ITEM NO. 18

STAFF REPORT

CITY OF OCEANSIDE

DATE: May 6, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION CONFIRMING PLANNING COMMISSION RESOLUTION NO. 2009-P12 AND APPROVING A MOBILE HOME PARK CLOSURE PERMIT TO ALLOW THE CONVERSION OF A MOBILE HOME PARK TO VACANT LAND LOCATED AT 514 MORSE STREET – CATALINA MOBILE ESTATES – APPLICANT: CATALINA MOBILE ESTATES INC. – JOHN E. GRANT**

SYNOPSIS

The item under consideration is the adoption of a resolution confirming Planning Commission Resolution 2008-P12 and approving the submitted Closure Impact Report, Mobile Home Park Closure Permit (Conditional Use Permit C-37-07) and Regular Coastal Permit (RC-22-07) to permit the conversion of a mobile home park, also known as Catalina Mobile Estates, to vacant land. As part of its review and recommendation to the Council, the Planning Commission has considered the impacts of resident displacement associated with the closure of the Mobile Home Park. The Commission recommends that the Council approve the Mobile Home Park Closure Permit and the Regular Coastal Permit and adopt the attached resolution.

BACKGROUND

The public hearing and deliberations by the Planning Commission on the proposed mobile home park closure were held on March 9, 2009. The Commission recommended approval of the submitted Closure Impact Report, the Mobile Home Park Closure Permit (Conditional Use Permit C-37-07), and Regular Coastal Permit (RC-22-07) by a 5-to-2 vote.

Pursuant to Oceanside Zoning Ordinance Section 3403, the Planning Commission shall make recommendations to the City Council for the approval or disapproval of the Closure Impact Report and Mobile Home Park Closure Permit (Conditional Use Permit).

History: Catalina Mobile Estates is a mobile home park that was established in the 1940s, possibly in response to the housing shortage in Oceanside due to the onset of World War II and establishment of Camp Pendleton in 1942. Housing was at a premium and many temporary tent and trailer parks were set up throughout the City of Oceanside. The mobile home park has three permanent buildings: an office, a

maintenance/storage unit and a laundry room that once provided restrooms and shower facilities. These buildings were probably built at the time the mobile home park was established, to provide necessities for the residents. Currently there are many vacancies or open spaces. There are a variety of mobile homes and RVs, both temporary and permanent, in the park.

According to the historical report prepared by Kristi S. Hawthorne, Catalina Mobile Estates does not possess any notable design features, is not the work of a master architect or craftsman, is not constructed of rare or unique materials, and is not associated with any known historic event. The resource does not qualify for nomination to the local historical resources register.

Current zoning regulations require that mobile home parks process a Mobile Home Park Development Plan in order to operate. However, Catalina Mobile Estates was established many years before this regulation was adopted by the City of Oceanside. Therefore, no special permits exist for the park. City records do indicate that a valid business license was issued for the mobile home park in 1976.

On December 4, 2007, an application was submitted for a Mobile Home Park Closure Permit (Conditional Use Permit C-37-07) and a Regular Coastal Permit (RC-22-07) to permit the conversion of a mobile home park, also known as Catalina Mobile Estates, to vacant land.

On March 9, 2009, Planning Commission moved to recommend that City Council approve the submitted Closure Impact Report, approve the Mobile Home Park Closure Permit (Conditional Use Permit C-37-07), and approve Regular Coastal Permit (RC-22-07), and adopted Planning Commission Resolution No. 2009-P12 by a vote of 5-to-2.

Project Description: The project application is comprised of two components, a Mobile Home Park Closure Permit, in the form of a Conditional Use Permit, and a Regular Coastal Permit, as follows:

<u>Mobile Home Park Closure Permit (Conditional Use Permit C-37-07)</u> represents a request for the following:

(a) To allow for the conversion of a mobile home park to vacant land pursuant to Article 34 of the Zoning Ordinance.

<u>Regular Coastal Permit (RC-22-07)</u> represents a request for the following:

(a) To allow for the conversion of a mobile home park to vacant land within the Coastal Zone, pursuant to the Local Coastal Program.

The applicant is requesting permission to close the 2.1-acre mobile home park located at 514 Morse Street. No new land use is being proposed at this time. The remaining residents of the park will be relocated, and their units shall be either relocated or

removed, in accordance with the approved Closure Impact Report. The three small accessory structures on the site are conditioned to be demolished within 90 days of park closure. However, the applicant has requested that the small office building onsite remain as it houses the master water meter. Staff is not recommending this request. The site will be cleared of all debris and the property will be securely fenced. All utilities serving individual spaces will be secured in place and only the master water meter will remain functioning in order to continue landscape maintenance on-site.

Pursuant to California state regulations, a Closure Impact Report must be prepared to address the need to mitigate the impact of closing the mobile home park on the displaced tenants. Pursuant to Article 34 of the Oceanside Zoning Ordinance, this Closure Impact Report (or relocation plan) must be submitted to the Planning Commission for review and a recommendation and submitted to City Council for approval or denial as part of the application for conversion of a rental mobile home park to another use, such as vacant land.

ANALYSIS

The project site is situated within the RH-U District (Urban High Density Residential). The conversion of the mobile home park to vacant land does not require any change to the Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Oceanside Zoning Ordinance (OZO).

Pursuant to OZO Article 34, the conversion of an existing rental mobile home park to another use shall require a use permit reviewed by the Planning Commission and approved by the City Council. The application for such permit must include a relocation plan for existing residents of the mobile home park. This relocation plan, also known as a Closure Impact Report, shall be submitted to the City Council for approval. The City Council may approve a permit for a rental mobile home park conversion if it finds that the proposed conversion meets seven findings as set forth in Section 3405, in addition to the typical findings for a Conditional Use Permit, pursuant to Section 4105.

The proposed Closure Impact Report for Catalina Mobile Estates dated September 1, 2006, also with the addendum dated September 1, 2008, addresses all provisions of Section 3405 as follows:

A. *The proposed use of the property is consistent with the General Plan and all applicable provisions of the Ordinance are met.*

The conversion of Catalina Mobile Estates to vacant land does not require any change to the General Plan or Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Zoning Ordinance. The proposed Closure Impact Report addresses all provisions of Article 34 by adequately describing the existing conditions at Catalina Mobile Estates and providing numerous options for Resident relocation

assistance.

B. There exists land zoned for replacement housing or adequate space in other mobile home parks for residents who will be displaced.

There exists land zoned for replacement housing or adequate space in other mobile home parks for the residents who will be displaced. Of the original 24 park Residents considered permanent tenants at the time of project submittal, 14 have already been accommodated with other living arrangements. The property owner shall be required to offer relocation assistance options to all remaining residents. The Closure Impact Report has identified adequate housing opportunities within 250 miles of the City, including apartments, housing, and other mobile home parks.

C. The conversion will not result in the displacement of low-income mobile home residents who cannot afford rents charged in other mobile home parks within the City of Oceanside.

The Closure Impact Report reviewed the rates charged at three comparable mobile home parks within the City – Pacific Trailer Park, Royal Palms Park, and Sandy Shore Trailer Park. Of the remaining Catalina Mobile Estates residents, all but one currently pay more rent than the average rent charged in these comparable Oceanside mobile home parks. The property owner has offered to cover any rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to one of three parks owned by the property owner, which are outside of the City, but comparable in rental fees.

D. The age, type, size, and style of the mobile home to be displaced as a result of the conversion will be able to relocate into other mobile home parks within the City of Oceanside.

