

**STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF OCTOBER 15, 2008**

Prepared by: Kim Stahl, Community Development Technician
Approved by: Tina Wehrmeister, Deputy Director of Community Development
Date: October 10, 2008
Subject: **UP-08-07 - Vista Diablo Mobile Estates Park Expansion**

RECOMMENDATION

Staff recommends that the Planning Commission APPROVE UP-08-07 subject to conditions in the attached resolution.

REQUEST

Abe Arrigotti, on behalf of Vista Diablo Mobile Estates, L.P., requests a use permit to approve the expansion of the existing mobile home park located at 2901 Somersville Road (APN 076-010-029).

BACKGROUND

The project site is located on the east side of Somersville Road, south of Buchanan Road. This parcel is zoned R-10T Medium Density Residential Manufactured Housing Combining District and its General Plan Designation is Medium Density Residential.

Surrounding land uses and zoning designation are as noted below:

North:	vacant parcels	(high density residential)
South:	vacant parcels, Contra Costa Canal	(business park)
West:	mobile home park	(high density residential)
East:	single family residential	(planned development)

The site currently houses a 150 coach mobile home park. The mobile home park site was approved by the Planning Commission on November 28, 1973, by means of a re-zoning to R-2T (Mobile Home District) with the Council adopting the Ordinance to re-zone the parcel on January 8, 1974. Subsequent Zoning Ordinance updates amended the zoning to R-10T, keeping the intent of the original R-2T district.

ENVIRONMENTAL

This project has been found to be Categorically Exempt from the California Environmental

Quality Act (CEQA) under Article 19, Section 15303 New Construction.

ANALYSIS

State of California Mobilehome Parks Act

Mobilehome parks follow under the jurisdiction of the State of California Department of Housing and Community Development and more specifically the Mobilehome Parks Act (MPA), found in Health & Safety Code (H&SC) sections 18200, et seq., and the Special Occupancy Parks Act (SOPA), found in H&SC sections 18665, et seq.

The MPA contains an express preemption, with minimal express authority for local ordinances. In addition, the Legislature's findings support its intent to allow only very restrictive authority for local government action within the boundaries of a mobilehome park. In the MPA, subdivision (a) of H&SC section 18300 provides that the MPA and HCD regulations apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, affecting parks.

In implementing the Legislature's comprehensive statewide program to establish and enforce park standards for construction, maintenance, repairs, and occupancy, the Department's statutory and regulatory standards impose standards for virtually every aspect of a park's or a manufactured home's physical conditions, except for those expressly left to local government action in subdivisions (g) and (h) of H&SC section 18300.

Subdivision (g) of section 18300 provides the limited specific exceptions to the general state preemption, stating that the MPA provides express authority for local governments, within the reasonable exercise of police powers, to adopt zoning ordinances to allow or prohibit parks and certain park uses, and for park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking. Also, subdivision (h) of that section allows local governments, within specified parameters, to establish new park density, to require recreational facilities, and to require setback and separation requirements for manufactured housing outside of parks, but no greater than those permitted by applicable ordinances for other affordable housing forms.

HCD regulations require evidence of approvals from the local planning agency, the health, fire, and public works departments, the agency responsible for flood control, the serving utilities, and any other state or federal agency or special district that has jurisdiction and would be impacted by the proposed construction (25 CCR §§1020.6, 1032). Similarly, HCD may require local approvals for construction of a permanent building under the ownership or control of the park within a park if that installation may impact local services. Most other types of construction, replacements, installations, and alterations require an MPA enforcement agency permit and inspections (25 CCR § 1018), but no local approvals.

In addition to the Use Permit approval for the additional lots, the City of Antioch Planning Division will be asked by the HCD to sign the Mobilehome Park, Recreational Vehicle

Park, Campground, and Associated Structures Plan Review Booklet.+ The approved resolution will be included with the Planning Division's signature. The applicant is responsible for obtaining all other approvals.

Expansion Details

The Mobilehome park site was originally approved by the City Council through the approval of an ordinance rezoning the land use. The mobilehome park currently consists of 150 coach lots on a 22 acre site. The applicant has requested the approval of an additional 6 lots. In evaluating this request, the City has considered the following items:

Density:

Vista Diablo Mobile Estates sits on approximately 22 acres. The current zoning allows for up to 10 units per acre. The current mobilehome park houses 150 coach lots having a density of approximately 6.5 units per acre. The addition of 6 lots (to a total of 156 lots) would increase the density to approximately 7 units per acre, still under the allowable density for the R-10T zoning.

Parking:

Each lot does provide for the required two off street parking spaces.

The original approval required one guest parking space per every five coach lots. This is consistent with the current off-street parking requirements for multi-family dwelling units. Although a total of 11 guest spaces will be removed, the site will still have 51 guest parking spaces, which is in excess of the required 31.

Staff is concerned with the proposed visitor parking spaces adjacent to Site 2 and Site 4. These two spaces are located such that full size vehicles run the risk of striking the existing light fixture in Site 2 and the vehicles in Site 4. Staff has conditioned the applicant to remove these two spaces before the City will provide the required Planning Division sign off to HCD.

Wall, Access, Signage:

There are no proposed changes to the park perimeter walls or enclosures on public street frontage, signs or access to the mobile home park from the public right of way, which would fall under the City's jurisdiction.

Site 1:

City staff does have major concerns with the lots located at Site 1. The proposed lots are accessed by a street which does not meet the State required minimum width. Title 25, chapter 2 §1106 specifically states that each lot shall have access to a two way roadway of not less than twenty-five (25) feet in width. Access to the three proposed coaches is only 19-21 feet in width. Staff is also concerned with vehicle turning radiuses around these new sites. The plan renderings show small sub-compact size vehicles parked in the tandem spaces. Full size vehicles would have issues executing

these turns without striking the coaches. Staff also noted that the coaches in Site 1 have very little area for landscaping improvements.

Although this appears to fall outside of the City's regulated approvals, staff does recommend that the Planning Commission not approve the lots located at Site 1 as staff has found that the road does not meet the state or City required widths thus creating a situation where the parking is inadequate. Due to this fact, staff is unable to make the following required Use Permit finding when considering Site 1: "That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood". Staff's approval resolution is limited to only those sites which can be approved by the HCD, thus eliminating Site 1 from the project approval unless it can be modified to meet state requirements.

As mentioned previously, the final plan approvals, building permits, and all other approvals for work completed in the mobilehome park is under the jurisdiction of the State of California. The **applicant** is required to obtain all necessary approvals from the Planning Division, utilities, fire district, etc. for the State HCD. Once the City offers its approval, there are no further notifications required to be given in regards to the final approval, construction schedules, etc. With the exception of work being done in the City right-of-way, no oversight or notifications will be forwarded to the City by the State. The project has been conditioned such that the applicant will need to receive all required approvals prior to receiving the Planning Division sign-off on the State documents.

ATTACHMENT

A: Aerial Photo

RESOLUTION NO. 2008-XX

RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION APPROVING A USE PERMIT FOR THE EXPANSION OF THE VISTA DIABLO MOBILE ESTATES L.P.

WHEREAS, the Planning Commission has received a request from Abe Arrigotti on behalf of **VISTA DIABLO MOBILE ESTATES L.P.**, for approval of a Use Permit for the expansion of the existing mobilehome park located at 2901 Somersville Road from 150 units to 156 units (APN 076-010-029)(UP-08-07); and

WHEREAS, This project has been found to be Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15303; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and

WHEREAS, the Planning Commission on October 15, 2008, duly held a public hearing, received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes for following findings for approval of a Use Permit:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity. The property is currently zoned for medium density residential units and is located within a district which specifically allows for manufactured housing units;
2. The use applied at the location indicated is properly one for which a use permit is authorized. Although this site was originally approved and zoned for a mobilehome park, the zoning has since changed from R-T2 to R-10T which under current zoning regulations requires a Use Permit;
3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood. Title 25, Chapter 2 of the California Codes and Regulations clearly defines the development standards for mobilehome parks. The City's approval of only lots which can meet these standards does ensure that the mobilehome park coach sites will compliment the existing development;
4. The project site is currently developed and is located off of Somersville Road which is adequate in width and pavement type to carry the minimal additional traffic will be generated by the proposed use; and

5. That General Plan designation for this site is medium density residential; the granting of such use permit will be consistent with this designation and does not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch APPROVES the expansion of the existing mobile home park from 150 units to 156 units contingent upon compliance with Title 25, Chapter 2 of California Codes and Regulations (~~M~~obilehome Parks and Installations+) and approval from the California Department of Housing and Community Development (HCD), subject to the following conditions:

STANDARD CONDITIONS

1. That the Antioch Municipal Code be complied with.
2. That the applicant obtain an encroachment permit for all work done within the public right-of-way.
3. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Engineer.
4. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
5. That this approval expires two years from the date of approval (Expires October 15, 2010), unless a building permit has been issued by the Department of Housing and Community Development and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Planning Commission. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.
6. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.

PROJECT SPECIFIC CONDITIONS

7. That only sites which meet the requirement of Title 25, Chapter 2 of California Codes and Regulations (~~M~~obilehome Parks and Installations+) and approval from the California Department of Housing and Community Development (HCD) shall be included as part of this approval.

8. That the applicant shall remove the proposed visitor parking spaces located at Site 2 and Site 4 prior to Planning Division final approval of the plans.
9. That the applicant shall provide the State HCD with the City of Antioch's concerns regarding the proposed additional coach sites, including the coach lots located at Site 1.
10. That all building and engineering requirements of the Department of Housing and Community Development shall be fulfilled.
11. That all agency requirements (utilities, fire, health, etc.) shall be obtained by the applicant prior to the City of Antioch Planning Division sign off of the State of California Department of Housing and Community Development Mobilehome Park, Recreational Vehicle Park, Campground and Associated Structures Plan Review Booklet+.
12. That the Contra Costa Water District shall sign off on the Mobilehome Park, Recreational Vehicle Park, Campground and Associated Structures Plan Review Booklet+ prior to the City of Antioch Planning Division and that the following conditions recommended by the Contra Costa Water District be addressed:
 - a. That the applicant shall have no access to the Contra Costa Canal right-of-way during construction.
 - b. That no grading be conducted in the Contra Costa Canal right of way.
 - c. That all sewer lines to be installed shall be a minimum of 3 feet away from the Canal property line fence.
 - d. Sewer line size depth and distance from the canal fence should be defined on the drawings.

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California at a regular meeting of said Planning Commission held on the 15th day of October, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission