

## ORDINANCE NO. 1521

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE LAND USE CODE OF THE ARCATA MUNICIPAL CODE TO CREATE A MOBILEHOME PARK COMBINING ZONE

The City Council of the City of Arcata does hereby ordain as follows:

**Section 1. Amendment to Zoning Map.** The Zoning Map of Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *LUC Applicability*, Section 9.12.020 *Zoning Map and Zoning Districts*, on file with the Community Development Department, is hereby amended by the creation of a Mobilehome Park Combining as shown in Exhibit 1 attached hereto and incorporated herein, which shall be incorporated into the Zoning Map on file, and the property identified in Exhibit 1 is hereby rezoned.

**Section 2. Amendment to Zoning Districts; Table 1-1.** The Zoning Districts as shown in Table 1-1 of Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *LUC Applicability*, Section 9.12.020 *Zoning Map and Zoning Districts*, are hereby amended by the addition of a Mobilehome Park Combining Zone as shown in the following underscored text (unchanged text within the Table is omitted and is shown by “\* \* \*”):

**TABLE 1-1 - ZONING DISTRICTS**

Zoning District	Name of Zoning District	General Plan Designation Implemented by Zoning District
* * *	* * *	* * *
Combining Zones		
* * *	* * *	* * *
:MP	Mobilehome Park	Residential Medium Residential High

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**Section 3. Zoning Text Amendment, Addition of Combining Zone.** The Combining Zones of Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 2, *Zoning Uses*, are hereby amended by the addition of Section 9.28.140 *Mobilehome Park (:MP) Combining Zone*, as shown in the following underscored text:

## Chapter 9.28

### Combining Zones

Sections:

- 9.28.010 Purpose
- 9.28.020 Applicability of Combining Zones
- 9.28.030 *Repealed*
- 9.28.040 Historic Landmark (:HL) Combining Zone
- 9.28.050 Natural Hazards (:NH) Combining Zone
- 9.28.060 Neighborhood Conservation Area (:NCA) Combining Zone
- 9.28.070 Planned Development (:PD) Combining Zone
- 9.28.080 Plaza Area (:PA) Combining Zone
- 9.28.090 Special Considerations (:SC) Combining Zone
- 9.28.100 Wetland Protection (:WP) and Stream Protection (:SP) Combining Zones
- 9.28.110 Housing For Homeless (:HH) Combining Zone
- 9.28.120 Creamery District (:CD) Combining Zone
- 9.28.130 Cannabis Innovation Zone (:CIZ) Combining Zone
- 9.28.140 Mobilehome Park (:MP) Combining Zone**

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#### **9.28.140 Mobilehome Park (:MP) Combining Zone**

**A. Purpose.** The :MP combining zone is intended to create a zone in which mobilehome parks and associated accessory uses are the only allowed uses. This provides exclusive use zoning for the parcels that have base zoning of Residential Medium Density (RM) or Residential High (RH) Density. The City has found that mobilehome parks provide a considerable source of market rate affordable housing, which should be preserved. The :MP overlay zone, along with the City's Mobilehome Park Closure and Conversion ordinance provide a regulatory process to ensure preservation of affordable housing. Any action to close or otherwise change the use of a :MP overlay zoned property may only be allowed if a zone amendment to remove the overlay zone is approved by the City.

**B. Applicability.** The :MP combining zone is applied to the following mobilehome parks: Town and Country Mobilehome Village, Lazy J Ranch, Valley West Manufactured Home Community, Arcata Mobilehome Park, and Sandpiper Mobilehome Park. The :MP combining zone may be combined with any Residential High (RH) and Residential Medium (RM) zoning districts established by Section 9.12.020 (Zoning Map and Zoning Districts). When combined with a zoning district, the development standards that apply to other residential or commercial developments in the same zone will apply. However, none of the uses in the base zone except Mobilehome Park and Accessory Uses shall be allowed uses.

**C. Land use and development standards.** Proposed development and new land uses within the :MP combining zone shall comply with the requirements of Section 9.42.120, the primary zoning district, and all other applicable provisions of this Land Use Code.

**D. Rezoning.** Prior to cessation or any other change of use of a mobilehome park zoned with the :MP overlay, a zone amendment must be processed and approved. In addition to the findings required to adopt a zone amendment described in Section 9.92, the following findings must be made by the Review Authority to approve a change of use or zone amendment:

1. All of the requirements of the City of Arcata Mobilehome Park Closure and Conversion Ordinance, including relocation, have been satisfied and approved by the City Council;
2. Replacement housing totaling 20 percent of the total spaces converted are included for low income residents in a new housing project on the subject site or an in lieu fee determined by multiplying the calculated total of 20 percent of the converted spaces by the per unit replacement value using the most

recent affordable housing project built in the City, valuation adjusted for inflation. The in lieu fee must be deposited in a restricted City account to build affordable housing:

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**Section 4. Zoning Map Amendment.** The :MP combining zone is hereby added to the properties identified in Exhibit 1, attached hereto and incorporated herein.

**Section 5. Findings of Approval.** Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation PC-19-05, dated September 10, 2019, the following findings are hereby adopted:

1. The proposed Land Use Code, text and map amendments are consistent with all other provisions of the General Plan and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The uses proposed are consistent with existing uses and zoning. The properties are currently in the intended use.

The proposed amendments are consistent with the General Plan because the amendments are supported by several Housing Element policies for the preservation of mobilehome housing; the base zoning in each affected parcel allows for the more restrictive use; all subject parcels are currently operated as mobilehome parks; and the additional designation does not conflict with any other General Plan policy.

The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City because the amendments do not make a material change on the environment; maintain the baseline conditions; and are supported by the administrative record as an effective implementation of the Housing Element and the Mobilehome Affordability Strategies Study (2017).

2. The affected sites are physically suitable for the proposed or anticipated uses and/or development. All proposed rezoned lands are currently being used for the purpose.

**Section 5. Severability.** If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 6. Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 7. California Environmental Quality Act.** This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed amendments establish process to change or end the use of existing mobilehome parks. The amended regulation does not result in a physical change to the environment. The amendment would incentivize maintaining existing conditions, which are the baseline conditions for environmental review. Any physical change to the environment that occurs as a result of the project level implementation of the new regulation would require independent and separate environmental analysis. The amendments clearly do not have the potential for causing an effect on the environment. Therefore,

the amendments are exempt from the California Environmental Quality Act according to the common sense rule that there is no possibility the activity in question may have a significant effect on the environment.

**Section 8. Effective Date.** This ordinance shall become effective 30 days from date adopted.

DATED: November 20, 2019

ATTEST:

/s/ Bridget Dory  
City Clerk, City of Arcata

APPROVED:

/s/ Brett Watson  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1521, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 20<sup>th</sup> day of November, 2019, by the following vote:

AYES: **WATSON, WINKLER, ORNELAS, PEREIRA, PITINO**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata