

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA FINDING THAT THE REZONING OF PROPERTIES CURRENTLY BEING OPERATED AS TRAILER PARKS HAVE COMPLIED WITH REQUIRED PROVISIONS OF LAND USE AND TRANSPORTATION (LUT) SECTION 7.17 OF THE CHULA VISTA GENERAL PLAN

WHEREAS, General Plan Section 7.17 - Evaluation of Mobilehome Developments – Mobilehome Overlay District, within the Land Use and Transportation Element was established on October 24, 2006 to ensure due evaluation of the effects of closure on existing mobilehome residents, and that the property owner and/or project proponent has prepared and carried out a plan to address those affects; and

WHEREAS, the General Plan requires that prior to rezoning any property within the Mobilehome Overlay District, specific findings must be made to insure that analysis and planning on the effects of closure of existing mobilehome residents has been conducted; and

WHEREAS, the City Council intends to take action to rezone those properties currently operated as trailer parks within the City of Chula Vista, as identified in Exhibit 1, namely Broadway, Caravan, Flamingo, Fogerty Brothers, Mohawk, Rose Arbor, and Trailer Villa; and

WHEREAS, the Development Services Director has reviewed the proposed action for compliance with the California Environmental Quality Act (CEQA) and has determined that since the proposed rezone was adequately covered in previously adopted Urban Core Specific Plan (UCSP) Final Environmental Impact Report, FEIR 06-01, no further environmental review or documentation is required; and

WHEREAS, the Development Services Director set the time and place for a hearing by the Planning Commission for the proposed amendments and rezone actions for August 27, 2014, in the Council Chambers, 276 Fourth Avenue; and

WHEREAS, a hearing time and place was set for the Planning Commission for consideration of the amendments and rezone, and a notice of said hearing, together with its purpose, was given a 1/8 display advertisement by its publication in a newspaper of general circulation in the City, at least ten days prior to the hearing; and

WHEREAS, the Planning Commission considered the report and testimony presented at the public hearing, recommended approval, with a 5-0-1-1 vote, of the Resolution and or the amendment and rezoning ordinance at a public hearing held at a time and place advertised, namely 6:00 pm on August 27, 2014, in the Council Chambers, 276 Fourth Avenue; and

WHEREAS, the City Clerk set the time and place for a hearing on said zoning changes (PCM-14-04) and notice of said hearing together with its purpose was given by its publication of

a 1/8 display advertisement in a newspaper of general circulation in the City and the notice was mailed to affected property owners at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m. on April 14, 2015 in the Council Chambers located at 276 Fourth Avenue, and said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED THAT THE City Council hereby finds and determines as follows:

That the proposed change in use and/or rezoning will not adversely affect attainment of the city's goal to provide a variety of housing options within the City.

The City's General Plan land use designation for the sites subject to this action include: mixed use residential, mixed use commercial, commercial visitor, urban core – residential, and transit focus area. The rezoning would result in the existing zoning to be brought into conformance with the General Plan.

The proposed rezone will not adversely affect the City's housing goals since the rezoning of the properties will allow on most parcels for multi-family development and help achieve the City's goal of achieving a variety of housing types. This will help achieve the goal of General Plan Policy LUT 1.9, which is to provide opportunities for development of housing that respond to diverse community needs in terms of density, size, location and cost. Multifamily allows for either rental or condominium units to be developed on the site. This would help achieve the City's General Plan policy of achieving a variety of housing options.

Policy LUT 1.19 requires that land use intensities be evaluated in conjunction with any zone change and/or General Plan Amendment to permit density or modify intensity. Factors to be considered include, but are not limited to, the maximum intensity allowed for the applicable land use designation in the General Plan, traffic circulation patterns, environmental constraints, and compatibility with surrounding land uses.

The proposed change of use and/or rezoning is supported by sound planning principles, and higher density, affordable replacement housing within the city will remain in sufficient supply.

The General Plan designation for most of the sites calls for multi-family development at a gross density range up to 28-60 dwelling units per gross acre, a higher density than is typical for a trailer park type development. Thus, the proposed zoning is consistent with the City's desire for higher density development in the area.

Since the proposed zoning will allow for multi-family housing consistent with the urban core; mixed uses residential; and transit focus area higher residential density designations of the General Plan, it will provide for more affordable housing units than other types of

residential development. Future development of the sites will provide housing opportunities to many in the form of affordable rental or ownership units.

That the proposed change of use/and rezoning will not result in severe or undue hardship on any affected mobilehome resident.

State laws govern the closure procedure for mobilehome and trailer parks upon conversion, closure, or cessation of use and allows local implementing agencies to either implement this law on a case by case basis or codify supplemental requirements. In 1989, the City of Chula Vista adopted Chula Vista Municipal Code (CVMC) Chapter 9.40 to implement state law and provide supplemental requirements, specifically outlining the items required in a Relocation Plan and defining “reasonable costs of relocation” through the identification of financial benefits upon displacement.

Although the zoning regulations that are being proposed to implement the General Plan will change the current zones, this will not require trailer parks to close. These trailer parks have operated for several decades under a commercial or higher residential zone designation. Those designations give owners the opportunity to redevelop their sites for another use at any time, which will not change under the proposed rezonings. Any changes to the use of the land such as new development must be requested by park owners, and go through an extensive public review and public hearing process, per the requirements of Chapter 9.40 to ensure there is not severe or undue hardship on affected residents at the time of an actual closing.

That the property owner and/or project proponent plan complies with applicable City and state mobile home park conversion and relocation regulations, and prior to the commencement of any closure of the mobilehome development, that the property owner(s) will prepare and ensure conformance of a detailed closure and relocation plan consistent with the requirements of CVMC Section 9.40 and applicable state regulations, and to the satisfaction of Development Services Director.

In accordance with the above, any proposed closure of a trailer park would need to comply with both local and state laws pertaining to park closures. The process under Chapter 9.40 would adequately address the property owner or project proponent’s compliance with applicable laws.

That prior to the commencement of any closure of the mobilehome development, that the property owner(s) will prepare and ensure conformance of a detailed closure and relocation plan consistent with the requirements of CVMC Section 9.40 and applicable state regulations, and to the satisfaction of Development Services Director.

The specific requirement to prepare and ensure conformance of a detailed closure and relocation plan "prior to the commencement of any closure" is a requirement under Chapter 9.40.

BE IT FURTHER RESOLVED THAT THE City Council hereby finds that the rezoning of the subject properties complies with the provisions of LUT Section 7.17 of the Chula Vista General Plan.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney