

ORDINANCE NO. 1982

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 9 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 9.40 ENTITLED "HOUSING ASSISTANCE" RELATING TO THE REQUIREMENTS FOR THE CONVERSION OF MOBILEHOME PARKS TO OTHER USES OR FOR THE DISCONTINUANCE OF MOBILEHOME PARKS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 9 of the Chula Vista Municipal Code be, and the same is hereby amended by adding thereto a new Chapter 9.40 to read as follows:

CHAPTER 9.40 HOUSING ASSISTANCE.

Sec. 9.40.010 Mobilehome Park Conversions - Purpose and Intent.

It is the purpose of the City Council in accordance with the provisions of Section 65863.7 and 66427.4 of the Government Code of the State of California to mitigate any adverse impact of the conversion of mobilehome parks to other uses or the discontinuance of use of mobilehome parks on the ability of displaced mobilehome owner/occupants to find adequate spaces in other such parks. It is the intent of the Council to impose upon park owners chosing to convert or discontinue their mobilehome park operations, whether located in exclusive mobilehome park zones or in other commercial or residential zones, the obligation to provide financial assistance or some satisfactory alternative thereto for those mobilehome owner/occupants who would be dislocated by the decision to convert such mobilehome parks to uses other than that designated in the zone or than that to which they have been utilized or to discontinue use. It is the intent of this ordinance to carry out and supplement the requirements of the State law in regard to notification and to establish relocation assistance programs for low and moderate income mobilehome owner/occupants placed in the position of being dislocated as a result of either conversion of mobilehome parks to other uses or discontinuance of use.

Sec. 9.40.020 Application for Conversion or Discontinuance of Mobile Home Park.

A. Application for Conversion or Discontinuance.

Prior to the approval of any rezoning, subdivision map, or the issuance of any permit including a building permit, which would allow the use of any properties presently or hereinafter utilized for mobilehome parks to be used for any purpose other than a mobilehome park, an application to convert from such use or to discontinue must be filed with the Community Development Department. The requirements of this section shall be applicable whether or not the mobilehome park is:

1. located within an exclusive mobilehome park zone,
2. located within a zone subject to conditional use permit, or

3. is entitled to be used as a mobilehome park based on nonconforming rights.

B. Application Requirements.

The following information or documentation shall constitute application for conversion or discontinuance of an existing mobilehome park.

1. A relocation plan which shall make adequate provision for the relocation of the mobilehome owner/occupants who will be displaced by the discontinuance of the use of the property for a mobilehome park.
2. A profile of the existing park, including:
 - a. Number of spaces.
 - b. Names and addresses of all mobilehome owner/occupants.
 - c. Date of manufacture of each coach.
 - d. Replacement value of each coach.
 - e. Estimated cost of relocation of each coach.
 - f. Length of tenancy of each mobilehome owner/occupant.
 - g. Estimated income and age of each mobilehome owner/occupant.
3. A timetable for vacating the existing park.
4. Evidence satisfactory to the Community Development Director that agreements satisfying the relocation assistance requirements of this ordinance have been offered to eligible mobilehome owner/occupants. Such evidence may include, but is not limited to the following:
 - a. Written agreements to relocate mobilehomes owned by low and moderate income mobilehome owner/occupants.
 - b. Assistance for low and moderate income mobilehome owner/occupants in the form of payment by the park owner of 75%, up to a maximum of \$3,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.
5. Evidence that the park owner has informed all mobilehome owner/occupants in writing of alternative sites available to them.
6. Evidence that the park owner has agreed to purchase those coaches of low and moderate income mobilehome owner/occupants which are determined to be not relocatable due to age and/or condition. Such purchases shall be based on standard insurance replacement criteria.
7. Evidence that the displaced residents have been provided right of first refusal to purchase, lease, or rent any dwelling units or mobilehome spaces which may be built on the subject property.
8. A narrative summary of planned new use of property to be converted or reason for non-use.

