

O.80-256
REV.

ORDINANCE NO. O-15232
(New Series)

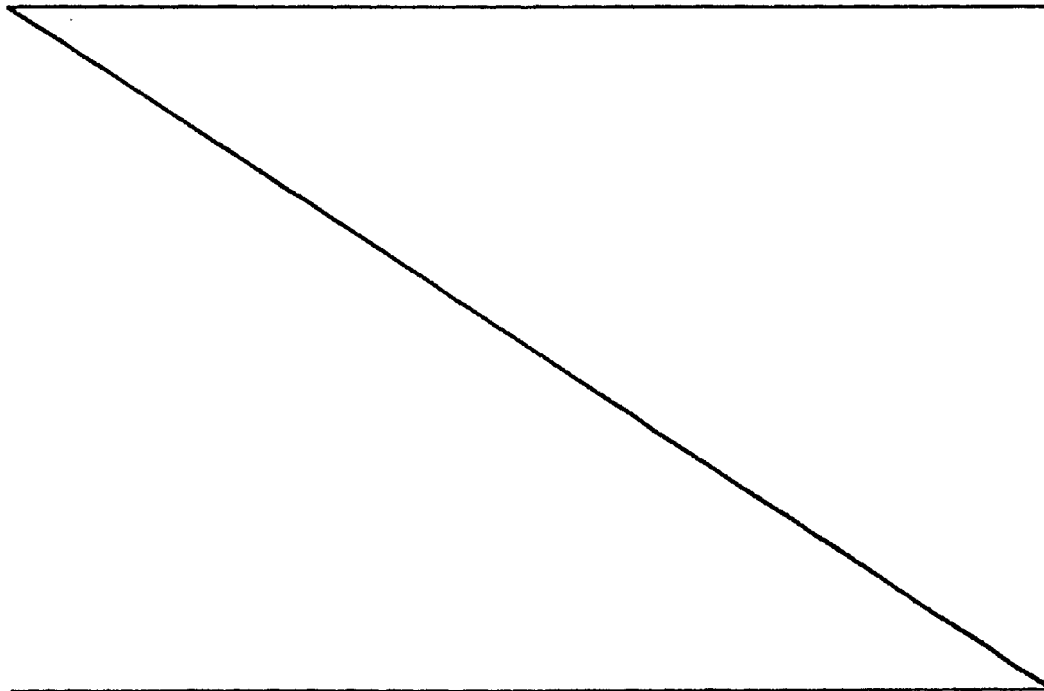
MAR 31 1980

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 10 RELATING TO MOBILE HOME PARKS.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. that Chapter X, Article 1 of the San Diego
Municipal Code be, and it is hereby amended by adding
Division 10 to read as follows:

DIVISION 10
MOBILE HOME PARKS



SEC. 101.1000 MOBILE HOME PARKS

SEC. 101.1001 MOBILE HOME PARK OVERLAY ZONE

A. PURPOSE AND INTENT

1. The purpose of the Mobile Home Park Overlay Zone is to provide adequate sites for mobile homes consistent with the City's goal of accommodating alternative housing types. In attaining this goal it is intended that the zone may be applied as a means of preserving existing mobile home parks and to reserve vacant sites designated for mobile home park development in community plans.

The Mobile Home Park Overlay Zone is intended to treat the development of mobile homes and mobile home parks as traditional housing. In this regard the zone utilizes the Planned Residential Development legislation to regulate the planning and development of individual mobile homes as well as mobile home parks.

2. The Mobile Home Park Overlay Zone may be applied in any zone in which residential uses are permitted. The density of mobile home development shall be that provided by the underlying zone, the Progress Guide and General Plan for the City of San Diego or the adopted community plan, whichever is less.

B. APPLICATION OF THE MOBILE HOME PARK OVERLAY ZONE

The Mobile Home Park Overlay Zone may be applied in any zone in which residential uses are permitted following hearings conducted pursuant to Chapter X, Article 1, Division 2 of the Municipal Code.

C. DEFINITIONS

1. Mobile Home

A structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobile Home does not include a recreational vehicle, travel trailer, commercial coach, or factory built housing.

2. Mobile Home Park

Any development of land for use as a site for one or more mobile homes. A mobile home park shall include single lot developments where mobile homes lots are owned, rented, or leased; single lot developments with condominium or cooperative ownership; and multiple legal lots with condominium or cooperative ownership of common facilities and improvements.

D. PERMITTED USES

Within the Mobile Home Park Overlay Zone, no real property shall be used for any purpose other than the uses listed in this section.

1. Mobile home parks to accommodate mobile homes intended for use as single-family dwellings.
2. Assessory uses including
 - a. Recreation buildings, game courts, swimming pools and other similar facilities intended only for the use of the residents of the park and their guests.

- b. Nonresidential occupancy accessory structures such as private garages, carports and storage sheds.
- c. Home occupations as permitted by Section 101.0406.
- d. Signs, as permitted by the provisions of underlying land use zone.

E. DEVELOPMENT REGULATIONS

No land, including that within the Mobile Home Park Overlay Zone, shall be developed for a mobile home park until a Planned Residential Development Permit, as provided by Municipal Code Section 101.0900, has been issued. The requirement for a subdivision map covering the land included within the development may be waived if no public improvements are required and if the public interest will not be served by requiring said map.

SEC. 101.1002 DISCONTINUANCE OF A MOBILE HOME PARK

A. APPLICATION FOR DISCONTINUANCE

1. Prior to the issuance of any permit, including a building permit, which permit would allow the use of any land, except land within a dedicated public park, presently or hereafter utilized for a mobile home park, to be used for any purpose other than a mobile home park, an application to discontinue the mobile home park shall be filed with the Planning Department. The application shall conform to the provisions of Municipal Code, Section 101.0900D.

The provisions of this Section shall be applicable whether or not the mobile home park is:

- 1) subject to the Mobile Home Park Overlay Zone,
- 2) subject to a Conditional Use Permit,
- 3) is entitled to be used as a Mobile Home Park based on nonforming rights, or

- 4) has secured a permit under present regulations.
2. A deposit equal to that charged for a conditional use permit under Municipal Code Section 101.0204.1 shall be paid when the application for discontinuance is submitted.
3. The application shall be processed through the Planning Department in accordance with the procedures set forth in Division 9 of this Article.
4. The application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with the procedures set forth in Article 2 of this Chapter if the proposed use of the property requires such a map.
5. The application shall be accompanied by a plot plan showing the following, where applicable based on the proposed use of the property:
 - a. location, name and width of existing and proposed streets, alleys, easements and

interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.

- b. location of existing and proposed buildings and structures if development is multiple-family housing or mobile home.
6. The application shall be accompanied by drawings in sufficient detail to indicate the location and design of proposed buildings. If project is to be detached single-family dwellings, only a statement indicating the total number of units shall be required.
7. If the applicant contemplates the construction of a development in increments, the application shall so state and shall include a proposed construction schedule.
8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, the applicant shall so state in the application; and the application shall include a plan, acceptable

to the City, for the preservation and maintenance of the common elements of the property, until said project is terminated by either the Planning Director or the Planning Commission.

9. The application shall be accompanied by a relocation plan which shall make adequate provision for the relocation of the tenants who will be displaced by the discontinuance of the use of the property for a mobile home park.

