

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CODE AMENDMENT 12-001 – MANUFACTURED HOMES
DATE: JUNE 26, 2012

Needs: For the Planning Commission to consider making a recommendation to the City Council regarding a Code Amendment modifying zoning regulations pertaining to Manufactured Homes.

- Facts:**
1. The existing zoning code regulations regarding Mobile and Modular Homes on Private Lots is outdated and inconsistent with State law.
 2. State law (Health and Safety Code Section 18007, attached) does not differentiate regulation of mobile, modular or manufactured homes. According to the State, they are interchangeable terms and are all defined under one “umbrella” definition.
 3. These regulations do not pertain to recreational vehicles.
 4. The proposed Code Amendment is intended to bring the City’s regulations on manufactured housing into compliance with State law.
 5. This project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3).

Analysis and

Conclusions: As noted above, different manufactured housing products are treated the same under the State Health and Safety Code. This includes modular, mobile or manufactured homes. To reduce confusion, all these housing types are referred to as “manufactured” housing.

Manufactured housing is permitted on any property on which single family homes are permitted, and is to be treated the same as single family homes regarding design review and development standards.

Reference: Paso Robles Zoning Ordinance, CEQA

Fiscal

Impact: None.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Recommend to the City Council adoption of Ordinance No. XXX, amending zoning regulations for manufactured homes.
- b. Amend, modify, or reject the above-listed action.

Attachments:

1. Ordinance
2. News Notice
3. Health and Safety Code Section

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21.15A OF THE MUNICIPAL CODE
REGARDING MANUFACTURED HOMES ON PRIVATE LOTS

WHEREAS, the City of Paso Robles regulates manufactured homes on private lots; and

WHEREAS, the State of California has limited the City's ability to regulate manufactured homes, necessitating a change to the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 21.15A of the Paso Robles Municipal Code is hereby revised in its entirety to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on _____, 2012, and passed and adopted by the City Council of the City of El Paso de Robles on the ____ day of _____ 2012 by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Exhibit A

Chapter 21.15A – Manufactured Homes on Private Lots

Sections

- 21.15A.010 Definition of Manufactured Home**
- 21.15A.020 Standards**
- 21.15A.030 Foundation systems**

21.15A.010 Definition of Manufactured Home

“Manufactured home” shall have the same definition as set forth in Health and Safety Code section 18007(a), as it may be amended from time to time.

21.15A.020 Standards

The following standards apply to manufactured homes:

- (a) Manufactured homes are a permitted use on any lot in which the Zoning Code permits single-family residential uses. Except as otherwise provided in this Chapter, manufactured homes shall be subject to the same regulations as conventional single-family homes.
- (b) Manufactured homes shall be subject to the same parking requirements as single-family residential uses.
- (c) Requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space shall be subject to the same requirements as the zone in which the manufactured home is located.
- (d) Roof overhangs, roofing materials and siding materials shall be in character with the overhangs and materials that are commonly used in conventional single-family homes in the subject subdivisions (or in adjacent subdivisions if there are not sufficient examples in the subject subdivision). Manufactured homes installed in a district with design guidelines shall comply with the guidelines for the district.

21.15A.030 - Foundation systems

- (a) All manufactured homes constructed on a foundation system shall comply with the requirements of Health and Safety Code section 18551 and California Code of Regulations, Title 25, Division 1, as they may be amended from time to time.
- (b) Prior to installing a manufactured home on a foundation system as a fixture or improvement to real property, the owner or a licensed contractor shall obtain a building permit from the City, provide the City with the information required under Health and Safety Code section 18551, and pay any applicable permit fees.
- (c) No manufactured home currently on private property or located in a mobile home park shall be required to be placed on a foundation system.

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

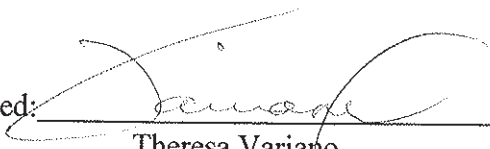
Newspaper: Tribune

Date of
Publication: June 15, 2012

Hearing
Date: June 26, 2012
(Planning Commission)

Project: Code Amendment 12-001 (Manufactured
Homes) Ordinance

I, Theresa Variano, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Theresa Variano

forms/newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, June 26, 2012, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider a Code Amendment 12-001 to modify zoning regulations related to Manufactured Homes on Private Lots.

This amendment is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15061(b)(3). A copy of the proposed Code Amendment is available at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, and also on the City's website at www.prcity.com.

Written comments on the proposed Code Amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, or emailed to Susan DeCarli, Planning Manager, at sdecarli@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970 or email at sdecarli@prcity.com.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Susan DeCarli
Planning Manager
June 15, 2012 6989618

Health and Safety Code Sections Defining Manufactured Homes and Mobilehomes

18007

- (a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, 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 when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).
- (b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “manufactured home,” and it clearly appears from the context that the term “manufactured home” should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under Section 18008.

18008.

- (a) “Mobilehome,” for the purposes of this part, means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight 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 includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. “Mobilehome” does not include a commercial modular, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, a multifamily manufactured home, as defined in Section 18008.7, or a recreational vehicle, as defined in Section 18010.
- (b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “mobilehome,” and it clearly appears from the context that the term “mobilehome” should apply only to mobilehomes, as defined under subdivision (a), the codified provision shall apply only to those mobilehomes. If any codified provision of state law, by its context, requires that the term applies to mobilehomes or manufactured homes without regard to the date of construction, the codified provision shall apply to both mobilehomes, as defined under subdivision (a), and manufactured homes, as defined under Section 18007.