CITY OF ANGELS
PLANNING COMMISSION

A G E N D A

March 10, 2022
6:00 p.m.

City of Angels Fire House
1404 Vallecito Road
Angels Camp, California

The Planning Commission appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 2nd Thursday of each month.

Note: The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Chair or other Commission Members. **All request shall be directed to the Chair who, at his/her discretion, will refer to staff.**

Recording: All meetings are tape-recorded pursuant to Municipal Code Section 17.85.170.B.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair John Broeder, Vice-Chair Gary Gordon, Commissioner Robert Moncada, and Commissioner Kristopher Klerk

OATH OF OFFICE

Administer oath of office to new Planning Commissioner, Joe Whittle.

APPROVAL OF AGENDA

Approval of Regular Agenda for March 10, 2022.

APPROVAL OF MINUTES

February 10, 2022

PUBLIC COMMENTS

At this time, any person may comment on any item that is not on the agenda. Please state your name and address for the record and sign your name and address on the sign-up sheet (you may decline to provide this information). Action will not be taken on any item. If a non-agendized item requires action, it will be referred to staff and/or placed on the next agenda.

PUBLIC HEARING

1. Notice of Intent Resolution 22-06 to update Affordable Housing Incentives and on/off-site improvement requirements (AMC Chapter 17.06) and Chapter 17.09 (Definitions) as may be necessary in conjunction with the preceding changes

2. Notice of Intent Resolution 22-07 to update the City's Mobilehome/Manufactured Housing Provisions (AMC Chapter 17.06 and 17.54) and Chapter 17.09 (Definitions) as may be necessary in conjunction with the preceding changes

3. Notice of Intent Resolution 22-08 to update the City's Condominium Conversion Ordinance (AMC Chapter 17.06) and Chapter 17.09 (Definitions) as may be necessary in conjunction with the preceding changes

COMMISSION BUSINESS

1. 2022 Commissioner Kris Klerk Planning Commission Goals.

COMMITTEE REPORTS

Information item only, no action will be taken.

COMMISSIONER'S REPORTS

Information items only, no action will be taken.

STAFF REPORTS

Information items only, no action will be taken.

ADJOURNMENT

The next regularly scheduled meeting of the Planning Commission is **April 14, 2022**.

Availability of Public Records: All public records relating to this notice, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body will be available for public review at the

Community Development Dept, 200-B Monte Verda Street North Main, Angels Camp for 10 days prior to the public hearing date.

Accessibility: In compliance with Title II of the Americans With Disabilities Act, 28 CFR Part 36, if you require any disability related modification or accommodation, including auxiliary aids or services to participate in this meeting, please contact Angels Camp City Hall at (209)736-2181 or fax your request to (209)736-0709. Notification must be made 72 hours in advance of the hearing to ensure accessibility**.** Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disability Act.

Appeals: Any decisions of the Planning Commission may be appealed to the City Council within 10 days of the decision, by submitting a written request and applicable fee to Angels Camp City Hall.

CITY OF ANGELS
PLANNING COMMISSION
MINUTES

Regular Meeting of Thursday February 10, 2022
Zoom Meeting
Angels Camp, California

CALL TO ORDER
Chair Broeder called the meeting to order at 6:05 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present**:**	Chair Broeder, Vice-Chair Gordon, Commissioner Moncada, and Commissioner Klerk
Commissioners Absent:	(One vacancy)
Staff Present:	City Planner Amy Augustine, Deputy City Clerk Alicia Smith

AGENDA APPROVAL
Approval of Regular Agenda for February 10, 2022.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY COMMISSIONER MONCADA, AND CARRIED 3-0 TO APPROVE THE REGULAR MEETING AGENDA FOR FEBRUARY 10, 2022.

MINUTES APPROVAL
Meeting minutes for January 13, 2022.

MOTION BY COMMISSIONER MONCADA, DULY SECONDED BY COMMISSIONER KLERK, AND CARRIED 3-0 TO APPROVE THE MINUTES OF THE JANUARY 13, 2022, MEETING.

PUBLIC COMMENTS

OPENED AT 6:07 P.M.

Item Discussed: None

CLOSED AT 6:08 P.M.

PUBLIC HEARING

1. Notice of Intent Resolution 22-05 to comprehensively revise Angels Municipal Code Chapter 17.85 (Planning Commission Procedures) including the addition of provisions to create a Sign Review Committee to facilitate sign review in the Historical Commercial District.

The City Planner presented a summary of Municipal Code Chapter 17.85 provision to create a Sign Review Committee.

Discussion:
None

Chair Broeder opened the public hearing at 6:09 p.m.

Speakers:
None

Chair Broeder closed the public hearing at 6:10 p.m.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY COMMISSIONER MONCADA TO APPROVE RESOLUTION 22-05 AS STATED. AYES: CHAIR BROEDER, COMMISSIONERS KLERK, AND MONCADA. NOES: NONE. THE MOTION CARRIED 3-0 TO APPROVE RESOLUTION 22-05, AND ABSENT: COMMISSIONER GORDON.

Commissioner Gordon joined the meeting at 6:10pm.

2. Notice of Intent Resolution 22-06 to add a new Section 17.06.210 to Codify the State's Housing Accountability Act requirements and incorporate the required findings and restrictions against denial of affordable housing projects to ensure compliance with the Housing Accountability Act [CA Government Code 65589.5(d) 1-5].

The City Planner presented a summary of the State's Housing Accountabilty Act requirements and summarized how it had been applied to the Habitat for Humanity project recently.

Chair Broeder opened the public hearing at 6:14 p.m.

Speakers:
None

Chair Broeder closed the public hearing at 6:15 p.m.

Discussion:
Chair Broeder asked if affordable housing can be denied under the Act based on a federal endangered species. Staff responded we will have to wait and see what happens in court.

Commissioner Klerk asked if there would be an issue with zoning for agriculture. Staff responded land would already have to be zoned agriculture. The Act could be used to deny affordable housing based on pre-existing agricultural preserve designation. Commissioner Klerk asked if the proposed code changes are not made the City will not be in compliance with state law fo rthe City's General Plan Housing Element, correct? Staff responded correct.

MOTION BY COMMISSIONER GORDON, DULY SECONDED BY COMMISSIONER MONCADA TO APPROVE RESOLUTION 22-06 AS STATED. AYES: CHAIR BROEDER, COMMISSIONERS GORDON, MONCADA, AND KLERK. NOES: NONE. THE MOTION CARRIED 4-0 TO APPROVE RESOLUTION 22-06.

3. Notice of Intent Resolution 22-07 to amend Chapter 17.09 to define "Low Barrier Navigation Center" in compliance with state law and amend the applicable zoning districts to establish it as a use, by right, in areas zoned for mixed uses and non-residential zones permitting multi-family uses subject to those requirements allowed under state law.

City Planner explained recent court cases have found you cannot move homeless from public property without having provisions for homeless shelters. Low Barrier Navigation Centers are in "option" to homeless shelters that provide a 24/7 shelter where homeless can go, receive social services, and be located to permanent housing. Staff recommended add publicly zoned property to Special Planning as zoning districts where Low Barrier Navigation Centers are allowed.

Chair Broeder opened the public hearing at 6:26 p.m.

Speakers:
None

Chair Broeder closed the public hearing at 6:27 p.m.

Discussion:
Chair Broeder asked if this would be a standalone homeless shelter for the homeless. Staff responded that homeless have to be referred to the shelter staying between 60-90 and up to 180 days generally. The regulation and code provision expires in 2027 unless extended by the state. Commissioner Klerk asked if the City has sufficient special zoning districts. Staff responded these parcels will be zoned in 3-6 months. Landowners have to agree to sell to someone intersted in the use. It is more feasible that Publicly zoned land would be available. Transitional Housing similar to this use already exists a few doors away from the Fire Station #1. Chair Broeder asked if there is a mental health evaluation for participants. Staff responded yes, there is an extensive screening criteria including mental health services.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY COMMISSIONER GORDON TO APPROVE RESOLUTION 22-07 WITH ADDITION OF PUBLIC ZONING DISTRICT. AYES: CHAIR BROEDER, COMMISSIONERS GORDON, MONCADA, and KLERK. NOES: NONE. THE MOTION CARRIED 4-0 TO APPROVE RESOLUTION 22-07.