Seven of the 10 remaining units in the park are RVs or travel trailers and can be moved to RV parks in or near Oceanside. The remaining mobile homes are all old, singlewide homes and it is unlikely that Oceanside parks that may have vacancies would allow these homes to move into the park. However, the Closure Impact Report provides options for the owners of these mobile homes, including using the mitigation payment to purchase a mobile home in another Oceanside park, move to a new affordable apartment unit, or move their existing unit to another mobile home park within 250 miles of Catalina Mobile Estates. Further, in an effort to facilitate relocation of displaced residents to housing opportunities within the City, the park owner gave written notice to each park resident in April 2008 informing them of the potential for occupancy in the La Mision low-income residential housing project located at 3232 West Mission Avenue in Oceanside. However, none of the residents contacted the City, the park owner, or the developer of the La Mision facility in response to the offer. It is important to note that the rate of rent at La Mision is significantly higher than the average rent currently paid by the remaining residents.

E. *If the rental mobile home park is to be converted to another residential use, the mobile home resident to be displaced shall be provided the right of first refusal to purchase, lease, rent or otherwise obtain residency in the replacement dwelling units, and the construction schedule for such replacement dwelling units shall not result in a displacement of unreasonable length for those mobile home residents electing to relocate in these replacement units.*

This finding does not apply to the conversion of Catalina Mobile Estates to vacant land as no new residential use is being proposed at this time.

F. *Any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocations.*

The Closure Impact Report addresses numerous resident relocation assistance options, including covering all reasonable costs of relocation. Five bids for moving a typical singlewide mobile home, including the disassembly, transportation, and reassembly of original accessory structures, were included in the Closure Impact Report. The average of the bids, $5,797, was then used to estimate the cost to relocate a typical singlewide mobile home up to 250 miles from Catalina Mobile Estates.

Travel trailers do not require a professional moving company. There is no expense incurred in the relocation/moving of a travel trailer, the owner and personal belongings with the travel trailer. However, assuming that not every resident has maintained a vehicle capable of pulling their travel trailer, up to $350 will be offered to residents with travel trailers to rent a truck and pay for gas in order to move their trailers up to 250 miles from Catalina Mobile Estates. Assistance in finding a travel trailer space or another form of housing will be provided as well.

In addition, parks usually require that some type of landscape improvement be made to a newly leased space. All possible relocation parks were surveyed on their move-in requirements for landscaping the lot. In nearly every case, all or a fair portion of the mobile home space was already landscaped. In most cases, landscaping at the front of the space is the only addition needed after the home is prepared for move in. In estimating the total relocation costs, $250 was added for landscaping improvements at the new site. This amount will be included as a reasonable cost of relocation to another park.

Finally, a number of the displaced mobile home owners have a freestanding storage shed. Since these sheds do not move well, the average cost of new shed has been included in the moving costs. The average cost of typical 6' x 5' or 5' x 4' shed ranges from $278 to $334 plus tax. For the purposes of the Closure Impact Report, $325 was used as an estimated cost and will be included as a reasonable cost of relocation to another park.

In total, as presented in the Closure Impact Report, the Catalina Mobile Estates park owner will offer the remaining tenants between $1,009 to $1,321 to cover the cost of moving a trailer travel and between $8,580 and $10,140 to cover the cost of moving a singlewide mobile home, depending on the number of people living in the unit.

The following relocation options shall be offered to the remaining residents within Catalina Estates Mobile Home Park:

Option IA – All reasonable relocation costs associated with moving up to 250 miles from the property site shall be paid by the Park Owner to the displaced Resident. Residents who choose this option can either choose to be responsible for removing their trailer, RV or mobile home from the park or selling it to a third party and keeping the proceeds from the sale or the Park Owner will be responsible for the removal of the unit.

Option II – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced Resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall be responsible for removing their trailer, RV or mobile home from the park or selling it to a third party and keeping the proceeds from the sale.

Option III – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced Resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall abandon their units and the Park Owner will be responsible for the removal of the mobile home, trailer, or RV from the park.

Option IV – Residents who choose this option may relocate their mobile home, trailer, or RV to other parks owned by the Park Owner, including Mirage Estates in Hemet, Sun Valley Estates in Hemet, or an RV park in San Jacinto. Space rent at the new location shall remain the same as the space rent the displaced resident is currently paying at Catalina Mobile Estates for a minimum of 12 months following relocation. The Park Owner shall cover the relocation and moving costs.

G. *The relocation plan mitigated the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impact of any long-term displacement.*

The Closure Impact Report includes a rent differential comparison between Catalina Mobile Estates and three other mobile home parks in Oceanside and found that of the remaining residents, all but one are currently paying more rent than the average rent charged in comparable parks. The property owner has offered free rent to the remaining residents for up to seven months prior to relocation and has offered to cover the rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to another park owned by the property owner.

Concerns Raised during the Planning Commission Hearing

Issue: Numerous speakers at the Planning Commission hearing currently live at Catalina Mobile Estates, but are not being offered relocation assistance or compensation.

Discussion: The following definitions are pertinent to this discussion:

California Civil Code Section 798.4 – A "Mobile Home Park" is an area of land where two or more mobile home sites are rented to accommodate mobile homes used for human habitation.

California Civil Code section 798.3 – A "Mobile Home" is a structure designed for human habitation and for being moved on a street or highway under permit. The definition of "mobile home" includes trailers and other recreational vehicles that have occupied a mobile home site in a park for nine or more continuous months. "Mobile home" does not include a trailer or other recreational vehicle located in a recreational vehicle park.

California Civil Code Section 798.11– "Resident" is a homeowner or other person who lawfully occupies a mobile home.

Staff, in conjunction with the City Attorney, has determined that Catalina Mobile Estates is classified as a Mobile Home Park, not a recreational vehicle park. The Park Owner is responsible for compensating only "mobile home" residents for impacts from displacement. Therefore, any tenant residing in a trailer or recreational vehicle that has lived at Catalina Mobile Estates for less than nine continuous months will not be eligible for relocation compensation.

Issue: Seven of the remaining ten permanent park residents reside in travel trailers or recreational vehicles rather than mobile homes. Many of the trailer/RV owners have added accessory structures to their units over the years and these structures have added value to their homes. There is a concern that compensating these residents based solely on the fact that their unit is a trailer/RV will not cover the true cost of moving the home.

Discussion: The following definitions are pertinent to this discussion:

California Health and Safety Code Section 18008 – "Mobile home" means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities and included the plumbing, heating, air conditioning, and electrical systems contained therein.

California Health and Safety Code Section 18010 – A "travel trailer or recreational vehicle" contains less than 320 square feet of internal living room area, and 400 square feet or less of gross area measured at maximum horizontal projections.

California Health and Safety Code Section 18008.5 – A "mobile home accessory building or structure" includes, but is not limited to, any awning; portable, demountable, or permanent cabana, ramada, storage cabinet, carport, skirting, heater, cooler, fence, windbreak, or porch; or other equipment established for the use of the occupant of the mobile home.

The project has been conditioned to include the square footage of any accessory building or structure in the calculation of unit size for determining whether a home will be compensated as a mobile home versus a travel trailer under Options IA and IV. Any unit, including accessory structures, that is greater than 320 square feet in size shall be compensated as a mobile home. Any unit, including accessory structures, that is less than 320 square feet in size shall be compensated as a travel trailer.

Analysis Summary: Planning Commission has determined that the Closure Impact Report, in association with Planning Commission Resolution No. 2009-P12, will adequately address the need to mitigate the impacts of the mobile home park closure on the remaining permanent tenants. All reasonable costs of relocation can be met through the options offered to the remaining permanent tenants. As such, Planning Commission recommends approval of the Closure Impact Report, approval of the Mobile Home Park Closure Permit (Conditional Use Permit C-37-07), and approval Regular Coastal Permit (RC-22-07).

