

Analysis of State Law Preemption Relating to Stockton Municipal Code Section 16.20.020, Table 2-2 and Section 16.80.210 (Mobilehome Parks and Subdivisions)

Local Standards	Topic	Review Authority		Notes
		State Department of Housing and Community (HCD)	City of Stockton	
SMC Section 16.20.020, Table 2-2, Allowable Land Uses and Permit Requirements				
	Allowable land uses and permit requirements; permit requirement by zoning district	-	√	<p>Zoning Map provides Residential, Medium Density (RM) to site; mobilehome parks allowed in RM Zone with Administrative Use Permit approval.</p> <p>Approvals under SMC Title 16 require General Plan consistency; General Plan Land Use Map designates site Low Density Residential which allows for single-family residential units, duplexes, triplexes, semi-detached patio homes, town homes, public and quasi-public uses, second units, and other similar and compatible uses.</p> <p>Proposed mobilehome park consistent with residential land uses referenced for Low Density Residential designation. Administrative Use Permit is requested for approval.</p>
SMC Section 16.80.210 – Mobilehome Parks and Subdivision				
A (Location Criteria)				
A.1	Locations considered suitable for mobilehome parks	-	√	Project complies - Refer to SMC Sec. 16.20.020 (see above)
A.2	Access requirements for mobilehome parks	-	√	Project complies - The park is served by Auto Center Circle (private street) with a direct access to Holman Road (Arterial street)

A.3	Traffic movement from park shall not pass through an existing or proposed residential development.	-	√	Project complies – Site is located at cul-de-sac street terminating at property owned by East Bay Municipal Utility District.
A.4	Mobilehome parks shall not disrupt the logical expansion of conventional subdivisions or extension of street systems, utilities, or public improvements.	-	√	Project complies - Site is located at cul-de-sac street with no planned streets or utilities extended therefrom.
A.5	Not permitted at sites far removed from utilities or community services	-	√	Project complies – Site is surrounded by existing urban development within city limits.
B (Development Standards)				
B.1 (General)				
B.1.a	State and Federal Requirements	-	-	N/A – Code says comply with State and Federal Requirements.
B.1.b	Planning Commission may waive standards	-	-	N/A – No waiver required.
B.2	Mobilehome Park Area and Setback Requirements	√	-	Preempted by Health & Safety Code Section 18300(g)
B.3	Requires 5-acre site minimum, 50 unit minimum size and 20-foot setback from property lines along public streets.	√	-	Preempted by Health & Safety Code Section 18300(g)
B.4	Provides access drive standards for mobile home parks	√	-	Preempted by Health & Safety Code Section 18300(g)
B.5	Sign standards for mobilehome parks	√	-	Preempted by Health & Safety Code Section 18300(g); regardless, no sign proposed
B.6	Parking standards for mobilehome parks	√	-	Preempted by Health & Safety Code Section 18300(g)
B.7	Landscaping standards for mobilehome parks	√	-	Preempted by Health & Safety Code Section 18300(g)
B.8 (Other Improvements)				
B.8.a	Frontage improvement	-	-	N/A - mobilehome park is not adjacent to public right-of-way. No frontage improvement is required.

B.8.b	Single-lot development fee	-	-	N/A – not subject to discretion
B.8.c	Standards for storm water drainage, sanitary sewer, and water system shall adhere to local standards	√	-	Preempted by Health & Safety Code Section 18300(g)
B.8.d	Electrical and telephone service shall be underground	√	-	Preempted by Health & Safety Code Section 18300(g)
B.8.e	Land dedication or in-lieu fees paid to the City for neighborhood facilities	-	-	N/A – no neighborhood facilities planned for site (e.g., park).
B.8.f	Fencing or wall required around mobilehome parks	√	-	Preempted by Health & Safety Code Section 18300(g); site not adjacent to public street.
B.8.g	Facilities for fire protection within mobilehome parks subject to city standards	√	-	Preempted by Health & Safety Code Section 18691
B.8.h	Requires outdoor storage and garbage collection areas to be enclosed	√	-	Preempted by Health & Safety Code Section 18300(g)
B.9	Provides operational standards for mobilehome parks and resale of units	√	-	Preempted by Health & Safety Code Section 18300(g)
B.10	Describes that State HCD is enforcement agency for mobilehome parks	-	-	N/A – not a local regulation