



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Rosemary Medel, Associate Planner *RM*
DATE: January 28, 2014
SUBJECT: **NEGATIVE DECLARATION NO. 13-001 / ZONING TEXT AMENDMENT NO. 13-002 (SENIOR RESIDENTIAL MOBILEHOME PARK OVERLAY)**

APPLICANT: City of Huntington Beach

PROPERTY

OWNERS: The ordinance applies citywide. Negative Declaration No. 13-001 includes an analysis of applying the overlay to 10 existing mobilehome parks that are currently occupied primarily by persons 55 years of age or older. A list of these property owners is provided in Attachment No. 7.

LOCATION: The ordinance applies citywide. The location of the 10 existing mobilehome parks is provided on page 2.

STATEMENT OF ISSUE:

- ◆ Negative Declaration No. 13-001 request:
 - Analyzes the potential environmental impacts associated with the adoption of the SR Senior Residential Overlay District for mobilehome parks and the designation of 10 mobilehome parks as SR Parks.
- ◆ Zoning Text Amendment (ZTA) No. 13-002 request:
 - To amend the Zoning and Subdivision Ordinance to create Chapter 228 SR Senior Residential Overlay District.
- ◆ Staff's Recommendation:
 - Approve Negative Declaration No. 13-001 based on the following:
 - It was prepared in accordance with the California Environmental Quality Act; and
 - It adequately analyzes the potential environmental impacts associated with the project.

Approve Zoning Text Amendment No. 13-002 and forward to the City Council for adoption for the following reasons:

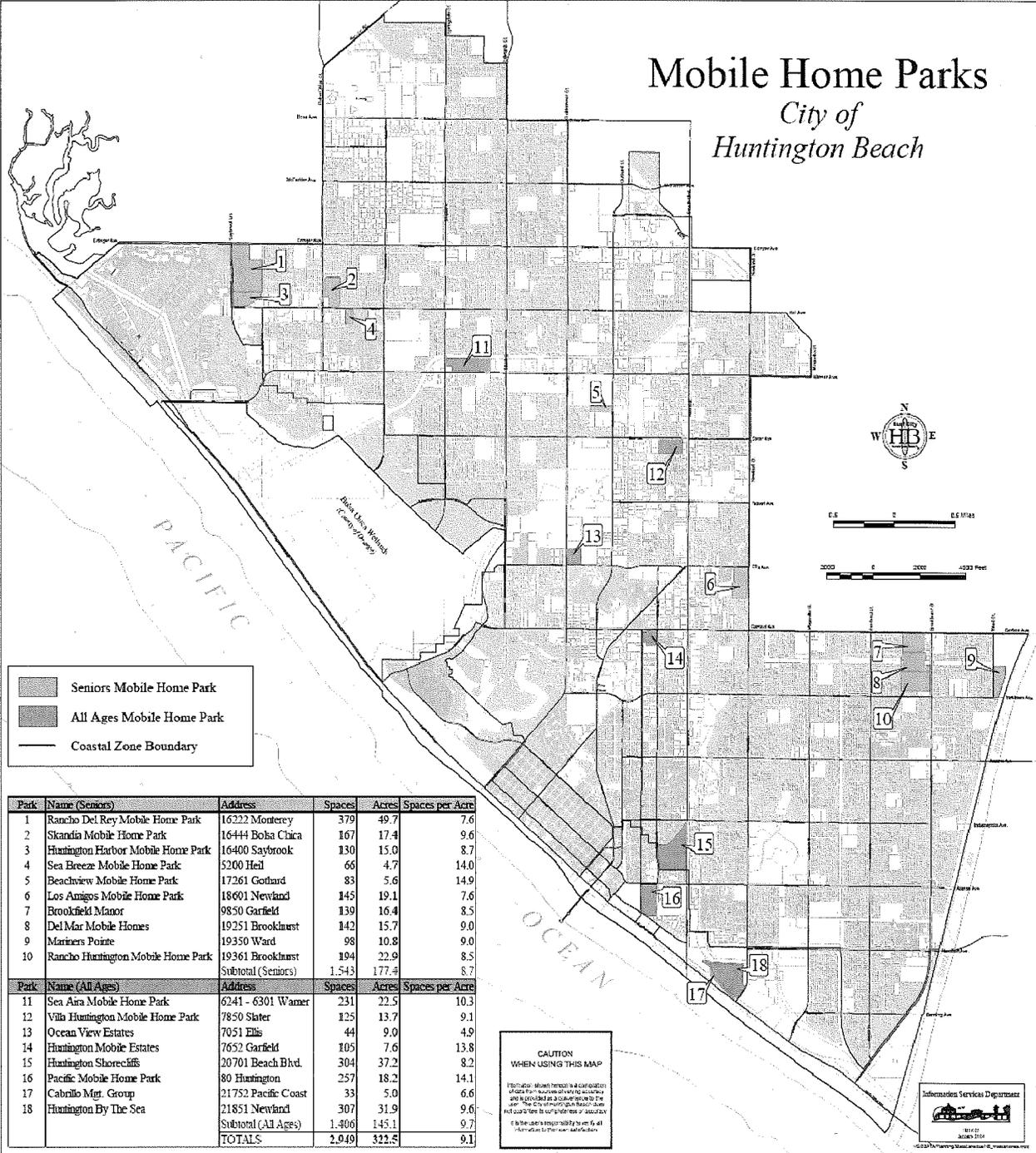
- Consistent with City Council direction and City Attorney's Office recommendations;
- Conforms to the General Plan Land Use and Housing Elements to provide and retain senior housing options; and
- Compatible with the existing base zoning and standards for mobilehome parks.