FISCAL IMPACT

None. The applicant has paid all fees required for the consideration of this application.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the Closure Impact Report, Mobile Home Park Closure Permit (Conditional Use Permit) and the Regular Coastal Permit on March 9, 2009. Public hearing notices were mailed to business and residential property owners and occupants within a 1,500-foot radius of the proposed operation. Fourteen members of the public spoke in opposition to the proposed project at the public hearing. Nobody spoke in favor of the project. Seven speakers were remaining residents. Five speakers were temporary tenants of Catalina Mobile Estates. One speaker was from a neighboring mobile home park. One speaker was a previous tenant at Catalina Mobile Estates, but recently relocated to Carlsbad. One speaker also submitted written testimony.

The Commission recommended that City Council approve the submitted Closure Impact Report, approve the Mobile Home Park Closure Permit (Conditional Use Permit C-37-07), and approve Regular Coastal Permit (RC-22-07), and adopted Planning Commission

Resolution No. 2009-P12 by a vote of 5-to-2.

CITY ATTORNEY'S ANALYSIS

The City Attorney's office has reviewed the proposed resolution and approved it as to form.

Under the provisions of Article 34 of the City Zoning Ordinance, the City Council has final authority in the approval, modification or denial of a Conditional Use Permit for the conversion of a mobile home park. In addition, if the City Council determines that the conditions would result in extreme economic hardship for the applicant, the City Council may waive or modify any condition that would otherwise be necessary to enable the Council to make the findings required by Section 3405. Such conditions may be waived or modified only to the extent minimally necessary to alleviate such extreme economic hardship. An extreme economic hardship does not exist where the cost of implementing the relocation conditions would merely deny the applicant the maximum profits that could be realized from the conversion of the mobile home park.

The City Council shall review the recommendation of the Planning Commission, the record of the Planning Commission hearing, and hear testimony of the applicant and any other interested party.

After the hearing, the City Council shall accept, modify or deny the Planning Commission recommendation. If the Planning Commission's recommendation is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

The item under consideration is the adoption of a resolution confirming Planning Commission Resolution 2009-P12 and approving the submitted Closure Impact Report, the Mobile Home Park Closure Permit (Conditional Use Permit C-37-07), and the Regular Coastal Permit (RC-22-07). As part of its review and recommendation to the Council, the Planning Commission has considered the impacts of resident displacement associated with the closure of the Mobile Home Park. The Commission recommends that the Council approve the Mobile Home Park Closure Permit and the Regular Coastal Permit and adopt the attached resolution.

PREPARED BY:

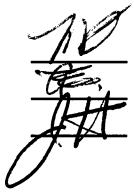
Sally Schifman
Planner II

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner

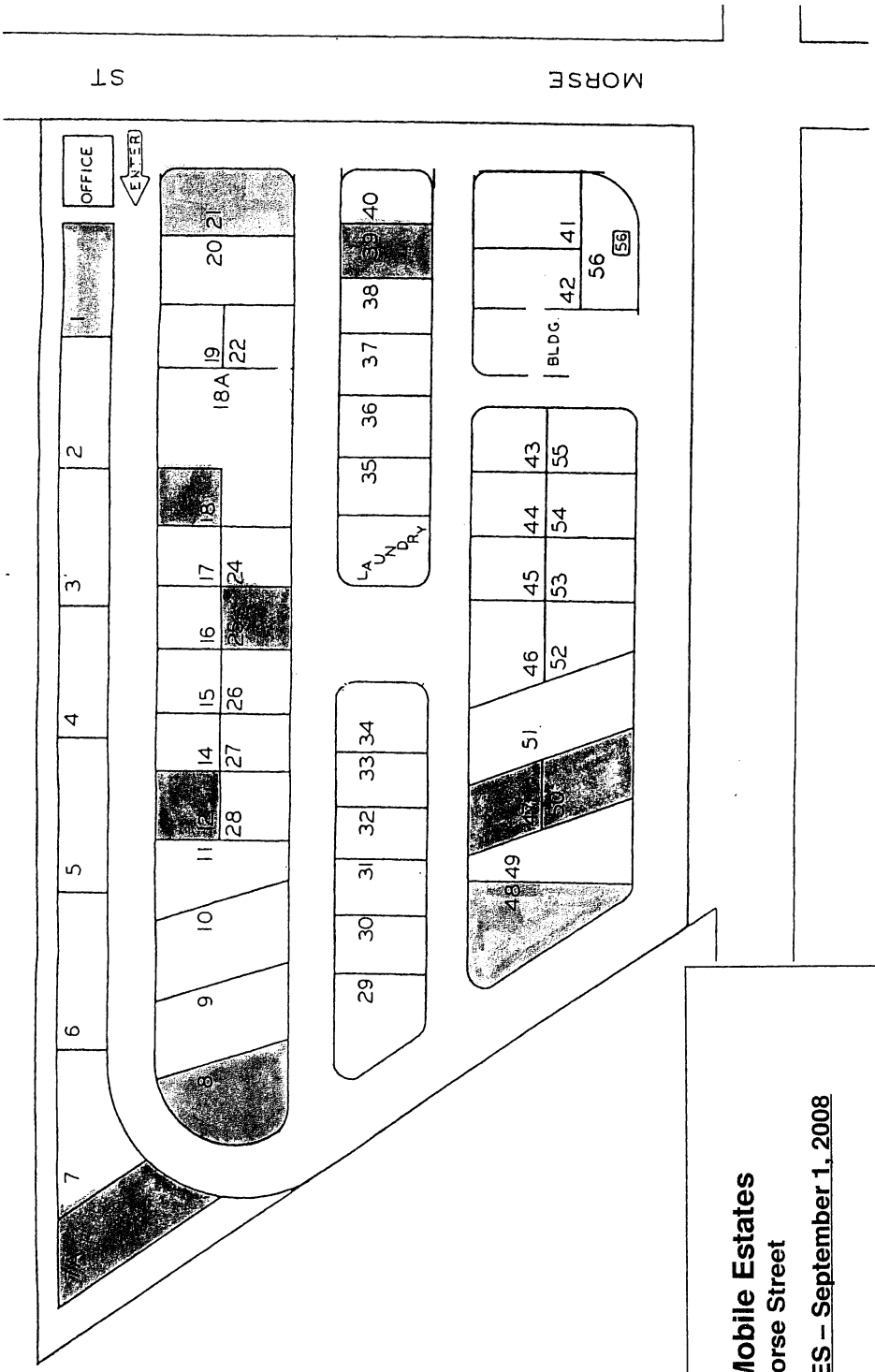


ATTACHMENTS:

1. Site Plan
2. City Council Resolution
3. Planning Commission Resolution No. 2009-P12
4. Planning Commission Staff Report dated March 9, 2009
5. Draft Management Plan
6. List of Remaining Tenants
7. Correspondence
8. Separately distributed:
   -Catalina Mobile Estates Closure Impact Report (dated September 1, 2006)
   -Catalina Mobile Estates Closure Impact Report Addendum (dated September 1, 2008)

ATTACHMENT 1

Site Plan



Catalina Mobile Estates
514 Morse Street

OCCUPIED SPACES – September 1, 2008

1	RV/Trailer *
7A	RV/Trailer *
8	MH
12	RV/Trailer
18	RV/Trailer
23	MH
25	RV/Trailer
39	RV/Trailer *
47	RV/Trailer
48	MH
50	RV/Trailer

