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Agenda Date: 1/15/2014

Agenda Placement: 9E

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for Pete Parkinson - Interim 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

MOBILEHOME PARK ORDINANCE UPDATE / MATT MUMFORD, HALL VINELAND LLC - ORDINANCE TEXT AMENDMENT P13-00437-ORD

CEQA Status: 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)].

Request: Applicant-sponsored ordinance to update the Mobilehomes Chapter of Napa County Code, Chapter 15.40, to be consistent with the requirements of State Law and to establish regulations enabling project decision makers to grant variations to development standards for projects of superior design quality. Applicant for the ordinance change is Hall Vineland LLC, 401 St. Helena Highway South, St. Helena. Hall Vineland LLC has also proposed Major Modification P13-00164-MOD to redevelop the existing Vineland Vista Mobile Home Park located at 341 St. Helena Highway South (Assessor's Parcel Number 027-130-005 & 006), which is presently a pending, but incomplete, application with no planned date for hearing.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING CHAPTER 15.40 RELATING TO MOBILEHOMES AND MOBILEHOME PARKS

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation to the Board of Supervisors.

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Applicant Contact: Tom Carey, Attorney , 707-479-2856, tcareylaw@g-mail.com

EXECUTIVE SUMMARY**Proposed Action:**

That the Planning Commission conduct a public hearing and at the close of deliberations, forward a recommendation to the Board of Supervisors on the proposed ordinance and CEQA determination.

Discussion:

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 on a project 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 Commission and Board first update the 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.

After conduction the public hearing, processing options for the Commission are as follows:

- 1) Recommend Board approval of the ordinance as proposed (or slightly modified);
- 2) Continue item if additional information or alternatives are sought;
- 3) Direct staff to return with an alternative ordinance proposal; or
- 4) Recommend denial of the ordinance change and keep the current ordinance.

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**Land Use:**

Napa County's 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. However, given that all of these sites are decades old, some form of redevelopment and/or rehabilitation will undoubtedly be necessary at an undetermined point in the future. In that regard, it is appropriate the County have up to date regulations to ensure that future improvements to existing parks can be diligently processed in a manner that supports the objectives of the Housing Element. Likewise, there are several vacant properties designated PD - Planned Development and/or :AH - Affordable Housing Combination zoned throughout the County that have the potential to be developed with manufactured homes. Up to date regulations would also support diligent processing of development proposed on those sites.

In evaluating the currently proposed change, Staff has been considering two main factors. First is the need to be consistent with State law, which is effectively an absolute. Any regulation inconsistent with State law is preempted and may not be enforced. The second factor is one of land use as it pertains to meeting Housing Element obligations. Updating the Mobilehomes Ordinance is an opportunity to have the County Code more fully support housing needs of our community. To that end, Staff encourages the Commission to consider whether augmentation of Chapter 15.40 should occur to more clearly set expectations on how mobile home and manufactured home parks will function.

At present, the proposed code changes focus elsewhere: changes to design standards. Chapter 15.40 does not speak to how mobile and manufactured homes will be occupied, other than in a manner consistent with State law, which is quite broad. Health and Safety Code Section 18300(g)(1) allows local agencies to, within limits, prescribe how units will be used (i.e. short term vs. long term accommodations). Although County Code Section 18.104.410 currently prohibits short term transient commercial occupancies for periods of less than 30 days in all residential and agricultural zoning districts, it may be appropriate to include similar language or reference such occupancy restrictions in the revisions proposed to be made to Chapter 15.40.

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. Attached is a tracked changes version of the ordinance in addition to a code disposition chart that references the State law provision supporting the proposed change. The general approach has been to either eliminate sections or simplify existing wording of those sections in 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 as it appears that there is little necessity to have a

Mobilehome section given the apparent redundancies with County zoning and State law. Mobile and manufactured homes parks are allowed within the PD and :AH zoning districts, and given the detailed mandates of State law, there is some question whether Chapter 15.40 remains necessary. Staff concluded that keeping the ordinance and updating it to reference applicable State law sections ultimately raised fewer internal County Code consistency issues, and, more importantly, will provide 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).

Lastly, the Commission may wish to consider an alternative approach to the one proposed where a more comprehensive update of mobile and manufactured home zoning is considered. Staff has not had the resources available to embark on a comprehensive update, and such a workplan 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. Attached is one set of development guidelines from the County of Riverside, which are applicable only to projects utilizing public funds, but it does provide an example of more comprehensive design criteria for parks.

Variation Procedure:

The only new 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 doing stacked units. Typically, mobile home units sit on 'occupied areas' or 'spaces.'

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 and allows 15 mobile homes and 3 recreational vehicles. 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.

SUPPORTING DOCUMENTS

- A . Ordinance (Redlined Version)
- B . Final Ordinance
- C . Chart of Amendments with State Law References
- D . Riverside County Design Guidelines
- E . HCD Information Bulletin 2008 - 10 (MP)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina