

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND MEMBERS OF THE COUNCIL
FROM: CLARE HARTMAN, DEPUTY DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: URGENCY ORDINANCE RESILIENT CITY COMBINING
DISTRICT AMENDMENT FOR MOBILE HOME PARK CLOSURES

AGENDA ACTION: ORDINANCE

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the City Council adopt an urgency ordinance amending Section 20-28.100 of the Santa Rosa City Code, Resilient City (-RC) Combining District, to facilitate the recovery process for mobile home park sites severely impacted by the Tubbs fire of October 2017 to provide a more streamlined park closure process.

EXECUTIVE SUMMARY

City Code Chapter 6-67 Mobile Home Conversions sets forth specific requirements related to mobile home park closures including preparation of relocation impact reports (also known as a mobile home park closure reports). Such regulations have been in effect since 1996 and do not address the closure of a mobile home park following a catastrophic natural disaster event such as the Tubbs & Nuns Fires of October 2017 (Fires). The Fires damaged or destroyed approximately 3,000 homes in the City of Santa Rosa city limits, representing 5% of the housing stock and 100 commercial structures. Amongst the structures destroyed or damaged were 191 mobile homes located across three different mobile home parks.

In response to the Fires, the Council acted quickly by declaring a state of local emergency and adopting an urgency ordinance to add Section 20-28.100 Resilient City Combining District (District) to the City Code to address and streamline the recovery and reconstruction process to meet the City's housing needs, post-fire. Since its initial adoption on October 24, 2017, the Council has amended the ordinance several times to address emerging impediments to the timely recovery and reconstruction of the District. In May 2018, for example, the City added small lot development standards as well as 21 additional fire-impacted properties to the District. In June 2018, the City allowed, under certain circumstances, the encroachment of new structures within existing service or access easements. In June 2019, the City added an exemption to

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the City's Noise Ordinance to facilitate construction activities associated with rebuilding efforts within the District.

The proposed Mobile Home Park Closure amendment is an extension of the Resilient City effort and specifically addresses the recovery process for mobile home parks severely impacted by the Fires. Amendments to the standard protocols of Chapter 6-67 (Mobile Home Park Conversions) are needed to streamline the preparation and processing of mobile home park closure reports.

The amended process would be applicable only to mobile home parks located within the -RC Combining District and only to parks that lost more than 50% of their units in the Fires. The Journey's End Mobile Home Park, located at Mendocino Avenue and Fountaingrove Parkway, lost 116 out of the park's 160 units and therefore would be eligible. The amendment as proposed retains a public process for the park closure and allows for a more efficient path towards recovery and construction of housing on the site.

The proposed amendment to Section 20-28.100 would allow for key changes to the mobile home park closure process, as outlined from Chapter 6-67 Mobile Home Park Conversions. The key changes to the closure process as proposed are as follows:

- Closure report may be submitted without an accompanying planning application
- Applicant may select the qualified consultant to prepare the report
- Clarifies the required content of a closure report
- Review authority elevated to the City Council
- Public hearing notice is reduced from 30 days to 15 days
- Requires that closure impacts are mitigated by the applicant up to the reasonable cost of relocation, including compensation or benefits received from other sources
- Clarifies the conditions that require mitigation and, where mutually satisfactory agreements are reached, the compensation and other benefits in those agreements are deemed adequate relocation mitigation
- Clarifies the process for notifying affected owners and tenants

Upon enactment, the proposed amendment would be effective immediately. The effective term of the amendment would be in alignment with the Resilient City ordinance, which includes a sunset date of three years from the October 9, 2017 Fires, unless otherwise amended by subsequent Council action.

BACKGROUND

1. Project Description

The proposed urgency ordinance amendment would add a new subsection 'J' to Section 20-28.100 (Resilient City Combining District) to address the preparation

and process of a relocation impact report (also known as a mobile home park closure report) for mobile home parks that were severely impacted by the Tubbs & Nuns Fires of October 2017.

The amendments represent a modified, streamlined version of the standard requirements for closure report processing as set forth in City Code Chapter 6-67 (Mobile Home Conversions).