Total: 11 Spaces: 8 RV/Trailers and 3 Mobile Homes
*Empty Units

ATTACHMENT 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CONFIRMING PLANNING COMMISSION RESOLUTION NO. 2009-P12 AND APPROVING A MOBILE HOME PARK CLOSURE PERMIT (CONDITIONAL USE PERMIT (C-37-07)) AND REGULAR COASTAL PERMIT (RC-22-07) TO PERMIT THE CONVERSION OF A MOBILE HOME PARK, ALSO KNOWN AS CATALINA MOBILE ESTATES, TO VACANT LAND LOCATED AT 514 MORSE STREET

(Catalina Mobile Estates, Inc. – John Grant -- Applicant)

WHEREAS, an application has been submitted for a Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) to permit the conversion of a mobile home park to vacant land on property located at 514 Morse Street, which real property is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, on March 9, 2009 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2009-P12, recommending approval of the Closure Impact Report, Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07);

WHEREAS, on May 6, 2009, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered all evidence and testimony by all interested parties on the above identified Closure Impact Report, Mobile Home Park Closure Permit and Regular Coastal Permit;

WHEREAS, based on such evidence, testimony and staff reports, this Council makes the findings of fact as set forth in Planning Commission Resolution No. 2009-P12, attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein; and

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date, and approved by the Planning Commission in conjunction with its actions on the applications.

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NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The Closure Impact Report adequately mitigates the impacts of displacement associated with the mobile home park closure; and Mobile Home Park Closure Permit Conditional Use Permit (C-37-07) and Regular Coastal Permit (RC-22-07) are hereby approved pursuant to the findings and conditions contained within Planning Commission Resolution No. 2009-P12 attached hereto as Exhibit "B" and incorporated herein by this reference, subject to the following amendment to Condition 20:

a) All accessory buildings or structures shall be included in the calculation of unit size for determining whether a home will be treated as a mobile home versus a travel trailer under Options IA and IV of the Closure Impact Report. Any unit, including accessory structures, that is greater than 320 square feet in size shall be treated as a mobile home. Any unit, including accessory structures, that is less than 320 square feet in size shall be treated as a travel trailer.

2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in Oceanside City Code Section 1.10.

PASSED and ADOPTED by the City Council of the City of Oceanside, California this 6th day of May, 2009 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

Subject Property
Catalina Mobile Estates
514 Morse Street
Oceanside, California

EXHIBIT A

RECEIVED
DEC 04 2007
Planning Department

LEGAL DESCRIPTION

PARCEL A: (APN: 153-041-01)

THAT PORTION OF LOT I, TRACT 50 OF HOTALING LANDS, IN THE CITY OF OCEANSIDE IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1717, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 16, 1921 AS DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF THE CENTER LINE OF MORSE STREET WITH THE CENTER LINE OF STEWART STREET, AS SHOWN ON SAID MAP NO. 1717; THENCE ALONG THE CENTER LINE OF MORSE STREET, SOUTH 54°48' WEST A DISTANCE OF 2178.00 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF CALIFORNIA STATE HIGHWAY RIGHT OF WAY, ROUTE 2, SECTION 8, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID RIGHT OF WAY NORTH 35° 12' WEST, A DISTANCE OF 347.28 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF LOT 1; THENCE ALONG SAID NORTHWESTERLY LINE OF SAID LOT 1, NORTH 21°05'45" EAST, A DISTANCE OF 512.07 FEET; THENCE SOUTH 35°12' EAST A DISTANCE OF 631.35 FEET TO A POINT ON THE CENTER LINE OF MORSE STREET; THENCE ALONG THE CENTER LINE OF MORSE STREET, SOUTH 54°48' WEST, A DISTANCE OF 426.06 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 1 AS DEDICATED FOR PUBLIC STREET BY THE CITY OF OCEANSIDE DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT WHERE THE SOUTHERLY LINE OF SAID LOT 1, TRACT 50 OF HOTALING LANDS INTERSECTS THE NORTHEASTERLY LINE OF THE CALIFORNIA HIGHWAY KNOWN AS HILL STREET, IN THE CITY OF OCEANSIDE AS SHOWN ON SAID MAP NO. 1717, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID LOT 1 IN TRACT 50 OF HOTALING LANDS; CONTINUING THENCE IN AN EASTERLY DIRECTION ALONG THE SAID SOUTHERLY BOUNDARY OF SAID LOT I, TRACT 50 OF HOTALING LANDS, A DISTANCE OF 20 FEET TO A POINT; THENCE CONTINUING NORTHWESTERLY IN A LINE PARALLEL WITH SAID NORTHEASTERLY LINE OF SAID CALIFORNIA STATE HIGHWAY KNOWN AS HILL STREET, AS SHOWN ON SAID MAP NO. 1717, TO ITS INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID LOT I, TRACT 50, HOTALING LANDS, SAID NORTHEASTERLY LINE OF HILL STREET BEING ALSO THE SOUTHWESTERLY BOUNDARY OF SAID LOT 1 IN TRACT 50 OF HOTALING LANDS; THENCE CONTINUING IN A SOUTHWESTERLY DIRECTION ALONG THE SAID NORTHWESTERLY BOUNDARY OF SAID LOT I, TRACT 50 OF HOTALING LANDS TO ITS INTERSECTION WITH THE SAID NORTHEASTERLY BOUNDARY OF SAID CALIFORNIA STATE HIGHWAY KNOWN AS HILL STREET, SAID POINT OF INTERSECTION BEING ALSO THE NORTHWESTERLY CORNER OF SAID LOT 1 IN TRACT 50 OF HOTALING LANDS; THENCE CONTINUING ALONG THE SAID NORTHEASTERLY BOUNDARY OF SAID CALIFORNIA STATE HIGHWAY KNOWN AS HILL STREET, AS SHOWN ON SAID MAP NO. 1717, IN A SOUTHERLY DIRECTION TO THE POINT OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 172 FEET THEREOF, THE SOUTHWESTERLY LINE OF SAID NORTHEASTERLY 172 FEET BEING PARALLEL WITH THE NORTHEASTERLY LINE OF SAID PARCEL.

PARCEL B:

A PORTION OF LOT 1 IN TRACT 50 OF HOTALING LANDS, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON MAP THEREOF, NO. 1717, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 16, 1921, SUCH PORTION BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT WHERE THE SOUTHERLY LINE OF SAID LOT 1, TRACT 50 OF HOTALING LANDS INTERSECTS THE NORTHEASTERLY LINE OF THE CALIFORNIA STATE HIGHWAY, KNOWN AS HILL STREET, IN THE CITY OF OCEANSIDE, AS SHOWN ON SAID MAP NO. 1717 SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID LOT 1, TRACT 50 OF HOTALING LANDS; CONTINUING THENCE IN AN *EASTERLY DIRECTION ALONG THE SIAD SOUTHERLY 20 BOUNDARY OF SAID LOT 1, TRACT 50 OF HOTALING LANDS, A DISTANCE OF 20 FEET TO A POINT; THENCE CONTINUING NORTHWESTERLY IN A LINE PARALLEL TO SAID NORTHEASTERLY LINE OF SAID CALIFORNIA STATE HIGHWAY, KNOWN AS HILL STREET, AS SHOWN ON SAID MAP NO. 1717 TO ITS INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID LOT 1, TRACT 50 OF HOTALING LANDS, SAID NORTHEASTERLY LINE OF HILL STREET BEING ALSO THE SOUTHWESTERLY BOUNDARY OF SAID LOT 1 IN TRACT 50 OF HOTALING LANDS; THENCE CONTINUING IN A SOUTHWESTERLY DIRECTION ALONG THE SAID NORTHWESTERLY BOUNDARY OF SAID LOT I, TRACT 50 OF HOTALING LANDS TO ITS INTERSECTION WITH THE SAID NORTHEASTERLY BOUNDARY OF SAID CALIFORNIA STATE HIGHWAY KNOWN AS HILL STREET, SAID POINT OF INTERSECTION BEING ALSO THE NORTHWESTERLY CORNER OF SAID LOT 1 IN TRACT 50 OF HOTALING LANDS; THENCE CONTINUING ALONG THE SAID NORTHEASTERLY BOUNDARY OF SAID CALIFORNIA STATE HIGHWAY KNOWN AS HILL AS SHOWN ON SAID MAP NO. 1717 IN SOUTHERLY DIRECTION TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

