



Legislation Text

File #: 21-498, **Version:** 1

ORDINANCE of the City of San Leandro City Council adding Chapter 3.34, MHP Mobile Home Park Overlay District, and amending Chapter 5.28, Mobile Home Park Conversions, of the San Leandro Zoning Code, and amending the San Leandro Zoning Map

WHEREAS, the State of California recognizes, by the adoption of special legislation regulating tenancies of mobile home owners in mobile home parks, that there is a significant difference between homeowners in mobile home parks and other dwelling units; and

WHEREAS, owners of mobile homes in mobile home parks, unlike apartment tenants or residents of other rental housing stock, are in the unique position of having made a substantial investment in a residence that is located on property that is either rented or leased and not owned by them; and

WHEREAS, the City of San Leandro has nine (9) mobile home parks with approximately eight hundred fifty-five (855) spaces located within the City limits. These spaces represent a significant portion of the affordable housing supply within the City; and

WHEREAS, the City of San Leandro General Plan, Chapter 6, Housing Element provides for the following goals and actions:

1. Conservation of Mobile Home Parks. Promote the conservation and rehabilitation of mobile home parks without displacing tenants or reducing the number of affordable units. Mobile home parks should be recognized as an important affordable housing resource for San Leandro's seniors and low-income households (Policy 56.08).
2. Mobile Home Rent Stabilization. Consider adopting a mobile home rent stabilization ordinance similar to the agreement currently in effect for Mission Bay (Action 56.08-B) (The agreement would apply more broadly to residents of all mobile home parks in the city and help protect the city's existing supply of mobile homes.); and

WHEREAS, it is often difficult to move mobile homes from one park to another due to the age and condition of some mobile homes and the limited availability of vacant spaces in mobile home parks; and

WHEREAS, it is often costly to move a mobile home and, in many instances, moving a mobile home requires separation of the mobile home from its appurtenances, which may create severe damage and depreciation in value to the mobile home; and

WHEREAS, Government Code section 65863.7 establishes minimum rules and regulations

regarding mobile home park conversions, but explicitly authorizes local agencies to enact more stringent protections; and

WHEREAS, Chapter 5.28 of the San Leandro Zoning Code governs the conversion of mobile home parks within the City and requires City Council approval prior to the closure or conversion of a mobile home park; and

WHEREAS, the proposed amendments to Chapter 5.28 would increase noticing requirements for mobile home park conversion applications and establish minimum relocation benefits that must be paid in the event that any of the requirements of Chapter 5.28 are waived; and

WHEREAS, the proposed addition of Chapter 5.34 to the San Leandro Zoning Code would establish a mobile home park zoning overlay that prohibits all uses other than a mobile home park use; and

WHEREAS, the proposed amendments to the San Leandro Zoning Map would apply the proposed overlay to all existing mobile home parks citywide; and

WHEREAS, the proposed amendments would strengthen existing protections for mobile home park residents; and

WHEREAS, a staff report dated July 1, 2021, incorporated herein by reference, described and analyzed the proposed amendments for the Planning Commission; and

WHEREAS, the City of San Leandro Planning Commission held a duly noticed Public Hearing on July 1, 2021 for consideration of the proposed amendments, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the City of San Leandro Planning Commission unanimously recommended that the City Council adopt the proposed amendments, with certain changes; and

WHEREAS, the changes recommended by the Planning Commission are incorporated into the proposed Zoning Code amendments; and

WHEREAS, the City Council held a duly noticed Public Hearing on September 7, 2021 for consideration of the proposed ordinance, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the City Council desires to adopt the Ordinance in order to increase the protections for San Leandro residents living in mobile home parks.

NOW, THEREFORE, the City Council of the City of San Leandro does ordain as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. FINDINGS. The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. The amendments to the Zoning Code will not be detrimental to the public interest, health, safety, or welfare of the City.
2. The amendments to the Zoning Code are consistent with the General Plan and all applicable specific plans in that the amendments advance Policy 56.08 of the General Plan, Chapter 6, Housing Element, which promotes the conservation of mobile home parks as an important affordable housing resource for San Leandro's seniors and low-income households.

SECTION 3. AMENDMENT OF ZONING CODE. The San Leandro Zoning Code is hereby amended to add Chapter 3.34, MHP Mobile Home Park Overlay District, and to amend Chapter 5.28, Mobile Home Park Conversions, as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 4. AMENDMENT OF ZONING MAP. The San Leandro Zoning Map is hereby amended as shown in attached Exhibit B and incorporated herein by reference.

SECTION 6. ENVIRONMENTAL REVIEW. The amendments enacted by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") based on: 1) the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a set of text amendments that do not authorize any new land uses, it can be seen with certainty that there is no possibility that the proposed amendments to the Zoning Code will have a significant effect on the environment; and 2) CEQA Guidelines Section 15301, which exempts changes to existing facilities involving negligible or no expansion of existing or former use.

SECTION 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.