4. Notice of Intent Resolution 22-08 to amend Chapter 16.12 to incorporate Parcel and/ or Subdivision Map Findings Related to Fire Protection.

City Planner presented PowerPoint identifying Very High Fire Hazard Severity Zones (VHFHSZ) in the City where the code provisions would apply.

Chair Broeder opened the public hearing at 6:32 p.m.

Speakers:
None

Chair Broeder closed the public hearing at 6:33 p.m.

Discussion:
Chair Broeder asked if a VHFHSZ is by his house. Staff responded yes, Finnegan Lane, Gold Cliff area, the Wastewater Treatment Plant, and the northeast protion of the City are all VHFHSZs. Staff mentioned that grant applications had been submitted for a shaded fuel break and a second grant application for a mastictor for vegetation management.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY COMMISSIONER GORDON TO APPROVE RESOLUTION 22-08 WITH CHANGE OF FIVE ACRES TO FORTY ACRES. AYES: CHAIR BROEDER, COMMISSIONERS GORDON, MONCADA, AND KLERK. NOES: NONE. THE MOTION CARRIED 4-0 TO APPROVE RESOLUTION 22-08.

COMMISSION BUSINESS

1. 2022 Planning Goals and Discussion Items:

    A. Commissioner Gordon spoke about alternative routes for Angels Creek Trail, along the sewer line through Betty Wieder's property and through Tad Folendorf's property. He stated he'd discussed this with Tad and had received encouragement. Chair Broeder concurred.
    B. Commissioner Gordon spoke about utilitzing the Old Brewery, which is located along the trail alternative described above, with great potential for tourism and commerce.
    C. Staff commented that the City Engineer (Dewberry) is currently completing environmental documents for Phase 1 of the Creek Trail. Staff suggests a field trip along the alternative creek trail to obtain further information so the Commission can bring a solid plan to the City Council.
    D. Staff suggests each Commissioner work on bringing an idea for Commission business to the next few meetings. First up is Commissioner Klerk, then Commissioner Moncada who would like to discuss the sewer lines and the Annex.

COMMITTEE REPORTS
There were no committee meetings in the preceding month.

COMMISSIONER'S REPORTS
Commissioner Klerk has a question regarding Holly/Gardner code violations. Staff responded that Code Enforcement is starting soon now that the new code had been adopted and citation forms had finally been printed. Commissioner Klerk asked if the current policy relying on complaints only had been discussed. He expressed a desire to move away from neighbors blaming neighbors. Staff stated it is a top priority she will discuss with the new City Administrator. Commissioner Klerk asked if "complaint only" is consistant with other small towns? Staff responded that it is. Complaints normally are anonymous and confidential. Chair Broder asked about a code enforcement position. Staff responded yes, it is being considered.

Commissioner Moncada. Nothing to report at this time.

Commissioner Gordon. Nothing to report at this time.

Chair Broeder. Observed that there is at least one new sign in the historic district that has not been reviewed by the Planning Commission.

STAFF REPORTS

- City Planner Amy Augustine reported that Joe Whittle has applied for the vacant Planning Commission position. His interview is February 15, 2022; that on February 4, 2022, the new City Administrator is on duty, and that the next Planning Commission meeting on March 10, 2022 will be in person.

MOTION BY COMMISSIONER GORDON, DULY SECONDED BY COMMISSIONER MONCADA, AND CARRIED 4-0 TO ADJOURN THE MEETING.

MEETING WAS ADJOURNED AT 7:07 P.M.

_____
ATTEST: John Broeder, Chair

_____
Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

CITY OF ANGELS CAMP
PLANNING COMMISSION HEARING
STAFF REPORT
Update Affordable Housing Incentives

ITEM NO. **1**

DATE: March 10, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: **Resolution of Intent 22-09 Amending the City of Angels Municipal Code (AMC) Chapter 17.06.190 Paragraphs F and K to update the City's Affordable Housing Incentives to incorporate off-site improvements**

RECOMMENDATION

Approve Resolution of Intent 22-09, recommending to the City Council amendments to the City of Angels Municipal Code Chapter 17.06.190 Paragraphs F and K to update the City's Affordable Housing Incentives to incorporate off-site improvements.

BACKGROUND:

Pursuant to Angels Municipal Code (AMC) Section 17.90.020(B), an amendment may be initiated by a Resolution of Intent of the Planning Commission. The proposed Resolution of Intent will provide the changes described above. The City received SB2 funds to assist in a comprehensive update of its Municipal Code, including this amendment. This funding is intended to assist with updating the Angels Municipal Code to implement the General Plan Housing Element. The Planning Commission has been undertaking these changes for nearly two years and is nearing completion.

Previous code revisions incorporated many of the incentives called for in the General Plan Housing Element Program 2.A.b. However, in completing the Habitat for Humanity Project, the need to include flexibility for off-site improvements as a potential incentive was identified and included in the City's SB2 grant funding application. That change has been proposed in the attached code revisions. In addition, while undertaking the revision, a review of other incentive programs in jurisdictions statewide identified an additional provision included here for Planning Commission consideration including: flexible sizing and configuration in design.

ANALYSIS

Pursuant to AMC Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code

The proposed amendments will implement the following general plan policies and programs:

Program 1.A.b **Continue to Conduct Reviews of the Angels Camp Municipal Code and General Plan for Consistency**

Program 2.B.a **Undertake a Comprehensive Update to the City of Angels Municipal Code**
Initiate a comprehensive update of the City of Angels Municipal Code to incorporate changes identified in the Housing Element, for internal consistency and for consistency with the general plan

Program 2.A.b **Continue to Encourage the Establishment of Small, Affordable Housing Units Distributed Throughout the City/Map Infill Parcels**
Continue to encourage the provision of smaller (e.g., duplex, triplex) multi-family infill projects in appropriately zoned districts through programs including, but not limited to:…

1. Amend the City of Angels Municipal Code to expand incentives available to affordable housing projects whether they qualify for a density bonus, including, but not limited to

   i. Increase allowable maximum building coverage
   ii. Reduced setbacks where such a reduction will not create a health or safety hazard
   iii. Reduced parking/alternative parking configurations
   iv. Replace the requirement for a variance with a requirement for a conditional use permit for buildings exceeding maximum height limits subject to review and approval by the fire department. This waiver does not apply within the historic district.

2. Waive application fees for lot mergers undertaken in conjunction with the provision of affordable housing pursuant to this program

Previous code revisions incorporated many of the preceding incentives. In completing the Habitat for Humanity Project, the need to include potential incentives for flexibility for off-site improvements also was identified.

The proposed revisions will specifically implement the three general plan programs calling for changes to the Municipal Code, as cited. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.
The primary purposes of the proposed code amendments are to implement the Housing Element of General Plan 2020. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City.

Based on the preceding, the proposed code amendments are consistent with this finding.