*SCRIVENER'S ERROR: "THE SIAD SOUTHERLY 20 BOUNDARY" SHOULD READ "THE SAID SOUTHERLY BOUNDARY"

EXHIBIT B

AND ATTACHMENT 3

PLANNING COMMISSION
RESOLUTION NO. 2009-P12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF A CLOSURE IMPACT REPORT IN ASSOCIATION WITH THE ADOPTION OF A CONDITIONAL USE PERMIT FOR A MOBILE HOME PARK CLOSURE AND A REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	C-37-07, RC-22-07
APPLICANT:	Catalina Mobile Estates, Inc. – John E. Grant
LOCATION:	514 Morse Street

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) under the provisions of Articles 10, 34, and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

the conversion of a mobile home park to vacant land;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of March, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be exempt from environmental review pursuant to the general rule per Section 15061(b)(3);

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

For a Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) Pursuant to Article 41 Findings:

1. The proposed use of the property as vacant land is in accord with the objectives of Articles 10 and 34 of the Zoning Ordinance and the purposes of the Urban High Density

Residential District (Senior Mobile Home Park Overlay) in which the site is located. The conversion of the mobile home park, also known as Catalina Mobile Estates, to vacant land does not require any change to the General Plan or Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Zoning Ordinance. The proposed Closure Impact Report addresses all provisions of Article 34 by adequately describing the existing conditions at Catalina Mobile Estates and providing numerous options for Resident relocation assistance.

2. The proposed use of the property as vacant land and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of the persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. A Property Management Plan shall be submitted to and approved by the City Planner. The Plan shall include management details and maintenance responsibilities for repairs, weed control, landscaping, graffiti, signage, etc. for the site.

3. The proposed use of the property as vacant land will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed use in the district in which it would be located. The proposed Closure Impact Report addresses all provisions of Article 34 by adequately describing the existing conditions at Catalina Mobile Estates and providing numerous options for Resident relocation assistance. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Zoning Ordinance.

<u>Pursuant to Article 34 Findings:</u>

1. The proposed use of the property is consistent with the General Plan and all applicable provisions of Articles 10 and 34 of the Zoning Ordinance have been met. The conversion of Catalina Mobile Estates to vacant land does not require any change to the General Plan or Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Zoning Ordinance. The proposed Closure Impact Report addresses all provisions of

Article 34 by adequately describing the existing conditions at Catalina Mobile Estates and providing numerous options for Resident relocation assistance.

2. There exists land zoned for replacement housing or adequate space in other mobile home parks for the residents who will be displaced. Of the original 24 park residents, 14 have already been accommodated with other living arrangements. The property owner shall be required to offer relocation assistance options to all remaining permanent residents. The Closure Impact Report has identified adequate housing opportunities within 250 miles of the City, including apartments, housing, and other mobile home parks.

3. The conversion will not result in the displacement of low-income mobile home residents who cannot afford rents charged in other mobile home parks within the City of Oceanside. Of the remaining residents, all but one are currently paying more rent than the average rent charged in comparable Oceanside mobile home parks. The property owner has offered to cover any rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to another park owned by the property owner.

4. The age, type, size, and style of mobile homes to be displaced as a result of the conversion may be able to be relocated into other mobile home parks with the City of Oceanside. Seven of the 10 remaining units in the park are RVs or travel trailers and can easily be moved to RV parks in or near Oceanside. Three of the 10 remaining units are old, singlewide mobile homes and it is unlikely that Oceanside parks that may have vacancies would allow an old singlewide home to move into the park. However, the Closure Impact Report provides options for the owners of these mobile homes, including using the mitigation payment, to purchase a mobile home in another Oceanside park, move to a new affordable apartment unit, or move their existing unit to another mobile home park within 250 miles of Catalina Mobile Estates.

5. Any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation. The Closure Impact Report addresses Resident relocation assistance options, including covering all reasonable costs of relocation.

6. The relocation plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term

displacement. The Closure Impact Report includes a rent differential comparison between Catalina Mobile Estates and other mobile home parks in Oceanside and found that of the remaining residents, all but one are currently paying more rent than the average rent charged in comparable parks. The property owner has offered free rent to the remaining residents for up to seven months prior to relocation and has offered to cover the rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to another park owned by the property owner.

For the Regular Coastal Permit:

1. The proposed conversion of the mobile home park to vacant land is consistent with the policies of the Local Coastal Program and its effective zoning code. Any future development of the site shall be required to follow all regulations of the Local Coastal Program.
2. The subject property site is located outside the appeal area of the Coastal Zone and therefore will not inhibit public coastal access.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend approval of the Closure Impact Report in association with the adoption of the Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) subject to the following conditions:

Engineering:

1. Due to applicable federal, state, and local stormwater quality regulations, the property site is subject to standard "Best Management Practices" (BMPs) requirements, including but not limited to:

   Stabilization of exposed soils and denuded areas;

   a) Prevention of soil erosion and sediment transport;
   b) Measures to prevent stormwater pollutants from entering the on-site drainage facilities;
   c) Practices to prevent off-site transport of stormwater pollutants; and
   d) Installation and maintenance of additional erosion and sediment control BMPs as required for construction and land disturbance activities.

2. The subject property is to be maintained for dust, weed control, and stormwater run-off until said property is developed and/or until the lot transferred to a new owner(s), who, at the time of transfer, will take over this responsibility for the property.

3. All planted/planting areas with visual accessibility to the public are to have working irrigation systems to properly distribute water evenly and accurately to the plant material.

4. All work and maintenance in planted/planting areas with visual accessibility to the public are to conform with, and follow the guidelines found in, the City of Oceanside's current Landscape Development Manual.

Planning:

5. This Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) are limited to the conversion of a mobile home park, also known as Catalina Mobile Estates, to vacant land located at 514 Morse Street.

6. The Mobile Home Park Closure Permit and Regular Coastal Permit shall lapse 24 months after the effective date of approval, unless the property owner requests an extension pursuant to the provisions of the Zoning Ordinance.

7. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded within 45 days of the effective date of approval. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

8. Prior to the transfer of ownership and/or operation of the site the property owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and/or operator. This notification's provision shall be required until revised by future discretionary action.

9. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time permits are issued are required to be met by this, and any future, discretionary action. The approval of this Mobile Home Park Closure Permit and Regular Coastal Permit constitutes the property owner's agreement with all statements in the Description and Justification, Closure Impact Report, and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

10. The property owner, applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning the Closure Impact Report, the Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07). The City will promptly notify the property owner of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the property owner of any such claim action or proceeding or fails to cooperate fully in the defense, the property owner shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

11. Failure to meet any conditions of approval for this mobile home park closure shall constitute a violation of the Mobile Home Park Closure Permit and Regular Coastal Permit.

12. All remaining park residents shall be given a minimum of six months written notice of termination of their tenancies at the park pursuant to Civil Code Section 798.56(g)(2). This notice shall include information pertaining to all options available to the residents as outlined in Condition 14 below and will specify the anticipated final closure date. A copy of this notice shall be provided to the City Planner. The date of closure shall set the benchmark dates as adopted in this resolution.

