

ORDINANCE NO. ORD-2019-013

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE, SECTION 20-28.100,
RESILIENT CITY (-RC) COMBINING DISTRICT, TO ADD MOBILE HOME PARK
CLOSURE PROCEDURES FOR MOBILE HOME PARKS OF THE CITY OF SANTA ROSA
MOST SEVERELY IMPACTED BY THE TUBBS AND NUNS FIRES OF OCTOBER 2017

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3000 homes and 100 commercial structures within the boundaries of the City of Santa Rosa; and

WHEREAS, 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; and

WHEREAS, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; and

WHEREAS, 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; and

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

WHEREAS, the Council recognizes the urgent need to rebuild and repopulate those areas affected by the Fires and has identified several measures by which the process could be expedited and facilitated; and

WHEREAS, Government Code Section 36937(b) allows 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; and

WHEREAS, Section 8 of the Santa Rosa City Charter authorizes the City Council to adopt an urgency measure to take effect immediately upon its adoption if necessary to preserve the public peace, health or safety if such ordinance contains the reasons for its urgency; and

WHEREAS, such an urgency measure requires a five-sevenths vote of the City Council for adoption; and

WHEREAS, as provided herein, the Ordinance shall be in effect immediately upon its adoption; and

WHEREAS, the proposed Zoning Code Amendment to add Section 20-28.100(J), Mobilehome Park Conversions, to Title 20 (Zoning) is consistent with the goals and policies of

all elements of the General Plan, and any applicable specific plan in that adding Section 20-28.100(J) to the Santa Rosa City Code, as follows, exercises the land use powers of the City to protect the health, safety and welfare of the public which would be put at risk if fire-damaged neighborhoods were not quickly repaired and repopulated; and

WHEREAS, the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it will provide a means by which to restore portions of the City damaged by the Fires; and

WHEREAS, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code, in that the amendment will implement the General Plan through standards for zoning districts already adopted into the Zoning Code; and

WHEREAS, 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; and

WHEREAS, adoption of this Ordinance is exempt from CEQA review as it is not a “project” pursuant to CEQA Guidelines section 15378; and

WHEREAS, adoption of this 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; and

WHEREAS, the City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public peace, welfare, health or safety and to avoid a current, immediate and direct threat to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council’s statement of the reasons for adopting this Ordinance on an urgency basis.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that this Ordinance is necessary for the protection of the public peace, health and safety.

Section 2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code, in that the amendment will implement the General Plan through standards for zoning districts already adopted into the Zoning Code.

Section 3. Amend Section 20-28.100, Resilient City (-RC) Combining District, to add a new subsection 'J' to address mobile home park closure procedures, to read and provide as follows:

“J. Mobilehome Park Conversions. City Code Chapter 6-67, Mobilehome Park Conversions, has specific requirements related to the conversion/closure of a mobile home park. These requirements do not address the closure of a mobile home park following a catastrophic natural disaster event such as the Tubbs and Nuns Fires of 2017 (the Fires). Mobilehome Parks that (1) are located within the -RC Combining District and (2) lost over 50% of their total units as a result of the Fires, may apply either the standards set forth in Chapter 6-67 or the standards set forth below, which ever is less restrictive, for preparation of a relocation impact report related to conversion/closure of a Mobilehome Park:

1. Findings and purpose.

- a. Government Code Sections 65863.7 and 66427.4 and Civil Code Section 798.56, authorize the City to require an impact report and mitigation measures as a condition of conversion of an existing mobilehome park to another use or closure of a mobilehome park or cessation of use of land as a mobilehome park or the filing of a subdivision map application connected with a conversion of use for a mobilehome park.
- b. The Council finds that unless mitigation measures are undertaken, the conversion, closure or cessation of use of mobilehome parks would have a substantial adverse effect upon park residents in terms of cost of relocation, scarcity of similar comparable housing within a reasonable proximity to the City, and the significantly higher costs of other types of housing in the immediate area if park residents cannot relocate to other mobilehome parks. Mobilehomes cannot be easily relocated due to the age of the homes, the cost of moving and relocation and the scarcity of vacant spaces in the vicinity. When a mobilehome in an existing park is sold, it is generally sold in place and not often moved from its location. Mobilehome owners have invested substantial sums in the acquisition, installation and maintenance of their mobilehomes. For most residents, these homes represent the owner's principal financial asset. One direct result of a change of use of a mobilehome park, unless mitigated, can be the destruction of the value of the mobilehome and difficulty in finding adequate replacement housing. Relocating park residents

to an area in excess of 50 miles from their existing home creates special hardships, particularly for elderly residents, who need to be in proximity to their family, caregivers, medical care providers and social service support networks. A move in excess of 50 miles would disrupt these support resources, would jeopardize the jobs of those residents currently employed and would not constitute adequate replacement housing for such residents.