RECOMMENDATION:

Motion to:

- A. "Approve Negative Declaration No. 13-001 with findings for approval (Attachment No. 1)."
- B. "Approve Zoning Text Amendment No. 13-002 with findings (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

Mobile Home Parks City of Huntington Beach



	Seniors Mobile Home Park
	All Ages Mobile Home Park
	Coastal Zone Boundary

Park	Name (Seniors)	Address	Spaces	Acres	Spaces per Acre
1	Rancho Del Rey Mobile Home Park	16222 Monterey	379	49.7	7.6
2	Skandia Mobile Home Park	16444 Baha Chica	167	17.4	9.6
3	Huntington Harbor Mobile Home Park	16400 Saybrook	130	15.0	8.7
4	Sea Breeze Mobile Home Park	5200 Heil	66	4.7	14.0
5	Beachview Mobile Home Park	17261 Godard	83	5.6	14.9
6	Los Amigos Mobile Home Park	18601 Newland	145	19.1	7.6
7	Brookfield Manor	9850 Garfield	139	16.4	8.5
8	Del Mar Mobile Homes	19251 Brookhurst	142	15.7	9.0
9	Mariners Pointe	19350 Ward	98	10.8	9.0
10	Rancho Huntington Mobile Home Park	19361 Brookhurst	194	22.9	8.5
Subtotal (Seniors)			1,543	177.4	8.7
Park	Name (All Ages)	Address	Spaces	Acres	Spaces per Acre
11	Sea Area Mobile Home Park	6241 - 6301 Warner	231	22.5	10.3
12	Villa Huntington Mobile Home Park	7850 Slater	125	13.7	9.1
13	Ocean View Estates	7051 Ellis	44	9.0	4.9
14	Huntington Mobile Estates	7652 Garfield	105	7.6	13.8
15	Huntington Shorecliffs	20701 Beach Blvd.	304	37.2	8.2
16	Pacific Mobile Home Park	80 Huntington	257	18.2	14.1
17	Cabrillo Mgr. Group	21752 Pacific Coast	33	5.0	6.6
18	Huntington By The Sea	21851 Newland	307	31.9	9.6
Subtotal (All Ages)			1,406	145.1	9.7
TOTALS			2,949	322.5	9.1

CAUTION
WHEN USING THIS MAP

Information shown herein is a compilation of data from various sources and is not intended to be used for any purpose other than that for which it was prepared. The City of Huntington Beach does not warrant the accuracy or completeness of the information shown on this map. It is the user's responsibility to verify all information to their own satisfaction.