ENVIRONMENTAL FINDINGS

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review, because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

ATTACHMENTS:

A. Resolution of Intent 22-09 with **Attachment** to Resolution 22-09 (Clean Copy)
B. Redline/Strikeout proposed code changes

ATTACHMENT A

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-09

A RESOLUTION OF INTENTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING THE CITY OF ANGELS MUNICIPAL CODE (AMC) TO UPDATE THE CITY'S AFFORDABLE HOUSING INCENTIVES TO INCORPORATE OFF-SITE IMPROVEMENTS

WHEREAS, the City of Angels, Planning Commission is authorized by Angels Municipal Code Section 17.90.020(B) to initiate amendment to the City's zoning code upon adopting a resolution of intention; and

WHEREAS, the Planning Commission finds that it is to the mutual benefit of the City, the public health, safety and general welfare of the public; necessary for the General Plan Housing Element implementation, consistency with the City of Angels General Plan and internal code consistency; and

WHEREAS, a notice of public hearing for the proposed action was published February 24, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 10, 2022, and received public input on the proposed amendments including AMC Chapter 17.06.190 paragraphs F and K addressing affordable housing incentives; and

WHEREAS, the proposed changes to the Municipal Code are in conformance with the City's general plan; and

WHEREAS, the proposed changes are consistent with the City's Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code will not be detrimental to the health, safety, and general welfare of the City and its people; and

WHEREAS, the proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council amending the Municipal Code pursuant to **Attachment to Resolution 22-09** in accordance with the City Standards and State Law and directs staff to provide this recommendation of the planning commission and supporting findings to the City Council in writing within thirty days.

The foregoing resolution was introduced and moved for adoption on March 10, 2022, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 10th day of March, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

ATTACHMENT
TO PLANNING COMMISSION RESOLUTION 22-09

17.06.190 Density bonuses, Incentives.

F. Residential Incentives.

1. Number of Incentives Available. A housing development providing affordable housing as defined herein is entitled to receive at least one incentive in addition to the density bonus. Incentives are available for qualifying housing developments as follows:

Table 17.06.190-2

Number of Incentives Available Where housing development includes at least the identified % of base units for the indicated income category			
One Incentive	**Two Incentives**	**Three Incentives**	**Additional Incentives**
5% very low income; or 10% lower income; or 10% moderate income/a/	10% very low income; or 20% lower income; or 20% moderate income/a/	15% very low income; or 30% lower income; or 30% moderate income/a/	At discretion of the Planning Commission subject to City Council approval (See Paragraph 3)

/a/ Moderate income households in a common interest development

2. Types of Incentives Available. Where a housing development qualifies for incentives pursuant to this section, the applicant may request one or more incentives in accordance with Table 17.06.190-2.

a. Reduced setbacks;

b. Reduced square footage per unit;

c. Reduced minimum parcel size and/or dimensions;

d. Reduced on-site parking requirements including reductions in guest parking;

e. Alternative parking configuration;

f. Increased floor area ratio or lot coverage;

g. Increased height limit subject to review and approval by the appropriate fire safety official;

h. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing

development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;

i. Varied design and square footage of affordable units as long as the project remains architecturally harmonious. Attached units, smaller (in square footage) units and other design variations from market rate units shall be permitted within reason by the review authority to reduce costs of providing affordable units. Affordable developments are encouraged to include shared common spaces in order to reduce the size of individual living units and increase community interaction. Examples include co-housing, live-work housing opportunities, or other types of housing that create shared spaces.

j. Other regulatory incentives proposed by the developer or the city resulting in actual cost reductions, including those related to off-site improvements under the jurisdiction of the City and subject to the review and approval of the City Engineer and fires safety official, as applicable.

3. Additional Incentives. Incentives in excess of the quantity available pursuant to Table 17.06.190-2 may be granted subject to the issuance of a modification to the conditional use permit approved by city council by resolution.

(No changes paragraphs G, H, I, J)

K. Density Bonus for Condominium Conversion.

1. Condominium conversion projects pursuant to this section shall be processed in compliance with AMC Title 16, Subdivisions Section 16.12.010 and Section 17.06.230. Density bonuses granted pursuant to this subsection shall be processed concurrently with required tentative and final maps pursuant to Title 16.

(No change remainder of paragraph K)

Attachment B

Redline/Strikeout

17.06.190 Density bonuses, Incentives.

F. Residential Incentives.

1. Number of Incentives Available. A housing development ~~qualifying for a density bonus~~providing affordable housing as defined herein is entitled to receive at least one incentive in addition to the density bonus. Incentives are available for qualifying housing developments as follows:

Table 17.06.190-2

Number of Incentives Available Where housing development includes at least the identified % of base units for the indicated income category			
One Incentive	**Two Incentives**	**Three Incentives**	**Additional Incentives**
5% very low income; or 10% lower income; or 10% moderate income/a/	10% very low income; or 20% lower income; or 20% moderate income/a/	15% very low income; or 30% lower income; or 30% moderate income/a/	At discretion of the Planning Commission subject to City Council approval (See Paragraph 3)

/a/ Moderate income households in a common interest development

2. Types of Incentives Available. Where a housing development qualifies for incentives pursuant to this section, the applicant may request one or more incentives in accordance with Table 17.06.190-2.

a. Reduced setbacks;

b. Reduced square footage per unit;

c. Reduced minimum parcel size and/or dimensions;

d. Reduced on-site parking requirements including reductions in guest parking;

e. Alternative parking configuration;

f. Increased floor area ratio or lot coverage;

g. Increased height limit subject to review and approval by the appropriate fire safety official;

h. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;

i. Varied design and square footage of affordable units as long as the project remains architecturally harmonious. Attached units, smaller (in square footage) units and other design variations from market rate units shall be permitted within reason by the review authority to reduce costs of providing affordable units. Affordable developments are encouraged to include shared common spaces in order to reduce the size of individual living units and increase community interaction. Examples include co-housing, live-work housing opportunities, or other types of housing that create shared spaces.

ij. Other regulatory incentives proposed by the developer or the city resulting in actual cost reductions, including those related to off-site improvements under the jurisdiction of the City and subject to the review and approval of the City Engineer and fires safety official, as applicable.

3. Additional Incentives. Incentives in excess of the quantity available pursuant to Table 17.06.190-2 may be granted subject to the issuance of a modification to the conditional use permit approved by city council by resolution.

K. Density Bonus for Condominium Conversion.

1. Condominium conversion projects pursuant to this section shall be processed in compliance with AMC Title 16, Subdivisions Section 16.12.010 and Section 17.06.230.

Density bonuses granted pursuant to this subsection shall be processed concurrently with required tentative and final maps pursuant to Title 16.

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

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CITY OF ANGELS CAMP
PLANNING COMMISSION HEARING
STAFF REPORT
Update City's Mobilehome/Manufactured Housing Provisions

ITEM NO. **2**

DATE: March 10, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: **Resolution of Intent 22-10 Amending the City of Angels Municipal Code (AMC) to update the City's Mobilehome and Manufactured Housing Provisions**

RECOMMENDATION

Approve Resolution of Intent 22-10, recommending to the City Council amendments to the City of Angels Municipal Code to update the City's Mobilehome and manufactured housing provisions including Chapter 17.09 (Definitions), amend Section 17.06.110 (Manufactured homes as single-family dwellings), Delete Chapter 17.54 (Mobilehome Combining District) and replace it with a new Chapter 17.54 (Mobilehome parks and manufactured home parks) and delete Chapter 15.08 (Mobilehomes, Mobilehome and manufactured home parks) combining it with new Chapter 17.54.

BACKGROUND:

Pursuant to Angels Municipal Code (AMC) Section 17.90.020(B), an amendment may be initiated by a Resolution of Intent of the Planning Commission. The proposed Resolution of Intent will provide the changes described above.

The City received SB2 funds to assist in a comprehensive update of its Municipal Code, including this amendment. This funding is intended to assist with updating the Angels Municipal Code to implement the General Plan Housing Element. The Planning Commission has been undertaking these changes for nearly two years and is nearing completion.

Past changes resulted in new definitions for mobilehomes and manufactured homes. In summary, mobilehomes are those structures manufactured prior to June 15, 1976, and manufactured homes are those manufactured after June 15, 1976.

For consistency with state law, the proposed code changes:

- Require mobilehomes in the city limits to be located within a Mobilehome park.
- Allows manufactured homes to be located on single-family residential lots, but only on a permanent foundation and subject to various design requirements.

