

ORDINANCE NO. 23-2303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9113.2 (OVERLAY DISTRICTS) AND ADDING SECTION 9113.4 (MHP OVERLAY DISTRICT CONDITIONALLY PERMITTED USE), OF PART 1 (INTRODUCTION) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE RELATED TO ESTABLISHING A MOBILE HOME PARK OVERLAY DISTRICT

WHEREAS, the City of Carson (“City”) is a charter city located in the County of Los Angeles, State of California; and

WHEREAS, there exists a severe housing shortage crisis in the State of California including for both income-strapped and elderly residents for which the State Legislature in recent years has passed and adopted numerous housing laws all in an attempt to expand, increase and preserve the housing stock within the State; 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 exist in the City particularly 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, Section 207(B)(10) of the City Charter provides “the City shall have the full power to enact regulatory land use measures...including...[establishing] procedures for preserving and protecting mobile home parks through specific plans, special zoning or overlay districts, or other regulations, as an essential component of the City’s affordable housing stock”; and

WHEREAS, creation of a mobilehome park overlay district within the City will help to ensure a sufficient supply of land for these types of uses in the future, thereby satisfying the public purpose of helping to preserve housing and existing mobilehome parks. It will maintain, preserve, and promote mobilehome parks as an important source of affordable rental housing; and

WHEREAS, the City Council desires to create a mobilehome park overlay district (“Overlay District”) to maintain, preserve, and promote mobilehome parks as an important source of affordable rental housing; and

WHEREAS, on April 4, 2023, the City Council adopted and approved, effective immediately as of said date, General Plan Amendment No. 115-23, the Carson 2040 General Plan (the “General Plan Update”), which is the City’s current General Plan as of the date of this

ordinance. The General Plan Update, in Section 2.2 (“Land Use Classifications”) of the Land Use and Revitalization Element, provides as follows:

“To help maintain a sufficient supply of land for mobilehome parks and in order to help alleviate this component of the housing crisis, the General Plan outlines a Mobilehome Park Overlay District (MHD), which applies to all existing mobilehome parks in the City except those which have a valid Relocation Impact Report approval resolution in effect pursuant to Carson Municipal Code Section 9128.21, or a valid approval of closure or cessation of use resulting from the entry of an order for relief in bankruptcy as stated in Government Code Section 65863.7(f), as of the General Plan adoption date. While all mobilehome parks in the City are privately owned, thereby affording City limited control over whether a park owner may choose to take the steps necessary to close a park, a primary purpose of the MHD is to help preserve the housing stock of existing mobilehome parks (many residents of which qualify as lower income households under State law), and to help ensure a sufficient supply of land for these types of uses and the housing they provide for lower income residents in the future, thus helping to mitigate both the State and local housing crisis.

Detailed provisions related to the MHD Overlay Zone will be defined in the Zoning Ordinance. Mobile home parks will be the only permitted use in the MHD Overlay Zone. Provisions of the MHD Overlay Zone shall be applied in addition to the regulations of the underlying zoning district. However, existing mobilehomes park uses subject to the MHD shall be considered conforming with the General Plan and the Zoning Ordinance; that is, existing mobilehome parks subject to the MHD can continue, renovate, expand etc. as needed to ensure continued viability and vibrancy. The zoning regulations shall collectively ensure that existing mobilehome parks subject to the MHD shall not be redeveloped with another permitted use unless, as part of the new development, a discretionary overlay zone change approval is granted (in addition to any other applicable land use entitlements), and comparable units at affordable housing rates are provided and made available to residents of the existing mobilehome park as required by state law. Should the City approve the MHD overlay zone removal for any subject mobilehome park, the uses permitted under the underlying base zone would be allowed; any changes to the base zone designation would require another discretionary City zone change approval.”; and

WHEREAS, pursuant to and consistent with the General Plan Update, the Overlay District will be created over all existing mobilehome parks within the City excepting parks that have a valid Relocation Impact Report approval resolution in effect pursuant to 9128.21 of the City’s Municipal Code, or a valid approval of closure or cessation of use of a mobilehome park resulting from the entry of an order for relief in bankruptcy as stated in Government Code Section 65863.7(f), as of the date of adoption of the General Plan Update, which was April 4, 2023 (the “Existing Mobilehome Parks”); and