VICINITY MAP NEGATIVE DECLARATION NO. 13-001/ ZONING TEXT AMENDMENT 13-002 SENIOR PARKS (1-10)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Negative Declaration No. 13-001 and Zoning Text Amendment No. 13-002 with findings for denial.”
- B. “Continue Negative Declaration No. 13-001 and Zoning Text Amendment No. 13-002 and direct staff accordingly.”

PROJECT PROPOSAL:

Negative Declaration No. 13-001 analyzes the potential environmental impacts associated with the adoption of the SR Senior Residential Overlay District for Mobilehome Parks and Zoning Map Amendment Nos. 13-001 and 13-002, which are analyzed in separate reports (Attachment No. 3).

Zoning Text Amendment No. 13-002 is a City-initiated proposal to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish a Senior Residential (-SR) Overlay zoning district for mobilehome parks pursuant to Section 247 of the HBZSO (Attachment No. 2). The purpose of the –SR Overlay district is to establish criteria that will protect those mobilehome parks primarily occupied by seniors 55 years of age and older from conversion to family (non age-restricted) parks in an effort to preserve housing options for seniors. The proposed –SR Overlay may overlay any property that allows mobilehome park uses.

The City Council directed staff to prepare a draft Senior Mobilehome Park Overlay ordinance in order to retain existing senior mobilehome parks in response to the concerns expressed by park residents.

Background:

On July 15, 2013, City Council directed staff to prepare a draft interim ordinance to commence the process of retaining 10 existing senior mobilehome parks citywide.

On August 5, 2013, the City Council adopted Ordinance No. 3986, an Interim Ordinance establishing a moratorium on the conversion of senior mobilehome parks due to the lack of senior housing options in and around the City of Huntington Beach. At that meeting residents asked the City Council to consider the financial impacts that a family park conversion would have on seniors with fixed incomes. One person spoke in opposition to the proposal and submitted a copy of the Final Notice of New Rules and Regulations including a Notice of Amendment to Rental Agreement and letter dated July 16, 2013 distributed to residents of Rancho Huntington Mobilehome Park (included in Attachment No. 5).

On September 16, 2013, the City Council adopted Ordinance No. 3990, an Interim Urgency Ordinance extending the moratorium on the conversion of senior mobilehome parks (established by Ordinance No. 3986 on August 5, 2013) for an additional 10 months and 15 days. The moratorium was extended to allow the City time to create a regulatory framework (i.e. the proposed –SR Overlay district) to address the City’s senior housing issues and was set to expire on July 31, 2014. However, the City Council reduced the processing time to expire on April 30, 2014.

The project was discussed with the Mobilehome Advisory Board on December 9, 2013. Staff gave an overview of the project and responded to citizen inquiries. A total of 43 citizens attended the meeting along with the members of the Advisory Board and City staff.

Study Session:

The Planning Commission held a study session on January 14, 2014. Staff introduced the proposed overlay district ordinance and provided background as described. The Planning Commission asked various questions regarding the initiation of the proposed ordinance. Additionally, a commissioner asked for clarification regarding the reference to affordability in the ordinance. Interim Ordinance No. 3986, which adopted the temporary moratorium on the conversion/change of the existing senior mobilehome parks, stated that mobilehome parks represent one of a few affordable housing options left to senior citizens. While the ordinance does not propose rent restrictions, the term is used to represent that mobilehome parks offer a more affordable (i.e. less costly) housing alternative in comparison to standard housing options within the City. Five members of the public spoke at the study session; one person was opposed, citing the potential adverse impacts on the mobilehome park property owners if the City adopts the ordinance.

ISSUES:

General Plan Conformance:

The project creates the overlay to designate existing senior mobilehome parks as senior parks in an effort to retain existing senior housing. The proposed project would be consistent with the goals, objectives and policies of the City's Land Use Element and Housing Element of the General Plan as follows:

A. Land Use Element

LU 5.1.2: Establish procedures, requirements, and programs for Huntington's Beach's compliance with regional, State, and Federal environmental requirements, including such legislation as, but not limited to, the Clean Air Act, Clean Water Act, and the Congestion Management Plan.

Objective LU 9.5: Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low, and moderate income families.

Objective LU 15.6: Facilitate the preservation and development of Residential Mobilehome Parks.

B. Housing Element

Policy HE 5.2: Housing Options for Seniors: Support development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community.

Zoning Text Amendment No. 13-002 would amend the HBZSO to establish a Senior Residential (-SR) Overlay for mobilehome parks. The purpose of the -SR Overlay is to establish criteria that will protect mobilehome parks primarily occupied by persons 55 years of age and older from conversion

to family (non age-restricted) parks in an effort to preserve affordable housing for older persons. Negative Declaration No. 13-001 analyzes the proposal to be consistent with the General Plan goals and policies and demonstrates no environmental impacts associated with the project.

Zoning Compliance:

The project proposes a new HBZSO chapter, Chapter 228, SR Senior Residential Overlay District, which provides standards for senior mobilehome parks. The base zoning designations of any mobilehome park so designated will not be altered as a result of this ordinance. No construction or alteration is proposed to the existing mobilehome parks.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project. Subsequently, Negative Declaration No. 13-001 (Attachment No. 3) was prepared pursuant to Section 240.04 of the HBZSO and the provisions of the California Environmental Quality Act (CEQA).

The Planning and Building Department advertised draft Negative Declaration No. 13-001 for 30 days commencing on November 14, 2013 and ending on December 16, 2013. Three written comments were received from residents/mobilehome owners within the parks of Los Amigos and Del Mar Mobilehome Parks. Comments are in support of the pending ordinance and related map amendments. No environmental issues were raised.

The Environmental Board was notified of the Negative Declaration. As of December 16, 2013, no response had been received.

Prior to any action on Zoning Text Amendment No. 13-002 and Zoning Map Amendment Nos. 13-001/13-002, it is necessary for the Planning Commission to review and act on Negative Declaration No. 13-001. Staff, in its initial study of the project, is recommending that the negative declaration be approved with findings.

Coastal Status:

Although none of the senior mobilehome parks are located within the Coastal Zone, the zoning district map for Rancho Del Rey and Huntington Harbor senior mobilehome parks includes the Coastal Zone boundary and are being processed under Zoning Map Amendment No. 13-002. If ultimately approved by the City Council, the City will forward Zoning Map Amendment No. 13-002 to the Coastal Commission at the end of the year bundled with any other amendments as a minor amendment to the City's certified Local Coastal Program.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: The City Attorney's Office prepared the ordinance to create Chapter 228 -SR Senior Residential Overlay District. There were no comments from other City Departments.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on January 16, 2014. Notices were sent to all property owners and tenants within the existing senior mobilehomes as well as interested agencies/organizations, including the property owners of all existing mobilehome parks. As of January 21, 2014, no other communications regarding Negative Declaration No. 13-001 and ZTA No. 13-002 have been received.

Application Processing Dates: This is a City Council directed project and mandatory processing dates are not applicable.

ANALYSIS:

Proposed Ordinance

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 Mobilehome Park Overlay District to restrict a senior mobilehome park from becoming a family park. The City Attorney's Office drafted the proposed 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 residents to 55 and above. Additionally, it was determined that Yucaipa did not discriminate in housing on the basis of familial status.

The proposed 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 proposed 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

Seniors residents have attended both the Mobilehome Advisory Board meeting held on December 9, 2013 and the Planning Commission Study Session held on January 14, 2014. At both 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 proposed 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 proposed 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 would be placed on existing senior mobilehome parks only. The amendment accomplishes the desire to retain senior housing found citywide and is recommended for approval 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.

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

NEGATIVE DECLARATION NO. 13-001
ZONING TEXT AMENDMENT NO. 13-002

SUGGESTED FINDINGS FOR APPROVAL NEGATIVE DECLARATION NO. 13-001

Negative Declaration No. 13-001 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Any comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration, Zoning Text Amendment No. 13-002 and Zoning Map Amendment Nos. 13-001 and 13-002. There is no substantial evidence in light of the whole record before the Planning Commission that the project would have any significant effects on the environment.

SUGGESTED FINDINGS OF APPROVAL ZONING TEXT AMENDMENT NO. 13-002

1. Zoning Text Amendment No. 13-002 to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish criteria for the SR Senior Residential Overlay District is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The goals and policies of the General Plan Housing Element state that the City should promote, retain and provide for affordable housing. Zoning Text Amendment No. 13-002 would amend the HBZSO to establish the SR Senior Residential Overlay District to ensure that senior housing is retained.
2. In the case of a general land use provision, Zoning Text Amendment No. 13-002 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed new Chapter 228 SR Senior Residential Overlay District would not affect the base zoning designation, development standards or allowable density for any affected property. Preserving senior parks as such maintains the operational compatibility for senior residents and is responsive to issues related to noise and vehicular and pedestrian traffic within the designated parks.
3. A community need is demonstrated for the proposed amendment as seniors have submitted letters supporting the SR Senior Residential Overlay District. The changes to the HBZSO would establish operational criteria requiring that at least eighty (80) percent of the spaces are occupied by, or intended for occupancy by, at least one person who is fifty-five (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 City has identified that the senior segment of the population is an ever increasing group with seniors at 65+ years of age representing 14% of the population. The overlay district ensures that senior housing options are retained.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed amendment to the HBZSO would allow for the retention of existing senior

ATTACHMENT NO. 1.1

mobilehome parks, including 10 existing senior mobilehome parks, which would maintain the public's convenience and general welfare. The goals and policies of the General Plan encourage the retention of senior housing.

DRAFT

ORDINANCE NO. _____

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 CODE BY ADDING NEW CHAPTER 228 THERETO ENTITLED "SR SENIOR RESIDENTIAL OVERLAY DISTRICT"

WHEREAS, the lack of affordable housing options in and around the City of Huntington Beach continues to create housing problems for senior citizens living in the City; and

One affordable housing option for senior citizens is a mobilehome park that permits exclusive residence by those individuals age fifty-five (55) years and older; and

The City of Huntington Beach Housing Element has identified that the senior segment of the City's population is an ever increasing group with seniors at 65+ years of age representing 14% of the population; and

By the Senior Residential Overlay District permitting the senior category to commence at age 55 addresses cost and affordability for a large segment of our senior population; and

The conversion of ten (10) existing senior mobilehome parks may unduly burden and irreparably harm senior citizens within the community; and

Pursuant to California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 13-002, which establishes the Senior Residential Overlay District; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council has determined that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Zoning Text Amendment No. 13-002, establishing the Senior Residential Overlay District as more fully described herein, is hereby adopted and approved.

SECTION 2. That the Senior Residential Overlay District will promote, retain, and provide affordable housing, and is consistent with the Housing Element of the General Plan.

SECTION 3. That the Huntington Beach Zoning and Subdivision Code is hereby amended by adding new Chapter 228 thereto, entitled "SR Senior Residential Overlay District" to read as follows:

Chapter 228

SR SENIOR RESIDENTIAL OVERLAY DISTRICT

Sections:

- 228.02 Senior Residential Overlay District Established**
- 228.04 Zoning Map Designator**
- 228.06 Definition**
- 228.08 Land Use Regulations**
- 228.10 Minimum Design and Performance Standards**
- 228.12 Removal of the Senior Residential Overlay District or Change of Use**

228.02 Senior Residential Overlay District Established

The Senior Residential Overlay District is intended to promote the maintenance and viability of existing mobilehome parks through appropriate zoning. It is an overlay district where mobilehome parks are established as the primary land use in order to limit conversion of existing affordable housing to other land uses. The Senior Residential Overlay District may overlay any property which provides for mobilehome park developments.

