

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Th11a



Prepared March 24, 2010 (for April 15, 2010 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner
Matthew McCaffrey, Coastal Planner

Subject: Minor Amendment Determination for San Luis Obispo County Local Coastal Program Amendment Number 2-09 Part 1 (Mobile Home Park Closures)

San Luis Obispo County's Proposed Amendment

San Luis Obispo County is proposing to amend its certified Local Coastal Program (LCP) to refine LCP guidelines for closing and converting mobile home parks. See Exhibit A for the Board of Supervisors' Resolution and see Exhibit B for the cross-through and underline proposed changes. These proposed changes would apply throughout the County.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor". CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on April 15, 2010).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed amendment would provide additional specificity with respect to the LCP steps required when the County considers a request to close or convert a mobile home park, including significant detail regarding relocation assistance and related requirements. There is currently a moratorium on such



closure/conversion in San Luis Obispo County's coastal zone pending resolution of this amendment.¹

The goal of the proposed amendment is to refine existing LCP standards² for closing and converting mobile home parks, including to provide better information regarding potential impacts, to provide displaced residents with financial and logistical moving assistance, and to protect affordable housing. The primary new tools identified in this respect are new LCP requirements for conversion impact reports and relocation plans that together would provide case-specific detail and supporting analysis for any particular closure/conversion application including identifying the specific mobile homes impacted, available mobile home spaces in other parks (for potential relocation opportunities), estimated relocation costs, demographic and financial status of displaced residents, contact information for relocation counselors, and alternative housing options for displaced residents. In addition, in order to assist residents with the financial burdens of moving or finding a new home or mobile home site, the proposed amendment requires the mobile home park owner to pay the costs of moving displaced residents (including potentially their mobile homes), and to pay the difference in rent for a year for displaced residents should new rents be more than existing rents. The LCP amendment also includes language that allows the County to exempt mobile home park owners from some of these requirements if it can conclusively be shown that such requirements would eliminate all of the value of the mobile home park property, or if a court rules in connection with a bankruptcy proceeding that closure of the mobile home park is necessary and prohibits or precludes payment of all or a portion of relocation benefits (see proposed LCP text in Exhibit B).

The certified LCP land use plan (LUP), which is the standard of review for this application, provides very limited direction applicable to the questions present in this proposed LCPA. In fact, applicable LUP standards are limited to those encouraging affordable housing. In this case, the proposed amendment can be found consistent with and adequate to carry out the LUP's affordable housing provisions in that respect. While the potential financial exemption mechanism raises some concern, it would provide for some flexibility for the County in the application of the standards if certain financial feasibility concerns are present, and there is little to indicate that it would become the norm as opposed to the exception. Perhaps more importantly, and as indicated, there is not a strong LUP (nor Coastal Act) basis for requiring its deletion. Moreover, the proposed amendment provides vastly more implementation detail than the existing LCP in this respect, and is a marked improvement over the existing protections afforded mobile home park residents and affordable housing in the coastal zone as compared to the existing LCP. For these reasons, it can be found consistent with an adequate to carry out the certified LUP.

Finally, the purpose of this amendment is to refine procedures associated with the closure and

¹ The County instituted a temporary moratorium on all closures and conversions of mobile home parks by emergency ordinance on February 27, 2007. The moratorium was intended to give the County more time to develop a more comprehensive way of addressing potential issues when considering potential mobile home park closure/conversion, including specifically relocation assistance and related parameters.

² Such existing standards are significantly limited, and provide little detail with respect to the core questions that often arise in terms of closure/conversion of such parks, particularly in terms of affordable housing (see existing LCP standards in Exhibit B).



conversion of mobile home parks. It is not intended to account for nor supersede LCP policies that would continue to apply to mobile home park sites with respect to what would follow a closure or a conversion. In other words, this amendment will likely lead to different kinds of development at these sites over time, however the amendment does not change the land use designation nor zoning of mobile home park areas, nor does it govern what will follow in any particular case for such areas. The existing LCP would continue to govern and should adequately address any coastal resource issues with respect to potential development following a closure/conversion.

Ultimately, the proposed amendment provides increased LCP specificity for addressing mobile home park closure/conversion issues, and should result in better protection of potentially displaced mobile home residents under the LCP.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The County adopted a Negative Declaration under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 15, 2010 meeting at the Board of Supervisor's Chambers in Ventura. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Jonathan Bishop at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by April 9, 2010.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 19, 2009. It is an IP amendment only and the original 60-day action deadline was August 18, 2009. On August 12, 2009 the Commission extended the action deadline by one year to August 18, 2010. Thus, the Commission has until August 18, 2010 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Board of Supervisor's Resolution

Exhibit B: Proposed Changes to Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.164(g)



IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day April 7, 2009

PRESENT: Supervisors Frank Mecham, Adam Hill, K.H. 'Katcho' Achadjian,
James R. Patterson and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2009-99

RESOLUTION AUTHORIZING SUBMITTAL OF ADOPTED REVISIONS OF THE LOCAL
COASTAL PLAN TO THE CALIFORNIA COASTAL COMMISSION.

The following Resolution is hereby offered and read:

WHEREAS, the Board of Supervisors adopted ordinance amendments to the Coastal
Zone Land Use Ordinance, Title 23 of the County Code, specifically Section 23.08.164.g –
Closure or Conversion of a Mobilehome Park to Another Use, and Section 23.04.096 –
Inclusionary Housing; and

WHEREAS, these Board adopted ordinance amendments are revisions to the Local
Coastal Plan of San Luis Obispo County; and

WHEREAS, the amendments of the Local Coastal Plan become operative only upon
approval by the California Coastal Commission and upon acknowledgment by the San Luis
Obispo County Board of Supervisors of receipt of the Commission's resolution of certification;
and

WHEREAS, it is the intent of the Board to submit the adopted ordinance amendments
that are revisions of the Local Coastal Plan to the California Coastal Commission for
consideration and approval pursuant to Chapter 6, Article 2 of the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of
Supervisors of the County of San Luis Obispo hereby adopts this resolution, and that the
Department of Planning and Building shall submit this resolution and the above described
revisions of the Local Coastal Plan to the California Coastal Commission along with a request
that the California Coastal Commission consider and act upon the said revisions pursuant to
Chapter 6, Article 2 of the California Coastal Act.

Upon motion of Supervisors Patterson, seconded by Supervisor
Achadjian, and on the following roll call vote, to wit:

AYES: Supervisors Patterson, Achadjian, Hill, Patterson and Chairperson Gibson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

BRUCE S. GIBSON
Chairperson of the Board of Supervisors

ATTEST

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: Sandy Curran
Deputy Clerk

CCC Exhibit A
(page 1 of 2 pages)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
COUNTY COUNSEL

By: [Signature]
Deputy County Counsel

Date: 3.5.09

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Super-visors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Super-visors this April 21, 2009

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By [Signature] Deputy Clerk

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 23.08 BY AMENDING SECTION 23.08.164 RELATING TO CLOSURE OR CONVERSION OF A MOBILEHOME PARK TO ANOTHER USE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.08.164g of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

- g.** ~~Conversion of a mobilehome park to another use~~ Closure or conversion of a mobile home park to another use. ~~Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements, in addition to all other applicable provisions of this Title~~ Any closure, subdivision or conversion to another use of a mobilehome park, or any portion thereof, is subject to the following requirements, in addition to all other applicable provisions of this Title.

An exception shall be made for the Port San Luis Trailer Park, located in Avila Beach and owned by the Port San Luis Harbor District. The conversion or closure of that specific mobilehome park shall instead be subject to the California Harbors and Navigation Code Section 6086.

Any conversion of an existing rental mobilehome park to a mobilehome park subdivision with ownership of individual lots, or to a condominium conversion is not subject to this Section but shall instead be subject to Title 21 Sections 21.02.050 and 21.06.040 – Condominium conversion.

- (1) Purpose and intent.** The purpose of this Section is to:
 - (i)** Establish standards for the closure or conversion of a mobilehome park that conform to the General Plan and Housing Element.
 - (ii)** Inform the Review Authority of the impact of such closure or conversion upon the displaced residents.
 - (iii)** Provide financial compensation and relocation assistance to displaced residents.
 - (iv)** Provide mobilehome park owners with relief from unreasonable relocation costs.
 - (v)** Reduce the incremental loss of mobilehome parks preserve existing mobilehome parks, and reduce the loss of affordable housing stock.
- (2) Permit requirement.** Development Plan approval pursuant to Section 23.02.034.
- (3) Application content.** The Development Plan application shall include the following items ~~the report required by Government Code Section 66427.4 or 65863.7 as applicable,~~ in addition to all information required by Section 23.02.034 of this title.
 - (i) Conversion Impact Report** - A report shall be prepared and submitted with the application pursuant to Government Code 65863.7 or 66427.4 or 66427.5. The

Conversion Impact Report shall be prepared by an independent agent acceptable to the County and at a minimum, shall include the following information:

- (a) The number of mobilehomes that will remain AND/or be displaced by the proposed development. For displaced units describe the age, size and condition of the mobilehomes.
- (b) The number of available vacant mobilehome spaces in existing comparable mobilehome parks within a twenty (20) mile radius, the space rental rates and evidence of the willingness of other mobilehome park owners to receive some or all of the displaced mobilehomes.
- (c) An estimate of the relocation cost considering all of the costs related to installing the displaced mobilehomes on an available receiving site, as described in subsection g(6).
- (d) For displaced residents, the household sizes, income levels, age of the residents, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).
- (e) A list with the names, addresses and phone numbers of the conversion impact report consultants, mobilehome appraisers, mobilehome movers and relocation counselors who the applicant may use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
- (f) A LIST OF ALL KNOWN ALTERNATIVE HOUSING AND/OR REPLACEMENT HOUSING THAT IS CURRENTLY AVAILABLE TO DISPLACED MOBILEHOME PARK RESIDENTS. THE LIST SHALL INCLUDE MOBILEHOMES AND HOUSING UNITS THAT ARE AVAILABLE FOR RENT OR FOR SALE, BOTH AFFORDABLE AND MARKET-RATE UNITS.

(4) Special notice requirement. ~~As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Development Plan, the Department of Planning and Building shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified such notification to the satisfaction of the Planning Director. The applicant shall verify, to the Planning Director's satisfaction, that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified the notification to the satisfaction of the Director.~~

- (i) **Notice of Intent.** A "notice of intent" by applicant to convert or close the mobilehome park shall be sent by certified mail at least 60 days prior to submittal of the application to the County. After the "notice of intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval of a change of use or that a change of use request has been granted, pursuant to Civil Code 798.56(g).
- (ii) **Conversion Impact Report.** A copy of the Conversion Impact Report as set forth in subsection g(3)(i) at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(h).

- (iii) **Public hearing notice.** A public hearing notice, in addition to the public hearing notice provided by the County, at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(g).
- (iv) **Notice of termination of tenancy.** All displaced residents and mobilehome owners shall be given a written "notice of termination of tenancy" that provides for a minimum of 180 days after County approval of the Development Plan to vacate their spaces, pursuant to Civil Code 798.56(g). The said notice shall be delivered by U.S. certified mail to each resident and mobilehome owner within 10 days of permit approval by the County.
- (5) **Informational meeting.** No less than ten (10) days prior to the first public hearing regarding the proposed mobilehome park conversion, the applicant shall conduct an informational meeting for the residents of the mobilehome park. The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and the Relocation Counselor AND A COUNTY REPRESENTATIVE shall be present. The meeting shall address the proposed mobilehome park conversion, the conversion application process, the contents of the conversion impact report, and proposed relocation assistance for displaced mobilehome owners and residents. Prior to the date of the first public hearing the applicant shall verify, to the Planning Director's satisfaction, that the informational meeting has occurred in conformance with this Section.
- (6) **Conditions of approval.** Approval of a Development Plan shall include the following conditions of approval at a minimum.
- (i) **Relocation or sale.** Pursuant to Government Code Section 65863.7 and 66427.4, the County shall apply mitigation measures to fully cover the reasonable costs of relocation for displaced mobilehome park residents who must find another mobilehome park. If no comparable mobilehome park space or mobilehome owner approved receiving site exists, then the applicant shall buy the mobilehome at its in-place value as described below. Mobilehome owners who do not use the mobilehome as their primary residences shall receive assistance in relocation of their mobilehomes, but shall not be eligible for the in-place value option. Mobilehome owners who experienced a personal, disabling condition that required a temporary residential stay elsewhere within the 12 months prior to the submittal date of the Development Plan application (pursuant to Civil Code 798.23.5) are eligible for all options described below. The Development Plan shall identify the option assigned to each displaced mobilehome in a Relocation Plan, as follows:
- (a) **Relocation OF MOBILEHOME.** Applicant shall pay all costs related to moving the mobilehome plus fixtures, accessories, and the mobilehome owner's possessions to a comparable mobilehome park within 20 miles of the existing location or to a receiving site within the County as requested by the mobilehome owner. Fixtures and accessories include, but are not limited to: decks, porches, stairs, access ramps, skirting, awnings, carports and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (i.e., mobilehome permit, land use permit) and the reasonable living expenses of displaced mobilehome residents for a period not exceeding 45 DAYS (from the date of actual displacement until the date of occupancy at the new site) EXCEPT WHERE THE COUNTY DETERMINES THAT EXTENUATING CIRCUMSTANCES PROLONG THE MOVING PERIOD. The comparable mobilehome park, or mobilehome owner

