
John Swiecki, Community Development Director  
\_\_\_\_\_  
Clay Holstine, City Manager

**Ordinance 630 (RZ-4-18) Proposed Zoning Text Amendments:**  
**Redline Text**

Black text = Existing Municipal Code text

Red underline text = Proposed new Municipal Code text

~~Red-strikeout~~ = Proposed deleted Municipal Code text

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**CHAPTER 17.04 – ESTABLISHMENT OF ZONING DISTRICTS**

**17.04.010 - Establishment of districts.**

The districts into which the city is divided are hereby established and designated as follows:

- A. R-1 Residential district.
- B. R-2 Residential district.
- C. R-3 Residential district.
- D. R-BA: Brisbane acres residential district.
- E. C-1: Commercial mixed use district.
- F. NCRO: Central Brisbane commercial district.
- G. HC: Beatty heavy commercial district.
- H. SCRO-1: Southwest Bayshore commercial district.
- I. SP-CRO: Sierra Point commercial district.
- J.TC-1: Crocker Park trade commercial district.
- K. TC-2: Southeast Bayshore trade commercial district.
- ~~L. TC-3: Northeast Bayshore trade commercial district.~~
- L. M.MLB: Marsh Lagoon Bayfront district.
- M. N. O-S: Open space district.
- N. O. P-D: Planned development district.
- O. P. PAOZ: Parkside overlay district
- P. R-MHP: Residential mobile home park district

**NOTE: The following is a new chapter in Title 17; shown in black text for readability.**

**CHAPTER 17.11 - R-MHP RESIDENTIAL MOBILE HOME PARK DISTRICT**

**17.11.10 Purpose of chapter**

In addition to the objectives set forth in Section 17.01.030, the R-MHP (Mobile Home Park Residential District (hereinafter referred to as the "R-MHP district") is included in the Zoning Ordinance to achieve the following purposes:

- A. To provide a district for mobile home parks to facilitate the retention of mobile home housing stock.
- B. To ensure that mobile home park development is compatible with surrounding residential and non-residential uses.
- C. To ensure adequate light, air, space, fire safety, quiet, and privacy for mobile home park residents.
- D. To implement and promote the goals and policies of the Housing Element of the General Plan so as to guide and manage mobile home park developments in the city in accordance with such plan.

**17.11.020 Permitted uses**

The following permitted uses shall be allowed in the R-MHP district:

- A. Mobile home parks.
- B. Mobile homes.
- C. Accessory structures, including structures used for administration, maintenance or other community services.
- D. Small day care homes.
- E. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- F. Accessory dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this title.

**17.11.030 Conditional Uses**

There are no conditional uses in the R-MHP district.

**17.11.040 Development Regulations**

The following development regulations shall apply to the R-MHP district:

- A. Park Area. There is no minimum area for a mobile home park in the R-MHP District.
- B. Density of Development. The maximum density of a mobile home park shall be one (1) mobile home per each one thousand five hundred (1,500) square feet of park area.
- C. Setbacks. Setbacks in the R-MHP District shall be as required by the California Code of Regulations, Title 25, as may be amended.
- D. Lot Coverage. Lot coverage maximums in the R-MHP district be as required by the California Code of Regulations, Title 25, as may be amended..
- E. Floor Area Ratio. There is no floor area maximum in the R-MHP district.
- F. Height of Structures. The maximum height of any accessory structure shall be 20 feet.
- G. Fencing and Screening Requirements.
  - 1. Fencing. All fencing in the R-MHP District shall comply with the regulations set forth in Section 17.32.050 of this title.
  - 2. Screening. A combination of landscaping, fencing, and/or screening consistent with all applicable provisions of this Chapter and Title shall buffer mobile home parks from adjacent arterial or collector roadways.
- H. Vehicular Access. Vehicular access shall be as required by the California Code of Regulations, Title 25, as may be amended.
- I. Landscaping requirements.
  - 1. Plant materials shall be drought resistant and non-invasive as required by the planning director.
  - 2. Landscaping shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
    - a. Use of plants that are not invasive;
    - b. Use of water conserving plants; and
    - c. Use of plants and other landscape features that are appropriate to the context.
  - 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to [Chapter 15.70](#)) or the latest state provisions, whichever is more effective in conserving water.

- J. Pedestrian access. Pedestrian access to and within a mobile home park shall be provided by a connected interior pedestrian pathway network or sidewalks located in the rights-of-way of perimeter streets.
- K. Trash Enclosures. All receptacles for collection and recycling shall be completely screened from view at street level.
- L. Title 25 Compliance. Mobile home park design, layout, development, maintenance and management shall be governed by and subject to the California Code of Regulations Title 25, or successor regulations.

**17.11.050 Administrative Design Review**

A. Any request to modify the physical conditions of a mobile home park, including the following, are subject to granting of an administrative design permit by the Community Development Director in accordance with the provisions of subsection B of this section and any applicable design guidelines adopted by the city:

- 1. The construction of any permanently constructed accessory structure of two (2) or more stories in height;
- 2. Revisions to the park's circulation design which impact any public street system or reduce the number of existing designated parking spaces.

B. In order to grant an administrative design permit to modify the physical conditions of a mobile home park, the Community Development Director must make the following findings, as applicable:

- 1. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.
- 2. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

**17.11.060 Parking.**

All uses in the R-MHP District shall comply with the parking regulations set forth in [Chapter 17.34](#) of this title and all applicable provisions of Title 25 of the California Code of Regulations, as may be amended.

**17.11.070 Signs.**

All signs in the R-MHP district shall comply with the sign regulations set forth in [Chapter 17.36](#) of this Title. Signage identifying the mobile home park, community buildings, and other necessary informational and directional signs are permitted.



**17.11.080 Construction & Operation**

All construction, installation, management, and operation procedures within the premises of a mobile home park in this district shall be in accordance with the provisions of all applicable State and local laws and regulations, including those laws and regulations specified below, and as may be amended over time:

- A. [California Health and Safety Code Section 18000](#) et seq., "Manufactured Housing".
- B. [California Health and Safety Code, Division 13 \(entitled "Housing"\), Part 2](#) (entitled "Mobile Homes – Manufactured Housing), Section 18000 et seq.
- C. [California Code of Regulations, Title 25, Division 1, Chapter 2](#), "Mobile home Parks and Installations."
- D. [California Code of Regulations, Title 25, Division 1, Chapter 3](#), "Factory-Built Housing, Mobile homes, and Manufactured Homes."
- E. [California Civil Code Section 798](#) et seq.

**17.11.090 Mobile Home Park Conversion, Closure, or Cessation.**

The conversion of a mobile home park to another use, the closure of a mobile home park or the cessation of use of land as a mobile home park shall be subject to the granting of a use permit pursuant to Chapter 17.40 of this title. Closure or cessation of use of a mobile home park resulting from an adjudication of bankruptcy shall be exempt from this requirement.