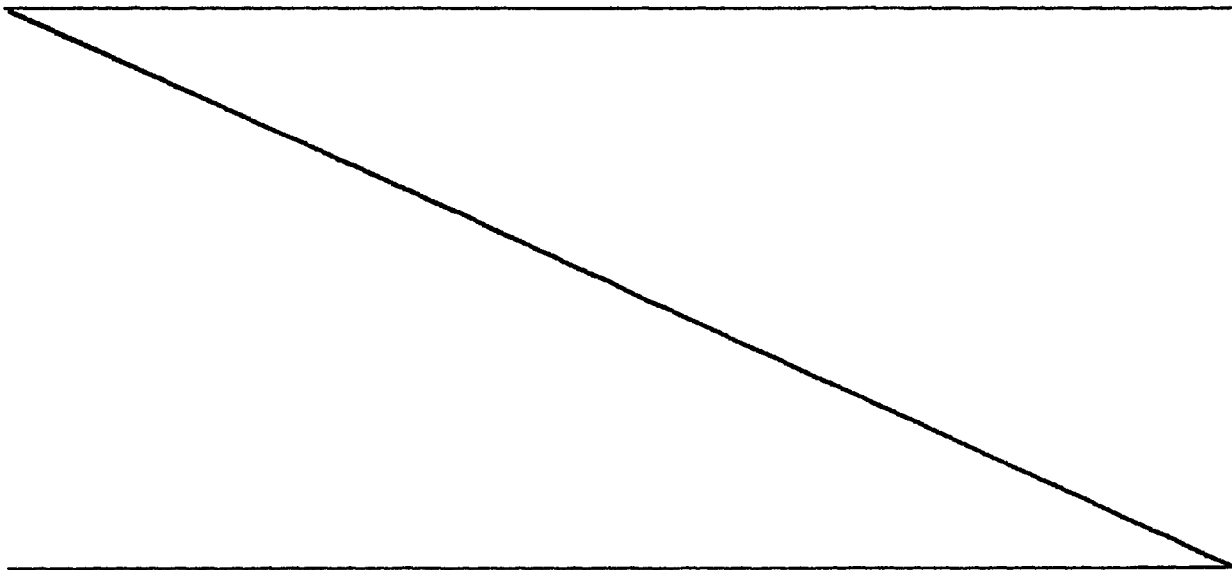
A relocation plan shall include, but not be limited to: consideration of public transportation; medical and dental services; shopping facilities; age of the mobile home park; mobile homes and tenants; and the economic impact on the relocated tenants.

10. If the use of property for a mobile home park has been terminated prior to issuance of a permit to discontinue such use pursuant to this Section, no permit shall be required, and such property may be used pursuant to applicable provisions of the Municipal Code at any time following three years from the date of termination of use of the property for a mobile home park.

The provisions of this paragraph shall be applicable only to mobile home parks, the use of which terminates after the effective date of the ordinance by which these provisions are added to the Municipal Code.

B. DECISION OF THE PLANNING DIRECTOR

1. If the Planning Director determines that the application is complete and conforms with all regulations, policies and guidelines, he shall accept the application for discontinuance.



2. The Planning Director may, by resolution, grant the application for discontinuance if it is found from the evidence presented that all of the following facts exists:
 - a. The discontinuance of use of the land for mobile home park will not deprive the community of a needed facility and will not adversely affect the Progress Guide and General Plan for the City of San Diego, any element thereof, or the adopted community plan.
 - b. The discontinuance of use of the land for a mobile home park, because of conditions that have been applied to such discontinuance, will not be detrimental to the health, safety and general welfare of persons residing in the mobile home park or residing or working in the area and will not adversely affect other property in the vicinity.
 - c. The use to which the applicant proposes to put the property will provide a greater public benefit than continued use of the property for a mobile home park.

3. The Planning Director shall not approve an application for discontinuance of a mobile home park unless the application, in conjunction with the Environmental Review process, if applicable, was publicly noticed at least 30 days prior to the decision of the Planning Director in the official City newspaper and by mail to all property owners within 300 feet of the mobile home park, to all tenants of the mobile home park, to the affected community planning group or groups and other groups and organizations which have requested notification by written request to the Planning Director.

4. In granting an application for discontinuance of a mobile home park, the Planning Director may impose those conditions which, in his judgement, are necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. A relocation plan shall be imposed as a condition of approval of the application for discontinuance.

The Planning Director may establish the date on which the resolution of discontinuance will become effective. Such date shall not be more than three

years from the date of the decision of the Planning Director, or such earlier date as the applicant has complied with the provisions of an approved relocation plan, and submitted evidence thereof to the Planning Director.

