



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 22, 2005

ITEM NUMBER:

SUBJECT: A DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO AMEND EXISTING DEFINITIONS RELATING TO "MANUFACTURED HOUSING", "MOBILEHOME", "MOBILEHOME PARK", AND "MOBILEHOME PARK CONVERSION PERMIT" AND TO ADD A DEFINITION FOR "MOBILEHOME LOT".

DATE: FEBRUARY 8, 2005

FROM: DEVELOPMENT SERVICES/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, (714) 754-5604

RECOMMENDATION:

Give reading to the attached draft ordinance, which amends definitions contained in Title 13 (Zoning Code) of the Costa Mesa Municipal Code, relating to mobilehomes and mobilehome park conversions permits.

BACKGROUND:

In April 2004, City Council considered a comprehensive amendment to the City's current procedures for regulation the conversion of mobilehome parks. On a 3-2 vote (Cowan and Steel voting no), Council received and filed the draft ordinance.

Staff has brought forward the limited amendments contained in the draft ordinance, to address unresolved issues that were made apparent during the closure/conversion of the Snug Harbor Village and El Nido Trailer Parks at 1626/1640 Newport Boulevard.

On November 22, 2004, Planning Commission reviewed the recommended changes (although not in an "ordinance" format) and asked staff to forward these changes directly to Council on a 3-1 vote, (Bever no; DeMaio absent).

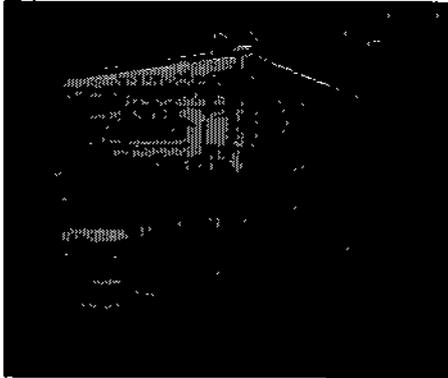
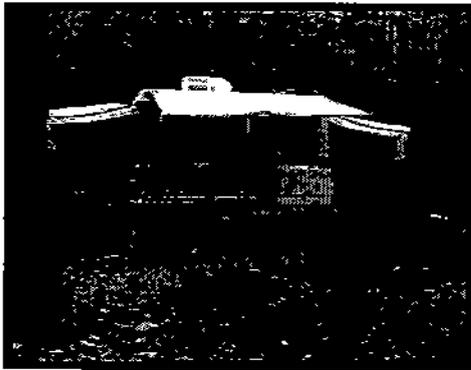
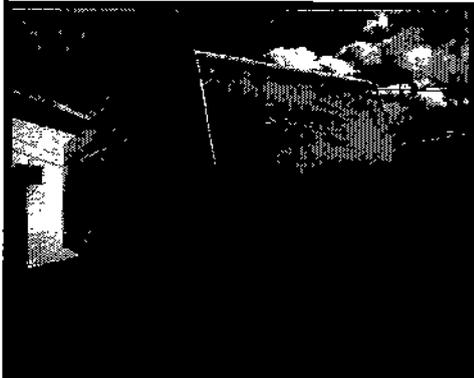
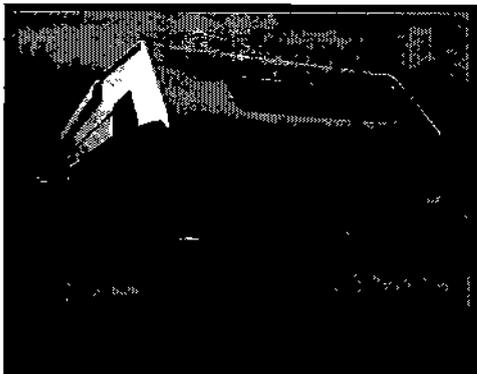
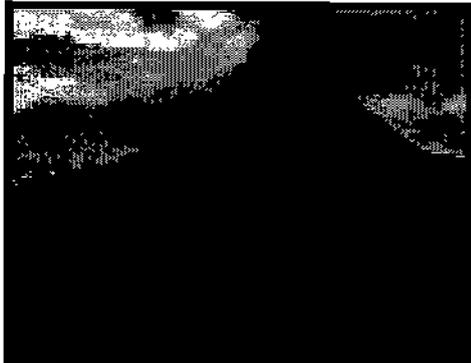
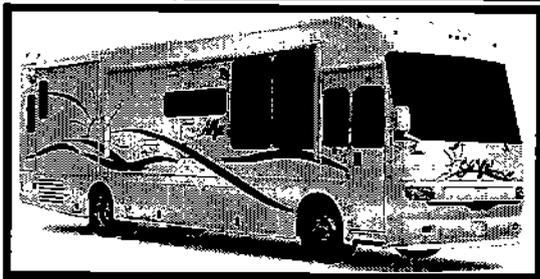
On January 18, 2005, Council directed staff to prepare a draft ordinance for consideration of the proposed amendments on a 3-2 vote (Monahan and Bever no).