13. The Park Owner shall provide to all remaining park residents the services of a mobile home relocation specialist who shall assist the residents in locating relocation lots for their mobile homes or other residential units within the area of their choice to the extent that such lots exist.

14. The following relocation options, as identified in the Closure Impact Report Addendum dated September 1, 2008, shall be offered to the remaining permanent residents within Catalina Estates Mobile Home Park:

a) Option IA – All reasonable relocation costs associated with moving up to 250 miles from the property site shall be paid by the Park Owner to the displaced resident.

b) Option II – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall be responsible for removing their trailer, RV or mobile

home from the park or selling it to a third party and keeping the proceeds from the sale.

c) Option III – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall abandon their units and the Park Owner will be responsible for the removal of the mobile home, trailer, or RV from the park.

d) Option IV – Residents who choose this option may relocate their mobile home, trailer, or RV to other parks owned by the Park Owner, including Mirage Estates in Hemet, Sun Valley Estates in Hemet, or an RV park in San Jacinto. Space rent at the new location shall remain the same as the space rent the displaced resident is currently paying at Catalina Mobile Estates for a minimum of 12 months following relocation. The Park Owner shall cover the relocation and moving costs.

15. A final Property Management Plan shall be submitted to and approved by the City Planner within 10 days of the mobile home park closure date. The Plan shall include management details and maintenance responsibilities for repairs, weed control, landscaping, graffiti, signage, etc. for the site. The Property Management Plan shall be recorded in the form of a covenant affecting the subject property.

16. All waste and recyclable materials associated with site demolition shall be removed from the property site in accordance with City Code Section 13.3.

17. All permanent structures, with the exception of underground piping, shall be demolished and removed from the site within 90 days of the mobile home park closure date.

18. Compliance with the applicable provisions of the City's anti-graffiti Ordinance (No. 93-19/Section 20.25 of the City Code) shall be required.

19. A property management fence shall be placed around the entire property site within 10 days of the mobile home park closure. The property owner may utilize the existing perimeter fencing on-site, as long as it meets the criteria listed below. The fence shall meet the following standards:

a) Fences shall remain on the site as long as the property is undeveloped or vacant.

b) Fences shall be of a permanent nature with permanent footings. Chainlink fences shall have a minimum two-inch outside diameter vertical post and 1.25-inch outside diameter top rails. Fencing shall be securely attached to the post and rails.

c) Fences shall not be unsightly and shall be maintained in reasonably straight and plumb alignment, and in good shape, quality and repair.

d) The fence may be located within the required yard areas, except it must be located a minimum of 15 from the property line parallel to Morse Street.

e) Razor wire and/or barbed wire shall be prohibited.

20. RVs and travel trailers with add-ons approved by park management shall be treated as mobile homes for the purposes of determining the cost of relocation.

Water Utilities:

21. All existing sewer laterals that are currently active shall be capped per the City of Oceanside's Water, Sewer, and Reclaimed Water Design & Construction Manual within 10 days of the mobile home park closure. The Water Utilities Department shall be notified at least two days in advance in order to schedule an inspector to be present at that time.

22. The property owner shall maintain private water and wastewater utilities located on private property.

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23. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.

PASSED and ADOPTED on March 9, 2009 by the following vote, to wit:

AYES: Troisi, Balma, Parker, Neal and Rosales

NAYS: Martinek, Bertheaud

ABSENT: None

ABSTAIN: None

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P12.

Dated: March 9, 2009

ATTACHMENT 4

PLANNING COMMISSION

STAFF REPORT

DATE: March 9, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A MOBILE HOME PARK CLOSURE PERMIT (CONDITIONAL USE PERMIT (C-37-07)) AND REGULAR COASTAL PERMIT (RC-22-07) TO PERMIT THE CONVERSION OF A MOBILE HOME PARK, ALSO KNOWN AS CATALINA MOBILE ESTATES, TO VACANT LAND LOCATED AT 514 MORSE STREET. THE PROJECT SITE IS ZONED RH-U-SMH (URBAN HIGH DENSITY RESIDENTIAL – SENIOR MOBILE HOME PARK OVERLAY) AND IS WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE. – CATALINA MOBILE ESTATES – APPLICANT: CATALINA MOBILE ESTATES INC. – JOHN E. GRANT**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Recommend that City Council confirm issuance of a CEQA categorical exemption pursuant to the general rule per Section 15061(b)(3); and,

(2) Recommend that City Council approve the Catalina Mobile Estates Closure Impact Report; and,

(3) Recommend that City Council approve the Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) and,

(4) Adopt Planning Commission Resolution No. 2009-P12 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: Catalina Mobile Estates is a mobile home park that was established in the 1940s, possibly in response to the housing shortage in Oceanside due to the onset of World War II and establishment of Camp Pendleton in 1942. Housing was at a

premium and many temporary tent and trailer parks were set up throughout the City of Oceanside. The mobile home park has three permanent buildings: an office, a maintenance/storage unit and a laundry room that once provided restrooms and shower facilities. These buildings were probably built at the time the mobile home park was established, to provide necessities for the residents. Currently there are many vacancies or open spaces. There are a variety of mobile homes and RV's, both temporary and permanent, in the park.

According to the historical report prepared by Kristi S. Hawthorne, Catalina Mobile Estates does not possess any notable design features, is not the work of a master architect or craftsman, is not constructed of rare or unique materials, and is not associated with any known historic event. The resource does not qualify for nomination to the local historical resources register.

Current zoning regulations require that mobile home parks process a Mobile Home Park Development Plan in order to operate. However, Catalina Mobile Estates was established many years before this regulation was adopted by the City of Oceanside. Therefore, no special permits exist for the park. City records do indicate that a valid business license was issued for the mobile home park in 1976.

Site Review: The project site is situated within the RH-U-SMH (Urban High Density Residential – Senior Mobile Home Park Overlay). The land use designation is UHD-R (Urban High Density Residential).

The project site has been an established mobile home park since the mid-1940s. Adjacent lots include the La Salina Mobile Home Park to the north, medium density and single-family residential use to the east and south, and a mix of commercial and industrial land uses to the west and south. Paradise by the Sea RV Resort is to the northwest.

Project Description: The project application is comprised of two components, a Mobile Home Park Closure Permit, in the form of a Conditional Use Permit, and a Regular Coastal Permit, as follows:

<u>Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07))</u> represents a request for the following:

(a) To allow for the conversion of a mobile home park to vacant land pursuant to Article 34 of the Zoning Ordinance.

<u>Regular Coastal Permit (RC-22-07)</u> represents a request for the following:

(a) To allow for the conversion of a mobile home park to vacant land within the coastal zone, pursuant to the Local Coastal Program.

The applicant is requesting permission to close the 2.1-acre mobile home park located at 514 Morse Street. No new land use is being proposed at this time. The remaining residents of the park will be relocated, and their units shall be either relocated or removed, in accordance with the approved Closure Impact Report. The three small accessory structures on the site will be boarded up and secured in place. The site will be cleared of all debris and the property will be securely fenced. All utilities serving individual spaces will be secured in place and only the master water meter will remain functioning in order to continue landscape maintenance on-site.

Pursuant to California state regulations, a Closure Impact Report must be prepared to address the need to mitigate the impact of closing the mobile home park on the displaced tenants. Pursuant to Article 34 of the Oceanside Zoning Ordinance, this Closure Impact Report (or relocation plan) must be submitted to the Planning Commission for review and a recommendation and submitted to City Council for approval or denial as part of the application for conversion of a rental mobile home park to another use, such as vacant land.

The project is subject to the following City Ordinances and Policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. Local Coastal Program
6. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation for the subject property is Urban High Density Residential (UHD-R). The conversion of the mobile home park to vacant land does not require any change to the General Plan designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the General Plan.

2. Zoning Ordinance Compliance

The project site is situated within the RH-U-SMH District (Urban High Density Residential – Senior Mobile Home Park Overlay). The conversion of the mobile home park to vacant land does not require any change to the Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Oceanside Zoning Ordinance (OZO).

Pursuant to OZO Article 34, the conversion of an existing rental mobile home park to another use shall require a use permit reviewed by the Planning Commission and approved by the City Council. The application for such permit must include a relocation plan for existing tenants of the mobile home park. This relocation plan, also known as a Closure Impact Report, shall be submitted to the City Council for approval. The City Council may approve a permit for a rental mobile home park conversion if it finds that the proposed conversion meets seven findings as set forth in Section 3405, in addition to the typical findings for a Conditional Use Permit, pursuant to Section 4105.

The proposed Closure Impact Report for Catalina Mobile Estates dated September 1, 2006, also with the addendum dated September 1, 2008, addresses all provisions of Section 3405 as follows:

A. *The proposed use of the property is consistent with the General Plan and all applicable provides of the Ordinance are met.*

The conversion of Catalina Mobile Estates to vacant land does not require any change to the General Plan or Zoning designation of the underlying property. Any future development of the site shall be required to follow all land use and development regulations as set forth in the Zoning Ordinance. The proposed Closure Impact Report addresses all provisions of Article 34 by adequately describing the existing conditions at Catalina Mobile Estates and providing numerous options for Resident relocation assistance.

B. There existing land zoned for replacement housing or adequate space in other mobile home parks for residents who will be displaced

There exists land zoned for replacement housing or adequate space in other mobile home parks for the residents who will be displaced. Of the original 24 park Residents considered permanent tenants at the time of project submittal, 14 have already been accommodated with other living arrangements. The property owner shall be required to offer relocation assistance options to all remaining permanent tenants. The Closure Impact Report has identified adequate housing opportunities within 250 miles of the City, including apartments, housing, and other mobile home parks.

C. The conversion will not result in the displacement of low-income mobile home residents who cannot afford rents charged in other mobile home parks within the City of Oceanside.

The Closure Impact Report reviewed the rates charged at three comparable mobile home parks within the City – Pacific Trailer Park, Royal Palms Park, and Sandy Shore Trailer Park. Of the remaining Catalina Mobile Estates residents, all but one currently pay more rent than the average rent charged in these

comparable Oceanside mobile home parks. The property owner has offered to cover any rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to one of three parks owned by the property owner, which are outside of the City, but comparable in rental fees.

D. *The age, type, size, and style of the mobile home to be displaced as a result of the conversion will be able to relocate into other mobile home parks within the City of Oceanside.*

Seven of the 10 remaining units in the park are RVs or travel trailers and can easily be moved to RV parks in or near Oceanside. The remaining mobile homes are all old, singlewide homes and it is unlikely that Oceanside parks that may have vacancies would allow these homes to move into the park. However, the Closure Impact Report provides options for the owners of these mobile homes, including using the mitigation payment, to purchase a mobile home in another Oceanside park, move to a new affordable apartment unit, or move their existing unit to another mobile home park within 250 miles of Catalina Mobile Estates. Further, in an effort to facilitate relocation of displaced residents to housing opportunities within the City, the park owner gave written notice to each park resident in April 2008 informing them of their ability to obtain first priority for occupancy in the La Mision low-income residential housing project located at 3232 W. Mission Avenue in Oceanside. However, none of the residents contacted the City, the park owner, or the developer of the La Mision facility in response to the offer.

E. *If the rental mobile home park is to be converted to another residential use, the mobile home resident to be displaced shall be provided the right of first refusal to purchase, lease, rent or otherwise obtain residency in the replacement dwelling units, and the construction schedule for such replacement dwelling units shall not result in a displacement of unreasonable length for those mobile home residents electing to relocate in these replacement units.*

This finding does not apply to the conversion of Catalina Mobile Estates to vacant land as no new residential use is being proposed at this time.

F. *Any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocations.*

The Closure Impact Report addresses numerous resident relocation assistance options, including covering all reasonable costs of relocation. Five bids for moving a typical singlewide mobile home, including the disassembly, transportation, and reassembly of original accessory structures, were included in the Closure Impact Report. The average of the bids, $5,797.61, was then used to estimate the cost to relocate a typical singlewide mobile home up to 250 miles from Catalina Mobile Estates.

Travel trailers do not require a professional moving company. There is no expense incurred in the relocation/moving of a travel trailer, the owner and personal belongings with the travel trailer. However, assuming that not every resident has maintained a vehicle capable of pulling their travel trailer, up to $350 will be offered to residents with travel trailers to rent a truck and pay for gas in order to move their trailers up to 250 miles from Catalina Mobile Estates. Assistance in finding a travel trailer space or another form of housing will be provided as well.

In addition, parks usually require that some type of landscape improvement be made to a newly leased space. All possible relocation parks were surveyed on their move-in requirements for landscaping the lot. In nearly every case, all or a fair portion of the mobile home space was already landscaped. In most cases, landscaping at the front of the space is the only addition needed after the home is prepared for move in. In estimating the total relocation costs, $250.00 was added for landscaping improvements at the new site. This amount will be included as a reasonable cost of relocation to another park.

Finally, a number of the displaced mobile home owners have a freestanding storage shed. Since these shed do not move well, the average cost of new shed has been included in the moving costs. The average cost of typical 6' x 5' or 5' x 4' shed ranges from $278.00 to $334.00 plus tax. For the purposes of the Closure Impact Report, $325.00 was used as an estimated cost and will be included as a reasonable cost of relocation to another park.

In total, as presented in the Closure Impact Report, the Catalina Mobile Estates park owner will offer the remaining tenants between $1,009.00 to $1,321.00 to cover the cost of moving a trailer travel and between $8,580.61 and $10,140.61 to cover the cost of moving a singlewide mobile home, depending on the number of people living in the unit.

The following relocation options shall be offered to the remaining residents within Catalina Estates Mobile Home Park:

Option IA – All reasonable relocation costs associated with moving up to 250 miles from the property site shall be paid by the Park Owner to the displaced Resident.

Option II – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced Resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall be responsible for removing their trailer, RV or mobile home from the park or selling it to a third party and keeping the proceeds from the sale.

Option III – The Park Owner shall offer up to seven months free rent at Catalina Estates Mobile Home Park to the displaced Resident, beginning from the date the option is chosen, but not exceeding the tenancy termination date. Residents who choose this option shall abandon their units and the Park Owner will be responsible for the removal of the mobile home, trailer, or RV from the park.

Option IV – Residents who choose this option may relocate their mobile home, trailer, or RV to other parks owned by the Park Owner, including Mirage Estates in Hemet, Sun Valley Estates in Hemet, or an RV park in San Jacinto. Space rent at the new location shall remain the same as the space rent the displaced resident is currently paying at Catalina Mobile Estates for a minimum of 12 months following relocation. The Park Owner shall cover the relocation and moving costs.

G. *The relocation plan mitigated the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impact of any long-term displacement.*

The Closure Impact Report includes a rent differential comparison between Catalina Mobile Estates and three other mobile home parks in Oceanside and found that of the remaining residents, all but one are currently paying more rent than the average rent charged in comparable parks. The property owner has offered free rent to the remaining residents for up to seven months prior to relocation and has offered to cover the rent differential for a minimum of 12 months from the effective date of approval should the resident choose to relocate to another park owned by the property owner

3. Local Coastal Program

The proposed conversion of the mobile home park to vacant land is consistent with the policies of the Local Coastal Program and its effective zoning code. Any future development of the site shall be required to follow all regulations of the Local Coastal Program.

