



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**DATE:** July 2, 2003

**BOARD MEETING DATE:** July 15, 2003

**TO:** Honorable Board of Supervisors

**FROM:** San Mateo County License Board

**SUBJECT:** Appeal of License Board Decision to Issue Annual Business License to El Granada Manufactured Home Community

**Recommendation**

Deny the appeals and uphold the decision by the License Board to issue an annual business license to El Granada Manufactured Home Community.

**Background**

On March 25, 2003, the Board of Supervisors adopted an ordinance adding section 5.92.055 to the San Mateo County Ordinance Code, requiring that mobilehome parks obtain an annual business license to operate.

Ordinance Code Section 5.92.055 requires that in order to obtain a license, the management of a mobilehome park must submit specified information concerning its maintenance plan, rents and proposed rent increases, the purpose of any proposed increase and the use to which it will be put, and a proposed process for addressing complaints or concerns by homeowners. The application form for the license requests all of the information which is required by the ordinance. Management must also pay a license fee, currently \$200 for parks of 100 or fewer spaces and \$500 for parks with more than 100 spaces.

The management of the El Granada Manufactured Home Community (EGMHC) submitted a completed application on May 14, 2003, along with the \$500 fee. The completed application contained all of the information required by the ordinance. Subsequently, management submitted an amended application, a copy of which is attached as **Exhibit A**. A letter dated June 5, 2003, opposing issuance of the license, was submitted by Peter Reid on behalf of the homeowners, a copy of which is attached as **Exhibit B**. The public hearing on the license application was held by the County's License Board on June 9, 2003. Speakers at the hearing were: Edward C. McDonald, Jr., Jaquelynn Pope, Jody Quinteros, Kevin Cooke, Lisa

Ketcham, Peter Reid, William C. Lulay, Jimmie Karseard, Robert Brown, Juliet Haataja, Linda Clara Schilling, Giulie Peterson, Sandra Ehlert, Dorothy Norris, William West, and Roberta McNair. These exhibits were submitted by the homeowners and by management.

On June 12, 2003, the License Board issued its decision to grant the license with conditions. A copy of the decision letter is attached as **Exhibit C**.

Appeals were filed in a timely manner within 15 days of the decision. The first appeal was filed on June 26, 2003 by the Homeowners Association of El Granada Manufactured Home Community, Dorothy Norris, Gabriel Aguilar, Lisa Ketcham, Robert Brown, Linda Clara Schilling, and Jose Luis Diaz (see **Exhibit D**). A second appeal was filed on June 27, 2003 by Roberta McNair, President of the Bayshore Villa/Trailer Rancho Homeowners Association (see **Exhibit E**). The County Ordinance Code requires that a hearing on the appeals be held within 30 days.

The procedure for the Board in its consideration of this appeal is as follows:

1. Consider the information contained in the license application submitted by EGMHC, and the other exhibits attached to this report.
2. Consider any additional documents and/or testimony presented at the hearing of the appeal as to why the license should be granted or denied.
3. At the close of the hearing, or within 30 days thereafter, determine whether the decision of the License Board should be upheld, modified or reversed, based on evidence presented at the hearing of the appeal.

**Discussion**

The appeal by the EGMHC Homeowners Association and individuals Dorothy Norris, Gabriel Aguilar, Lisa Ketcham, Robert Brown, Linda Clara Schilling, and Jose Luis Diaz did not state any specific grounds.

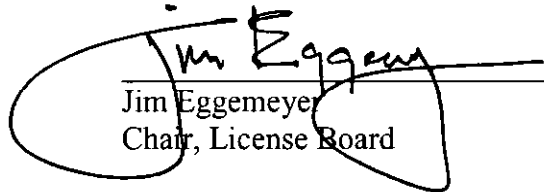
The appeal by Roberta McNair stated objections on the following issues.

1. **Interpretation of Ordinance**: Appellant McNair argues that the license ordinance gives the License Board the authority to determine that rent increases are excessive in light of the amount proposed to be spent on maintenance.

**Response**: County Counsel has advised that the ordinance does not give the License Board the power to adjust rents, and it does not provide any standards for reviewing rent increases to determine whether they are excessive or constitute a fair rate of return. County Counsel did advise at the hearing that rent levels were an appropriate factor to consider when determining whether the maintenance program was sufficient, and that the submitted maintenance plan could be conditioned, as the License Board chose to do.

2. Changes in Amended Application: Appellant McNair states that the amended application contained different substantive information from the original, such that the homeowners did not have an adequate opportunity to respond as they were not provided with a copy of the amended application in advance of the hearing.

Response: The amended application was different from the original only in that it left out a paragraph which was unintentionally included in Item 3 of the original, reorganized some information in Item 2, and reduced the amount of the contemplated April 2004 rent increase from 6% to 4% under Item 3. The amended application was substituted for the original before it was distributed to the members of the License Board, but apparently after a copy of the original had been given to the appellants. County Counsel advised the License Board that the changes were not significant enough to pose any procedural problems.

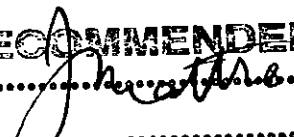
  
Jim Eggemeyer  
Chair, License Board

Exhibits:

- A – License Application by EGMHC
- B – June 5, 2003 Letter from Peter Reid
- C – June 12, 2003 Notice of Decision
- D – Appeal by EGMHC Homeowners
- E – Appeal by Roberta McNair

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**RECOMMENDED**  
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**COUNTY MANAGER**