WHEREAS, mobilehome parks that have a valid Relocation Impact Report (“RIR”) approval resolution in effect as of the date of adoption of the General Plan Update are not intended to be made part of the Overlay District, not because the City does not wish to preserve those parks, but because those parks have obtained a right to terminate their residents’ space tenancies pursuant

to Civil Code Section 798.56(g) provided the requisite notice of termination of tenancy is given and the terms and conditions of the RIR approval are met. Likewise, parks that have received valid approval of closure or cessation of use as a mobilehome park resulting from the entry of an order for relief in bankruptcy as stated in Government Code Section 65863.7(f) as of the date of adoption of the General Plan Update will also not be made part of the Overlay District, not because the City does not wish to preserve those parks, but because those parks have already been approved for closure or cessation of use as a mobilehome park by a Court of law; and

WHEREAS, this Ordinance is intended to establish and provide the detailed provisions for the Overlay District pursuant to and consistent with the General Plan Update. This Ordinance is consistent with the City’s General Plan Update, and furthers its goal(s) and policy(ies) of protection of the existing supply of affordable housing in the City; and

WHEREAS, the Overlay District will apply automatically to the Existing Mobilehome Parks without any need to process a zone change; and

WHEREAS, the City Council is committed to the preservation of mobilehome parks, as evidenced by the above as well as (without limitation) adoption of Ordinance No. 22-2205 on April 5, 2022, declaring that mobilehome spaces that are subject to the City’s Mobile Home Space Rent Control Ordinance or are occupied by low or very low income households, are “protected units” under SB 330. Now, under SB 330, the City may not approve a housing development project requiring demolition of these protected units unless the project will replace the demolished units with affordable units; and

WHEREAS, on August 9, 2022, after notice duly given, the City of Carson Planning Commission held a public hearing and heard testimony and considered all factors both oral and written before making a recommendation to the City Council to adopt an ordinance to establish the Overlay District to maintain, preserve, and promote mobile home parks within the City of Carson; and

WHEREAS, on April 18, 2023, after notice duly given, the City Council held a public hearing and heard testimony and considered all factors both oral and written, and following such hearing approved the adoption of this Ordinance to establish the Overlay District pursuant to and consistent with the General Plan Update, to maintain, preserve, and promote mobile home parks within the City of Carson.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. RECITALS.

The foregoing recitals are true and correct, and are incorporated herein by this reference as findings of fact.

SECTION 2. CEQA.

This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). The Ordinance maintains the existing environmental baseline and existing environmental conditions. Likewise, this Ordinance is also exempt from CEQA because it involves no expansion of use of existing facilities and maintains the existing environmental baseline (14 Cal. Code Regs. § 15301). However, any new mobilehome park permitted under this Ordinance is subject to a Conditional Use Permit and therefore, is subject to CEQA review on a case by case basis. City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 3. FINDINGS.

Based upon all oral and written reports and presentations made by City staff and members of the public, including any attachments and exhibits, the City Council hereby finds that:

A. Creation of the Overlay District within the City will help to ensure a sufficient supply of land for mobilehome parks moving forward, and satisfy the public purpose of helping to maintain, preserve, and promote Existing Mobilehome Parks as an important source of de facto affordable rental housing, including for elderly residents.

B. This Ordinance is consistent with the City’s General Plan, including the Land Use and Revitalization Element as discussed above.

C. This Ordinance supports and is consistent with the Housing Element of the General Plan. Through the Housing Element, the City has adopted various strategies and programs to support the development of affordable housing in the community and to implement the housing goals and policies. Part of this strategy is Program 11, “Mobilehome Park Maintenance and Preservation,” as mobilehome parks constitute a significant proportion of the low- and moderate-income housing in the City. Program 11 includes maintaining the affordability of mobilehome spaces through continuing the City’s rent control regulation of mobilehome spaces under its Mobile Home Space Rent Control Ordinance. The City of Carson has rent control for mobile home spaces only. This Ordinance supports this strategy by helping to ensure a sufficient supply of land for these uses and regulations moving forward. Program 11 also includes and specifically contemplates adoption of this Ordinance establishing the Overlay District with the purpose of maintaining, preserving, and promoting Existing Mobilehome Parks as an important source of affordable rental housing in the City, including for senior residents living on restricted incomes. This Ordinance will serve these purposes.