- c. It is the purpose of the City Council in adopting this section to establish reasonable regulations in accordance with the authority granted by State law to mitigate the adverse effects of relocation upon mobilehome park residents who are confronted with a proposed change of use for their mobilehome park.
- d. It is the purpose of the City Council in adopting this section to establish uniform procedures and standards for reasonable relocation benefits and assistance in the case of a conversion, closure or cessation of use of a mobilehome park so as to implement State law and so that the owners of mobilehome parks understand their rights and responsibilities. The requirements of this section are in addition to all other land use regulations which are applicable.

2. Definitions.

As used in this section:

- a. “Applicant” means the person, firm, entity or corporation applying for any conversion, change of use, closure, or cessation of use of land as a mobilehome park. If the owner of the controlling interest in a mobilehome park is not the applicant, then the applicant must provide evidence of the controlling owner’s consent to the filing of the application.
- b. “Housing specialist” means a person with expertise in assisting mobilehome owners and tenants in searching for replacement housing, in the valuation of housing, including mobilehomes, and in determining the reasonable cost of relocation.
- c. “Mobilehome owner” means a person who owns and occupies a mobilehome within a mobilehome park as a primary residence.
- d. “Mobilehome park” or “park” means any area of land within the City of Santa Rosa where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes used for human habitation.
- e. “Occupant” or “occupy” means either (1) a person who resides within a mobilehome park at the time of preparation of the relocation impact report or (ii) where a mobilehome park or portion thereof is rendered uninhabitable due

to a man-made or natural disaster, a person who resided in a mobilehome immediately prior to the disaster.

- f. “Tenant” means a person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement with the mobile home park owner and who, during his or her tenancy, is not the owner or member of the immediate household of the owner of the mobilehome.

3. Relocation impact report required.

- a. Any person who files an application with the City for a general plan amendment, rezoning, tentative map, conditional use permit or any other application for the purpose of converting a mobilehome park to a condominium, stock cooperative, or any other form of ownership wherein mobilehome spaces within the park are to be sold for residential use, or to change to another use, and any person who decides to close a mobilehome park or cease to use the land as a mobilehome park, shall file with the City a relocation impact report that complies with this section. No application shall be complete until the relocation impact report is filed. If the relocation impact report is prepared in anticipation of closing a mobilehome park and no other applications are filed with the City, only the relocation impact report shall be required to be submitted to the City.
- b. The relocation impact report shall be prepared by a consultant qualified to prepare the relocation impact report. The applicant shall be responsible for the selection of the consultant and all costs incurred in the preparation of the relocation impact report.
- c. Once the applicant has selected the consultant, the applicant shall notify the mobile home owners and tenants within 15 days that the relocation impact report is being prepared. The relocation impact report shall contain the following information:
 - (1) A legal description of the property;
 - (2) A map and a detailed description of the condition of the mobilehome park, including the nature and location of structures, landscaping, easements, utilities and other on-site improvements existing at the time of the preparation of the relocation impact report;
 - (3) The names and addresses of all mobilehome owners and tenants occupying the park (including absentee mobilehome owners), as shown on the rental agreement for the mobilehome park spaces, to the extent such information is readily available to the applicant;
 - (4) The date of manufacture of each occupied mobilehome within the park, the model and trade name of the mobilehome, length and

width, number of bedrooms, and number identifying the mobilehome space being occupied, to the extent that such information is readily available to the applicant. No listing is required for mobilehome(s) owned by park owner, mobile homes that were destroyed as a result of a disaster or that have been removed from the mobilehome park prior to the preparation of the relocation impact report;