approved receiving site, and the relocated mobilehome shall conform to all applicable county codes. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. A comparable mobilehome park is one that is safe, sanitary, well-maintained, and is in conformance with state and local codes.

- (b) **Rent subsidy for another mobilehome park.** Applicant shall provide displaced mobilehome owners with payment of the difference of rent between the old and new mobilehome park spaces for up to twentyfour months for relocated mobilehomes.
- (c) **Sale at in-place value.** This option shall be available only to permanent resident mobilehome owner(s). If the mobilehome cannot be relocated to a comparable mobilehome park or mobilehome owner approved receiving site the applicant shall buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary and well maintained condition.
- (d) **RELOCATION PLAN. THE RELOCATION PLAN SHALL DESCRIBE THE RELOCATION ASSISTANCE TO BE PROVIDED FOR ALL PERMANENT MOBILEHOME PARK RESIDENTS WHO WILL BE DISPLACED, WHETHER THEY RENT OR OWN THEIR MOBILEHOME UNIT. THE PLAN SHALL DESCRIBE THE COST OF RELOCATION FOR EACH DISPLACED MOBILEHOME AND/OR HOUSEHOLD, IDENTIFY THE LOCATION OF THE NEW MOBILEHOME SPACE OR REPLACEMENT HOUSING UNIT, THE AMOUNT OF FINANCIAL ASSISTANCE TO BE PROVIDED, AND SHALL DESCRIBE THE TIME FRAME AND STEPS THAT WILL BE TAKEN TO COMPLETE THE RELOCATION. ALL REAL ESTATE AND FINANCIAL TRANSACTIONS AND ALL RELOCATION ACTIVITIES SHALL BE COMPLETED PRIOR TO TERMINATION OF MOBILEHOME PARK TENANCY FOR EACH DISPLACED HOUSEHOLD.**

THE PLAN SHALL IDENTIFY ALL DISPLACED MOBILEHOMES TO BE SOLD TO THE APPLICANT OR TO BE RELOCATED FOR THE MOBILEHOME OWNER(S). THE PLAN SHALL PROVIDE THE APPRAISED "IN-PLACE" SALES PRICE OF ALL MOBILEHOMES TO BE SOLD. THE PLAN SHALL DESCRIBE ALL RELOCATION COSTS FOR DISPLACED MOBILEHOME PARK RESIDENTS. ANY DISAGREEMENT BETWEEN A MOBILEHOME PARK RESIDENT AND THE APPLICANT REGARDING RELOCATION COSTS OR "IN-PLACE" SALES VALUE SHALL BE REFERRED TO A PROFESSIONAL ARBITRATOR ACCEPTABLE TO THE COUNTY AND PAID FOR BY THE APPLICANT. SUCH DISAGREEMENTS MUST BE SUBMITTED IN WRITING TO THE APPLICANT BY THE MOBILEHOME PARK RESIDENT WITHIN 45 DAYS AFTER THE MOBILEHOME PARK RESIDENT HAS OBTAINED A WRITTEN NOTICE DESCRIBING WHAT HE/SHE WILL RECEIVE.