- A. The application for a use permit shall be accompanied by:
  - 1. Proof of compliance with the notification requirements of [California Government Code Sections 65863.7\(b\)](#) and [65863.8](#) and [California Civil Code Section 798.56\(g\)\(1\)](#), as may be amended, via certified mail to the residents of each mobile home in the mobile home park.
  - 2. A report on the impact of the conversion/closure/cessation upon the displaced residents of the mobile home park consistent with the requirements of California Government Code Section 65863.7, as may be amended, addressing the availability of adequate replacement housing in mobile home parks and the potential costs of relocation, and proposing steps to mitigate the identified impacts.
- B. In addition to the findings for granting a use permit set forth in Chapter 17.40, the Planning Commission shall find that the cessation or closure of the park shall be subject to the conditions to mitigate its impacts upon the residents of the mobile home park, consistent with the requirements of Government Code Section 65863.7, as may be amended.

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Red text = proposed amendment

Black text= existing

## Chapter 17.16 - SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

### 17.16.040 - Development regulations.

Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
  1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
  2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
  3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
  4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:
  1. Width: Fifty (50) feet;
  2. Depth: No requirement.
- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
  1. Front setback:
    - a. Residential/Mixed Use: Ten (10) feet;
    - b. Commercial Uses: Twenty-five (25) feet for commercial uses;
    - c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
  2. Side setback:
    - a. Residential/ Mixed Use: Five (5) feet;
    - b. Commercial Uses: Fifteen (15) feet;
    - c. Exception: The planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
  3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director. ~~Where landscaping is located adjacent to unimproved hillside.~~
3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
  - a. Use of plants that are not invasive;
  - b. Use of water conserving plants; and
  - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
3. The screening requirements set forth in subsections (H)(1) and (H)(2) of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

I. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid

waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

J. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
  - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
  - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
  - c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with BMC [Section 17.16.050\(E\)](#).

10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in BMC [Chapter 17.34](#).
12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in BMC [Section 17.16.070](#).
13. The facility may provide the following:
  - a. Kitchen facilities;
  - b. Dining area;
  - c. Recreation room;
  - d. Training and counseling support services;
  - e. Child care facilities;
  - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

K. Mobile home parks.

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

**Red text = proposed amendment**

**Black text= existing**

## Chapter 17.32 - GENERAL USE REGULATIONS

### ~~17.32.110 – Mobile home parks.~~

~~A. Development Regulations. In addition to the development standards of the zoning district within which the mobile home park is located, excluding those standards that have been superseded by state law or regulation, the following standards shall apply to all mobile home parks:~~

- ~~1. Passive Open Area. Usable passive open area shall be provided at a ratio of at least sixty (60) square feet per unit. Such area may be provided as individual patios or yards, or as common patio or garden area, or any combination thereof.~~
- ~~2. Trash Enclosures. All receptacles for collection and recycling shall be completely screened from view at street level.~~
- ~~3. Fences and Walls. A solid fence or wall six (6) feet in height shall be placed and maintained around the perimeter of the mobile home park.~~
- ~~4. Access. Mobile home parks shall be served by internal roadways within the mobile home park, and there shall be no direct access from a mobile home space to a public street.~~
- ~~5. Signs. For the purposes of determining the allowed signage, mobile home parks within residential districts shall be treated as multifamily residential uses under Table 17.36.020 of this title. Signage for mobile home parks within any other district shall be subject to the requirements applicable to that district under Table 17.36.020.~~

~~B. Conversion/Closure/Cessation. The conversion of a mobile home park to another use, the closure of a mobile home park or the cessation of use of land as a mobile home park shall be subject to the granting of a use permit pursuant to Chapter 17.40 of this title. Closure or cessation of use of a mobile home park resulting from an adjudication of bankruptcy shall be exempt from this requirement.~~

- ~~1. The application for a use permit shall be accompanied by:
 
  - ~~a. Proof of compliance with the notification requirements of California Government Code Sections 65863.7(b) and 65863.8 and California Civil Code Section 798.56(g)(1), via certified mail to the residents of each mobile home in the mobile home park.~~
  - ~~b. A report on the impact of the conversion/closure/cessation upon the displaced residents of the mobile home park, addressing the availability of adequate replacement housing in mobile home parks and the potential costs of relocation, and proposing steps to mitigate the identified impacts.~~~~
- ~~2. The planning commission shall conduct a public hearing on the application for a use permit. The public hearing shall be held no less than thirty (30) days after the application is submitted and not until the applicant has fulfilled the application requirements listed above.~~

~~3. The planning commission may either grant or deny the application for use permit and may grant the permit subject to such conditions as the planning commission deems necessary or appropriate in order to mitigate the impacts of conversion/closure/cessation upon the residents of the mobile home park, not to exceed the reasonable costs of relocation.~~

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**17.32.050 - Fences, hedges and walls.**

B. Exceptions.

1. The community development director may approve retaining walls located in any required setback area having a height (as defined in Section 17.02.400) in excess of six (6) feet and falling within any one of the following categories:

- a. The surface of the retaining wall is treated with coloring, texture, architectural features, trelliswork, or other means that will visually divide the height of the retaining wall into horizontal sections of no more than six (6) feet.
- b. Water-conserving, non-invasive landscaping of sufficient size at maturity will be planted and maintained to provide screening so that no more than six (6) feet of the height of the retaining wall would remain visible.
- c. The retaining wall is located on a cut slope so that it is not readily visible from off the site.

2. Fence heights may exceed six (6) feet through the addition of up to two (2) feet of wooden lattice on top within the required side and rear setbacks in the R-1, R-2, R-3, R-BA and NCRO-2 districts, but not within the front setback required per the district's development regulations.

3. Metal rail-and-picket fences and black or dark green vinyl-coated chain-link fences not exceeding eight (8) feet in height may be constructed in the C-1, TC-1 and M-1 districts.

4. Temporary chain-link demolition/construction barricades not exceeding eight (8) feet in height are permitted in all districts, subject to removal prior to final inspection.

5. In the R-MHP district, fence heights may be constructed up to eight (8) feet along the mobile home park perimeter, except that fence heights may be constructed up to ten (10) feet along the mobile home park perimeter abutting a public right-of-way.

~~6.~~ 5. All other exceptions to the general regulations set forth in subsection [17.32.050\(A\)](#) shall require approval by the planning commission. Application for such exception shall be filed with the community development director and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. The planning commission may grant the exception upon making all of the following findings:

- a. The exception is necessary by reason of unusual or special circumstances or conditions relating to the property in order to gain full use and enjoyment of the property.
- b. The proposed fence, hedge or wall will not create a safety hazard for pedestrians or vehicular traffic.
- c. The appearance of the fence, hedge or wall is compatible with the design, appearance and scale of the existing buildings and structures in the neighboring area.

**draft  
ORDINANCE NO. 630**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING TITLE 17, ZONING, OF THE BRISBANE MUNICIPAL CODE AND  
THE ZONING MAP  
TO ESTABLISH A NEW RESIDENTIAL MOBILE HOME PARK ZONING DISTRICT  
AND TO APPLY THE DESIGNATION TO THE SIERRA POINT MOBILE HOME  
PARK**

**The City Council of the City of Brisbane hereby ordains as follows:**

**SECTION 1:** Section 17.04.010 in Chapter 17.04 – Establishment of Zoning Districts of the Municipal Code is amended to read as follows:

17.04.010 - Establishment of districts.

The districts into which the city is divided are hereby established and designated as follows:

- A. R-1 Residential district.
- B. R-2 Residential district.
- C. R-3 Residential district.
- D. R-BA: Brisbane acres residential district.
- E. C-1: Commercial mixed use district.
- F. NCRO: Central Brisbane commercial district.
- G. HC: Beatty heavy commercial district.
- H. SCRO-1: Southwest Bayshore commercial district.
- I. SP-CRO: Sierra Point commercial district.
- J.TC-1: Crocker Park trade commercial district.
- K. TC-2: Southeast Bayshore trade commercial district.
- L.MLB: Marsh Lagoon Bayfront district.
- M. O-S: Open space district.
- N. P-D: Planned development district.
- P. PAOZ: Parkside overlay district
- P. R-MHP: Residential mobile home park district



**SECTION 2:** A new Chapter 17.11- R-MHP Residential Mobile Home Park District is added to Title 17 of the Municipal Code to read as follows:

**CHAPTER 17.11 – R-MHP RESIDENTIAL MOBILE HOME PARK DISTRICT**

**17.11.11 Purpose of chapter**

In addition to the objectives set forth in Section 17.01.030, the R-MHP (Mobile Home Park Residential District (hereinafter referred to as the "R-MHP district") is included in the Zoning Ordinance to achieve the following purposes:

- A. To provide a district for mobile home parks to facilitate the retention of mobile home housing stock.
- B. To ensure that mobile home park development is compatible with surrounding residential and non-residential uses.
- C. To ensure adequate light, air, space, fire safety, quiet, and privacy for mobile home park residents.
- D. To implement and promote the goals and policies of the Housing Element of the General Plan so as to guide and manage mobile home park developments in the city in accordance with such plan.

**17.11.020 Permitted uses**

The following permitted uses shall be allowed in the R-MHP district:

- A. Mobile home parks.
- B. Mobile homes.
- C. Accessory structures, including structures used for administration, maintenance or other community services.
- D. Small day care homes.
- E. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- F. Accessory dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this title.

**17.11.030 Conditional Uses**

There are no conditional uses in the R-MHP district.

#### **17.11.040 Development Regulations**

The following development regulations shall apply to the R-MHP district:

- A. **Park Area.** There is no minimum area for a mobile home park in the R-MHP District.
- B. **Density of Development.** The maximum density of a mobile home park shall be one (1) mobile home per each one thousand five hundred (1,500) square feet of park area.
- C. **Setbacks.** Setbacks in the R-MHP District shall be as required by the California Code of Regulations, Title 25, as may be amended.
- D. **Lot Coverage.** Lot coverage maximums in the R-MHP district be as required by the California Code of Regulations, Title 25, as may be amended..
- E. **Floor Area Ratio.** There is no floor area maximum in the R-MHP district.
- F. **Height of Structures.** The maximum height of any accessory structure shall be 20 feet.
- G. **Fencing and Screening Requirements.**
  - 1. **Fencing.** All fencing in the R-MHP District shall comply with the regulations set forth in Section 17.32.050 of this title.
  - 2. **Screening.** A combination of landscaping, fencing, and/or screening consistent with all applicable provisions of this Chapter and Title shall buffer mobile home parks from adjacent arterial or collector roadways.
- H. **Vehicular Access.** Vehicular access shall be as required by the California Code of Regulations, Title 25, as may be amended.
- I. **Landscaping requirements.**
  - 1. Plant materials shall be drought resistant and non-invasive as required by the planning director.
  - 2. Landscaping shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
    - a. Use of plants that are not invasive;
    - b. Use of water conserving plants; and

- c. Use of plants and other landscape features that are appropriate to the context.
- 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- J. Pedestrian access. Pedestrian access to and within a mobile home park shall be provided by a connected interior pedestrian pathway network or sidewalks located in the rights-of-way of perimeter streets.
- K. Trash Enclosures. All receptacles for collection and recycling shall be completely screened from view at street level.
- L. Title 25 Compliance. Mobile home park design, layout, development, maintenance and management shall be governed by and subject to the California Code of Regulations Title 25, or successor regulations.

#### **17.11.050 Administrative Design Review**

- A. Any request to modify the physical conditions of a mobile home park, including the following, are subject to granting of an administrative design permit by the Community Development Director in accordance with the provisions of subsection B of this section and any applicable design guidelines adopted by the city:
  - 1. The construction of any permanently constructed accessory structure of two (2) or more stories in height;
  - 2. Revisions to the park's circulation design which impact any public street system or reduce the number of existing designated parking spaces.
- B. In order to grant an administrative design permit to modify the physical conditions of a mobile home park, the Community Development Director must make the following findings, as applicable:
  - 1. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.
  - 2. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

**17.11.060 Parking.**

All uses in the R-MHP District shall comply with the parking regulations set forth in Chapter 17.34 of this title and all applicable provisions of Title 25 of the California Code of Regulations, as may be amended.

**17.11.070 Signs.**

All signs in the R-MHP district shall comply with the sign regulations set forth in Chapter 17.36 of this Title. Signage identifying the mobile home park, community buildings, and other necessary informational and directional signs are permitted.

**17.11.080 Construction & Operation**

All construction, installation, management, and operation procedures within the premises of a mobile home park in this district shall be in accordance with the provisions of all applicable State and local laws and regulations, including those laws and regulations specified below, and as may be amended over time:

- A. [California Health and Safety Code Section 18000](#) et seq., “Manufactured Housing”.
- B. [California Health and Safety Code, Division 13 \(entitled “Housing”\), Part 2](#) (entitled “Mobile Homes – Manufactured Housing), Section 18000 et seq.
- C. [California Code of Regulations, Title 25, Division 1, Chapter 2](#), “Mobile home Parks and Installations.”
- D. [California Code of Regulations, Title 25, Division 1, Chapter 3](#), “Factory-Built Housing, Mobile homes, and Manufactured Homes.”
- E. [California Civil Code Section 798](#) et seq.

**17.11.090 Mobile Home Park Conversion, Closure, or Cessation.**

The conversion of a mobile home park to another use, the closure of a mobile home park or the cessation of use of land as a mobile home park shall be subject to the granting of a use permit pursuant to [Chapter 17.40](#) of this title. Closure or cessation of use of a mobile home park resulting from an adjudication of bankruptcy shall be exempt from this requirement.

- A. The application for a use permit shall be accompanied by:
  - 1. Proof of compliance with the notification requirements of [California Government Code Sections 65863.7\(b\) and 65863.8](#) and [California Civil Code Section 798.56\(g\)\(1\)](#), as may be amended, via certified mail to the residents of each mobile home in the mobile home park.

2. A report on the impact of the conversion/closure/cessation upon the displaced residents of the mobile home park consistent with the requirements of California Government Code Section 65863.7, as may be amended, addressing the availability of adequate replacement housing in mobile home parks and the potential costs of relocation, and proposing steps to mitigate the identified impacts.

- B. In addition to the findings for granting a use permit set forth in Chapter 17.40, the Planning Commission shall find that the cessation or closure of the park shall be subject to the conditions to mitigate its impacts upon the residents of the mobile home park, consistent with the requirements of Government Code Section 65863.7, as may be amended.

**SECTION 3:** Section 17.16.040 in Chapter 17.16 – SCRO-1 Southwest Bayshore Commercial District is amended to read as follows:

**17.16.040 - Development regulations.**

Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.

- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:

1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.

- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

1. Width: Fifty (50) feet;
2. Depth: No requirement.

- D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback;
  - a. Residential/Mixed Use: Ten (10) feet;
  - b. Commercial Uses: Twenty-five (25) feet for commercial uses;

c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.

2. Side setback:

a. Residential/ Mixed Use: Five (5) feet;

b. Commercial Uses: Fifteen (15) feet;

c. Exception: The planning commission may approve exceptions to the side setback regulations through the granting of a use permit.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.

2. Plant materials shall be drought resistant and non-invasive as required by the planning director.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:

a. Use of plants that are not invasive;

b. Use of water conserving plants; and

c. Use of plants and other landscape features that are appropriate to the context.

4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.

2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the

installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections (H)(1) and (H)(2) of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

#### I. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

J. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
  - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
  - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.

- c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
  4. Each resident shall be provided personal living space.
  5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
  6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
  7. The length of stay for individual clients shall not exceed six months, or as allowed by state law.
  8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
  9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with BMC [Section 17.16.050\(E\)](#).
  10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
  11. Parking shall be as specified in BMC [Chapter 17.34](#).
  12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in BMC [Section 17.16.070](#).
  13. The facility may provide the following:
    - a. Kitchen facilities;
    - b. Dining area;
    - c. Recreation room;
    - d. Training and counseling support services;
    - e. Child care facilities;
    - f. Other facilities or services that are accessory to an emergency shelter.
  14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to



ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

K. Mobile home parks.

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

**SECTION 4:** Section 17.32.110 - Mobile home parks in Chapter 17.32 – General Use Regulations is deleted.

**SECTION 5:** Section 17.32.050 – Fences, hedges, and walls in Chapter 17.32 – General Use Regulations is amended as follows:

A. General Regulations. Fences, hedges and walls may be erected subject to the following conditions:

1. Unless otherwise provided elsewhere in this title, fences, hedges and walls not exceeding six (6) feet in height may be constructed in any district within any required setback area, except as follows:
  - a. Where the director of public works determines that visibility would be affected, the height of fences, hedges and walls shall be reduced to not less than three (3) feet.
  - b. Chain-link fences shall not be constructed in or adjoining any R residential district, except as provided in subsections (B)(4) and (B)(5).
  - c. Razor wire, barbed wire and similar materials with sharp edges or points shall not be used for fencing in any district, except as provided in subsection (B)(5). Other non-standard fencing materials may be similarly restricted per guidelines approved by the planning commission.
  - d. As a condition of approval for properties subject to the San Bruno Mountain Area Habitat Conservation Plan, the planning commission shall restrict the height, location and/or design of fencing to maintain sufficient openness to allow passage of butterflies while remaining consistent with building code requirements.
2. Where a fence is proposed to be constructed, or has been constructed, adjacent to city property, a boundary survey or other evidence of the location of the fence shall be submitted to the director of public works upon request if the director determines that a question exists as to whether the fence encroaches on public property.
3. When construction of a fence impairs the visibility of address numbers on a house, such numbers shall be relocated with approval of the fire prevention officer.

B. Exceptions.

1. The community development director may approve retaining walls located in any required setback area having a height (as defined in [Section 17.02.400](#)) in excess of six (6) feet and falling within any one of the following categories:
  - a. The surface of the retaining wall is treated with coloring, texture, architectural features, trelliswork, or other means that will visually divide the height of the retaining wall into horizontal sections of no more than six (6) feet.
  - b. Water-conserving, non-invasive landscaping of sufficient size at maturity will be planted and maintained to provide screening so that no more than six (6) feet of the height of the retaining wall would remain visible.
  - c. The retaining wall is located on a cut slope so that it is not readily visible from off the site.
2. Fence heights may exceed six (6) feet through the addition of up to two (2) feet of wooden lattice on top within the required side and rear setbacks in the R-1, R-2, R-3, R-BA and NCRO-2 districts, but not within the front setback required per the district's development regulations.
3. Metal rail-and-picket fences and black or dark green vinyl-coated chain-link fences not exceeding eight (8) feet in height may be constructed in the C-1, TC-1 and M-1 districts.
4. Temporary chain-link demolition/construction barricades not exceeding eight (8) feet in height are permitted in all districts, subject to removal prior to final inspection.
5. In the R-MHP district, fence heights may be constructed up to eight (8) feet along the mobile home park perimeter, except that fence heights may be constructed up to ten (10) feet along the mobile home park perimeter abutting a public right-of-way.
6. All other exceptions to the general regulations set forth in subsection [17.32.050\(A\)](#) shall require approval by the planning commission. Application for such exception shall be filed with the community development director and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. The planning commission may grant the exception upon making all of the following findings:
  - a. The exception is necessary by reason of unusual or special circumstances or conditions relating to the property in order to gain full use and enjoyment of the property.
  - b. The proposed fence, hedge or wall will not create a safety hazard for pedestrians or vehicular traffic.
  - c. The appearance of the fence, hedge or wall is compatible with the design, appearance and scale of the existing buildings and structures in the neighboring area.

**SECTION 6:** The Zoning Map of the City of Brisbane is amended per the attached Exhibit A, as follows:

The parcels of land within the General Plan’s Southwest Bayshore subarea identified as County of San Mateo’s Assessor Parcel Numbers 134-041-490, 007-350-010, 007-553-010, 007-553-020, 007-350-030, and 007-350-020 shall be designated on the Zoning Map of the City of Brisbane as R-MHP Residential Mobile Home Park District.

**SECTION 7:** Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

**SECTION 8:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**SECTION 9:** This Ordinance shall be in full force and effect thirty days after its passage and adoption.

\* \* \*

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor W. Clarke Conway

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

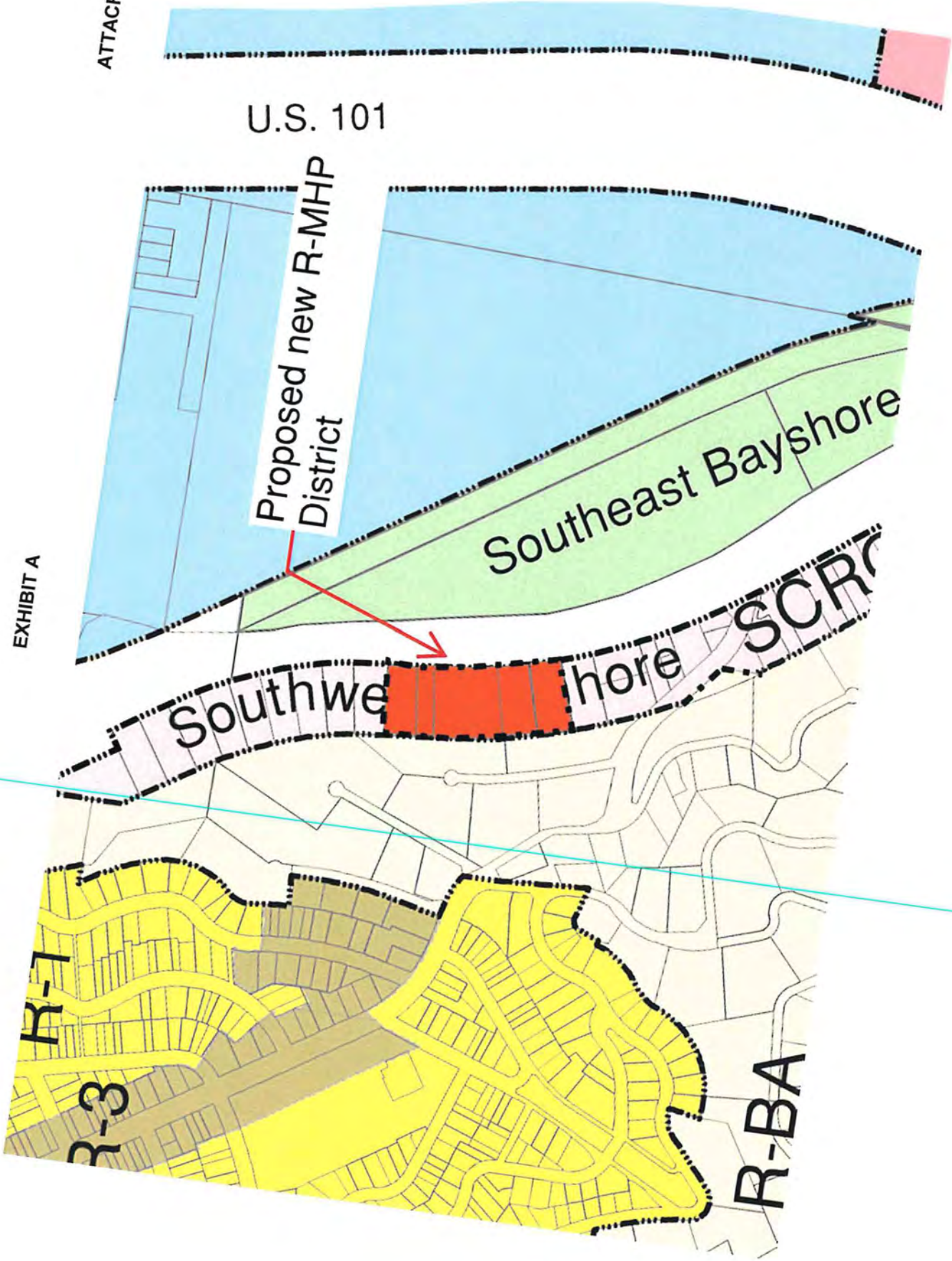


EXHIBIT A

RESOLUTION NO. RZ-4-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE  
RECOMMENDING APPROVAL OF ZONING TEXT AND MAP AMENDMENT RZ-4-18  
TO THE CITY COUNCIL  
AMENDING TITLE 17, ZONING, OF THE BRISBANE MUNICIPAL CODE AND  
THE ZONING MAP  
TO ESTABLISH A NEW RESIDENTIAL MOBILE HOME PARK ZONING DISTRICT AND  
TO APPLY THE DESIGNATION TO THE SIERRA POINT MOBILE HOME PARK

WHEREAS, in April of 2015, the City Council adopted the 2015-2022 Housing Element via General Plan Amendment GPA-1-14, and certified a Negative Declaration for the Housing Element; and

WHEREAS, the 2015-2022 Housing Element Programs H.B.1.i directs the City to rezone the existing mobile home park located at 3800 Bayshore Boulevard, known as the Sierra Point Mobile Home Park, to a Mobile Home Park Residential zoning designation allowing mobile home uses only; and

WHEREAS, the proposed zoning map and text amendments contained in application RZ-4-18 implementing the Residential Mobile Home Park zoning designation and development standards are consistent with the 2015-2022 Housing Element and the Land Use Element of the General Plan; and

WHEREAS, the project is consistent with the adopted Negative Declaration for the 2015-2022 Housing Element, SCH#2015012053.

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt the attached ordinance.

AYES: Gomez, Mackin, Patel

NOES: Sayasane

ABSENT: Gooding



Coleen Mackin  
Chairperson

ATTEST:



JOHN SWIECKI, Community Development Director

Chairperson Mackin opened the public hearing.

Kevin Wong, applicant, answered the Commission's questions regarding where replacement trees could be planted on the property or potentially within the public right-of-way, subject to City Engineer approval.

Merritt Widen, 80 Kings Road, shared his concerns with the grading process, soil hauling, parking, noise, dust control, and length of time of construction.

Associate Planner Capasso stated that Mr. Widen's concerns with truck trips, grading safety, equipment staging, dust control, and worker parking would be addressed in a construction management plan as part of the grading permit review by the City Engineer.

Commissioner Patel moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 4-0.

After deliberation, Commissioner Patel moved to recommend approval of the grading permit to the City Engineer by adopting Resolution EX-2-17, modified to require two replacement trees to be planted on the property, at least one of which shall be a species reaching high canopy height at maturity, and to encourage the applicant to work with the City Engineer to incorporate street landscaping, such as trees or shrubs, with required sidewalk or other street improvements, at the discretion of the City Engineer. Commissioner Sayasane seconded the motion and it was approved 4-0.

Chairperson Mackin read the appeal procedure.

2. **PUBLIC HEARING: Zoning Text and Map Amendment RZ-4-18; 3800 Bayshore Boulevard; SCRO-1 Zoning District (existing), R-MHP District (proposed); Zoning Text and Map Amendments to adopt a new Residential Mobile Home Park (R-MHP) zoning designation and apply the R-MHP district designation to the property located at 3800 Bayshore Boulevard, known as the Sierra Point Mobile Home Park, and amend to Chapters 17.04, Chapter 17.16, and Chapter 17.32 to achieve consistency between the new R-MHP zoning designation and existing zoning regulations; City of Brisbane, applicant; Maryann Button, owner.**

Planning Intern Flamenco presented the staff report. Staff answered questions from the Commission regarding existing structures on the property and how replacement of those structures would be addressed under the proposed regulations.

