

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 23-2856

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT ZONE TEXT AMENDMENT NO. 194-2023, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9128.21 (“RELOCATION IMPACT REPORT (RIR)”) OF DIVISION 8 (“SPECIAL REQUIREMENTS FOR CERTAIN USES”) OF PART 2 (“RESIDENTIAL ZONES”) OF CHAPTER 1 (“ZONING”) OF ARTICLE IX (“PLANNING AND ZONING”) OF THE CARSON MUNICIPAL CODE TO MAKE VARIOUS MODIFICATIONS TO THE PROCESS AND REQUIREMENTS FOR RIR APPLICATIONS AND DECISIONS AS NEEDED OR AUTHORIZED PURSUANT TO STATE LAW AS AMENDED BY ASSEMBLY BILL NO. 2782

WHEREAS, Carson Municipal Code (CMC) Section 9128.21 sets forth the process whereby a mobile home park owner may apply to the City for approval of a relocation impact report (RIR) as is required prior to any closure or change of use of the mobile home park; and

WHEREAS, Government Code Section 65863.7, a provision of the State Planning and Zoning Law, establishes the requirement that a mobile home park may not be closed nor its use changed unless and until an RIR (with specified contents) has been filed with and considered by a local agency, with the requisite notice given to the residents, and the local agency has approved the RIR after determining what measures must be taken by the person or entity proposing the change in use in order to mitigate the adverse impacts of the closure or change in use on the ability of the residents who will be displaced to find and relocate to replacement housing; and

WHEREAS, Government Code Section 65863.7 applies to charter cities, including Carson; and

WHEREAS, there exists a severe housing shortage crisis in the State of California, including for both low-income and elderly residents, in response to which the State Legislature in recent years has passed and adopted numerous housing laws in an attempt to expand, increase and preserve the housing stock within the State; and

WHEREAS, one such piece of legislation was Assembly Bill (AB) 2782, which was enacted into state law effective January 1, 2021. Among other things, AB 2782 amended Government Code Section 65863.7 to provide additional protections to mobilehome park residents in the face of the statewide housing crisis. Key changes included: (1) requiring that the RIR include a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park; (2) requiring that, if a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident’s mobilehome; (3) increasing the required notice periods to residents; (4) requiring the local agency, before approving the RIR,

to make a finding as to whether or not approval of the park closure and the park's conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction; (5) removing the prior restriction that the relocation impact mitigation measures that a local agency may require/impose "shall not exceed the reasonable costs of relocation;" and (6) providing that Section 65863.7 establishes a minimum standard for local regulation of the conversion of a mobilehome park to another use, the closure of a mobilehome park, and the cessation of use of the land as a mobilehome park and shall not prevent a local agency from enacting more stringent measures; and

WHEREAS, many lower income residents, including seniors living on restricted incomes, reside within mobile home parks due to the comparatively lower costs of housing associated with living in such parks. These lower costs are particularly true in the City due to the City's protections enacted for its residents in the Mobile Home Space Rent Control Ordinance (Chapter 7 of Article IV of the City's Municipal Code), which is one of the strictest mobile home space rent control ordinances in the State, making the many rent-controlled mobile home spaces in the City de facto affordable housing; and

WHEREAS, Carson Municipal Code Section 9128.21 was enacted under Government Code Section 65863.7 as it existed prior to the passage of AB 2782, and as a result, certain provision of Carson Municipal Code Section 9128.21 conflict with current provisions of Government Code Section 65863.7 as amended by AB 2782; and

WHEREAS, the Housing Element of the City's General Plan, as part of Program 11 in Section 6.2 (Housing Programs), provides as follows, committing the City to consider adoption of an ordinance to amend Carson Municipal Code Section 9128.21 to bring it up to date with state law as amended by AB 2782:

"Mitigation of Mobile Home Park Closures. The City has limited authority to preserve mobilehome parks, as all parks are privately-owned; however, removal of mobile home parks is subject to discretionary review. If the preservation of a mobile home park is not feasible or possible, the City requires that property owners mitigate the impacts of a park closure pursuant to State law. The City requires a relocation impact report (RIR) in order to approve such a closure. RIRs are required to mitigate the adverse impacts of a mobile home park's closure, including identifying suitable replacement spaces. Sections 9201.7.2 and 9128.21 of the Carson Municipal Code provide requirements related to the closure or conversion of mobile home parks. Recent State law, including AB 2782, have increased the allowable relocation benefits that park residents may receive in connection with park closures. The City will prepare an ordinance amending Carson Municipal Code Section 9128.21 (the City's existing ordinance establishing an application and permit process for approval of relocation impact reports for mobilehome park closures) to bring it up to date with State law as amended by AB 2782. This ordinance amendment will update and carry forward detailed requirements for preparation of Relocation Impact Reports and payment of required relocation impact mitigation measures to mobile home park residents. Although the City has been able to effectively administer Carson Municipal Code Section 9128.21 in accordance with applicable state law at all times since the effectiveness of AB 2782