- Manufactured homes not on permanent foundations must be located within a manufactured home park.
- Consolidates guidelines for mobile and manufactured home parks found in two different code chapters into a single chapter and eliminates conflicting requirements.
- Eliminates the Mobilehome combining district which is currently not in use and is no longer necessary with the proposed code changes.

ANALYSIS
Pursuant to AMC Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code
The proposed amendments will implement the following general plan policies and programs:

Program 1.A.b **Continue to Conduct Reviews of the Angels Camp Municipal Code and General Plan for Consistency**

Program 2.B.a **Undertake a Comprehensive Update to the City of Angels Municipal Code**
Initiate a comprehensive update of the City of Angels Municipal Code to incorporate changes identified in the Housing Element, for internal consistency and for consistency with the general plan

Program 2.B.j **Update the City's Mobilehome/Manufactured Housing Provisions**
Amend the City of Angels Municipal Code to comply with the provisions of California Government Code Section 65852.3 (as may be amended) to allow manufactured homes on single-family residential lots. Include provisions that prohibit the installation of mobilehomes constructed prior to June 15, 1976 within the City limits and to require all mobilehomes constructed after June 15, 1976 to be on a permanent foundation unless located within a mobilehome park.

The proposed revisions will specifically implement the three general plan programs calling for changes to the Municipal Code, as cited. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.
The primary purposes of the proposed code amendments are to implement the Housing Element of General Plan 2020. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City.

Based on the preceding, the proposed code amendments are consistent with this finding.

ENVIRONMENTAL FINDINGS
Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review, because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

ATTACHMENTS:

A. Resolution of Intent 22-10 with **Attachment** to Resolution 22-10 ("Clean" copy proposed code changes)
B. REFERENCE: Definitions of Mobilehome and manufactured home
C. Redline/strikeout (changes) to existing code sections amended

ATTACHMENT A

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-10

A RESOLUTION OF INTENTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING THE CITY OF ANGELS MUNICIPAL CODE (AMC) TO UPDATE THE CITY'S MOBILEHOME AND MANUFACTURED HOUSING PROVISIONS

WHEREAS, the City of Angels, Planning Commission is authorized by Angels Municipal Code Section 17.90.020(B) to initiate amendment to the City's zoning code upon adopting a resolution of intention; and

WHEREAS, the Planning Commission finds that it is to the mutual benefit of the City, the public health, safety and general welfare of the public; necessary for the General Plan Housing Element implementation, consistency with the City of Angels General Plan and internal code consistency; and

WHEREAS, a notice of public hearing for the proposed action was published February 24, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 10, 2022, and received public input on the proposed amendments including: AMC Chapter 17.09 (Definitions), amending Section 17.06.110 (Manufactured homes as single-family dwellings), Deleting Chapter 17.54 (Mobilehome Combining District) and replacing it with a new Chapter 17.54 (Mobilehome parks and manufactured home parks) and deleting Chapter 15.08 (Mobilehomes, Mobilehome and manufactured home parks) combining it with new Chapter 17.54; and

WHEREAS, the proposed changes to the Municipal Code are in conformance with the City's general plan; and

WHEREAS, the proposed changes are consistent with the City's Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code will not be detrimental to the health, safety, and general welfare of the City and its people; and

WHEREAS, the proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council amending the Municipal Code pursuant to **Attachment to Resolution 22-10** in accordance with the City Standards and State Law and directs staff to provide this recommendation of the planning commission and supporting findings to the City Council in writing within thirty days.

The foregoing resolution was introduced and moved for adoption on March 10, 2022, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 10th day of March, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

ATTACHMENT
TO PLANNING COMMISSION RESOLUTION 22-10

17.09 (Definitions) (Added or amended)

Dwelling, single-family.

"Single-family dwelling" shall mean a structure designed for occupancy of one family. Single family dwelling includes *mobilehome*s in a Mobilehome Park and *manufactured homes on a permanent foundation*. (Ord. 439 (part), 2010: Ord. 270 (part), 1984. Formerly 17.09.150)

Manufactured Home Parks.

“Manufactured Home Park” is the same as a “mobilehome park,” but includes manufactured homes rather than mobilehomes. Manufactured homes in a manufactured home park or mobilehome park do not require a permanent foundation.

Amend Section 17.06.110 as follows:

17.06.110 Manufactured homes as single-family dwellings.

A manufactured home may be located upon any standard residential lot in any residential zone which allows single-family residences subject to the standards contained in this section except that they may not be located on real property that is listed in the California Register of Historic Places pursuant to Government Code § 65852.3(b).

A. Standards for Construction. The manufactured home shall:

1. Be occupied only as a residential unit;

2. Be subject to the same requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space as required in the zone in which the home is located;

3. Be attached to a permanent foundation system in compliance with all applicable building regulations including California Health and Safety Code Section 18551 (and as may be amended);

4. A manufactured home shall only be located on a permanent foundation system on a single lot if:

   a) It has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and;

   b) Less than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of application for the issuance of a permit to install the manufactured home; and

   c) It is factory-built housing as defined in California Health and Safety Code Section 19971; and

   d) It has not been altered in violation of applicable codes.

5. Have a minimum width of twenty feet excluding garages, porches, patios, eaves, etc.

6. Architecture and design shall incorporate:

   i. Siding and roofing materials compatible with the surrounding conventional single-family residential development.

   ii. Exterior covering shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Skirting is prohibited.

iii. Walkways, driveways, flatwork, hardscaping, and landscaping shall be compatible with surrounding conventional single-family residential development

iv. Roofing shall have eave and gable overhangs of not less than one foot measured from the vertical side of the structure and roof pitch of not less than three inches vertical rise for each twelve inches of horizontal run.

v. If an enclosed garage is required within the zoning district in which the dwelling unit is to be located, the design and materials of the garage shall be compatible with the main dwelling;

B. Taxation.
A manufactured home which has been placed on a permanent foundation system shall be deemed to be subject to local property taxation pursuant to Section 18551 of the California Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.

C. Permits. Prior to installation of a manufactured home, the owner or a licensed contractor shall:

1. Obtain a building permit from the City of Angels Community Development Department for review of site preparation, grading, setbacks, utility installation, encroachments, issuance of a certificate of occupancy and related items reviewed for a single-family residence;

2. Obtain necessary permits and licenses from the California Department of Housing and Community Development for installation;

3. After obtaining the required permits, the owner or contractor shall comply with all requirements of the City Building Permit and California Health and Safety Code Section 18551(a) as prescribed by the state.

Chapter 17.54
MOBILEHOME PARK, MANUFACTURED HOME PARK

Sections:

17.54.010 Purpose and intent.
17.54.020 Permitted Uses.
17.54.030 Conditional Uses.
17.54.040 Manufactured home park and mobilehome park standards.

17.54.10Purposes and intent.

A. The purpose of this Chapter is to establish locations and standards for mobilehomes and manufactured homes within the City as necessary to provide for a wide variety of housing choices for all income levels.

B. Mobilehomes within the City limits shall be located within a mobilehome park.

C. Manufactured homes not on a permanent foundation shall be located within a manufactured home park. Manufactured homes on a permanent foundation are addressed in AMC Section 17.06.110.

17.54.020 Permitted Use.

Mobilehome parks or manufactured home parks are permitted within the R-3 zoning district except as otherwise required in Chapters 17.73 and 17.74 (Site Development Permit, Administrative Site Plan Review).

17.54.030 Conditional Uses.

Mobilehome parks or manufactured home parks require acquisition of a Conditional Use Permit pursuant to AMC Section 17.78 in the R-1 and R-2 zoning districts.

17.54.040 Manufactured home and mobilehome park standards.

A. Minimum parcel size/density.
Each manufactured home or mobilehome space shall have a minimum space area of three thousand five hundred square feet Density of the park shall be consistent with the site's general plan land use designation and zoning district.