SECTION 4. AMENDMENTS.

A. Section 9113.2 (Overlay Districts) of Part 1 (Introduction) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~strike through~~, additions shown in ***bold, italics, underlined***):

“9113.2 Overlay Districts.

The following special designations are hereby created and may be combined by notation on the Zoning Map with any of the zoning districts listed in CMC 9113.1 in order to accomplish additional purposes within such designated areas:

BP – Blimp Port. This designation is created to provide for the development and operation of blimp ports. Properties within this designation will be required to meet certain site requirements and development standards.

CEM – Cemetery. This designation is created to provide for the development and operation of cemeteries and related uses. Properties within this designation will be required to meet certain development standards that provide for adequate setbacks, screening, parking, landscaping, and signage.

COL – College. This designation is created to provide for the development of higher education institutions that may include classrooms, administrative offices, and accessory uses. Site development standards will not be required for properties preempted under State law. All academic uses will be regulated under the rules and regulations of the Board of Trustees of the California State University and Colleges, California State Department of Finance, California Public Works Board, Office of the State Fire Marshal and Office of the State Architect.

D – Design Overlay. This designation is created primarily to provide for Site Plan and Design Review of future development within the designated areas in order to achieve special standards of design, architectural quality, style and compatibility, landscape treatment, and functional integration of neighboring developments.

EMS – Electronic Marquee Signage. This designation is created to provide for the development and operation of two (2) freeway-oriented electronic marquee signs for outdoor advertising purposes, one (1) on a 91 Freeway-adjacent commercial zone parcel and one (1) on a 405 Freeway-adjacent commercial zone parcel. The only parcels eligible for this designation shall be those four (4) parcels identified and considered in connection with the April 2001 National Training Center Environmental Impact Report (State Clearinghouse Number 2000101041) certified by the Board of Trustees of the California State University and College System.

MUR – Mixed-Use Residential. This designation is created to provide for pedestrian-oriented, mixed-use (commercial/residential) development, and high density residential development which may include market rate, affordable or senior housing, within designated areas in commercial zones.

ORL – Organic Refuse Landfill. This designation is created to provide for the public health, safety and general welfare by regulating uses of organic refuse landfill sites and ensuring that proper mitigation measures are taken to eliminate or minimize hazards to persons and property and environmental risks associated with such sites including, but not limited to, toxicity, fire, explosion and subsidence.

MHP – Mobilehome Parks. This designation is created to maintain, preserve, and promote mobilehome parks as an important source of affordable rental housing. The MHP Overlay District is created over, and automatically applies to, all Existing Mobilehome Parks within the City. For purposes of this paragraph and Section 9113.4, “Existing Mobilehome

Parks” is defined as all land improved or operating as mobilehome parks within the City as of the date of approval of the City’s General Plan Amendment No. 115-23 (April 4, 2023), except those areas improved or operating as mobilehome parks that have either (i) a valid Relocation Impact Report approval resolution in effect as of April 4, 2023 pursuant to 9128.21 of the City’s Municipal Code, or (ii) a valid approval of closure or cessation of use of a mobilehome park resulting from the entry of an order for relief in bankruptcy as stated in Government Code Section 65863.7(f) as of April 4, 2023.”

B. Section 9113.4 (MHP Overlay District Conditionally Permitted Uses) of Part 1 (Introduction) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:

“Section 9113.4 MHP Overlay District Conditionally Permitted Use.

Existing Mobilehome Parks, as defined in Carson Municipal Code Section 9113.2, that were improved or operating as mobile home parks as of the date of approval of the City’s General Plan Amendment No. 115-23 (April 4, 2023) are automatically permitted and need not obtain a CUP in order to constitute a lawful use within the MHP Overlay District. Newly proposed mobilehome park uses are conditionally permitted within the MHP Overlay District; such uses may be permitted with approval of a Conditional Use Permit (“CUP”) in accordance with Sections 9121.1 and 9131.1 of the Carson Municipal Code. Use for any other purpose in the MHP Overlay District is strictly prohibited.”

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 7. CERTIFICATION.

The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[SIGNATURES OF FOLLOWING PAGE]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ____ day of _____, 2023.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney