

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4019
Adopted by the City Council on MARCH 17, 2014**

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ADOPTING ZONING TEXT AMENDMENT NO. 13-002 AND AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY ADDING NEW CHAPTER 228 THERETO ENTITLED ‘SR SENIOR RESIDENTIAL OVERLAY DISTRICT’”

SYNOPSIS:

In February 2013, the United States Court of Appeals, Ninth Circuit, determined that a city may establish protections for senior mobilehome parks under both federal and state law. The case established the ability for a city to adopt a Senior Residential Mobilehome Park Overlay district to restrict a senior mobilehome park from becoming a family park. The City Attorney’s Office drafted the this ordinance similar to the City of Yucaipa’s senior overlay ordinance, which was the subject of the recent Ninth Circuit Court of Appeals action. The court issued a ruling in which it was determined that the City was not preempted from creating an overlay district that restricted the age of certain mobilehome park residents to 55 and above. Additionally, it was determined that Yucaipa did not discriminate in housing on the basis of familial status.

The design and performance standards require each senior mobilehome park to have procedures in place for qualifying the parks as a senior mobilehome park pursuant to applicable federal and State laws. The regulations require that at least 80 percent of the spaces in a – SR Overlay designated mobilehome park be occupied by at least one person 55 years of age or older or where one hundred (100) percent of the spaces are occupied or intended for occupancy by person sixty-two (62) years of age or older. The signage, advertising, park rules, regulations, rental agreements and leases for spaces in a senior mobilehome park with the –SR Overlay designation are required to state that the mobilehome park is a senior mobilehome park. A senior mobilehome park must also maintain age verification documentation, which must be readily available for City inspection upon reasonable notice. The provisions of the –SR Overlay district do not require any construction or reconfiguration of existing mobilehome parks. No operational changes to a senior mobilehome park would be required other than those described above. In addition, the proposed SR Overlay district would not change the allowable uses of the base zoning district. The ordinance also provides for the transition of residents or spaces that do not meet the required age restrictions.

Compatibility

Senior residents of the mobilehome parks have attended both the Mobilehome Advisory Board meetings held on December 9, 2013, and January 27, 2014, and the Planning Commission Study Session held on January 14, 2014. At all meetings, seniors raised significant concerns related to their quality of life should their parks be converted to family parks. They discussed differences in noise and traffic between senior and family parks. Residents have stated that a senior park is quieter and has slower traffic, which results in greater compatibility for seniors’ lifestyle. The ordinance fosters compatibility since the land use and operation of existing senior mobilehome parks remain the same.

Retention of Senior Housing

At the meetings referenced above, residents stated that mobilehomes provide a more affordable housing option for seniors wanting to live in detached housing. Concerned with increased rents if a park conversion took place, some residents have described the inability of their mobilehomes to be relocated elsewhere, as they are not motorized and in some cases are quite large. Many own their mobilehome and only rent a space, and relocation of the mobilehome would also be cost prohibitive. Typically seniors are on fixed incomes and have used their retirement funds or proceeds from previous home sales to purchase their mobilehome.

There are a total of 18 mobilehome parks that provide 2,949 mobilehome spaces located within the City of Huntington Beach. The overlay district would enable 1,543 spaces (52%) to be designated as existing senior mobilehome parks.

Per the 2010 Census, senior households (defined by the Census as those 65 and older) comprise 23 percent of the City’s households, and between 2000 and 2010 the senior population increased from 10 to 14 percent of the total City population. The goals and policies of the General Plan Housing Element encourage the retention of senior housing to address this demographic trend. The ordinance is in keeping with the Housing Element and addresses a community need.

Staff believes the adoption of the SR Senior Residential Overlay ordinance is consistent with City Council direction to draft an ordinance that will retain the existing senior mobilehome parks in compliance with federal and state law. The SR designation is placed on existing senior mobilehome parks only. The amendment accomplishes the desire to retain senior housing found citywide and was approved based on the following reasons:

- Consistent with City Council direction and City Attorney's Office recommendations;
- Conforms to the General Plan Land Use and Housing Elements to provide and retain senior housing options; and
- Compatible with the existing base zoning and standards for mobilehome parks.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held March 17, 2014 by the following roll call vote:

AYES: Katapodis, Hardy, Shaw, Boardman, Sullivan, Carchio

NOES: Harper

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
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JOAN L. FLYNN, CITY CLERK**