B. Setbacks.
   1. Individual homes in the mobilehome or manufactured home park located on the periphery boundaries of the park shall have setbacks equal to those required in the primary zoning district;

   2. Each unit shall be set back a minimum of 5 feet from the edge of the right of way of any roadway

3. The minimum distance between homes is ten (10) feet. The minimum distance between an accessory structure on one site and a home on an adjacent site shall be ten (10) feet;

C. Screening and Landscaping.
A landscaping plan for all common areas shall be submitted to the City for review and approval in conjunction with development review for all parks. Screening consisting of a solid fence or thick hedge with a height of six feet shall be provided along all park boundaries which front on a public street or are adjacent to existing residential developments.

D. Community Areas, Common Areas, Recreational Areas.
Recreational facilities shall be provided in accordance with AMC Section 16.24.105

E. Structures Near Manufactured Home or Mobilehome.
No structure shall be located within six feet of a manufactured home or mobilehome except a portable or demountable cabana approved by the California Department of Housing and Community Development.

F. Roadway Drainage.
A roadway shall be provided to each Mobilehome site with a minimum width of twenty-five feet, a maximum grade of ten percent with short segments of fifteen percent allowed subject to approval of the City Engineer, and a minimum centerline radius of one hundred feet. A all roadways, manufactured home or mobilehome driveways and paths shall be graded, drained and surfaced so as to provide a means to direct drainage away from the manufactured home or mobilehome space and prevent dust, mud, or standing water.

G. Utilities.
Each site shall be served by collective sanitary sewage, storm drainage, water systems and fire hydrants as required and approved by the city health officer, city fire chief, chief and city building department. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)

H. Modifications for existing parks.
The Planning Commission, or on appeal, the City Council, may modify the above requirements for an existing substandard park proposed to be enlarged or extended; provided, that the modifications are limited to the extent that the overall improvements in the design or standards of such existing park will result.

I. Modifications.
Modifications may be permitted pursuant to Section Chapter 17.06.190 for work force housing.

J. Storage.
Permanent storage facilities for recreational vehicles, boats, trailers, camper shells, off-road vehicles, personal watercraft and similar items shall be designated as part of

the site plan for the project. The area shall be paved or have a similar surfacing. The area shall be screened from adjacent properties and the remainder of the park by a minimum six-foot visual barrier. The area shall be used for storage by residents only.

K. Other submittals

Additional site plan submittals shall include, but are not limited to trash collection plans, lighting plans, a traffic circulation plan, utility plans. Areas to be identified on the site plan include, but are not limited to laundry areas, community rooms, recreation areas.

Delete all of Chapter 15.08 MOBILE HOMES, MANUFACTURED HOME PARKS AND MOBILE HOME PARKS and Combine with Chapter 17.54

ATTACHMENT B

For Reference (Changes to Definitions already adopted)

Mobilehome.

A "Mobilehome," 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 H&S Section 18001.8, factory-built housing, as defined in H&S Section 19971, a manufactured home, as defined in H&S Section 18007, a multifamily manufactured home, as defined in H&S Section 18008.7, or a recreational vehicle, as defined in H&S Section 18010.

Mobilehome Park.

"Mobilehome park" is as defined in Health and Safety Code Section 18214. It is any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or (before 1982) for recreational vehicles used for human habitation. The rental paid for a manufactured home, a mobilehome, or a recreational vehicle shall be deemed to include rental for the lot it occupies. This subdivision shall not be construed to authorize the rental of a mobilehome park space for the accommodation of a recreational vehicle in violation of Section 798.22 of the Civil Code. Civil Code 798.22 states that in any new mobilehome park developed after January 1, 1982, mobilehome spaces shall not be rented for the accommodation of recreational vehicles as defined by Section 799.29 unless the mobilehome park has a specifically designated area within the park for recreational vehicles, which is separate and apart from the area designated for mobilehomes. Recreational vehicles may be located only in the specifically designated area.

Manufactured home, manufactured housing

"Manufactured home" or "manufactured housing" is as defined in Health and Safety Code Section 18007. A "Manufactured home" is 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).

ATTACHMENT C
Redline/Strikeout (Changes)
to existing Code

17.09 (Definitions) – AMEND AS FOLLOWS

Dwelling, single-family.

"Single-family dwelling" shall mean a structure designed for occupancy of one family. Single family dwelling includes *mobilehome*s in a Mobilehome ~~and~~Park and *manufactured home*s *on a permanent foundation*. (Ord. 439 (part), 2010: Ord. 270 (part), 1984. Formerly 17.09.150)

Manufactured Home Parks.

"Manufactured Home Park" is the same as a "mobilehome park," but includes manufactured homes rather than mobilehomes. Manufactured homes in a manufactured home park or mobilehome park do not require a permanent foundation.

Amend Section 17.06.110 as follows:

17.06.110 Manufactured homes as single-family dwellings.

A manufactured home may be located ~~for placement~~ upon any standard ~~single-family~~ residential lot~~s~~ in any residential zone which allows single-family ~~residents~~ residences subject to the standards contained in this section except that they may not be located on real property that is listed in the California Register of Historic Places pursuant to Government Code § 65852.3(b).

A. Standards for Construction. The ~~mobilehome~~ manufactured home shall:

1. Be occupied only as a residential unit;

2. Be subject to ~~all provisions of the zone in which the manufactured home is to be placed with regard to residential structures~~

the same requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space as required in the zone in which the ~~h~~home is located;

~~;~~

3. Be attached to a permanent foundation system in compliance with all applicable building regulations including California Health and Safety Code Section 18551 (and as may be amended);

4. A manufactured home shall only be located on a permanent foundation system on a single lot if:

a) It has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and;

b) Less than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of application for the issuance of a permit to install the manufactured home; and

c) It is factory-built housing as defined in California Health and Safety Code Section 19971; and

d) It has not been altered in violation of applicable codes.

4. Have a minimum width of twenty feet excluding garages, porches, patios, eaves, etc. ~~and a minimum length of forty feet, or eight hundred square feet;~~

5. Architecture and design shall incorporate:

i. Siding and roofing materials compatible with the surrounding conventional single-family residential development.

. ~~The e~~ii. Exterior covering shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Skirting is prohibited.

;iii. Walkways, driveways, flatwork, hardscaping, and landscaping shall be compatible with surrounding conventional single-family residential development

~~6. Have a roof pitch of not less then 2.2 inches vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the planning commission~~; iv. Roofing shall have eave and gable overhangs of not less than one foot measured from the vertical side of the structure and roof pitch of not less than three inches vertical rise for each twelve inches of horizontal run.

v. If an enclosed garage is required within the zoning district in which the dwelling unit is to be located, the design and materials of the garage shall be compatible with the main dwelling;

~~7. The manufactured home shall have porches and eaves similar to those required for conventional dwellings and necessary to be compatible in the designated area in which it is to be located.~~

~~8. Mobilehomes. The mobilehomes which qualify as manufactured homes under this section shall meet the following Title 25, California Administrative Code, regulations for foundations:~~

~~a. Foundation System--Definition. A "foundation system" is an assembly of material constructed below, or partly below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces.~~

~~b. Mobilehome foundation systems are to be designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, and local soil conditions. Design conditions for roof, wind and seismic loads applicable to permanent building foundations shall be applicable to the mobilehome foundation system.~~

~~c. The mobilehome shall be installed in accordance with installation instructions provided by:~~

~~i. The manufacturer of the mobilehome; or~~

~~ii. A California licensed architect or engineer for an individual mobilehome where manufacturer's installation instructions are not available.~~

~~d. Both the foundation system and connection of the mobilehome to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions.~~

~~e. A foundation system plan shall be provided in addition to the installation instructions. The foundation system plan may be:~~

~~i. Provided by the mobilehome manufacturer either as a part of, or separate from the installation instructions,~~

~~ii. Provided by the installation contractor,~~

~~iii. Required to be signed by a California licensed architect or engineer.~~

~~f. A foundation system plan approved by the California Department of Housing and Community Development will be accepted.~~

B. Taxation. A ~~mobilehome~~ manufactured home which has been placed on a permanent foundation system ~~pursuant to this section~~ shall be deemed to be ~~a manufactured home and~~ subject to local property taxation pursuant to Section 18551 of the California Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.