The purpose of the Resilient City Combining District amendment is to address the unique circumstances resulting from the October 2017 Fires which caused mobile home parks or portions thereof to become uninhabitable. The amendments would allow a closure process in compliance with State law and the City Codes albeit in an expeditious manner such that closure of the site may begin without further delay.

2. Background

In October 2016, the Council accepted the Housing Action Plan, which was prepared to address the City's ongoing unmet housing needs and to implement the City's General Plan Housing Element.

In June 2017, the Council adopted the City's top priorities, which included implementation of a comprehensive housing strategy, "Housing for All". Similarly, in February 2019, the Council adopted the current top priorities, which also includes the comprehensive housing strategy as a Tier 1 priority; reaffirming the Council's housing goals.

On October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires burned over 90,000 acres in Sonoma County. These fires damaged or destroyed approximately 3,000 homes in the City of Santa Rosa city limits, representing 5% of the housing stock and 100 commercial structures. Amongst the structures destroyed or damaged were 191 mobile homes located across three different mobile home parks. Of the parks impacted, the Journey's End Mobile Home Park suffered the most extensive damage resulting in the destruction or damage of 161 mobile homes.

On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Santa Rosa.

On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties.

On October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017.

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On October 13, 2017, the Council adopted Resolution No. RES-2017-201 ratifying the City Manager's proclamation of the existence of a local emergency.

On October 24, 2017, the Council adopted Ordinance No. ORD-2017-018, an urgency ordinance, amending the Zoning Code to add Section 20-28.100, Resilient City (-RC) Combining District, to facilitate rebuilding and implementation of resiliency initiatives to those parts of the City most severely impacted by the Fires. The Council also adopted Ordinance No. ORD-2017-019, an urgency ordinance, adding the -RC Combining District to the base District of those parcels impacted by the Fires.

On December 5, 2017, the Council held a study session to discuss the Resilient City ordinance and determine how best to streamline and expedite housing and other needed uses Citywide.

On April 10, 2018, the City Council adopted an ordinance adding Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units.

On May 8, 2018, the City Council adopted an urgency ordinance reclassifying twenty-one additional properties, directly impacted by the Tubbs and Nuns Fires of October 2017, to the District.

On June 26, 2018, the City Council adopted an amendment to the urgency ordinance to grant the City Engineer and Director of Planning and Economic Development (PED) authority to approve the installation of any structure proposed to overhang onto an existing public or private service or access easement within the District.

On June 25, 2019, the City Council adopted an amendment to the urgency ordinance adding an exemption for construction activities associated with the rebuilding efforts from adherence to the City's Noise Ordinance as described in Chapter 17-16 of the City Code and established specific construction hours that may be modified by the City Manager when needed to support a timely rebuilding process.

Government Code sections 36937(b) and 36934 allow the Council to adopt an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety, and it contains a declaration of the facts constituting the urgency. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

Upon enactment, the proposed urgency ordinance amendment would be effective immediately. The effective term of the amendment would be in alignment with the Resilient City Combining District urgency ordinance, which

includes a sunset date of three years from the October 9, 2017 Fires, unless otherwise amended by subsequent Council action.

The Council has previously found that the City of Santa Rosa is experiencing a housing crisis, and that, prior to the Fires, there existed a severe lack of rental housing that is affordable to lower and moderate-income residents.

The housing units destroyed by the Fires increased the rental housing shortage by several orders of magnitude, and also severely reduced the number of owner-occupied housing units, in the City. The Fires also severely impacted lower income seniors, including those residents that previously lived within mobile home parks.

ANALYSIS

1. Amendment to Section 20-28.100 Resilient City Combining District

The proposed amendments to City Code Section 20-28.100 Resilient City Combining District represent modifications to specific sections of Chapter 6-67 Mobile Home Conversions. The amendments will clarify and streamline the preparation and consideration requirements of a relocation impact report (also known as a mobile home park closure report) prepared for a mobilehome park severely damaged in the Fires.

Section 8 of the City Charter authorizes adoption of an interim urgency ordinance, to take effect immediately upon passage, when deemed necessary by the Council to preserve the public peace, health or safety. In addition, Government Code sections 36937(b) and 36934 allow the Council to adopt an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety, and it contains a declaration of the facts constituting the urgency. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

A significant portion of residential and non-residential structures in northeast and northwest Santa Rosa were either destroyed or damaged in the October 2017 Fires. With the approval of the -RC Combining District, the City has modified the building permit and planning entitlement processes to ensure that repair and reconstruction of damaged and destroyed structures is both efficient and expeditious.