ANALYSIS:

The proposed amendments are limited to various definitions related to mobilehomes contained in Zoning Code Section 13-6 (see the draft ordinance in Attachment 1), which indicates the changes with underlines and strikeouts. These amendments will accomplish the following:

- 1) *Qualify certain types of "recreational vehicles" as mobilehomes, when the recreational vehicle is used as the occupant's permanent residence. Permanent*

residence of a “recreational vehicles” would only occur when the vehicle is used as the occupant’s primary place of residence as established by 9 months of continuous residency. This definition is consistent with the State Mobilehome Residency Law. Photo examples of the types of recreational vehicles that *are* and *are not* subject to this ordinance are as follows:

Recreational Vehicles <i>Subject</i> to Ordinance	Recreational Vehicles <i>Not Subject</i> to Ordinance
 <p data-bbox="354 821 634 852">Travel Trailers- Yes</p>	 <p data-bbox="984 814 1289 846">Camping Trailers- No</p>
 <p data-bbox="378 1260 610 1291">5th Wheels- Yes</p>	 <p data-bbox="992 1260 1278 1291">Truck Campers- No</p>
 <p data-bbox="362 1684 623 1715">Park Trailers- Yes</p>	 <p data-bbox="1008 1600 1261 1631">Motor homes- No</p>

The inclusion of certain types of “recreational vehicles” in the definition of “mobilehome” directly affects two parks in the City: Anchor and Stone Villa. The State lists both of these parks as containing only recreational vehicle spaces. Anchor is located at 1527 Newport Boulevard and contains 43 recreational vehicle spaces. Stone Villa is located at 333 West Bay Street and contains 34 recreational vehicle spaces. With this new definition, if the recreational vehicle

park owner is allowing two or more of the recreational vehicle owners to reside in the park for nine or more continuous months, then the park (or a portion of the park) would be operating as a mobilehome park **not** as a recreational vehicle park, and, therefore, this ordinance would apply at the time the park owner wishes to convert or close the park. Specifically, the park owner would be obligated to provide reasonable relocation assistance to the recreational vehicle owners who live in a vehicle that meets the criterion. This ordinance would not apply to a recreational vehicle park if it contains only one recreational vehicle that meets this criterion.

- 2) *Define "mobilehome lot" to exclude lots which contain mobilehomes owned by the park owner.* This definition excludes lots which contain mobilehomes owned by the park owner, and thus excludes them from being subject to the City's "mobilehome park conversion" procedures. For example at College Trailer Park (2560 Newport Boulevard), the park owner owns all of the lots and mobilehomes and rents them together to tenants. Based on its current operation, this park would not be subject to the City's mobilehome park conversion procedure, and the park owner would not be required to provide relocation assistance to the tenants at the time he closes or converts the park.
- 3) *Amend the definition of mobilehome park conversion to include a mobilehome park closure.* A "mobilehome park closure" has been added to the definition of a "mobilehome park conversion" (Section 13-28[k]). In the recent closures/conversions of the Snug Harbor Village and El Nido Trailer parks there was significant confusion since the property owner was pursuing both a closure and conversion during the same timeframe. Since the park closure was not subject to City review, it created a great deal of confusion for the park residents and public due to the different timeframes for notices, environmental clearances, and City approval of the relocation impact report. By requiring City review and approval of a mobilehome park closure, the process will be clarified.

