



CITY OF CARSON

Legislation Text

File #: 2022-700, Version: 1

Report to Mayor and City Council

Tuesday, August 16, 2022

Discussion

SUBJECT:

CONSIDER ADOPTION OF A RESOLUTION PROVIDING FOR AN INTERPRETATION OF THE PROVISIONS OF THE CARSON ZONING ORDINANCE PERTAINING TO NONCONFORMING MOBILE HOME PARK USES

I. SUMMARY

The purpose of this item is for the City Council to consider an Interpretation of the City's Zoning Ordinance that would clarify, confirm and reiterate, consistent with the City's longstanding practices and the Council's expressed desire to preserve mobile home parks, that the City has discretion to allow actual, existing uses of mobile home parks which are located in industrial zones to continue legally and has no duty to abate such uses irrespective of the running of amortization periods.

II. RECOMMENDATION

TAKE all the following actions:

1. ADOPT RESOLUTION NO. 22-173, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, INTERPRETING THE PROVISIONS OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF THE CARSON ZONING ORDINANCE PERTAINING TO NONCONFORMING MOBILE HOME PARK USES."

III. ALTERNATIVES

TAKE any other action the Council deems appropriate, subject to compliance with applicable law.

IV. BACKGROUND

Mobile home parks which are located in industrial zones are prohibited as a planned use

under Section 9141.1 of the Carson Municipal Code (“CMC”), but the City has continually opted to allow actual, existing uses of those parks to continue despite the running of the time periods set forth in CMC Section 9182.22, especially in light of the recent state wide housing crisis. If the City ever desires to enforce a change in use, it will follow state and local laws and will start a code enforcement process and will file an application for a relocation impact report as an applicant and will pay relocation benefits to the residents.

To obtain greater clarification and understanding of the City’s regulations on this subject, and in light of the housing crisis and the resultant need to preserve mobile home parks, the City Council may wish to initiate the process for preparation of an interpretation of the provisions of the City’s Zoning Ordinance on the question of whether Municipal Code Section 9182.22 imposes a ministerial duty on the City to abate legally nonconforming mobilehome park uses after the period of time for such uses has run. Stated differently, does the City have discretion to allow nonconforming mobilehome park uses to continue to operate as legal nonconforming uses after the periods of time set by Municipal Code Section 9182.22?

Pursuant to CMC Section 9172.24, in case of uncertainty or ambiguity as to the meaning or intent of any provision of the City’s Zoning Ordinance (Chapter 1 of Article IX of the CMC), the City Council may initiate preparation of an “Interpretation,” which shall be based on an examination of the intent of the Zoning Ordinance, considering all of the relevant provisions thereof, and shall be consistent with such intent. Consideration shall be given to the relationship among regulations of the various zoning classifications and the uses and development standards therein.

In the event the Council sees fit to initiate the process, the Director of Community Development has taken the liberty of preparing and transmitting a proposed Interpretation on the foregoing questions for the Council’s consideration (the “Interpretation”). The Interpretation, which is attached to the proposed resolution as Exhibit A, is based on an examination of the intent of the Zoning Ordinance, considering all of the relevant provisions thereof, and is consistent with such intent. Consideration has been given to the relationship among regulations of the various zoning classifications and the uses and development standards therein.

The analysis and conclusion of the Interpretation clarifies, confirms and reiterates, consistent with the City’s longstanding practices and its expressed desire to preserve mobile home parks in the face of the current housing crisis, that the City has discretion to allow actual, existing uses of mobile home parks which are located in industrial zones to continue as legal nonconforming uses despite the running of the amortization period(s) set forth in CMC Section 9182.22, and notwithstanding Section 9141.1’s prohibition of mobilehome parks located in industrial zones as a planned use. In other words, the City has no duty to abate such uses, and such uses may continue legally as nonconforming uses until the City exercises its discretion to abate the nonconformity.

Approval of the proposed resolution would initiate the Interpretation process, approve and endorse the Interpretation prepared by the Director on the subject pending any further proceedings, and direct the Director to give public notice of preparation of the Interpretation.

V. FISCAL IMPACT

None.

VI. EXHIBITS

Proposed Resolution and Interpretation

Prepared by: Saied Naaseh, Community Development Director; City Attorney's Office