DISCUSSION

Issue: Should the Park Owner be required to provide replacement low - or moderate - income housing within the Coastal Zone in association with the proposed mobile home park closure?

Recommendation: Subject to certain exceptions, the Mello Act (California Government Code Section 65590), enacted in 1981, prohibits local governments from authorizing the conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income in the coastal zone, unless provisions have been made for replacement of those dwelling units within the coastal zone, if feasible, or within three miles of the coastal zone.

The Ellis Act (California Government Code Sections 7060 *et seq.*), enacted in 1985, prohibits public entities from enacting laws or taking administrative actions that have the effect of compelling a landlord to remain in the rental business. To the extent these provisions are in conflict, the Ellis Act supersedes the Mello Act, because the Ellis Act was adopted after the Mello Act and does not list the Mello Act among its exceptions.

Therefore, at this time, the applicant cannot be compelled to provide replacement low and moderate income housing under the Mello Act as a condition of approval of the park closure permit. However, because the site is located in the coastal zone, any project proposed for the site in the future will be subject to the requirements of the Mello Act.

Issue: Does the Closure Impact Report adequately mitigate the impact of the closure of the park on the displaced tenants?

Recommendation: Staff finds that the Closure Impact Report has adequately addressed the need to mitigate the impacts of the mobile home park closure on the remaining tenants. All reasonable costs of relocation can be met through the Options offered to the remaining park tenants.

ENVIRONMENTAL DETERMINATION

The project is subject to a categorical exemption pursuant to the general rule per Section 15061(b)(3) of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant. As of March 3, 2009, staff has not received comments on the proposed mobile home park closure.

SUMMARY

The proposed Mobile Home Closure Permit (Conditional Use Permit (C-37-07)) and Regular Coastal Permit (RC-22-07) as conditioned, are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance and the Local Coastal. Staff finds that the Closure Impact Report has adequately addressed the need to mitigate the impacts of the mobile home park closure on the remaining tenants. As such, staff recommends that the Planning Commission:

-- Move to recommend that City Council approve the submitted Closure Impact Report, approve the Mobile Home Park Closure Permit (Conditional Use Permit (C-37-07)), and approve Regular Coastal Permit (RC-22-07) with findings and conditions of approval attached herein, and adopt Planning Commission Resolution No. 2009-P12.

PREPARED BY:

Sally Schiffman
Planner II

SUBMITTED BY:

Jerry Hittleman
City Planner

REVIEWED BY:
Richard Greenbauer, Senior Planner

JH/SS/fil

Attachments:
1. Site Plan
2. Planning Commission Resolution No. 2009-P12
3. Draft Management Plan
4. List of Remaining Tenants

Available for Review at the Planning Division Counter:
- Catalina Mobile Estates Closure Impact Report (dated September 1, 2006)
- Catalina Mobile Estates Closure Impact Report Addendum (dated September 1, 2008)

ATTACHMENT 5

City of Oceanside
Mobile Home Estates Closure
Planning Department Application Attachment
Original Submittal November 15, 2007
Revised for Submittal November 12, 2008
Subject Property: Catalina Mobile Estates RV/Trailer Park
514 Morse Street

Draft Management Plan

The aging mobile home park located on the 2.1 acre subject property located at the N/E corner of South Coast Highway and Morse Street is closing. No new land use or discretionary permits are being proposed or requested. The RV's and mobile homes on the site will be removed.

The three small accessory structures on the site will be boarded up and secured. There will be no demolition of these buildings or the property's infrastructure until such time that it is redeveloped. The parcel will be completely fenced. The two existing electric gates at the entrance and exit to the property will remain to completely secure the property.

The site will be cleared of all debris and the existing parameter landscaping and fences will be maintained. No trees will be removed and a weed management program implemented.

Utilities will be secured. Water and sewer at the individual spaces will be capped and checked for leaks so that there is no seepage or infiltration. The master water meter will remain and landscaping irrigation will continue.

Upon closure gravel bags will be placed at the driveways.

The site will be inspected on a regular basis and any signs of vandalism, including graffiti will be taken care of immediately.

ATTACHMENT 6

Catalina Mobile Estates

List of Tenants

As of February 18, 2009

The addresses for mailing are:

Name of Tenant
514 Morse Street, Space # ---
Oceanside, CA 92054

Space Number	Tenant(s)
7A	Ruth Allen & Terry Miller *
8	Adolfo & Lou Fuentes
12	Sandra Sheppard *
18	Hans & Ruth Petersen
21	William Rivera & Juanita Rivera (mother)
25	Alberto Beltran
39	Francois Kaserski *
47	Sonia Morales
48	Connie Warren
50	Fernando Hernandez

* These tenants own RV/Trailers that are not occupied on a permanent basis and are not the primary residence of the owners of the units.

ATTACHMENT 7

Testimony before the Planning Commission, re the closure of Catalina Mobile Home Park; March 9, 2009

By Terry Miller

Good evening, Madam Chair and Members of the Planning Commission,

My name is Terry Miller. My wife Ruth and I have lived at Catalina for 23 years. Ruth is 78 years old and disabled. Her disability, which essentially makes her immobile, started 10 years ago.

Ruth has insisted on staying at the park. At her age, she was hoping to live out the rest of her life there in peace and quiet enjoyment. After 23 years in the same place, she has gotten to know her neighbors and her surroundings.

We have both enjoyed living in the coastal area. We initially signed on with a 5 year lease. After the 5 years, we came under the City's rent control ordinance. Our current rent is $216 a month, plus utilities.

Years ago, we tried to buy the park. We were not able to do this, as the rents would have to be too high. Instead, the city offered residents at the park grants for expanding their homes. My wife and I received our grant about 13 years ago, which allowed us to expand our living quarters with an 8' x 20' add-on room addition that was also required to comply with earthquake building laws.

The room addition was done with the park owner's knowledge and consent; it was done with a permit, and it is permanent.

Mr. Grant, the current owner, offered us $10,000 to walk away from our home, but it was never in writing and it was never formally done. We have been waiting to have this offer in writing.

In tonight's report, Mr. Grant is now offering us only $2,000 to leave our home!

Tonight's reports all talk about the "moving" of a coach. After 23 years, there is no way that our home would be able to survive a move with any amount of reasonable survival, especially the permanent, fixed addition.

So, our home cannot be "relocated." What we are really talking about is walking away from our home. What we are talking about is mitigation to replace our home and mitigation for the payment of higher rents.

Our home, located at 7A, is listed in the reports as an "RV travel trailer." Since it cannot be moved, it no longer can be called a "travel trailer." Our permitted, permanent, fixed addition has essentially converted our home into another "category; it should now be considered a "single wide" mobile home.

There are others living in the park like us, who cannot move their homes.

On page 22, Closure Impact Report, Attachment II, Addendum, a single-wide mobile home, with 2 people in the household, qualifies for an amount of **$8,800.61**.

I ask you, on behalf of my wife Ruth and I, to please make that correction in the reports and record, and to please make sure that Mr. Grant complies will all the laws having to do with the relocation of us residents. Please determine that Mr. Grant will have to pay us at least $8,800.61 to leave our home and face higher rents.

We are low-income residents, living with dignity. Please help us keep our dignity. Please ensure that we are compensated for the loss of our homes.

We are asking you for justice.

Thank you.