C. Permits. Prior to installation of a manufactured home, the owner or a licensed contractor shall:

1. ~~o~~Obtain a building permit from the ~~city~~ City of Angels ~~building inspector~~Community Development Department for review of site preparation, grading, setbacks, utility installation, encroachments, issuance of a certificate of occupancy and related items reviewed for a single-family residence;

2. Obtain necessary permits and licenses from the California Department of Housing and Community Development for installation; .

3. After obtaining ~~such a permit~~the required permits, the owner or contractor shall comply with all requirements of the City B~~b~~uilding Permit~~department~~ and ~~Section 18551(a) of the state~~ California Health and Safety Code Section 18551(a) as prescribed by the state.

~~D. Mobilehome and Manufactured Home Parks. Mobile-home parks and manufactured home parks may be located in any zone which allows residential uses with a conditional use permit, provided that all requirements and standards specified in the zoning district and in Chapter 15.08 of this code are met. Where requirements of the zoning district which allows~~

~~residential uses conflict with the requirements of Chapter 15.08, the requirements of the zoning district shall apply. (Ord. 305 §8, 1990)~~

Chapter 17.54

~~MH MANUFACTURED HOME COMBINING DISTRICT~~

MOBILEHOME PARK, MANUFACTURED HOME PARK

Sections:

17.54.010 Purpose and intent.
17.54.020 Permitted Uses ~~permitted.~~
~~17.54.030 Uses subject to site plan review.~~
17.54.~~040~~ 030 Conditional Uses ~~subject to a conditional use permit~~.
~~17.54.050 Temporary uses permitted.~~
~~17.54.060 Accessory uses permitted.~~
~~17.54.070 Site development standards.~~
17.54.~~080~~ 040 Manufactured home park and mobilehome park standards.

17.54.10 Purposes and intent.

A. The purpose of this Chapter is to establish locations and standards for mobilehomes and manufactured homes within the City as necessary to provide for a wide variety of housing choices for all income levels.

B. Mobilehomes within the City limits shall be located within a mobilehome park.

C. Manufactured homes not on a permanent foundation shall be located within a manufactured home park. Manufactured homes on a permanent foundation are addressed in AMC Section 17.06.110.

~~A. The purpose of the MH combining district is to provide sites for individually located manufactured homes, mobilehomes, manufactured home parks, mobilehome parks and special occupancy parks.~~

~~B. In any zone where the zoning symbol is followed by the "MH" suffix symbol the requirements of this chapter shall apply, in addition to the requirements of the base zone. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

17.54.020 Permitted Uses ~~permitted~~. SHARE

~~Uses permitted in the manufactured home combining district are those allowed by the base zone. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

Mobilehome parks or manufactured home parks are permitted within the R-3 zoning district except as otherwise required in Chapters 17.73 and 17.74 (Site Development Permit, Administrative Site Plan Review).

17.54.~~040~~ 030 ~~Uses subject to a conditional~~ Conditional ~~use~~ Uses~~permit~~.

Mobilehome parks or manufactured home parks require acquisition of a Conditional Use Permit pursuant to AMC Section 17.78 in the R-1 and R-2 zoning districts.

~~In the manufactured home combining district, the following uses are subject to the issuance of a conditional use permit:~~

~~A. Those uses allowed by the base zone;~~

~~B. Recreational vehicle storage lot for the on-site residents' use;~~

~~C. Manufactured home park and mobilehome park;~~

~~D. Travel trailer park;~~

~~E. Recreational vehicle park;~~

~~F. Campground. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

~~**17.54.050 Temporary uses permitted.**~~ SHARE

~~Temporary uses permitted in the manufactured home combining district are those uses allowed by the base zone. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

~~**17.54.060 Accessory uses permitted.**~~ SHARE

~~Accessory uses permitted in the manufactured home combining district are:~~

~~A. Those uses allowed by the base zone;~~

~~B. Commercial businesses appurtenant to a permitted or conditionally permitted use. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

~~**17.54.070 Site development standards.**~~ SHARE

~~Site development standards in the manufactured home combining district are as those uses allowed by the base zone. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)~~

17.54.~~080~~ 040 Manufactured home and mobilehome **park standards.** SHARE

A. Minimum parcel size/density.
Each manufactured home or mobilehome space shall have a minimum space area of three thousand five hundred square feet ~~unless specified otherwise by the base zone.~~ Density of the park shall be consistent with the site's general plan land use designation and zoning district.

B. Setbacks.
1. ~~Periphery of~~ Individual homes in the ~~manufactured home park or~~ mobilehome or manufactured home park located on the periphery boundaries of the park shall have setbacks equal to those ~~, same~~required in the ~~as base~~ primary ~~zone~~zoning district;

2. Each unit shall be set back a minimum of 5 feet from the edge of the right of way of any roadway

3. The minimum distance between homes is ten (10) feet. The minimum distance between an accessory structure on one site and a home on an adjacent site shall be ten (10) feet;

~~2. Manufactured home or mobilehome space, to conform with R-1 zone setbacks.~~

C. Screening and Landscaping.
A landscaping plan for all common areas shall be submitted to the City for review and approval in conjunction with development review for all parks. Screening consisting of a solid fence or thick hedge with a height of six feet shall be provided along all park boundaries which front on a public street or are adjacent to existing residential developments ~~subject to approval of the city~~.

D. Community Areas, Common Areas, Recreational Areas.
Recreational facilities shall be provided in accordance with AMC Section 16.24.105

~~D~~E. Structures Near Manufactured Home or Mobilehome.
No structure shall be located within six feet of a manufactured home or mobilehome except a portable or demountable cabana approved by the ~~state~~ California Department of Housing and Community Development ~~Department~~.

~~E~~F. Roadway Drainage.
A roadway shall be provided to each ~~mobilehome~~Mobilehome site with a minimum width of twenty-five feet, a maximum grade of ten percent with short segments of fifteen percent allowed subject to approval of the ~~city~~ City ~~engineer~~Engineer, and a minimum centerline radius of one hundred feet. A ~~l~~all roadways, manufactured home or mobilehome driveways and paths shall be graded, drained and surfaced so as to provide a means to direct drainage away from the manufactured home or mobilehome space and prevent dust, mud, or standing water.

~~F~~G. Utilities.
Each site shall be served by collective sanitary sewage, storm drainage, water systems and fire hydrants as required and approved by the city health officer, city fire chief, chief and city building department. (Ord. 305 §9(part), 1990: Ord. 270 (part), 1984)

H. Modifications for existing parks.
The Planning Commission, or on appeal, the City Council, may modify the above requirements for an existing substandard park proposed to be enlarged or extended; provided, that the modifications are limited to the extent that the overall improvements in the design or standards of such existing park will result.

I. Modifications.
Modifications may be permitted pursuant to Section Chapter 17.06.190 for work force housing.

J. Storage

Permanent storage facilities for recreational vehicles, boats, trailers, camper shells, off-road vehicles, personal watercraft and similar items shall be designated as part of the site plan for the project. The area shall be paved or have a similar surfacing. The area shall be screened from adjacent properties and the remainder of the park by a minimum six-foot visual barrier. The area shall be used for storage by residents only.

K. Other submittals

Additional site plan submittals shall include, but are not limited to: trash collection plans, lighting plans, a traffic circulation plan, utility plans. Areas to be identified on the site plan include, but are not limited to: laundry areas, community rooms, recreation areas.

Delete all of Chapter 15.08 (Combined with 17.54)

Chapter 15.08
MOBILE HOMES, MANUFACTURED HOME PARKS AND MOBILE HOME PARKS

Sections:

ARTICLE I. GENERAL REQUIREMENTS

15.08.010 Scope.
15.08.020 Location.
15.08.030 Vacation trailer storage.

ARTICLE II. MOBILE HOME PARKS

15.08.040 Compliance with requirements.
15.08.050 Minimum area.
15.08.060 Site area.
15.08.070 Community open space.
15.08.080 Setbacks.
15.08.090 Screening.
15.08.100 Structures near mobile homes.
15.08.110 Roadway--Drainage.
15.08.120 Utilities.

ARTICLE III. ENFORCEMENT

15.08.130 By permit issuers.
15.08.140 By police.
15.08.150 Violation--Penalty.
15.08.160 Citation.

ARTICLE I. GENERAL REQUIREMENTS

15.08.010 Scope.

SHARE

There is adopted an ordinance regulating the location and use of mobile homes and mobile home parks in the incorporated area of the city of Angels. (Ord. 159 §1, 1963)

15.08.020 Location.

SHARE

No mobile home shall be located in the incorporated area of the city of Angels except in a mobile home park, or a mobile home sales lot. (Ord. 159 §2(a), 1963)

15.08.030 Vacation trailer storage.

A vacation trailer may be stored on a parcel providing it is not connected to sewer, water, gas, electricity or telephone lines, and is not to be occupied or located on any required front yard. (Ord. 159 §2(b), 1963)

ARTICLE II. MOBILE HOME PARKS

15.08.040 Compliance with requirements.

No parcel shall be used as a mobile home park unless in compliance with the requirements set out in this article. (Ord. 159 §3(part), 1963)

15.08.050 Minimum area.

The parcel shall have a minimum area of three acres. (Ord. 159 §3(a), 1963)

15.08.060 Site area.

Each mobile home site shall have a minimum area of two thousand square feet, exclusive of roadway. (Ord. 159 §3(b), 1963)

15.08.070 Community open space.

One community open space of a minimum area of two hundred square feet for each mobile home site shall be provided, exclusive of the manager or caretaker area. (Ord. 159 §3(c), 1963)

15.08.080 Setbacks.

Each mobile home contiguous to the property boundaries of the park shall have a minimum ten-foot setback. It shall be set back a minimum of five feet from the interior roadway. (Ord. 159 §3(d), 1963)

15.08.090 Screening.

Screening consisting of a solid fence or wall or thick hedge with a height of six feet shall be provided along all property boundaries. (Ord. 159 §3(e), 1963)

15.08.100 Structures near mobile homes.

No structure shall be located within six feet of a mobile home except a portable or demountable

15.08.120 Utilities.

Each mobile home site shall be served by collective sanitary sewage, storm drainage, water systems and fire hydrants as required and approved by the city health officer, city fire chief and city building department. (Ord. 159 §3(h), 1963)

ARTICLE III. ENFORCEMENT

15.08.130 By permit issuers.

All departments, officials and public employees of the city of Angels which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and issue no such permits or licenses in conflict with the provisions of this chapter, and any such permits or licenses, if issued in conflict with the provisions of this chapter, shall be null and void. (Ord. 159 §4(part), 1963)

15.08.140 By police.

It shall be the duty of the chief of police of the city and all other officers of the city herein and/or otherwise charged by law with the enforcement of this chapter to enforce it and all its provisions. (Ord. 159 §4(a), 1963)

15.08.150 Violation--Penalty.

A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter is guilty of an infraction and shall be punished with a fine not exceeding one hundred dollars for the first violation, a fine not exceeding two hundred dollars for a second violation within a year, and a fine not exceeding three hundred dollars for a third violation within the period of one year. The fourth and each successive violation of this chapter in the period of one year shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

B. Each and every day or portion thereof on which any violation of this chapter is committed, continued or permitted by any person, firm or corporation shall constitute a separate violation of this chapter. (Ord. 305 §12(part), 1990)

15.08.160 Citation.

Any police officer may, in addition to the other enforcement powers permitted by law, issue citations pursuant to Penal Code Sections 836.5, 853.5 and 853.6 for violations of this title. (Ord. 305 §12(part), 1990)

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

CITY OF ANGELS CAMP
PLANNING COMMISSION HEARING
STAFF REPORT
Condominium Conversion

ITEM NO. **3**

DATE: March 10, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: **Resolution of Intent 22-11 Amending the City of Angels Municipal Code (AMC) to update the City's Condominium Conversion Provisions**

RECOMMENDATION
Approve Resolution of Intent 22-11, recommending to the City Council amendments to the City of Angels Municipal Code to update the City's Condominium Conversion provisions.

BACKGROUND:
Pursuant to Angels Municipal Code (AMC) Section 17.90.020(B), an amendment may be initiated by a Resolution of Intent of the Planning Commission. The proposed Resolution of Intent will provide the changes described above.

The City received SB2 funds to assist in a comprehensive update of its Municipal Code, including this amendment. This funding is intended to assist with updating the Angels Municipal Code to implement the General Plan Housing Element. The Planning Commission has been undertaking these changes for nearly two years and is nearing completion.

The City's condominium conversion provisions are intended to address the process required for converting multi-family residential rental units to ownership units (e.g., condominiums) and ensure that applications for such conversions address issues of tenant notification and potential impacts or the need to relocate extremely low, very low and low income households.

The California Department of Housing and Community Development summarizes it as follows:

> *Condominium conversions refer to the process of converting a multi-unit rental property held in single ownership into one in which the units may be individually bought or sold. Jurisdictions generally receive condominium conversion requests when selling housing becomes more profitable than renting or leasing. Under California law, tenants have certain protections such as the exclusive right to purchase the property under the same terms that the unit is being offered to the general public and 180 days' notice of intent to end the tenancy (§66452.19). Though tenants enjoy these protections, they often cannot afford the*

necessary down payment or the monthly mortgage to own their home. Hence, while condo conversions may offer a more affordable homeownership opportunity for some households seeking to buy, they can displace existing tenants and reduce a jurisdiction's rental housing stock without increasing housing supply. Through their zoning power, jurisdictions have the authority to put in place additional restrictions on condominium conversions. These ordinances may be justified due to jurisdictions' limited housing stock and their state mandate to maintain an adequate housing supply for all economic segments of the population.

ANALYSIS

Pursuant to AMC Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code

The proposed amendments will implement the following general plan policies and programs:

Program 1.A.b **Continue to Conduct Reviews of the Angels Camp Municipal Code and General Plan for Consistency**

Program 2.B.a **Undertake a Comprehensive Update to the City of Angels Municipal Code**
Initiate a comprehensive update of the City of Angels Municipal Code to incorporate changes identified in the Housing Element, for internal consistency and for consistency with the general plan

Program 2.C.e **Update and Maintain the City's Condominium Conversion Ordinance**
Update and continue to implement the City of Angels Condominium Conversion Ordinance as established in Chapters 16.28 and 16.30 (sic) of the City of Angels Municipal Code. This ordinance establishes standards that must be met prior to removing apartments from the rental market

The proposed revisions will specifically implement the three general plan programs calling for changes to the Municipal Code, as cited. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.

The primary purposes of the proposed code amendments are to implement the Housing Element of General Plan 2020. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City.

Based on the preceding, the proposed code amendments are consistent with this finding.

ENVIRONMENTAL FINDINGS

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review, because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

ATTACHMENTS:

A. Resolution of Intent 22-11 with **Attachment** to Resolution 22-11 (proposed code changes)

Note: Redline/Strikeout not provided separately – this is a new section

ATTACHMENT A

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-11

A RESOLUTION OF INTENTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING THE CITY OF ANGELS MUNICIPAL CODE (AMC) TO UPDATE THE CITY'S CONDOMINIUM CONVERSION PROVISIONS

WHEREAS, the City of Angels, Planning Commission is authorized by Angels Municipal Code Section 17.90.020(B) to initiate amendment to the City's zoning code upon adopting a resolution of intention; and

WHEREAS, the Planning Commission finds that it is to the mutual benefit of the City, the public health, safety and general welfare of the public; necessary for the General Plan Housing Element implementation, consistency with the City of Angels General Plan and internal code consistency; and

WHEREAS, a notice of public hearing for the proposed action was published February 24, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 10, 2022, and received public input on the proposed amendments including AMC Chapters 17.09 (Definitions), 16.12.010 (Tentative Maps Required), adding a new Section 17.06.230 [Converting Multi-Family Rental Units to Owned Units (Condominium Conversion)]; and

WHEREAS, the proposed changes to the Municipal Code are in conformance with the City's general plan; and

WHEREAS, the proposed changes are consistent with the City's Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code will not be detrimental to the health, safety, and general welfare of the City and its people; and

WHEREAS, the proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council amending the Municipal Code pursuant to **Attachment to Resolution 22-11** in accordance with the City Standards and State Law and directs staff to provide this recommendation of the planning commission and supporting findings to the City Council in writing within thirty days.

The foregoing resolution was introduced and moved for adoption on March 10, 2022, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 10th day of March, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

ATTACHMENT
TO PLANNING COMMISSION RESOLUTION 22-11

Add a new definition:

17.09

Condominium Conversion.

"Condominium conversion" shall mean the conversion of multi-family rental units to private ownership units, generally to condominiums, community apartments, or stock cooperatives.

16.12.010 Tentative and final map required when.

A. A tentative map and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project or stock cooperative project containing five or more parcels except where:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications of improvements are required; or

2. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the city as to street alignments and widths; or

4. Each parcel created by the division has a gross area of forty acres or more, or each of which is a quarter-quarter section or larger.

B. A parcel map shall be required for those subdivisions complying with subdivisions 1, 2, 3 and 4 of subsection A of this section. No tentative map shall be required for maps complying with subdivision 4 of subsection A.

C. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

D. A tentative map and a final map shall be required when an approved tentative map has expired. (Ord. 250 §5.10, 1981)

E. For land divisions or other projects involving the conversion of multi-family rental units to owned units (Condominium conversion):

1. A conditional use permit shall be secured pursuant to AMC **Section 17.06.230**.

2. All tenant notification requirements pursuant to Government Code Section 66427.1 have been met.

Chapter 17.06
GENERAL PROVISIONS

Sections **(ADD A NEW SECTION 17.06.230):**

17.06.230 Converting Multi-Family Rental Units to Owned Units (Condominium Conversion)

17.06.230 Converting Multi-Family Rental Units to Owned Units (Condominium Conversion).

A. Purposes and Intent

The purposes of this Section are to:

1. Establish a process for reviewing the conversion of rental apartments to residential condominiums, community apartments, or stock cooperative type-ownership units;

2. To ensure compliance with local and state codes relative to design and building standards, type of construction, common area maintenance, health and safety requirements, and similar provisions which differ for rental apartments versus residential condominiums, community apartments, and stock cooperative;

3. Maintain a balanced mix of rental and ownership housing ensuring a wide variety of housing choices to meet the City's needs; and

4. Minimize potential hardships to tenants caused by displacement from rental units converted to owner-occupied units.

B. Conditional Use Permit and Special Findings Required

Prior to approving the conversion of residential multi-family rental units pursuant to this Section, a conditional use permit shall first be secured in compliance with AMC Chapter 17.78. In addition to the findings required pursuant to AMC Section 17.78.030; the following findings are additionally required for conditional use permit approval pursuant to this Section:

1. The buildings proposed for conversion comply with all applicable provisions of the California Building Standards Code per the City's Chief Building Official; and

2. All tenant notifications as required by Government Code Section 66427.1 have been made as applicable;

And one of the following:

3a. Fewer than 10% of the households in units to be converted are low, very low and extremely low-income households (as defined by the California Department of Housing and Community Development's most recently published income levels) based on an income survey of existing residents conducted by the City at the subdivider's expense: **or**

3c. The elimination of residential rental units for low, very low and extremely low-income households from the City's housing stock is reduced to less than 10% of the total

units proposed for conversion through implementing one or more of the options provided in **AMC Section 17.06.230(E)**.

C. State Subdivision Map Act Compliance

Applicant shall comply with AMC Section 16.12.010 and all applicable provisions of the State Subdivision Map Act as provided in the California Government Code including noticing requirements as summarized in paragraph D.

D. Tenant Notifications and Offers Required before Final Map Approval

1. The City Council shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it makes all of the notifications set forth in Government Code Section 66427.1 to each tenant of the rental apartments proposed for conversion as summarized in the following. This section shall not diminish, limit, or expand, other than as provided in this section, the authority of the City to approve or disapprove condominium projects. The subdivider is responsible for providing notice to prospective tenants in accordance with Section Government Code Section 66452.17. Subdivider shall provide evidence of receipt of each tenant of the notices required herein.

   a. *Prior to filing a tentative map with the City/60 days.*
   Written notification, in the form provided in Government Code Section 66452.18, of intention to convert, provided at least 60 days prior to the filing of a tentative map pursuant to Government Code Section 66452. Written notices to tenants required by this paragraph shall be deemed satisfied if those notices comply with the legal requirements for service by mail.

   b. *Prior to approving a tentative map/Limitation on evictions 180 days*. One hundred eighty days' written notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to the form contained in Government Code Section 66452.19, but not before the local authority has approved a tentative map for the conversion. The notice given pursuant to this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code Sections 1941, 1941.1, and 1941.2

   c. *Subsequent to approval of a final map/10 days.* Each tenant shall receive written notification by first class mail at least ten (10) days after the approval by the City Council of a final map for the proposed conversion. Such notices shall provide an estimate of the length of time prior to eviction.

   d. *Prior to filing of public report/10 days.* At least ten (10) days prior to the filing of a public report with the department of real estate, each tenant of the proposed conversion project shall receive by first class mail a written notice that an application for a public report will be submitted to the department of real estate and that such report will be available on request.

e. *Upon receipt of public report/5 days.* Written notification that the subdivider has received the public report from the Bureau of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Bureau of Real Estate.

f. *Exclusive right to contract*.
Notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant in the form provided in Government Code Section 66452.20. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Business and Professions Code Section 11018.2 and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.

2. Required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in the language in which the rental agreement was negotiated.

3. In addition to the provision of the other notice of applications or submittals required by this Section, the subdivider shall provide to the occupant of each unit to be converted, a copy of the notice for the agenda of the City Planning Commission and City Council hearings at which the application for tentative or final subdivision map will be reviewed at least ten (10) days in advance of the public hearings.

E. Offsetting Tenant Impacts of Conversions

Where 10% or more of the households in units to be converted are low, very low and extremely low-income households; the subdivider shall implement one or more of the following as necessary to offset the total number of units being converted in excess of 10%. Where used, such options shall require approval by the Planning Commission in conjunction with the Conditional Use Permit for the project:

1. **On-site dedication.**
Retain and dedicate a percentage of units for low, very low and extremely low-income households. This option requires recording restrictive covenants for the dedicated units. Subdividers may receive a density bonus from the City pursuant to Chapter 17.06 to provide sufficient units.
2. **Relocation assistance program.**
The subdivider may propose a program assisting tenants displaced through the conversion in relocating to equivalent or better housing subject to review and approval by the Planning Commission.

3. **Alternative site.**
The subdivider may offer alternative property under subdivider's control to relocate tenant(s) to equivalent or better housing subject to review and approval by the Planning Commission.

4. **Financial assistance**.
    a. The subdivider may provide special financing to assist low, very low or extremely low-income households to purchase a conversion unit(s).
    b. Subdivider may provide financial assistance to qualifying tenants to relocate. A qualifying tenant is not entitled to financial assistance pursuant to this subsection if they have been evicted for just cause or have not made rental payments to which the subdivider is legally entitled. Prospective tenants of a conversion project for which a notice of intent to convert has been issued shall not be entitled to tenant financial assistance.

5. **Alternative Proposal.**
   The subdivider may propose an alternative program for Planning Commission consideration.