

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:

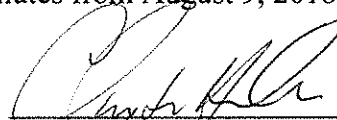
Adoption of Ordinance 630 will implement the adopted Housing Element and promote preservation of the City's mobile home park.

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