THE APPLICANT AND DISPLACED MOBILEHOME PARK RESIDENTS MAY AGREE ON OTHER MUTUALLY SATISFACTORY RELOCATION ASSISTANCE. SUCH ASSISTANCE MAY INCLUDE, BUT IS NOT LIMITED TO, MORTGAGE ASSISTANCE WITH THE PURCHASE OF ANOTHER MOBILEHOME OR REPLACEMENT HOUSING UNIT ON-SITE OR OFF-SITE.

- (e) **Relocation Counselor.** Applicant shall provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. ACCEPTABLE RELOCATION ALTERNATIVES INCLUDE, BUT ARE NOT LIMITED TO, VACANT MOBILEHOME UNITS AND SPACES, RENTAL AND OWNERSHIP HOUSING UNITS, AFFORDABLE AND MARKET-RATE UNITS. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents TO EVALUATE, SELECT, AND SECURE PLACEMENT IN THE replacement housing, TO ARRANGE THE MOVING OF ALL OF THE HOUSEHOLD'S PERSONAL PROPERTY AND BELONGINGS TO THE REPLACEMENT HOUSING, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than thirty (30) days after the County approval date of the Development Plan for the mobilehome park conversion the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence consultations to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Development Plan.

- (f) **RELOCATION ASSISTANCE FOR MOBILEHOME PARK RENTERS.** MOBILEHOME PARK RENTERS ARE PERMANENT RESIDENTS WHO RENT MOBILEHOMES AS THEIR PRIMARY RESIDENCES, BUT WHO DO NOT OWN THE MOBILEHOMES. THE APPLICANT SHALL PAY ALL COSTS FOR PROVIDING THE FOLLOWING SERVICES FOR DISPLACED MOBILEHOME PARK RENTERS: ASSISTANCE OF THE RELOCATION COUNSELOR TO LOCATE AND SECURE PLACEMENT IN COMPARABLE REPLACEMENT HOUSING, THE MOVING OF ALL OF THE HOUSEHOLD'S PERSONAL PROPERTY AND BELONGINGS TO THE REPLACEMENT HOUSING, AND THE SECURITY DEPOSIT. DISPLACED LOW INCOME RENTERS ARE ALSO ELIGIBLE FOR ONE YEAR OF RENT SUBSIDY. WHEN THE LOW-INCOME RENTER HOUSEHOLD MOVES INTO A COMPARABLE UNIT WHERE THE RENT IS HIGHER THAN THE RENT OF THE MOBILEHOME THAT THE HOUSEHOLD OCCUPIED THEN THE APPLICANT SHALL PAY THE DIFFERENCE FOR A PERIOD OF ONE YEAR FROM THE DATE OF RELOCATION.

A COMPARABLE UNIT HAS FACILITIES THAT ARE EQUIVALENT TO THE HOUSEHOLD'S EXISTING RENTAL MOBILEHOME WITH REGARDS TO THE FOLLOWING FEATURES: A) UNIT SIZE INCLUDING THE NUMBER OF ROOMS; B) RENT RANGE; C) MAJOR KITCHEN AND BATHROOM FACILITIES; D) SPECIAL FACILITIES FOR THE HANDICAPPED OR SENIOR CITIZEN; AND E) WILLINGNESS TO ACCEPT FAMILIES WITH CHILDREN. A COMPARABLE UNIT IS LOCATED IN AN AREA NO LESS DESIRABLE THAN THE HOUSEHOLD'S EXISTING UNIT WITH REGARDS TO ACCESSIBILITY TO THE FOLLOWING FEATURES: A) THE DISPLACED HOUSEHOLD'S PLACE(S) OF EMPLOYMENT; B) COMMUNITY AND COMMERCIAL FACILITIES; C) SCHOOLS; AND D) PUBLIC TRANSPORTATION. A UNIT IS NOT COMPARABLE IF IT IS LOCATED IN A BUILDING FOR WHICH A NOTICE OF INTENT TO CONVERT OR DEMOLISH HAS BEEN GIVEN.

(g) **Permanent resident.** Permanent resident status is established at the time that the mobilehome park conversion application is submitted. A **Permanent resident** is any person who lives in the mobilehome park for 270 days or more in any 12-month period, or whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:

- 1) Address where registered to vote.
- 2) Home address on file at place of employment or business.
- 3) Home address on file at dependents primary or secondary school.
- 4) Not receiving a homeowner=s exemption for another property or mobilehome in this state nor having a principal residence in another state.
- 5) DMV license address.
- 6) Mailing address.
- 7) Vehicle insurance address.
- 8) Home address on file with Bank account.
- 9) Home address on file with IRS.
- 10) Home address on file with local club/association membership.

~~**(ii)** **REPLACEMENT HOUSING.** Conversion or closure of all or part of a mobilehome park is subject to Section 23.04.092 – Affordable Housing Required in the Coastal Zone.~~

~~**(ii)** **REPLACEMENT HOUSING.** THE APPLICANT SHALL PROVIDE ONE REPLACEMENT HOUSING UNIT FOR EVERY RESIDENTIAL UNIT THAT IS OCCUPIED BY A LOW OR MODERATE INCOME HOUSEHOLD, AS DEFINED BY SECTION 23.04.094, AND THAT WILL BE DEMOLISHED OR NO LONGER USED FOR LOW OR MODERATE INCOME HOUSING AS A RESULT OF MOBILEHOME PARK CLOSURE, SUBDIVISION, OR CONVERSION TO ANOTHER USE. THE FOLLOWING REQUIREMENTS SHALL APPLY:~~

~~**(a)** ALL REPLACEMENT UNITS ARE SUBJECT TO THE AFFORDABILITY REQUIREMENTS OF SECTION 23.04.094.~~

- ~~(b) ALL REPLACEMENT UNITS SHALL BE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS.~~
- ~~(c) ALL REPLACEMENT UNITS SHALL BE LOCATED WITHIN THE SAME COMMUNITY AS THE MOBILEHOME PARK OR IN AN ADJACENT COMMUNITY, UNLESS THE COUNTY FINDS, BASED ON SUBSTANTIAL EVIDENCE PROVIDED BY THE APPLICANT, THAT A DIFFERENT LOCATION WILL PROVIDE AN EQUAL LEVEL OF BENEFITS WITH REGARDS TO COMMUNITY SERVICES AND FACILITIES.~~
- ~~(d) THE REPLACEMENT UNITS SHALL BE NEWLY CONSTRUCTED UNITS, OR MAY BE EXISTING UNITS IN THE SAME COMMUNITY AS THE MOBILEHOME PARK THAT ARE FULLY REHABILITATED TO THE SATISFACTION OF THE COUNTY.~~
- ~~(e) THE REPLACEMENT UNITS MAY BE RENTAL UNITS OR OWNERSHIP UNITS, AND SHALL BE OF THE SAME SIZE (NUMBER OF BEDROOMS) AS THE DEMOLISHED OR REPLACED HOUSING UNITS.~~
- ~~(f) DISPLACED MOBILEHOME PARK RESIDENTS SHALL HAVE A RIGHT OF FIRST REFUSAL ON THE REPLACEMENT UNITS FOR WHICH THEY ARE INCOME QUALIFIED, FOR A PERIOD OF 60 DAYS FROM WHEN THE REPLACEMENT UNITS ARE FIRST AVAILABLE FOR SALE OR FOR OCCUPANCY.~~
- ~~(g) THE RELOCATION PLAN SHALL PROVIDE A COMPLETE DESCRIPTION OF THE REPLACEMENT UNITS.~~
- ~~(h) EACH REPLACEMENT UNIT SHALL BE COMPLETED AND GIVEN A CERTIFICATE OF OCCUPANCY WITHIN THREE YEARS FROM THE DATE THAT TENANCY IS TERMINATED FOR A DEMOLISHED OR REPLACED HOUSING UNIT.~~
- ~~(i) THE APPLICANT SHALL POST A PERFORMANCE BOND OR ENTER INTO AN ALTERNATIVE AGREEMENT TO ENSURE PROVISION OF THE REPLACEMENT HOUSING UNITS, TO THE SATISFACTION OF THE COUNTY.~~

(7) Vacancy of a mobilehome park exceeding twenty-five (25%) percent.

- (i) Whenever twenty-five (25%) percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a mobilehome park conversion for the purposes of this ordinance. The mobilehome park owner shall file an application for the closure or conversion of a mobile home park to another use, pursuant to the requirements of this Section. A mobilehome site is considered to be uninhabited when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.
- (ii) Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in subsection (7)(i), such resident

or person may file a written statement to that effect with the Director of the Department of Planning and Building. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park conversion is underway.

- (iii)** If the Director of the Department of Planning and Building determines that an unauthorized mobilehome park conversion is underway he or she shall send to the mobilehome park owner a written notice by certified mail which describes the Director=s determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application pursuant to this Section for the closure or conversion of a mobile home park to another use.
- (iv)** Once the Director of Planning and Building has determined whether or not an unauthorized mobilehome park conversion is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, the mobilehome park resident or person who filed the written statement pursuant to subsection g (7)(ii), and to all the residents in the mobilehome park.
- (v)** The determination of the Director of the Department of Planning and Building pursuant to subsection g(7)(ii) may be appealed by the person who filed the statement, by the mobilehome park owner or by any other interested person but not more than fifteen (15) calendar days after the date of the notice of determination. All such appeals shall be submitted and processed in conformance with Section 23.01.042.

(8) Application for exemption from relocation assistance requirements.

- (i)** Any person who files an application for closure or conversion of a mobilehome park to another use may, simultaneous with such application, file an application for exemption from some or all of the relocation assistance requirements described above in subsection g(6) - Conditions of Approval.
- (ii)** If such an exemption application is filed, the applicant shall verify, to the Planning Director's satisfaction, that each mobilehome park resident and mobilehome owner has received or will receive a copy of the complete application for exemption.
- (iii)** The County may consider an application for exemption only for one or both of the following reasons:

 - (a)** That the requirement(s) for relocation assistance would eliminate substantially all reasonable use or economic value of the property. Such justification may only be established if it is demonstrated that the imposition of the relocation requirements would prevent the reasonable use or economic value of the property for other, alternate uses and that the continued use of the property as a mobilehome park would prevent all other uses or economic value of the property for reasons not caused or contributed to by the park owner or applicant.
 - (b)** That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

(iv) Any application for exemption made pursuant to subsection g(8)(iii)(a) shall contain, at a minimum, the following information:

(a) Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence as permitted by the California Public Records Act.

(b) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant=s negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such pursuant to the laws of the State of California. The said report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant=s negligent failure to properly maintain the said property. The report shall describe the minimum period of time in which such improvements or repairs must be made, and provide an itemized statement of the improvements and repairs along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property. If the Planning Director requires an analysis of the information submitted by the civil engineer or general contractor, the Planning Director may procure services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

(c) An estimate of the total cost of relocation assistance which would be required pursuant to subsection g(6) - Conditions of Approval. This estimate shall be based on surveys, appraisals and reports, prepared to the County=s satisfaction, that document the number of residents of the park who are willing to relocate their mobilehomes and those who would elect to sell their mobilehomes, and the costs related to providing the relocation assistance measures delineated in subsection g(6) - Conditions of Approval.

(d) An estimate of the value of the mobilehome park if the park were permitted to be developed for the change of use proposed in the application for conversion of the park, and an estimate of the value of such park if use of the property as a mobilehome park is continued. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.

(e) Any other information which the applicant believes to be pertinent, or that may be required by the Planning Director.

(v) Any application for exemption filed pursuant to subsection g(8)(iii)(b) shall be accompanied by adequate documentation regarding the title, case number, and court

in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.

- (vi) When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the County may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of such park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The County shall expressly indicate in its decision any waiver and the extent thereof.

Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the County shall have the power to waive all or a portion of any type of benefit to the extent necessary to comply with the judgement, order, or decree of the court.

- (9) **Special Findings for closure or conversion of a mobile home park to another use.** A Development Plan may be approved only after the Review Authority first determines that the request satisfies the following findings, in addition to the findings required by Section 23.02.034c(4):

(i) Adequate measures to address the financial and other adverse impacts to the residents and/or owners of the displaced mobilehomes have been taken.

(ii) THE CONVERSION OR CLOSURE OF ALL OR PART OF THE MOBILEHOME PARK WILL NOT RESULT IN A SIGNIFICANT DECREASE IN THE AFFORDABLE HOUSING STOCK OF THE COUNTY AND ADEQUATE MITIGATION MEASURES WILL BE TAKEN BY THE PARK OWNER FOR ALL DISPLACED RESIDENTS

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20_____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

R. WYATT CASH

County Counsel

By: _____
Deputy County Counsel

Dated: _____