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9. As an alternative to paragraph 4b, evidence that the park owner has given the mobilehome owner/occupants a three-year notice to vacate, said notice being pursuant to Section 798.56(f) of the Civil Code. If such a three-year notice is given, the applicant must assist all low and moderate income displaced mobilehome owner/occupants in accordance with the following schedule:

<u>If Mobilehome Owner/Occupant Vacates Before End Of</u>	<u>Portion of Expenses Paid By Owner</u>	<u>Up to a Maximum of</u>
First Year	75%	\$3,000.00
Second Year	50%	\$2,000.00
Third Year	25%	\$1,000.00

C. Submittal to and Decision of the Community Development Director.

All of the above application information shall be submitted to the Community Development Director. The Community Development Director shall make his decision in the following manner:

1. If the Community Development Director determines that the application is complete and conforms with all regulations, policies, and guidelines, and that the relocation plan or other commitments by the park owner mitigate the impact of conversion or discontinuance on the health, safety, and general welfare of persons residing in the mobilehome park, he shall grant the application for conversion.
2. If the Community Development Director determines that the application is not complete or it does not conform with all regulations, policies, and guidelines, or that the relocation plan or other commitments by the park owner do not mitigate the impact of conversion or discontinuance on the health, safety, or general welfare of persons residing in the mobilehome park, he shall deny the application for conversion.
3. The Community Development Director may establish the date on which the resolution of conversion or discontinuance will become effective. Such date shall not be more than three years from the date of decision of the Community Development Director, or such earlier date as the applicant has complied with the provisions of an approved relocation plan, and submitted evidence thereof to the Community Development Director.
4. In granting or denying the application for conversion or discontinuance of the mobilehome park, the Community Development Director shall make a written finding in rendering the decision and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.
5. A copy of this written finding of facts shall be filed with the City Clerk, the Planning Director, and the Director of Building and Housing, and shall be mailed to the applicant and to the mobilehome owner/occupants of the mobilehome park.
6. The decision of the Community Development Director shall be final on the 15th day following the decision except when appeal is taken to the City Council as provided below.

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D. Appeal from the Decision from the Community Development Director.

1. An appeal from the decision of the Community Development Director on an application for conversion or discontinuance of a mobilehome park may be taken to the City Council within fifteen days following the decision of the Community Development Director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the city or any resident of the city. The appeal shall be in writing on a prescribed form and filed with the City Clerk. The appeal shall specify wherein there was an error in the decision of the Community Development Director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.
2. Upon the filing of the appeal, the Community Development Director shall set the matter for public hearing before the City Council at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of the Municipal Code. Notice of time and place and purpose of such hearing shall be given as follows:
 - a. By at least one publication in the official newspaper of the City of Chula Vista, not less than ten days prior to the date of the hearing.
 - b. By mailing notices at least ten days prior to the date of such hearing to the mobilehome park owner and to all mobilehome owner/occupants of the mobilehome park.
3. Upon the hearing of the appeal, the City Council may by resolution affirm, reverse or modify in whole or in part any determination of the Community Development Director, subject to the same limitations as are placed upon the Community Development Director by law and the provisions of this Code. The resolution must contain a finding of fact showing wherein the proposed development meets or fails to meet the requirements herein.

The decision of the City Council shall be final unless appealed to a court of competent jurisdiction.

E. Waiver.

The Community Development Director may recommend to the City Council the acceptance of other mitigating actions by the park owner in lieu of the specific provisions herein if extreme economic hardship would result for the park owner, or if other proposed mitigating actions have recommending benefit.

F. Notification Requirements.

In addition to any notification requirements under the California Civil Code, the following notification requirements shall apply to any application for conversion or discontinuance of mobilehome park use:

1. A minimum of 10 calendar days prior to an applicant filing an application for conversion or discontinuance of the mobilehome park, the applicant shall give written notice to each mobilehome owner/occupant of the mobilehome park of the proposed change. Such notice shall be subject to the prior approval of the Community Development Director.

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2. No public hearing required hereunder to consider an application for conversion or discontinuance of a mobilehome park use shall be held unless and until the applicant submits to the Community Development Director an affidavit approved as to form by the City Attorney declaring that the applicant has given the notice required by this provision.

G. Penalty.

Violation of any provision of this ordinance by the owners of mobilehome parks shall be deemed to be a misdemeanor subject to the penalties as established by state law for misdemeanors. In addition thereto, any mobilehome owner/occupant in a mobilehome park where conversion to other uses or discontinuance has been sought or accomplished, and in which violations of the terms and provisions of this ordinance have occurred, may seek civil remedies for damages in accordance with the relocation provisions contained herein no later than one year from the date of lease cancellation or eviction from said mobilehome park.