Doug Button, representing the property owner, stated he did not support the rezoning as it eliminated other conditional uses that the property owner could apply for in the future. He stated the property ownership did not plan to close the park. He stated he was not provided with notice or other information from the City prior to the public hearing.

Staff explained the background behind the Housing Element policy adopted in 2015 to rezone the mobilehome park and the City's legal obligation to implement the policy. Staff stated that the

property owners had been contacted by mail prior to the public hearing explaining the rezoning application and inviting discussion with the City.

Commissioner Sayasane moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 4-0.

The Commission discussed current park closure procedures, which would not change under the draft ordinance, and the City's obligation under State Housing Element law to implement the program. The Commission discussed Mr. Button's concerns with future redevelopment potential of the park and the process that would be required to rezone the site subsequent to a park closure under the State and City regulations. They also discussed whether the proposed zoning district could allow 100% affordable housing on the site in addition to mobile home parks.

After deliberation, Commissioner Patel moved adoption of the Resolution RZ-4-18 recommending the City Council adopt the draft ordinance to amend the zoning ordinance to designate the mobile home park as R-MHP, Residential Mobile Home Park. Commissioner Gomez seconded the motion and it was approved 3-1 (Commissioner Sayasane opposed).

#### ~~H. ITEMS INITIATED BY STAFF~~

- ~~1. Request to study parking ordinance to define new use categories and parking requirements and modify structure of existing ordinance.~~

~~Director Swiecki presented the staff memorandum and draft resolution.~~

~~After discussion, Commissioner Gomez moved adoption of Resolution PC-3-18. The motion was seconded by Commissioner Patel and approved 4-0.~~

#### ~~I. ITEMS INITIATED BY THE COMMISSION~~

~~Commissioner Gomez stated the tree ordinance subcommittee would meet in mid-August.~~

#### ~~J. ADJOURNMENT~~

~~Commissioner Sayasane moved adjournment to the next regular meeting of August 23, 2018. Commissioner Patel seconded the motion and the meeting adjourned at 9:15 p.m.~~

Attest:

\_\_\_\_\_  
John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at [www.brisbaneca.org](http://www.brisbaneca.org).

# City of Brisbane

## Planning Commission Agenda Report

**TO:** Planning Commission For the Meeting of 8/9/18

**FROM:** Julia Capasso, Associate Planner, via John Swiecki, Community Development Director

**SUBJECT:** Zoning Text and Map Amendment RZ-4-18; Adopt a new Residential Mobile Home Park (R-MHP) zoning designation and apply the R-MHP district designation to the property located at 3800 Bayshore Boulevard, known as the Sierra Point Mobile Home Park, and amend Chapters 17.04, Chapter 17.16, and Chapter 17.32 to achieve consistency between the new R-MHP zoning designation and existing zoning regulations; City of Brisbane, applicant; Maryann Button, owner.

**REQUEST:** Zoning text and map amendments to establish a new Residential Mobile Home Park (R-MHP) zoning designations and development standards to implement Housing Element Program H.B.1.i.

**RECOMMENDATION:** Adoption of Resolution RZ-4-18, recommending approval of the zoning text and map amendments to the City Council.

**ENVIRONMENTAL DETERMINATION:** The project is consistent with the General Plan per State CEQA Guidelines Section 15183(a)--this proposal falls within a class of projects which are consistent with existing zoning or general plan policies for which an EIR was certified and shall therefore not require further review. The exception to this section requiring environmental review as might be necessary to examine project specific significant effects does not apply.

**APPLICABLE REGULATIONS:** Procedures for zoning amendments are provided in BMC Chapter 17.50. The City's current zoning regulations regarding mobile home parks are located in BMC §17.32.110. State regulations governing mobile home park development are located in Division 13, Part 2.1 of the California Health and Safety Code, commencing with Section 18200, and the California Code of Regulations, Title 25, Division 1, Chapter 2 commencing with section 1000. State regulations regarding mobile home park closure are located in Government Code Sections 65863.7 and 65863.8.

### BACKGROUND/DISCUSSION:

The 2015-2022 Housing Element, adopted by the City Council in 2015 via Resolution 2015-38, contains a variety of policies and programs to guide the development of new housing in the City as well as preserve the existing housing stock. Housing Element Program H.B.1.i specifically calls for the establishment of a new residential zoning district in which mobile home parks and

6.2.1

RZ-4-18  
August 9, 2018 Meeting  
Page 2 of 4

associated supportive uses are the only permitted use. This district is intended to be applied to the existing Sierra Point Mobile Home Park, located at 3800 Bayshore Boulevard, in order to preserve the current mobile home park use which provides a valuable source of affordable housing for Brisbane residents. Current trends in the Bay Area real estate market and the ongoing housing crisis have led to increased concerns that mobile home parks, including the Sierra Point Mobile Home Park, may be threatened by market pressures to redevelop or convert from its present land use. The mobile home park is currently zoned Southwest Bayshore Commercial (SCRO-1), a zoning designation that conditionally allows a broad range of commercial and residential uses.

The proposed Zoning Text and Map Amendments would establish the Residential Mobile Home Park (R-MHP) district and apply the designation to the existing mobile home park, consistent with the Housing Element's direction. (See Attachment 2 for redline zoning text amendments and Attachment 3 for the draft ordinance.) The provisions of the new district reflect the existing conditions of the mobile home park, with the overall intent to avoid creating any nonconforming conditions at the park.

The mobile home residential uses and supportive uses permitted in the proposed R-MHP district are consistent with the provisions of the Housing Element of the General Plan and the Subregional/Commercial/Retail/Office (SCRO) land use designation applicable to the property in the Land Use Element of the General Plan.

### Mobile Home Park History

The Sierra Point Mobile Home Park is located at 3800 Bayshore Boulevard, contains 62 mobile home spaces, and occupies 3.5 acres, or approximately 21 mobile home units per acre. The first documented acknowledgment of the park in the City's records date to 1957, though anecdotally it is noted that the site developed as a trailer park prior to that year. The City granted a Use Permit in 1977 to expand the mobile home park to its current configuration. Currently, the mobile home park has 62 permanent spaces, with additional spaces occupied on a temporary basis by travel trailers. Based on conversations with the property manager, the park currently has a waitlist of at least 25 families.

Land uses adjacent to the mobile home park include a mixed-use property at 3832 Bayshore Boulevard to the south, with three housing units and a commercial warehouse/office zoned SCRO-1, a single-family dwelling and vacant lot both zoned Brisbane Acres Residential (R-BA) to the west, commercial offices and warehouses at 3475-3775 Bayshore Boulevard to the east, and a vacant approximately three-acre property to the north approved for 30 condominium units. The zoning designations of adjacent properties would not be impacted by the proposed zoning amendments.

### Regulatory Context: State and Local Regulations for Mobile Home Park Development

Mobile home parks are unique housing types due to their size, semi-permanent nature, and the fact that the homes and land are in separate ownership. From a zoning and land use perspective,

6.2.2



mobile home park development is complicated by the fact that the State of California maintains regulatory power over mobile home park construction and development.

The "Mobilehome Parks Act," housed in Division 13, Part 2.1 of the California Health and Safety Code, commencing with Section 18200, establishes requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development (HCD), and requires HCD to develop and enforce both the regulations and the laws. Mobile home park development regulations are contained in the California Code of Regulations, Title 25, Division 1, Chapter 2 commencing with section 1000. The regulations include specific requirements for park construction, maintenance, use, occupancy, and design. Also included are requirements for items such as lot identification, lighting, roadway width, plans, permits, mobile home installation, accessory structures and buildings, earthquake resistant bracing systems, application procedures, fees, enforcement, and appeal procedures. Mobile home park residency regulations, including procedures for tenant eviction and mobile home park closures, are located in State Civil Code Sections 798-799.11 and Government Code Section 65863.7. Park closure procedures mandated by the State include a requirement for discretionary permit approval from the local regulating authority, resident notification requirements, study of economic impacts of closure/conversion on park residents, and payment of reasonable relocation costs to residents should a permit for park closure be approved.

Due to the extensive nature of the State's mobile home park regulations, local mobile home park zoning regulations are typically limited in scope to address broader issues of compatibility with adjacent uses, site access, and screening. The City's mobile home park regulations are currently located within BMC Chapter 17.32, and establish requirements for site access, trash enclosures, passive open areas, and fencing. The City's regulations also require a Use Permit for any proposals to close or convert a mobile home park to another use, consistent with State Civil Code requirements. Parking requirements for mobile homes are located in BMC Chapter 17.34.

The proposed R-MHP zoning district will carry over the existing standards and regulations contained in Chapter 17.32 with some modifications, as summarized in the discussion below.

#### Proposed R-MHP District Regulations

The new R-MHP district regulations are outlined in detail in Attachments 2 and 3, and are summarized below:

- **Density of mobile home development:** There are currently no density requirements applicable to mobile home parks in the City's mobile home park regulations. The proposed zoning text amendments would establish a maximum density of 1 mobile home per each 1,500 square feet of park area, which is the same standard applicable to multi-family development in the R-3 Residential District and SCRO-1 District. The current park is developed at a lesser density of approximately 1 mobile home per approximately 2,300 square feet of park area and is fully built out.
- **Physical development standards:** Many of the typical residential district development standards, including lot size and setback minimums and lot coverage and floor area maximums, are relevant to a mobile home park use or are superseded by regulations in

the State Civil Code and Code of Regulations. Such standards are not currently regulated in the City's existing mobile home park regulations and are explicitly not regulated in the proposed zoning text amendments, with the exception of a maximum 20 foot height limit applicable to permanently constructed accessory structures.

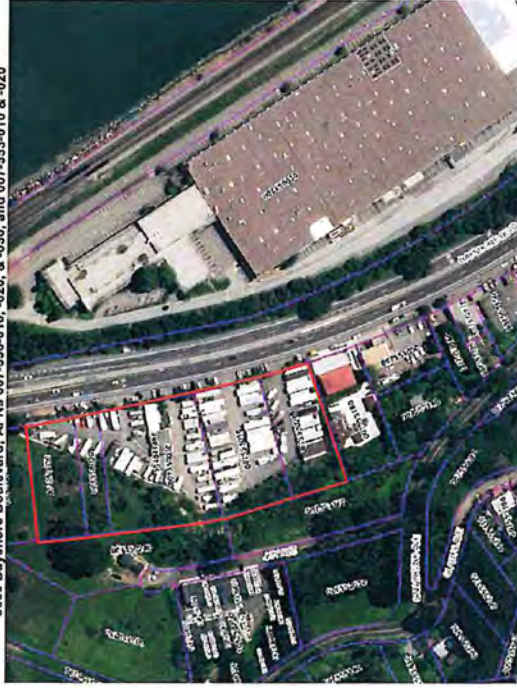
- **Fence regulations:** Fence heights in the mobile home park are currently limited to six feet. The proposed regulations would permit fence heights up to eight feet along the side and rear perimeter of the park, and up to 10 feet along the front perimeter of the park where it abuts a public right-of-way. As Bayshore Boulevard is a main arterial and constitutes a traffic noise corridor (60-75 dB CNEL), allowing a greater fence/wall height would allow fencing to be more effective as both a sound barrier and screen for park residents.
- **Parking requirements:** The minimum number of parking spaces for mobile homes is established in BMC Chapter 17.34; no amendments are proposed to those regulations at this time.
- **Landscaping regulations:** The City's current mobile home park regulations do not impose minimum landscaping requirements. The proposed zoning text amendments would require the perimeter of a mobile home park to be landscaped. This requirement would not apply retroactively to the existing park; compliance would be triggered only if a future proposal to modify the physical conditions of the park was submitted to the City per the Administrative Design Review process outlined below.
- **Administrative Design Review:** The proposed zoning amendments would implement an administrative design review process whereby modifications to internal and external circulation within a mobile home park or construction of a permanent accessory structure of two (2) or more stories in height would be subject to Community Development Director review and approval.
- **Use Permit for Park Closure or Conversion:** The proposed R-MHP district regulations retain the existing requirement for Planning Commission approval of a Use Permit prior to park closure or conversion to another use. This requirement is consistent with the State Government Code requirements.

#### **ATTACHMENTS:**

1. Aerial map of the subject property
2. Redlined text of proposed zoning amendment
3. Draft Resolution RZ-4-18 (including the draft ordinance)
4. Relevant State regulation excerpts
5. Housing Element excerpt: Chapter VI, Program H.B.1.i
6. Survey of mobile home park

Attachment 1

Aerial Map: Sierra Point Mobile Home Park  
3800 Bayshore Boulevard; APNs 007-350-010, -020, & -030, and 007-553-010 & -020



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# ATTACHMENT 1

G.2.5

ATTACHMENT 3

Not included

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ATTACHMENT 2

Not included

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**Relevant State Regulation Excerpts**

[California Health & Safety Code Section 18207](#) authorizes the California Department of Housing and Community Development (HCD) to adopt development requirements for mobile development home parks.

**HEALTH AND SAFETY CODE - HSC**  
**DIVISION 13. HOUSING [17000 - 19997]**  
*(Division 13 enacted by Stats. 1939, Ch. 60. )*

**PART 2.1. MOBILEHOME PARKS ACT [18200 - 18700]**  
*( Part 2.1 added by Stats. 1967, Ch. 1056. )*

**CHAPTER 1. Definitions [18200 - 18218.5]**  
*(Chapter 1 added by Stats. 1967, Ch. 1056. )*

**18207.**  
"Enforcement agency" is the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18300.

Park development requirements are found in [Title 25, Chapter 2, of the California Code of Regulations](#).

- [Article 1. Administration and Enforcement](#)
- [Article 2. General Park Requirements](#)
- [Article 3. Electrical Requirements](#)
- [Article 4. Fuel Gas and Oil Requirements](#)
- [Article 5. Plumbing Requirements](#)
- [Article 6. Fire Protection Standards for Parks](#)
- [Article 7. MH-Unit and Commercial Modular Installations and Facilities](#)
- [Article 7.5. MH-Unit Earthquake-Resistant Bracing Systems \(Erbs\)](#)
- [Article 8. Permanent Buildings and Commercial Modulares](#)
- [Article 9. Accessory Buildings and Structures](#)
- [Article 10. Violations, Complaints, and Abatement](#)
- [Article 11. Informal Conferences and Hearing Procedures](#)

ATTACHMENT 4

### VI.1.3 Housing Policies and Programs

The policies and programs are tied directly to the City's goals and are as follows:

**Goal H.A Provide housing opportunities for all persons, regardless of age, sex, race, ethnic background, income marital status, disability (including developmental disability), family composition, national origin, or sexual orientation.**

#### Policy H.A.1 Promote equal housing opportunities.

*Program H.A.1.a Continue to inform the public of its fair housing rights and responsibilities through the City's website and other means. Provide referral services to appropriate agencies.*

*Time Frame: Ongoing  
Responsibility: Community Development Department  
Funding Source: City funds*

*Program H.A.1.b Continue to inform Brisbane residents and businesses, developers, non-profit housing development organizations and other groups about housing policies and opportunities in Brisbane. Use local publications such as the Brisbane Star and the Chamber of Commerce newsletter, bulk mailing, flyers, the City's website and other means of distributing information on City housing policies, the City's inventory of potential housing development sites, local achievements, programs of other agencies, housing information and counseling programs, and State housing laws.*

*Time Frame: Ongoing  
Responsibility: Community Development Department  
Funding Source: City funds*

**Goal H.B Maintain a diverse population by responding to the housing needs of all individuals and households, especially seniors and those with income constraints or special needs.**

#### Policy H.B.1 Require a balance of housing types, sizes (bedrooms), tenure and the inclusion of affordable, senior and special needs dwelling units in multi-family developments.

*Program H.B.1.a Complete necessary zoning amendments to provide adequate sites to accommodate the 2007-2014 Regional Housing Needs Allocation shortfall, as referenced in Chapter III, no later than 1 year from the statutory deadline for adoption of the Housing Element [per Government Code Section 65584.09(a)]. Also see Program H.D.1.c.*

*Time Frame: January 31, 2016  
Responsibility: Community Development Department, Planning Commission, City Council  
Funding Source: City funds*

*Program H.B.1.b Maintain existing zoning and complete necessary zoning amendments to provide adequate sites to accommodate the 2015-2022 Regional Housing Needs Allocation, as referenced in Chapter III, no later than 3 years and 120 days from the*

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statutory deadline for adoption of the Housing Element [per Government Code Section 65583(c)(1)(A)].  
Also see Program H.D.1.c.

*Time Frame:* May 31, 2018  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Program H.B.1.c** Revise the General Plan's applicable land use designations to reflect the net acre density (excluding land area devoted to public rights-of-way for streets and utilities) to be consistent with all zoning districts to be revised per the Housing Element. Revise the Land Use Element's policies and programs so as to be consistent with Government Code Section 65583.2 regarding affordable housing.

*Time Frame:* As part of the General Plan update, but no later than January 31, 2016 for Program H.B.1.a and May 31, 2018 for Program H.B.1.b (also see Program H.E.1.c)  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Program H.B.1.d.** Monitor market-rate rents for secondary dwelling units to determine whether they remain affordable; if not, consider what actions may be legally taken to make the primary or secondary unit affordable for occupancy by a low- or moderate-income household. For example, consider reducing or eliminating the administrative Secondary Dwelling Permit fee in exchange for rent restrictions.

*Time Frame:* On an annual basis  
*Responsibility:* Community Development Department  
*Funding Source:* City funds

**Program H.B.1.e** To encourage development of secondary dwelling units:  
(a) Reduce the administrative Secondary Dwelling Permit fees for units created within the building envelope of existing single-family residences, reflecting the reduced staff time required to process permits for such units;  
(b) Explore the potential to implement a loan program for secondary dwelling unit construction;  
(c) Provide technical assistance to streamline the secondary dwelling approval process for owners and encourage well-designed secondary units that meet the City's standards;  
(d) Explore the potential of reducing or eliminating the lot size minimum for development of secondary dwelling units;  
(e) As these programs are implemented, publicize the changes to encourage the development of applicable secondary dwelling units. Also see Program H.I.1.c.

*Time Frame:* May 31, 2018  
*Responsibility:* Community Development Department  
*Funding Source:* City funds

**Program H.B.1.f** Amend the definition of "dwelling" in Brisbane Municipal Code

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Section 17.02.235 to specifically include employee housing for six or fewer persons, consistent with Health and Safety Code Section 17021.5. Continue to treat "transitional housing," "supportive housing" and "manufactured housing and mobilehomes" no differently from other "dwellings" under the Zoning Ordinance per BMC Section 17.02.235.

*Time Frame:* January 2016  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Program H.B.1.g** In addition to allowing "supportive housing single-room occupancy units" by definition as "multi-family dwellings," specifically amend the zoning regulations to permit them as a conditional use in the SCRO-1 District (per AB 2634).

*Time Frame:* December 2018  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Program H.B.1.h** Develop an outreach program to encourage private redevelopment of existing developed sites in the new affordable housing overlays and the SCRO-1 District.

*Time Frame:* As the new zoning regulations are adopted (January 31, 2016 for Program H.B.1.a, May 31, 2018 for Program H.B.1.b, December 31, 2018 for Program H.B.1.i)  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Program H.B.1.i** Rezone the mobilehome park in the SCRO-1 District as the R-MHP District to designate it for mobilehome uses only.

*Time Frame:* December 31, 2018 (also see Programs H.B.1.c & H.E.1.c)  
*Responsibility:* Community Development Department, Planning Commission, City Council  
*Funding Source:* City funds

**Policy H.B.2 Retain existing affordable ("at risk") housing units.**

**Program H.B.2.a** Preserve affordable units that are at risk of being converted to market rate by:

- Establishing an early warning/monitoring system
- Allocation of potential funding sources
- Providing for tenant education and assistance

*Time Frame:* Ongoing  
*Responsibility:* Community Development Department  
*Funding Source:* City funds

**Policy H.B.3 Encourage development of affordable housing specifically designed for seniors**

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# ATTACHMENT 6



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# ATTACHMENT 4

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