

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.

City of Brisbane Planning Commission Agenda Report

TO: Planning Commission
FROM: Julia Caspasso, Associate Planner, via John Switek, 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.

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

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,

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



G.2.7

ATTACHMENT 1

G.2.5

ATTACHMENT 3

Not included

G.2.23

ATTACHMENT 2

Not included

G.2.9

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.

ATTACHMENT 4

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

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

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

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:

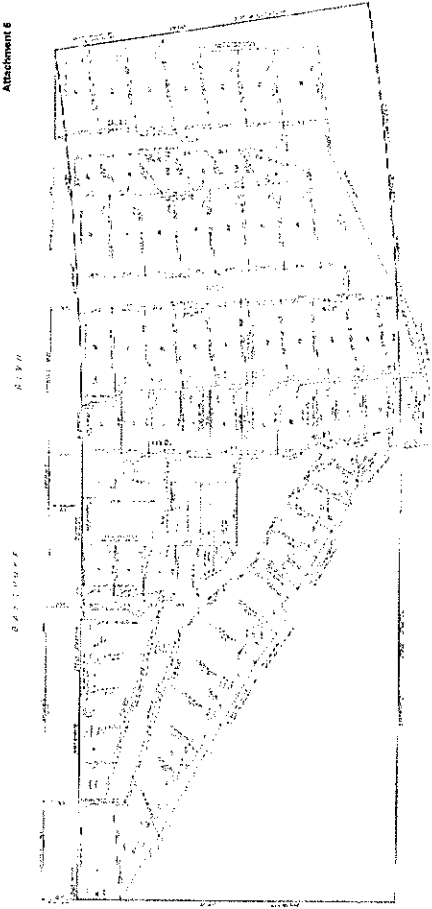
- Establishing an early warning/monitoring system
- Allocation of potential funding sources
- Providing for tenant education and assistance

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

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

ATTACHMENT 6

Attachment 6



6.2.51

ATTACHMENT 4