5. In granting or denying an application for discontinuance of a mobile home park, the Planning Director shall make a written finding in rendering the decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.
6. A copy of this written finding of facts shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Building Inspection Director, and shall be mailed to the applicant, the tenants of the Mobile Home Park and to the community planning chairperson.
7. The decision of the Planning Director shall be final on the 15th day following the decision, except when appeal is taken to the Planning Commission as provided in Municipal Code Section 101.1002,C below.

C. APPEAL FROM THE DECISION OF THE PLANNING DIRECTOR

1. An appeal from the decision of the Planning Director on an application for discontinuance of a mobile home park may be taken to the Planning Commission within fifteen days following the decision of the Planning 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 and filed in duplicate with the Planning Director. The appeal shall specify wherein there was error in the decision of the Planning 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 Planning Commission.

2. Upon the filing of the appeal, the Planning Director shall set the matter for public hearing before the Planning Commission at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of Municipal Code Section 101.0900. 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 San Diego, 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 all record owners of property within 300 feet of the exterior boundaries of the property involved, and to all tenants of the mobile home park. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.
3. Upon the hearing of the appeal, the Planning Commission may by resolution affirm, reverse or modify in whole or in part any determination of

the Planning Director, subject to the same limitations as are placed upon the Planning Director by law and the provisions of this Code. The resolution must contain a finding of facts showing wherein the proposed development meets or fails to meet the requirements herein are being met. The decision of the Planning Commission shall be final except when appealed to the City Council as provided in Municipal Code Section 101.1002,D below.

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.

D. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission;
2. New evidence is now available that was not available at the time of the Planning Commission hearing;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;
4. The discontinuance of the use of the land for a Mobile Home Park presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance;

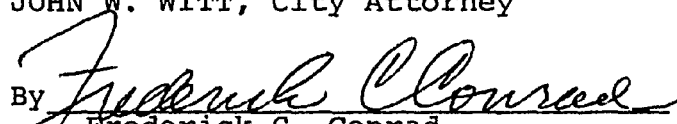
5. The decision of the Planning Commission is inconsistent with applicable Community Plans or the General Plan for those areas not having a Community Plan; or
6. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in accordance with Municipal Code Section 101.1002,C, Par. 2.

Upon the hearing of the appeal, the City Council shall be governed by the provisions of Municipal Code Section 101.1002,C, Par. 3. An affirmative vote of at least five (5) members of the City Council shall be necessary to reverse or modify the decision of the Planning Commission.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
3/4/80
REV. 3/21/80
630
Or.Dept.:Clerk

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

MAR 3 11 1980

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 1 1980

MAR 3 11 1980

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15232

Adopted **MAR 3 11 1980**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1980 APR 15 AM 10:21
SAN DIEGO, CALIF.

San Diego, City of
12th floor, City Admin. Bldg.
202 C St., San Diego, CA 92101
Attn: Ellen Bovard

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10
RELATING TO MOBILE HOME PARKS.

I, Camille Simpson, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15232
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10
RELATING TO MOBILE HOME PARKS.
Amends the Municipal Code by adding a division relating to
mobile home parks. The first part of the ordinance provides for the
establishment of mobile home park overlay zones for the purpose of
providing adequate sites for mobile homes consistent with the City's
goal of accommodating alternative housing types. Within a mobile
home park overlay zone uses are limited to mobile home parks and
accessory uses. The ordinance requires a planned residential
development permit for the development of any mobile home park.
The ordinance establishes requirements which must be met prior to
the discontinuance of a mobile home park.
A complete copy of the Ordinance is available for inspection in
the Office of the City Clerk of the City of San Diego, 12th
Floor, City Administration Building, 202 "C" Street, San Diego, CA
92101.
Introduced on March 18, 1980.
Passed and adopted by the Council of The City of San Diego on
March 21, 1980.
AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By ELLEN BOVARD, Deputy
Publish April 14, 1980 80-4150

ORDINANCE NO. O-15232 (New Series)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

April 14, 1980

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 14th day of April, 1980.

Camille Simpson

(Signature)