



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/20/2014
Agenda Placement: 9I
Set Time: 2:00 PM PUBLIC HEARING
Estimated Report Time: 30 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: John McDowell for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: John McDowell, Deputy Planning Director - 299-1354
SUBJECT: Mobilehome Park Ordinance Update - County Code Chapter 15.40 (P13-00437-ORD)

RECOMMENDATION

First reading and adoption of an ordinance amending Chapter 15.40 and Section 18.10.020 relating to mobilehomes and mobilehome parks.

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

Chapter 15.40 of the Napa County Code contains antiquated regulations for Mobilehome Parks. This Chapter is rarely utilized given that the areas of unincorporated Napa County that were once zoned RVP - Recreational Vehicle Park (formerly in Title 18), have all either been annexed to cities (primarily City of American Canyon), or converted to alternative uses, such as at Carneros Lodge. The RVP combination zoning designation was taken out of County Code in 1996. Several mobilehome and/or recreational vehicle parks remain in operation in unincorporated areas, and have remained largely unchanged from when they first developed generally several decades ago.

The owner of one of the existing mobilehome parks, Vineland Vista located south of St. Helena, has requested consideration of the proposed amendments to Chapter 15.40 to bring the County Code into conformance with State law, and to add provisions allowing decision makers to grant variations to development standards. The applicant has applied for a use permit major modification to upgrade their facility, but before moving forward with that application they request that the Board first consider updating County Code.

Local agency (County) regulation of mobilehome parks must conform to a set of detailed State regulations primarily found in Sections 18000 et seq. of the Health and Safety Code (HSC), and Title 25 of the California Code of Regulations (CCR). Any local regulations that are inconsistent or otherwise in conflict with State law are

preempted. Therefore, a code update at this point (in advance of further processing of the Vineland Vista Major Modification), would provide processing and regulatory clarity to all future mobilehome park use permit modifications.

PROCEDURAL REQUIREMENTS

1. Open the Public Hearing;
2. Staff report;
3. Public comments;
4. Close Public Hearing;
5. Motion, second, discussion and vote to find the project exempt from CEQA under the General Rule;
6. Clerk reads the Ordinance Title;
7. Motion, second, discussion and vote to waive the balance of the reading of the ordinance;
8. Motion, second, discussion and vote on adoption of the ordinance and find it consistent with General Plan.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

Napa County's existing Housing Element seeks to provide and maintain an adequate supply of housing types for all income levels. Mobilehome parks have helped fill that need by providing what is generally more affordable rental housing, although most of the parks developed in unincorporated Napa County now lie within city limits. There are very few existing parks remaining within unincorporated Napa County (Moskowite Corners, Spanish Flat, Vineland, Deer Park, Angwin, etc.), and these projects generally have little to no potential to expand largely due to site and utility constraints.

One of the recommended changes in the Draft Housing Element recently submitted to the State for review, is to strengthen the County's policy with regard to maintaining the de facto affordable housing that currently exists in the County's mobilehome parks. The focus of this report on the mobilehome park ordinance, and the attached ordinance (See Exhibit A), is to provide code language that is consistent with and implements the recommended policies and programs in the Draft Housing Element.

The County's adopted housing element already contains a provisions aimed at maintaining and increasing affordable housing units in mobilehome parks (Policy H-2j and Program H-2k). In the pending Draft Housing Element, Staff has recommended strengthening this affordability program by adding a revised policy (now H-2i) and a revised program (now H-2h). The thrust of Policy H-2i is to encourage retention of existing affordable units and/or provision of new affordable units, while the purpose of Program H-2h is to ensure that adverse impacts on park residents, including impacts on housing affordability, are analyzed and mitigated.

Proposed Ordinance Changes:

With the exception of new variation from standards section, the proposed amendments consist of changes proposed to achieve consistency with State law. The general approach has been to either eliminate sections or simplify existing wording of those sections that conflict with State law. It should be noted that the definition of a mobilehome includes a "multiple family manufactured home" which is a single structure that contains no more than two dwelling units.

There are essentially three paths that can be followed for dealing with the antiquated Chapter 15.40 code sections. First, regulations could stay as they are, and mobile home/manufactured home projects could be processed (under the associated zoning regulations) and those sections of Chapter 15.40 that are inconsistent with State law would simply be preempted by State law. The downside of this approach is that the code is knowingly antiquated and would be a disservice to interested parties trying to parse through which sections of code apply and which do not.

A second approach is to move forward as the applicant requests by eliminating and simplifying existing code sections. Staff is generally supportive of this approach and this is the approach endorsed by the Planning Commission. However, there is some argument that the County could simply eliminate the Chapter and rely solely on Title 18 zoning requirements in concert with State law. Mobile and manufactured homes parks are allowed within the PD and AH zoning districts and the zoning requirements of those sections apply to a project to the extent that are not also preempted by State law. In weighing elimination versus update, it appears that updating the ordinance to reference applicable State law sections ultimately raised fewer internal County Code consistency issues, and, more importantly, provides notice to customers (and Staff) of the prevailing HSC and CCR law provisions (that could otherwise be unapparent without awareness of their location in the volumes of California Government Code).

The third path would be to consider a more comprehensive update of mobile and manufactured home zoning as an action item subsequent to the adoption of the current Housing Element cycle. Such a work plan item would need to be authorized by the Board, but there may be value to seeing how other jurisdictions are structuring their codes and guidelines, and to how mobile homes can be maintained for resident housing.

Variation Procedure:

The only newly proposed code section is 15.40.490 which details a procedure and findings for granted variations from standards. This section is similar to the variation procedure implemented in the Napa Valley Business Park (formerly Airport Industrial Area) Specific Plan, wherein decision makers may grant alternatives to standards for projects of superior quality. A variation procedure may prove to be a valuable tool allowing decision makers to approve project concepts suitable to the constraints of a site and neighboring properties. However, to some degree, this process already exists in the underlying Planned Development zoning that would apply in most cases. It is anticipated that the final proposed design of the Vineland Vista project would include a variation from standards request as they are contemplating increasing the size of units but the property size is quite limited.

Vineland Vista Mobile Home Park:

On May 17, 2013, Hall Vineland LLC filed a use permit major modification to redevelop the Vineland Vista Mobile Home Park located on the west side of State Route 29 (St. Helena Highway South) south of the City of St. Helena. This park was developed under use permit issued in 1961. Presently most of the park is unoccupied, but the use permit entitlement remains valid. Subsequent to the filing of the major modification, the application was declared incomplete for further processing and Staff and the applicant began discussions about the possibility of updating the antiquated Mobilehomes Chapter 15.40 of Napa County Code. The applicant requested that this code chapter be updated in advance of moving forward with its major modification proposal.

Planning Commission Recommendation

The attached proposed ordinance was duly considered by the Planning Commission at public hearings on January 15, 2014 and April 2, 2014. Staff and the applicant provided testimony. At the conclusion of the hearing, the Commission voted unanimously to recommend to the Board of Supervisors that the ordinance be adopted. Several Commissioners also commented that they are interested in seeing the County maintain existing affordable housing stock, and that the County should continue to take steps to support Housing Element policies.

SUPPORTING DOCUMENTS

- A . Proposed Ordinance - Tracked Changes
- B . Final Proposed Ordinance

CEO Recommendation: Approve

Reviewed By: Pamela Kindig