ALTERNATIVES CONSIDERED:

City Council may choose to adopt the proposed changes as drafted or make any desired changes to these definitions. Council may also choose to retain the City's current definitions.

FISCAL REVIEW:

Fiscal review is not required for this draft ordinance.

LEGAL REVIEW:

The City Attorney has reviewed the draft ordinance and approved it as to form.

ENVIRONMENTAL DETERMINATION

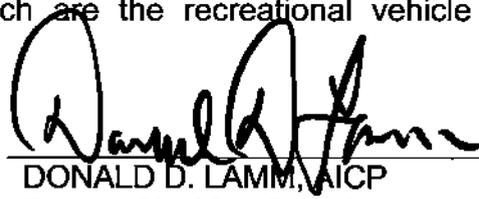
These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION:

The proposed amendments to the mobilehome definitions will provide clarity to the Zoning Code in respect to mobilehome park closures and exclude mobilehome lots from the mobilehome park conversion requirement if the park owner owns the mobilehome and rents it to a tenant in conjunction with the lot. Finally, the proposed amendment to the definition of "mobilehome" will include a recreational vehicle park as being subject to the mobilehome park conversion procedures, if two or more lots within the park contain recreational vehicles, which are the recreational vehicle owner's primary residence.



KIMBERLY BRANDT, AICP
Principal Planner



DONALD D. LAMM, AICP
Deputy City Mgr.-Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
Public Services Director
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ATTACHMENTS: 1 Draft Ordinance

File: 022205MHPDefinition	Date: 02/01/05	Time: 400pm
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ATTACHMENT 1
DRAFT ORDINANCE

DRAFT 1/28/2005

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO AMEND EXISTING DEFINITIONS RELATING TO "MANUFACTURED HOUSING", "MOBILEHOME", "MOBILEHOME PARK", AND "MOBILEHOME PARK CONVERSION PERMIT" AND TO ADD A DEFINITION FOR "MOBILEHOME LOT".

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend the following definitions in Section 13-6 to read as follows:

"Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, ~~including structures known as manufactured homes and mobile homes.~~ For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

Mobilehome. ~~See Manufactured housing.~~ This term shall mean a "mobilehome" as defined in California Civil Code Section 798.3. "Mobilehome" also includes a "recreational vehicle" as defined in California Civil Code Section 799.29, when the recreational vehicle is used as the occupant's primary place of residence as established by nine months continuous residency at that mobilehome park. This definition excludes motor homes, truck campers, and camping trailers.

Mobilehome park. Any area or tract of land where 2 or more mobilehome lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes. A mobilehome park also means a mobilehome development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobilehome condominium or cooperative park, or as a mobilehome planned unit development. This term shall mean a "mobilehome park" as defined in California Civil Code Section 798.4, and any park where two or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes that are not owned by the mobilehome park owner."

b. Amend Section 13-6 to include the following definition:

"Mobilehome lot. This term means any area or tract of land, or portion thereof, occupied or held out for occupancy by a mobilehome that is not owned by the mobilehome park owner."

c. Amend Section 13-28(k) to read as follows:

“(k) Mobile Home Park conversion. Any conversion of an existing mobilehome park, as that term is defined in Section 13-6, to any other use permitted or conditionally permitted in the applicable zoning district. For purposes of this subdivision, “conversion” means any full or partial conversion, change of use of a mobilehome park to any other use, including a change to vacant land, closure, or cessation of use of the mobilehome park.”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

DRAFT 1/28/2005

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk and ex-officio Clerk of the
City of Costa Mesa
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

City Attorney

DRAFT 1/28/2005

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-____ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa