



Legislation Text

File #: 2022-750, Version: 1

Report to Mayor and City Council

Tuesday, April 18, 2023
Special Orders of the Day

SUBJECT:

PUBLIC HEARING FOR CONSIDERATION OF INTRODUCING ORDINANCE NO. 23-2303, 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 (CITY COUNCIL)

I. SUMMARY

Mobilehome parks provide a significant sources of de facto affordable housing for both income-strapped and elderly residents in the City, particularly in light of the City's Mobile Home Space Rent Control Ordinance. The purpose of this item is for the City Council to consider an ordinance (Exhibit No. 1), pursuant to the Planning Commission's August 9, 2022 recommendation via Planning Commission Resolution No. 22-2837 (Exhibit No. 2) and the City's recently approved General Plan Update, which would amend the City's Zoning Ordinance to create a mobilehome park overlay district within certain areas of the City where mobilehome parks currently exist, with limited exceptions. The areas where mobilehome parks currently exist are shown in Exhibit No. 3.

Only mobilehome parks will be permitted within the overlay district. Newly proposed mobilehome park uses within the overlay district will be subject to a Conditional Use Permit. Existing parks will be automatically permitted and need not obtain a CUP in order to constitute a lawful use within the overlay district. Creation of the overlay district is consistent with the City's current General Plan, including General Plan Amendment No. 115-23, adopted and approved by the City Council on April 4, 2023, and the City's adopted Housing Element, and furthers the goal(s) of protection of the existing supply of affordable housing in the City.

II. RECOMMENDATION

TAKE the following actions:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing; AND
2. **INTRODUCE** for first reading, by title only with full reading waived, 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"

III. ALTERNATIVES

1. **MODIFY** or **DISAPPROVE** the recommendation.
2. **TAKE** another action the City Council deems appropriate that is consistent with the requirements of the law.

IV. BACKGROUND

In 2018, in connection with the adoption of the City's Charter, the City Council commenced a process of considering a mobilehome park zone. 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."

With the backdrop of numerous then-anticipated possible closures of mobilehome parks within the City of Carson and the affordable housing crisis faced statewide, in or about early 2019, the City Council considered ways to preserve mobilehome parks within the City of Carson and directed staff to pursue avenues to adopt zone changes that will allow for effective preservation of the City's parks.

Mobilehome parks provide a significant source of de facto affordable housing in the City, including for many residents who are seniors and low income. There are 21 current mobilehome parks within the City of Carson (Exhibit No. 3), including Imperial Avalon (which has been approved for closure via a City-approved Relocation Impact Report resolution) and Park Granada (which is being closed due to bankruptcy court order).

Creation of the Overlay District over the remaining land currently used as mobilehome parks in 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.

To that end, on August 9, 2022, the Planning Commission adopted Planning Commission Resolution No. 22-2837 recommending that the City Council adopt an ordinance to establish the proposed overlay district. Additionally, the General Plan Update adopted by

the Council on April 4, 2023, 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.”

The City’s 2022 adopted Housing Element also contained similar language committing to the proposed ordinance in Program 11, “Mobilehome Park Maintenance and Preservation,” as mobilehome parks constitute a significant proportion of the low- and moderate-income housing in the City.

The proposed ordinance (Zone Text Amendment No. 192-2022; the “ZTA”) is a text change to the Carson Zoning Ordinance initiated by the City Council pursuant to Carson Municipal Code Section 9172.11. The text change would be effectuated by City Council’s adoption of the proposed ordinance.

The purpose of the ordinance is to maintain, preserve, and promote mobilehome parks as

an important source of affordable rental housing, consistent with and pursuant to the adopted Housing Element and General Plan Update, by creating a mobilehome park overlay district (“Overlay District”) over all land that is currently improved or operating as a mobilehome park in the City (Exhibit No. 3) excepting (i) parks that have a valid Relocation Impact Report approval resolution pursuant to 9128.21 of the City’s Municipal Code in effect as of the date of approval of the City’s General Plan Update (General Plan Amendment No. 115-23), which was April 4, 2023, and (ii) 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 approval of the City’s General Plan Amendment No. 115-23, adopted and approved by the City Council on April 4, 2023.

Parks that have a valid Relocation Impact Report approval in effect will not be made part of the Overlay District 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. 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), will not be made part of the Overlay District because those parks have already been approved for closure or cessation of use as a mobilehome park by a Court of law.

Consistent with the General Plan Update, the proposed ordinance would not exempt industrial-zoned parks from the overlay district.

The overlay district would apply automatically to all properties subject to it without the need for a zone change to be processed. Newly proposed mobilehome park uses within the overlay district will be subject to a Conditional Use Permit. For properties within the overlay district to engage in a use other than a mobilehome park use, a discretionary zone change approval will be required to remove the overlay district zoning designation from the property, providing another layer of protection for the residents in addition to the City’s park closure ordinance.

The City Council is committed to the preservation of mobilehome parks as evidenced by the above as well as the adoption of Ordinance No. 22-2205 on April 5 2022, declaring that mobilehomes 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.

Environmental Review

The ordinance is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that 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 ordinance or its implementation will have a significant effect on the environment. 14 CCR §15061(b)(3). The ordinance maintains the existing environmental baseline and existing environmental conditions. Likewise, the ordinance is

also exempt from CEQA because it involves no expansion of use of existing facilities and maintains the existing environmental baseline. 14 CCR §15301. However, any new mobilehome park permitted under the ordinance will be subject to a Conditional Use Permit and therefore, subject to CEQA review on a case by case basis.

Public Notice

Notice of the public hearing was advertised in the April 7, 2023 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to this City Council meeting.

V. FISCAL IMPACT

No direct impact.

VI. EXHIBITS

1. Proposed Ordinance No. 23-2303 (pgs. 6-12)
2. Planning Commission Resolution No. 22-2837 (pgs. 13-14)
3. List and map of current mobilehome parks (pg. 15)

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