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Agenda Date: 3/5/2014

Agenda Placement: 10A

Continued From: 1-15-14 and 2-19-14

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Melissa Frost for Pete Parkinson - Interim Director
Planning, Building and Environmental Services

REPORT BY: Pete Parkinson, Interim Director - 253-4805

SUBJECT: Mobilehome Park Ordinance Update - County Code Chapter 15.40 (P13-00437-ORD)

RECOMMENDATION

MOBILEHOME PARK ORDINANCE UPDATE / MATT MUMFORD, HALL VINELAND LLC - ORDINANCE TEXT AMENDMENT P13-00437-ORD

CEQA Status: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Request: Applicant-sponsored ordinance to update the Mobilehomes Chapter of Napa County Code, Chapter 15.40, to be consistent with the requirements of State Law and to establish regulations enabling project decision makers to grant variations to development standards for projects of superior design quality. Applicant for the ordinance change is Hall Vineland LLC, 401 St. Helena Highway South, St. Helena. Hall Vineland LLC has also proposed Major Modification P13-00164-MOD to redevelop the existing Vineland Vista Mobile Home Park located at 341 St. Helena Highway South (Assessor's Parcel Number 027-130-005 & 006), which is presently a pending, but incomplete, application with no planned date for hearing.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING CHAPTER 15.40 RELATING TO MOBILEHOMES AND MOBILEHOME PARKS

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation to the Board of Supervisors.

Staff Contact: John McDowell, Deputy Planning Director 707-299-1354 johnmcdowell@countyofnapa.org

Applicant Contact: Tom Carey, Attorney , 707-479-2856 tcareylaw@g-mail.com

CONTINUED FROM THE FEBRUARY 19, 2014 AND JANUARY 15, 2014 MEETINGS

EXECUTIVE SUMMARY**Proposed Action:**

That the Planning Commission conduct a public hearing and at the close of deliberations, forward a recommendation to the Board of Supervisors on the proposed ordinance and CEQA determination.

Discussion:

Since the January 15, 2014 meeting, staff has developed a Draft Housing Element, which will be presented to your Commission in a separate item on today's agenda. One of the recommended changes in the Draft Housing Element is to strengthen the County's policy with regard to maintaining the de facto affordable housing that currently exists in the County's mobilehome parks. The focus of this updated report on the mobilehome park ordinance and the changes recommended in the attached revised ordinance (See Exhibit A) is to provide code language that is consistent with and implements the recommended policies and programs in the Draft Housing Element.

The proposed revision to the Napa County Mobilehome Park Ordinance (County Code Chapter 15.40) was initially presented to the Commission on January 15, 2014. The staff report and draft ordinance presented at that time are attached to this report and should be considered along with this updated report.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION**Background**

The proposed revision to the Napa County Mobilehome Park Ordinance (County Code Chapter 15.40) was initially presented to the Commission on January 15, 2014. The staff report and draft ordinance presented at that time are attached to this report and should be considered along with this updated report.

Recommendations for Consistency with Draft Housing Element

Since the January 15, 2014 meeting, staff has developed a Draft Housing Element, which will be presented to your Commission in a separate item on today's agenda. One of the recommended changes in the Draft Housing Element is to strengthen the County's policy with regard to maintaining the de facto affordable housing that currently exists in the County's mobilehome parks. The focus of this updated report on the mobilehome park

ordinance and the changes recommended in the attached revised ordinance (See Exhibit A) is to provide code language that is consistent with and implements the recommended policies and programs in the Draft Housing Element.

As discussed in more detail in the staff report on the Draft Housing Element, the County's adopted housing element already contains a provisions aimed at maintaining and increasing affordable housing units in mobilehome parks (Policy H-2j and Program H-2k). Staff has recommended strengthening this affordability program by adding a revised policy (now H-2i) and a revised program (now H-2h) in the Draft Housing Element. The thrust of Policy H-2i is to encourage retention of existing affordable units and/or provision of new affordable units, while the purpose of Program H-2h is to ensure that adverse impacts on park residents, including impacts on housing affordability, are analyzed and mitigated.

As discussed in the January 15, 2014 staff report, the County's authority to impose local requirements on mobilehome parks is limited under state law. In fact, the state has largely preempted the field with regard to mobilehome park regulation. However, the County retains authority over whether and how to grant variations to the standards that would otherwise apply to the development or redevelopment of mobilehome parks. Therefore, the changes in the revised ordinance are aimed at implementing the recommended Housing Element affordability policies in connection with the new "Variations from Standards" section in the ordinance. The revised ordinance is identical to the draft ordinance presented on January 15, 2014 except for changes proposed in Section 15.40.320 beginning on page 7. These changes relative to the January 15, 2014 draft ordinance are described below:

1. The level of detail required as part of the "Content of the Variation Request" has been reduced to avoid duplication and unnecessary detail. Most of this information is already required as part of a use permit application (which is now specifically identified in the revised ordinance) and, generally speaking, application requirements need not be spelled out in detail in the code.
2. The remaining content requirements for a variation request have been modified in several ways:
 - a. The narrative should include a discussion of consistency with the Housing Element and with the findings required to approve a variation.
 - b. The application should also describe the ownership structure for the mobilehome lots and units themselves, in addition to common areas.
 - c. The flexibility to require additional information as part of the request is focused specifically on the findings required to approve a variation.
3. The detail in the findings required to approve a variation are also reduced to avoid duplication with findings already required in connection with a use permit approval or considerations that are normally part of the discretionary project review process. The remaining findings focus on affordable housing policy consistency and achieving a superior project design.
4. The most significant change in the revised ordinance is the addition of a new finding regarding affordable housing: "The variation request results in the preservation or creation of permanent affordable housing within unincorporated Napa County that is, at minimum, sufficient to offset the project's adverse impact on park residents in relation to housing affordability or displacement." Staff recommends this additional finding to achieve consistency with the recommended policy and program in the Draft Housing Element.

SUPPORTING DOCUMENTS

A . Exhibit A - Ordinance (Tracked Changes) Revised March 5, 2014

- B . Exhibit B - Previous Staff Report 1-15-14
- C . Exhibit C - Previous Staff Report 2-19-14

Napa County Planning Commission: Approve

Reviewed By: Melissa Frost