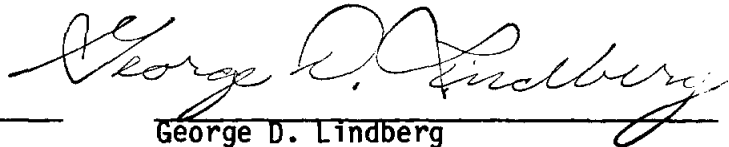
SECTION II: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption.

Presented by



Paul Desrochers
Community Development Director

Approved as to form by




George D. Lindberg
City Attorney

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD May 11, 1982, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD May 18,
1982, by the following vote, to-wit:

AYES: Councilmen Scott, Cox, Gillow, Moore, McCandliss
NAYES: Councilmen None
ABSTAIN: Councilmen None
ABSENT: Councilmen None



Mayor of the City of Chula Vista

ATTEST 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 1982, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

ORDINANCE NO. 1982

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 9 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 9.40 ENTITLED "HOUSING ASSISTANCE" RELATING TO THE REQUIREMENTS FOR THE CONVERSION OF MOBILEHOME PARKS TO OTHER USES OR FOR THE DISCONTINUANCE OF MOBILEHOME PARKS

By unanimous vote on May 18, 1982, the City Council placed the ordinance on second reading and adoption. The ordinance provides for housing relocation assistance to eligible mobilehome owners/occupants to mitigate adverse impacts which could result from discontinuance or conversion of mobilehome parks to other uses.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista.


Elizabeth V. Corral
Deputy City Clerk

May 4, 1982

SUBMITTED FOR DELIBERATION CONCERNING
THE AMENDING OF ORDINANCE TITLE 9 OF
THE CHULA VISTA MUNICIPAL CODE ADDITION
THERE TO OF CHAPTER 9.40 ENTITLED
"HOUSING ASSISTANCE" MOBILHOME OVERLAY
PLAN.

COPIES:

MAJOR:

Greg Cox

COUNCILPERSONS:

Gayle McCandlis
Leonard Moore
George Gillows
Frank Scott

HOUSING COORDINATOR:

David Gustafson

COMMUNITY DEVELOPMENT
DIRECTOR:

Paul Desrochers

CITY ATTORNEY:

George D. Lindberg

CITY CLERK:

Jennie Fulasz

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1. TERMINATION OF TENNANCY:

After finalization of change in the use of Park Lands, notice of **five** (5) years must be given.

2. DISLOCATION OF MOBILHOMES:

Housing assistance must be provided upon termination of tennancy of resident mobilhome, complying with all Health and Safety Requirements.

3. RE-LOCATION WITHIN ONE (100) MILES:

To any approved appropriate site.

4. DECISIONS EFFECTING RE-LOCATION:

Mobilhome residence status under this ordinance must be determined by a committee comprised of members with equal financial, economical intrest and investment.

The ~~amened~~ ordinance must comply with the City of Chula Vista goals for compliance within its housing elements.

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CHAPTER 9.40 HOUSING ASSISTANCE

Sec. 9.40.010

Delete the word PARKS in the first sentence after "spaces in other such" and insert SITES.

Delete the words LOW AND MODERATE in the last sentence after "assistance programs for" and insert ALL.

Sec. 9.40.020

B.6.a.6. & 7. Delete both sentences entirely.

B.6.C.1. Delete the words LOW AND MODERATE INCOME and insert ALL.

B.6.C.2. Delete the words LOW AND MODERATE INCOME and PARK insert ALL and SITE.

B.6.C.2.e. Delete the words LOW AND MODERATE INCOME and STANDARD insert ALL and CURRENT.

B.6.C.2.G. Delete the words THREE and LOW AND MODERATE INCOME insert FIVE and ALL. Under the schedule add - FOURTH & FIFTH YEAR 15% \$450.00.

C.3. Delete the word TENANTS and insert RESIDENTS.

C.4. Second paragraph the second sentence delete the word THREE and insert FIVE.

C.6. Delete the word TENANTS and insert RESIDENTS.

D.2.C. Delete the word TENANTS and insert RESIDENTS.

F.2. Delete the words TENANTS and insert RESIDENTS.

G. The last statement after "herein no" delete the first THAN and add LATER.

To be compatible with the County and City of San Diego ordinances.

Harold Duncan
Harold Duncan

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(714) 427-1932

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