



# CARSON PLANNING COMMISSION STAFF REPORT

**DATE:** May 23, 2023  
**FROM:** Christopher Palmer, AICP - Planning Manager  
**BY:** Saied Naaseh, Community Development Director; City Attorney's Office  
**SUBJECT:** Zone Text Amendment (ZTA) No. 194-23

## PROJECT/APPLICANT INFORMATION

**Project Summary:** Approval of Zone Text Amendment No. 194-23, recommending City Council adoption of an ordinance amending the text of Carson Municipal Code Section 9128.21 (Relocation Impact Report [RIR]) to make various modifications to the process and requirements for RIR applications and decisions pursuant to state law as amended by Assembly Bill No. 2782

**Project Location:** Mobile Home Parks (City-wide)

**Project Applicant:** City of Carson

## I. OVERVIEW

### A. Introduction and History

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. The Planning Commission is the approval authority for RIR applications, subject to appeal to the City Council.

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.

Government Code Section 65863.7 applies to charter cities, including Carson.

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.

One such piece of legislation was Assembly Bill (AB) 2782 (attachment 2), 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 park owner notice periods to residents related to RIR approval requests/hearings from 15 days to 60 days;
- (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. (Gov't Code §65863.7(k)).

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 Carson 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.

CMC 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 CMC 9128.21 conflict with current provisions of Government Code Section 65863.7 as amended by AB 2782.

Although the City has at all times administered and implemented CMC Section 9128.21 in a manner that is fully consistent with Government Code Section 65863.7 as amended by AB 2782 notwithstanding any provisions which have conflicted since the time that AB 2782 took effect, an update to CMC Section 9128.21 pursuant to AB 2782 will ensure greater clarity and serve to better protect the residents of the City's mobile home parks who may be faced with park closures sought by the private owners of the parks in the future.

## **B. Project Description**

The proposed ordinance (Exhibit A to the proposed Resolution, attachment 1) would make the following key changes to CMC Section 9128.21:

- (B)(5): Clarify that the questionnaires the applicant is required to distribute to the park residents in connection with submittal of an RIR application must include a request for the annual income of the resident's household. The proposed change is designed to aid the City in making the required finding under Gov't Code 65863.7(e)(1)(B) as to whether the proposed closure will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City, and to aid the City in determining the necessary measures to adequately mitigate the adverse impact of the closure on the ability of the residents to find adequate housing in a mobilehome park within a reasonable distance. However, residents will have the option as to whether to provide this information in response to the request or not.
- (C)(1): One of the required contents of an RIR is a description of the proposed new use of the subject property. The proposed ordinance would clarify that this description must include whether the proposed new use will include or contribute to housing opportunities or choices for low- and moderate-income households within the City. This proposed change is designed to aid the City in making the required finding under Gov't Code 65863.7(e)(1)(B) (discussed above), and to aid the City in determining the necessary measures to adequately mitigate the adverse impact of the

closure on the ability of the residents to find adequate housing in a mobilehome park within a reasonable distance.

- (C)(6): Provide that the appraisal of the mobile homes in the park, which is currently required as part of the RIR application, be an appraisal of the “in-place market value” of the coaches, as required by Gov’t Code Section 65863.7(a)(2), rather than the “on-site” and “off-site” value, which is the terminology currently used in the ordinance. Under Gov’t Code Section 65863.7(a)(2) and the proposed ordinance, the appraisal of “in-place market value” shall be based on the current in-place location of the mobilehome and shall assume continuation of the mobilehome park, and the appraiser shall be state-certified and have experience establishing the value of mobilehomes.
- (C)(7): Provide that the required RIR contents shall include the number of resident households whose incomes are: (i) below 30% of the applicable area median income (“AMI”); (ii) 30-50% of AMI; (iii) 50-80% of AMI; and (iv) 80-120% of AMI, to the extent the information is available to the applicant. This proposed change is designed to aid the City in making the required finding under Gov’t Code 65863.7(e)(1)(B) (discussed above), and to aid the City in determining the necessary measures to adequately mitigate the adverse impact of the closure on the ability of the residents to find adequate housing in a mobilehome park within a reasonable distance.
- (C)(10): Provide, pursuant to Govt Code Section 65863.7(a)(1), that one of the required contents of an RIR shall be “a replacement and relocation plan that adequately mitigates the impact upon the ability of the park residents who will be displaced to find adequate housing in a mobilehome park within a reasonable distance.”
- (D): Add a provision to clarify that the Director’s RIR application completeness determination, insofar as it requires a determination of the completeness or sufficiency of the required replacement and relocation plan (discussed above), is only a preliminary determination as to the completeness or sufficiency of such plan, and is subject to final determination by the Planning Commission (and City Council on appeal) regarding the completeness or sufficiency of such plan in connection with the decision on the RIR.
- (D): Increase the timeframes for City to hold an initial hearing on an RIR following an application completeness determination (from 45 days to 90 days following the completeness determination) and for the Director to provide notice of the hearing and a copy of the RIR to the residents (from 30 days to 60 days in advance of the hearing), based on changes to state law (Gov’t Code 65863.7 and Civil Code 798.56) made by AB 2782 increasing the required time periods from 15 days to 60 days for the applicant to provide such notices to the residents.

- (E): Add the required finding, pursuant to Gov't Code Section 65863.7(e)(1)(B), as to whether the proposed closure will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City, to be made by the Planning Commission (and the City Council on appeal) prior to any decision on an RIR.
- (E): Add the required finding, pursuant to Gov't Code Section 65863.7(a)(2), that any displaced resident who cannot obtain adequate housing in another mobilehome park within a reasonable distance will be paid the in-place market value of the displaced resident's mobilehome, as appraised in accordance with (C)(6) (discussed above), by the applicant, which finding must be made in the affirmative by the Planning Commission (and City Council on appeal) in order to approve any RIR.
- (E): Modify the required finding as follows, to better conform to the language of Gov't Code Section 65863.7 as amended by AB 2782 and the other language of CMC Section 65863.7 as is proposed to be amended by the ordinance: "~~reasonable~~ measures have been provided **that in an effort to adequately** mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find **adequate** ~~alternative~~ housing **in a mobilehome park within a reasonable distance.**" This finding must be made in the affirmative by the Planning Commission (and City Council on appeal) in order to approve any RIR.
- (E): Modify the introductory paragraph to the list of available relocation impact mitigation measures that the City may impose as follows, to better conform to the language of Gov't Code Section 65863.7 as amended by AB 2782 and the other language of CMC Section 65863.7 as is proposed to be amended by the ordinance, and to remove the previous "reasonable costs of relocation" limitation on the available mitigation measures that was deleted from Gov't Code Section 65863.7 by AB 2782: "In approving an RIR, the Commission may impose reasonable measures ~~not exceeding the reasonable costs of relocation~~ to mitigate adverse impacts created by the conversion **on the ability of the park residents to be displaced to find adequate housing in a mobilehome park within a reasonable distance**, which may include, but not be limited to, any of the following:".
- (E)(7): Provide, as required by Gov't Code Section 65863.7(a)(2), that as a mandatory mitigation measure to be imposed by the City on an applicant in connection with any RIR approval, that any resident who cannot obtain adequate housing in another mobilehome park within a reasonable distance be compensated by a lump sum payment equal to the in-place market value of the displaced resident's mobile home, as appraised in accordance with (C)(6) (discussed above).

- (E)(8): Clarify that the available mitigation measure of requiring a provision for setting aside a certain number of units for the residents of the park if the park is to be converted to another residential use may also include affordable housing units if affordable housing units will be included in the subsequent residential use.
- (E)(9): Although 6-month notice of termination of space tenancies is required following approval of an RIR before park closure pursuant to Civil Code Section 798.56 and CMC Section 9128.21, the City has found from experience that residents will often need more than six months to make adequate arrangements to relocate from a park following approval of an RIR. Accordingly, the ordinance would add a provision to CMC 9128.21, pursuant to Government Code Section 65863.7(k), to provide that one available mitigation measure the City may impose in connection with approving an RIR is that the effective date of RIR approval shall commence not less than one year following the date of the City's approval action, or such longer period, not to exceed three (3) years, as the City finds is necessary to provide sufficient time for the relocation of the mobile homes and residents.
- (E) (last paragraph): Modify to remove the previous "reasonable costs of relocation" limitation on the available mitigation measures that was deleted from Gov't Code Section 65863.7 by AB 2782.
- (H): Increase timeframes for applicants to file certificate of acceptance of conditions (from 30 days to 90 days) and to issue 6-month notice of termination of residents' space tenancies (from 45 days to 120 days, unless otherwise provided in the resolution approving the RIR) following approval of an RIR.

It is also important to note, for avoidance of doubt, that the proposed ordinance will not alter past RIR decisions made by the City.

## II. ANALYSIS

### A. Zoning Ordinance Compliance (CMC 9172.11)

The proposed ordinance is an amendment to the City's Zoning Ordinance (Chapter 1 of Article IX of the CMC), and as such is subject to the procedure set forth in CMC 9172.11.

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.

The City's Zoning Ordinance is required to be consistent with the City's General Plan. CMC 9172.11 provides that "After the public hearing, the Commission shall, by resolution, render its decision in the form of a written recommendation to the Council. Such

recommendation shall include the reasons for the recommendation, shall specify the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the Council.”

**a. Initiation of Zone Text Amendment**

As set forth in the proposed resolution, consideration of the ZTA was initiated by the City Council by adopting the Housing Element containing the commitment to consider it in Program 11 (as discussed in Section II.b, below). However, to the extent such action is not deemed initiation of consideration of the ZTA for purposes of CMC Section 9172.11, the Planning Commission, by adopting the proposed resolution, would order initiation of consideration of the ZTA pursuant to CMC 9172.11.

**b. Consistency with the General Plan and any applicable specific plans**

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 CMC 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.”

The proposed ordinance is consistent with the City’s General Plan and furthers the 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. There is no applicable specific plan.

#### **b. Reasons for Recommendation**

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, as contemplated by the General Plan Housing Element. 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. 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.

#### **B. Public Hearing Notice**

Notice of the public hearing was given in a manner that went beyond the noticing provisions of the Zoning Ordinance (Chapter 1 of Article IX of the CMC), including CMC 9172.11 and 9173.22. On May 11, 2023, notice of the public hearing was posted at the regular designated public places and also at all mobilehome parks in the City, and was mailed to all mobile home park owners via First Class Mail. The notice was also published in the May 12, 2023, edition of the Daily Breeze. (Attachment 3). The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

#### **C. Environmental Analysis**

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.

### **III. CONCLUSION AND RECOMMENDATION**

Staff recommends the Planning Commission:

- **ADOPT** Resolution No. 23-\_\_\_\_, entitled “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.”

**IV. ATTACHMENTS**

- 1) Draft Resolution No 23-\_\_\_\_\_
  - A. Proposed Ordinance
- 2) AB 2782
- 3) Public Hearing Notice