despite the lack of an ordinance update in light of the principle that state law prevails over local law to the extent of a conflict, the ordinance amendment will serve to further ensure that if existing mobile home parks are closed or converted to other uses, park residents shall receive relocation benefits in compliance with State law and the City's Zoning Ordinance. The City will continue to require RIRs for mobile home park closures and push for relocation benefit packages that ensure residents can access comparable alternative housing. The City will also commit to enforcing replacement housing provisions, as discussed in Program 10."

WHEREAS, CMC 9172.11 provides that consideration of an ordinance or amendment to change or amend the provisions of the City's Zoning Ordinance (Chapter 1 of Article IX of the CMC) shall be initiated by order of either the Council or Commission, or upon the written request of any person; and

WHEREAS, consideration of Zone Text Amendment No. 194-2023 (the "ZTA") was initiated by the City Council in 2022 by adopting the Housing Element containing the commitment to consider it in Program 11. However, to the extent such action is not deemed initiation of consideration of the ZTA for purposes of CMC 9172.11, the Planning Commission hereby sees fit to order initiation of consideration of the ZTA for purposes of CMC 9172.11; and

WHEREAS, on May 23, 2023, after notice duly given, the Planning Commission continued this item to June 13, 2023, public hearing.

WHEREAS, on June 13, 2023, after notice duly given, the Planning Commission held a public hearing and heard testimony and considered all factors both oral and written with regards to City Council adoption of the Ordinance, and having done so, sees fit to recommend City Council adoption of the ZTA as provided herein.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and incorporates them herein by reference as findings of fact.

SECTION 2. The Planning Commission finds as follows:

- a) Consideration of the ZTA was initiated by the City Council by adopting the Housing Element containing the commitment to consider it in Program 11. However, to the extent such action is not deemed initiation of consideration of the ZTA for purposes of CMC 9172.11, the Planning Commission hereby orders initiation of consideration of the ZTA pursuant to CMC 9172.11.
- b) The ZTA is consistent with the City's General Plan.
- c) The ZTA is a valid exercise of the City's police power and will serve to protect the public welfare against the effects of the current statewide housing crisis in the City.
- d) The ZTA furthers the City's General Plan Housing Element goals and policies of preserving mobile home parks as an important source of de facto affordable housing in the City. The ZTA implements and adheres to Program 11 of the Housing Element as it pertains to mitigation of mobile home park closures.

- e) The primary purpose of the ZTA is to update CMC 9128.21 pursuant to changes in state law as amended by AB 2782 as it pertains to the process and requirements for applications and decisions regarding approval of relocation impact reports for closure of mobile home parks in the City. The ZTA and all proposed amendments therein are consistent with and authorized by state law as amended by AB 2782, including Government Code Section 65863.7.
- f) The ZTA does not alter past RIR decisions made by the City.

SECTION 3. The Planning Commission further finds that the ZTA is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the activity in question (the proposed zone text amendment) may have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommends that the City Council approve Zone Text Amendment No. 194-2023, attached hereto and incorporated by this reference as Exhibit A, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9128.21 ("RELOCATION IMPACT REPORT (RIR)") OF DIVISION 8 ("SPECIAL REQUIREMENTS FOR CERTAIN USES") OF PART 2 ("RESIDENTIAL ZONES") OF CHAPTER 1 ("ZONING") OF ARTICLE IX ("PLANNING AND ZONING") OF THE CARSON MUNICIPAL CODE TO MAKE VARIOUS MODIFICATIONS TO THE PROCESS AND REQUIREMENTS FOR RIR APPLICATIONS AND DECISIONS AS NEEDED OR AUTHORIZED PURSUANT TO STATE LAW AS AMENDED BY ASSEMBLY BILL NO. 2782."

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City's Zoning Ordinance, unless an appeal is filed within that time in accordance with Section 9173.4 of the City's Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit it to the City Council.

PASSED, APPROVED and ADOPTED this 13th day of June 2023.


INTERIM CHAIRPERSON

ATTEST:


SECRETARY