- (5) The number of spaces within the park, length of occupancy by the current occupant of each space and the current rent and utilities for each space, if the space is occupied and if the information is readily available to the applicant;
- (6) The total number of mobilehome owners and tenants occupying each space, identifying owner or renter occupancy and whether the mobilehome is the principal residence of the owner, if the space is occupied and if the information is readily available to the applicant;
- (7) A description of the proposed new use and all discretionary approvals necessary therefor, if applicable;
- (8) The proposed timetable for conversion, closure or cessation of use of the land as a mobilehome park and for obtaining other discretionary approvals for the proposed use, if applicable;
- (9) The location of all comparable mobilehome parks within a 50-mile radius from the City limits, including the mobilehome park name, number of lots, number of vacancies, rent including utilities, policies, and restrictions on type of mobilehomes and residents accepted, amenities offered and proximity to services (bus stops, grocery stores, hospitals, etc.);
- (10) A determination based on the information provided in subsections (c)(4), (5) and (9) of this section of the total number of occupied mobilehome units that are eligible to be relocated to a comparable mobilehome park, if any, provided, however, such information shall not be required for any mobilehomes that were destroyed as a result of a disaster, have been moved from the mobilehome park prior to the preparation of the report, or are owned by the mobilehome park owner;
- (11) The estimated cost of relocating the mobilehomes identified in subsection (c)(10) of this section, if any, to available lots in mobilehome parks within the 50 mile radius. The cost of relocating shall include the costs of dismantling, packing, moving, reassembling, rebuilding and unpacking, as necessary, the mobilehome, all personal property, skirting, tie-downs and all other associated structures and property;
- (12) An estimate of the fair market value and the replacement value of each mobilehome owned by a mobilehome owner and located in

the park and all associated fixed property that cannot be relocated to a comparable mobilehome park, provided, however, such information shall not be required for any mobilehomes that were destroyed as a result of a disaster or have been moved from the mobilehome park prior to the preparation of the report. In determining fair market value and the replacement value, the consultant shall consider the mobilehomes in their current locations assuming the continuation of the mobilehome park in a safe, sanitary and well maintained condition with competitive lease rates. The consultant shall specify the basis for a conclusion that any mobilehome cannot be relocated to a mobilehome park and the basis for determining the value of the mobilehomes;

- (13) The availability and cost of rental housing of comparable size and quality within a 50-mile radius of the City limits for each mobilehome park tenant;
- (14) A relocation plan, including a timetable for physically relocating the mobilehomes remaining in the mobilehome park as of the date of the relocation plan, other than those owned by the mobilehome park owner, payment of relocation assistance and purchase of mobilehome, if any;
- (15) Proposed measures to mitigate the adverse impacts of the conversion upon the mobilehome owner as required in Section J(9);
- (16) A list of persons, agencies, firms and organizations with proven expertise in the fields of housing and relocation of persons displaced from housing. This list shall include the names, addresses, telephone numbers, and fee schedules of persons who are qualified as mobilehome movers and appraisers of mobilehomes. The information shall include an explanation of the services available to both mobilehome owners and tenants which the housing specialists can provide; and
- (17) Any information which the Department of Community Development determines is necessary to address the specific issues raised by the application or the relocation impact report and any information that may be necessary to implement provisions of this section.

4. Notice and information meeting.

- a. Not less than 15 days prior to a public hearing before the City Council, the applicant shall transmit to each mobilehome owner and tenant occupying a mobilehome within the mobilehome park, a copy of the relocation impact report, a copy of this section, and notices of the dates, times and places of the public hearings and the informational meeting to be held pursuant to subsection (b) of this section.

- b. Not less than 14 days prior to the public hearing before the City Council, the applicant shall conduct not less than one informational meeting for the mobilehome owners and tenants of the mobilehome park regarding the status of the application for change of use and/or closure, the timing of the proposed relocation of mobilehome owners, and the nature of the relocation benefits the park owner proposes to make available, if any. A housing specialist(s) designated in the relocation impact report shall be present at such meeting, if the relocation impact report is required to identify a housing specialist.
5. Notice to new residents. When an application or relocation impact report has been filed, the park owner shall advise each prospective new resident who proposes to occupy a mobilehome within the park in writing, prior to the execution of a rental agreement or commencement of such occupancy, whichever occurs first, that the application has been filed.
6. Bankruptcy exemption. The provisions of this section shall not apply if it is determined that the closure of a mobilehome park or cessation of use of the land as a mobilehome park results from an adjudication of bankruptcy.
7. Hearing on relocation impact report. The City Council shall hold a public hearing on the adequacy of the relocation impact report for all applications described in Section J(3) and all filed relocation impact reports. Following the close of a hearing, the City Council may require as a condition to any application or determination of adequacy of the relocation impact report if there is no application, that the applicant take steps to mitigate the adverse impacts of the change of use, closure of the mobilehome park or cessation of use of the land as a mobile home park on the mobilehome owners and tenants, if any. The cost of such conditions shall not exceed the reasonable cost of relocation, after deducting any compensation or benefits received by the mobilehome owners and tenants from other sources, whether public or private, to compensate the mobilehome owners and tenants for displacement, damage or loss arising from the disaster.
8. Determination and conditions: relocation assistance.
 - a. The City Council shall determine as to applications described in Section J(3) what conditions are necessary to mitigate the adverse impact on the mobilehome owners' ability to find adequate housing and may impose such conditions upon any required approval of any such application. The cost of such conditions shall not exceed the reasonable cost of relocation after deducting any compensation received by the mobilehome owner or tenant from other sources to compensate the mobilehome owner or tenant for displacement or damage arising from the disaster, including but not limited to insurance proceeds, federal emergency management aid, other governmental assistance, assistance provided by the owner and aid provided by philanthropic entities.

- b. The specific conditions of approval of an application or determination of adequacy of the relocation impact report if there is no application, shall be determined by the City Council with regard to the facts and circumstances of the particular application and may include:
- (1) Payment of relocation assistance to each mobilehome owner who occupies a mobilehome in the mobilehome park on and after the date the application or relocation impact report is filed or an earlier or later date established by the City Council;
 - (2) Payment of the cost of physically moving the occupied mobilehomes to a new site, including tear-down and setup of movable improvements such as patios, carports and porches, utility hookups; packing, moving and unpacking all personal property; and in-transit costs for meals, lodging and gas, if the mobilehomes are still located in the mobilehome park and not owned by the mobilehome park owner as of the date of the relocation impact report;
 - (3) Payment to each mobilehome owner or tenant who resides in the mobilehome park on or after the date the application or relocation impact report is filed of a lump sum to compensate for payment of the first and last months' rent and any security deposit at the new mobilehome park or other acceptable rental housing;
 - (4) Payment to each mobilehome owner or tenant who resides in a mobilehome in the mobilehome park on or after the date the application or relocation impact report is filed of a lump sum to compensate for any differential between rental rates at the closing mobilehome park and the new mobilehome park or other acceptable rental housing during the first year of the new tenancy;
 - (5) Payments of all reasonable expenses incurred in moving to a new location, up to a maximum distance of 50 miles;
 - (6) For mobilehome owners who are unable to reasonably relocate their mobilehome, payment for their mobilehome based on information contained in the approved relocation impact report, if the mobilehome remains in the mobilehome park as of the date of the relocation impact report;
 - (7) Setting aside a certain number of affordable units for the mobilehome owners or tenants of the park, if the park is to be converted to another residential use; or providing a certain number of affordable units off-site, if the park is to be converted to a use other than residential.
- c. Notwithstanding anything set forth above, if the mobilehome owners or tenants and the applicant or mobilehome park owner have reached agreement on mutually satisfactory compensation or other benefits to address the impacts of the closure or change of use on the mobilehome

owners or tenants, such agreements shall be deemed adequate for purposes of the relocation impact report.

9. Obligation of applicant.

- a. After the date of approval of the relocation impact report, the applicant shall:
 - (1) Use its best efforts so that not later than 30 days from the approval, the housing specialist(s), if one is required, makes personal contact with each mobilehome owner and tenant of the mobilehome park who has not reached an agreement with the applicant or mobilehome park owner and commence consultation to determine the proper relocation assistance to be provided, if any. The housing specialist shall give each mobilehome owner or tenant eligible to receive relocation assistance written notice of his or her relocation assistance;
 - (2) Not later than four months from the approval, allow mobilehome owners and tenants eligible to receive relocation assistance, who are entitled to make selections between alternate benefits to make such selection in writing. The alternate benefits selected shall be submitted to the applicant on a form provided by the housing specialist;
- b. The date upon which any mobilehome owner or tenant is required to vacate such park or upon which the owner of any mobilehome is required to remove the mobilehome from the mobilehome park shall be not less than six months from the date of notice of termination of tenancy and not less than 35 days from the date of payment of any relocation benefits required by the approved relocation impact report, if the mobilehome owner or tenant still retains tenancy rights in the mobilehome park.
- c. No building permit shall be issued for development unless and until the applicant files a statement with the Planning and Economic Development Department made under penalty of perjury, that all relocation assistance payments required by the approved relocation impact report have been paid.

10. Administration fee. The City Council may establish by resolution reasonable fees paid by the applicant to cover any costs incurred by the City in implementing this section.”

Section 4. Environmental Determination. The Council finds that:

A. The adoption and implementation 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 disaster within 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;

B. The adoption of the ordinance is exempt from CEQA review as it is not a “project” pursuant to CEQA Guidelines section 15378; and

C. The 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.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. The Ordinance shall be in effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 1st day of October, 2019.

AYES: (5) Mayor Schwedhelm, Vice Mayor Rogers, Council Members Fleming, Sawyer, Tibbetts
NOES: (0)
ABSENT: (2) Council Members Combs, Olivares
ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Acting City Clerk Mayor

APPROVED AS TO FORM:

City Attorney