

ORDINANCE NO. 2368

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTIONS 9.40.020 AND 9.40.030 OF THE CHULA
VISTA MUNICIPAL CODE RELATING TO MOBILEHOME PARKS

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

SECTION I: That Section 9.40.020 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.40.020 Definitions.

- A. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of the California Civil Code and Section 18010 of the California Health and Safety Code.
- B. "Mobilehome Park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.
- C. "Trailer," for the purpose of this Code Chapter only, is a structure designed for human habitation and for being moved on a street or highway without need for a permit pursuant to Section 35790 of the California Vehicle Code. Trailer, for the purpose of this Code Chapter only, does not include the following recreational vehicles as defined in Section 799.24 of the California Civil Code: motor homes, slide-in campers, truck campers, and camping trailers. Trailer, for the purpose of this Code Chapter only, does include the following recreational vehicles, as defined in Section 799.24 of the California Civil Code: Travel Trailers.
- D. "Trailer Park," for the purpose of this Code Chapter only, is an area of land where two or more trailer sites are rented, or held out for rent, to accommodate trailers used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.
- E. "Mobilehome or Trailer Owner/Occupants" are persons owning and occupying a mobilehome or trailer as their principal residence for six months or more during a year.

SECTION II: That Section 9.40.030 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.40.030 Application for conversion or discontinuance of mobilehome or trailer 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 or trailer parks to be used for any purpose other than a mobilehome or trailer park, or prior to the cessation of use of all or any part of a mobilehome or trailer 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 or trailer 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 or trailer park based on nonconforming rights.

B. Application Requirements.

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

1. A relocation plan which shall make adequate provision for the relocation of the mobilehome or trailer owner/occupant who will be displaced by the discontinuance of the use of the property for a mobilehome or trailer park;
2. A profile of the existing park, including:
 - a. Number of spaces,
 - b. Names and addresses of all mobilehome or trailer owner/occupants,
 - c. Date of manufacture of each home,
 - d. Replacement value of each home
 - e. Estimated cost of relocation of each home
 - f. Length of tenancy of each mobilehome or trailer owner/occupant,
 - g. Estimated income and age of each mobilehome or trailer 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 chapter have been offered to eligible mobilehome or trailer owner/occupants. Such evidence may include, but is not limited to the following:

- a. Written agreements to relocate mobilehomes or trailers owned by low and moderate income mobilehome or trailer owner/occupants,
- b. Assistance for low and moderate income mobilehome or trailer owner/occupants in the form of payment by the park owner of seventy-five percent, up to a maximum of \$3,000, of the cost of relocating the mobilehome or trailer to another mobilehome or trailer park within one hundred miles;
5. Evidence that the park owner has informed all mobilehome or trailer owner/occupants in writing of alternative sites available to them;
6. Evidence that the park owner has agreed to purchase those homes of low and moderate income mobilehome or trailer 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 or trailer 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 nonuse;
9. As an alternative to subsection B4b of this section, evidence that the park owner has given the mobilehome or trailer 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 or trailer owner/occupants in accordance with the following schedule:

If Mobilehome or Trailer Owner/Occupant Vacates Before End Of	Portion of Expenses Paid by Owner	Up to a Maximum of
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 or trailer 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 or trailer 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 or trailer 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 or trailer owner/occupants of the mobilehome or trailer park.
 6. The decision of the Community Development Director shall be final on the fifteenth day following the mailing of the decision to the applicant and the mobilehome or trailer owner/occupants required in Section C.5, except when appeal is taken to the City Council as provided in subsection D of this section.

- 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 or trailer 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 this 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, 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 or trailer park owner and to all mobilehome or trailer owner/occupants of the mobilehome or trailer 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.
 4. 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 or trailer park use:

1. A minimum of ten calendar days prior to an applicant filing an application for conversion or discontinuance of the mobilehome or trailer park, the applicant shall give written notice to each mobilehome or trailer owner/occupant of the mobilehome or trailer park of the proposed change. Such notice shall be subject to the prior approval of the Community Development Director.
2. No public hearing required hereunder to consider an application for conversion or discontinuance of a mobilehome or trailer 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.

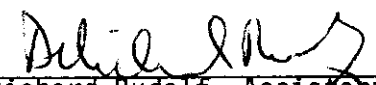
Violation of any provision of this chapter by the owners of mobilehome or trailer parks shall be deemed to be a misdemeanor subject to the penalties as established by state law for misdemeanors. In addition thereto, any mobilehome or trailer owner/occupant in a mobilehome or trailer park where conversion to other uses or discontinuance has been sought or accomplished, and in which violations of the terms and provisions of this chapter 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 the mobilehome or trailer park.

SECTION III: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by

Approved as to form by


Chris Salomone, Director of
Community Development


D. Richard Rudolf, Assistant
City Attorney

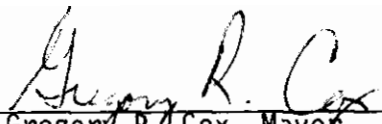
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 24th day of April, 1990, by the following vote:

AYES: Councilmembers: McCandliss, Moore, Cox

NOES: Councilmembers: Nader

ABSENT: Councilmembers: Malcolm

ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:




Beverly A. Authalet, City Clerk

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

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2368 had its first reading on April 17, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 24th day of April, 1990.

Executed this 24th day of April, 1990.



Beverly A. Authalet, City Clerk