The -RC combining district was applied to the base zoning district for properties within the City of Santa Rosa limits that were most impacted by the Fires of October 2017. Amongst the structures destroyed or damaged were 191 mobile homes located across three different mobile home parks.

The proposed amendment is an extension of the Resilient City Combining District effort and specifically addresses the recovery and reconstruction process for mobile home parks impacted by the Fires. Amendments to the standard protocols of Chapter 6-67 (Mobile Home Park Conversions) are needed to streamline the preparation and processing of mobile home park closure reports.

The amended process would be applicable only to mobile home parks located within the -RC Combining District and only for parks that lost more than 50% of their units. The Journey's End Mobile Home Park, located at Mendocino Avenue and Fountaingrove Parkway, lost 116 out of the park's 160 homes and therefore would be eligible. The amendment as proposed retains a public process for the closure and allows for a clearer and more efficient path towards completing the closure process for the site.

The proposed amendments include the following specific modifications to Chapter 6-67 standard protocols for a relocation impact report (also known as a park closure report):

- A. 6-67.030 - Relocation impact report required.
 - Recognizes the circumstance wherein a relocation impact report may be submitted absent a planning application.
 - Streamlines the preparation of the relocation impact report process by allowing an applicant to select a qualified consultant to prepare the report, rather than requiring selection through negotiations between the park owner and a representative of the park residents.
 - Clarifies the information to be contained in the relocation impact report, recognizing that, with the destruction of 50% or more of the mobile homes within the park, some information may no longer be available, relevant or appropriate.

- B. 6-67.040 - Notice and information meeting.
 - Streamlines the relocation impact report review by giving review authority directly to the City Council, rather than to the Planning Commission with appeal to the City Council.
 - Streamlines the review process by reducing the public hearing notice requirement from 30 days to 15 days.

- C. 6-67.070 - Hearing on relocation impact report.
 - Requires applicants to mitigate the adverse impacts of the closure of the mobile home park up to the reasonable cost of relocation,

after consideration of compensation or benefits received from other sources.

- D. 6-67.080 - Determination and conditions: relocation assistance.
- Clarifies the conditions that require mitigation and provides that where mutually satisfactory agreement has been reached on compensation or other benefits, such compensation shall be deemed adequate relocation mitigation.
- E. 6-67.090 - Obligation of applicant.
- Clarifies the process for notifying mobile home owners and tenants of the relocation assistance process.

Upon enactment, the proposed amendment would be effective immediately. The effective term of the amendment would be in alignment with the Resilient City ordinance, which includes a sunset date of three years from the October 9, 2017 Fires, unless otherwise amended by subsequent Council action.

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund. Application and public hearing fees cover the cost of review and processing of relocation impact reports.

ENVIRONMENTAL IMPACT

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemption set forth in the Public Resources Code and CEQA Guidelines.

- Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

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- Adoption of the ordinance is exempt from CEQA review as it is not a “project” pursuant to CEQA Guidelines section 15378.
- Adoption of the ordinance is exempt under the “common sense exemption” set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause a significant effect on the environment, “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed project would amend the City’s Zoning Code to refine the process for preparation of and consideration of relocation impact reports. The proposed Zoning Code amendments would not in and of themselves allow the development of any new structures or alteration of lands; rather, any future projects resulting from the closure of a mobile home park would require their own entitlement permit and CEQA review process.

NOTIFICATION

Notice of the proposed amendments was posted on the City’s “Resilient City Permit Center & Rebuilding Information” website (srcity.org/rebuilding), sent out through Nextdoor, e-mailed to the City’s Community Advisory Board and posted at City Hall.

ATTACHMENTS

- Attachment 1 – City Code Section 20-28.100 Resilient City Combining District
- Attachment 2 – City Code Section 6-67 Mobile Home Park Conversions
- Attachment 3- Santa Rosa Mobile Home Park Conversion Redline
- Urgency Ordinance Resilient City Mobile Home Park Closure

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