The Senior Residential Overlay District is established and shall be designated by the symbol (SR). The (SR) designation applies to all of the ten (10) senior residential mobilehome parks that existed in the City of Huntington Beach as of the approval on August 5, 2013 of the City's moratorium ordinance regarding senior mobilehome park conversions.

228.04 Zoning Map Designator

The Zoning Map shall show all property subject to the provisions of this chapter and overlay district by adding a "SR" designator to the underlying base zone.

228.06 Definition

Except where the context clearly indicates otherwise, the definition given in this section shall govern the provisions of this chapter.

Senior Residential Park. A "senior residential park" means a mobilehome park in which at least eighty (80) percent of the spaces are occupied by, or intended for occupancy by, at least one person who is fifty-five (55) years of age or older, or where one hundred (100) percent of the spaces are occupied or intended for occupancy by persons sixty-two (62) years of age or older.

228.08 Land Use Regulations

At least eighty (80) percent of the spaces in mobilehome parks in the Senior Residential Overlay Districts shall be occupied by at least one person fifty-five (55) years of age or older. If an existing mobilehome park met this qualification on August 5, 2013, and fell below the eighty (80) percent requirement between that date and the effective date of this ordinance codified in this section, the Senior Residential Overlay District shall be applied to that mobilehome park and the park shall be required to operate as a senior residential park by renting spaces and mobilehomes only when at least one occupant of the mobilehome is fifty-five (55) years of age or older. The signage, advertising, park rules, regulations, rental agreements and leases for spaces in a senior residential park in the SR Overlay District shall state that the park is a senior residential park. Pursuant to Section 228.06 Definitions and as of the effective date of the ordinance codified in this section, the senior residential parks in the SR Zoning District are: Rancho Del Rey Mobilehome Park, Skandia Mobilehome Park, Huntington Harbor Mobilehome Park, Sea Breeze Mobilehome Park, Beachview Mobilehome Park, Los Amigos Mobilehome Park, Brookfield Manor, Del Mar Mobilehome Park, Mariners Pointe, Rancho Huntington Mobilehome Park.

Spaces and mobilehomes in senior residential parks shall be rented only to occupants who meet the age requirement set forth in Section 228.08 above; provided, however, that if the occupants of a space or mobilehome who do not meet this requirement rented the space or mobilehome before the effective date of the ordinance codified in this section, they shall be allowed to remain, and provided further that when such occupants cease to occupy a space or mobilehome, the mobilehome and space cannot thereafter be rented except to occupants who meet the age requirements set forth in this section.

228.10 Minimum Design and Performance Standards

The signage, advertising, leases, and park rules and regulations for spaces in senior residential parks shall state that the park is a senior residential park. Each senior residential park shall have procedures for verifying that it qualifies as a senior facility under applicable federal and/or state law, including documentation establishing that at least eighty (80) percent of the mobilehomes or spaces in the mobilehome park are occupied by at least one resident who is fifty-five (55) years of age or older. These procedures shall provide for regular updates, through surveys or other means of initial information supplied by the occupants of the mobilehome park. Such updates must take place at least once every two years. A summary of this occupancy verification documentation shall be available for inspection upon reasonable notice and request by City officials.

228.12 Removal of the Senior Residential Overlay District or Change of Use

A zoning map amendment to remove the SR overlay designation or approve a change of use shall be subject to the provisions of Chapter 234 and 247.

SECTION 4. This ordinance shall take effect thirty days following its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on _____, 20__.

Mayor

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:

[Handwritten Signature]

City Attorney

INITIATED AND APPROVED:

Director of Planning and Building

[Handwritten Signature]
1/16/2014

**CITY OF HUNTINGTON BEACH
PLANNING AND BUILDING DEPARTMENT
DRAFT NEGATIVE DECLARATION NO.13-001**

1. PROJECT TITLE: Senior Residential (-SR) Overlay District for Mobilehome Parks

Concurrent Entitlements: Zoning Map Amendment No. 13-001 and 13-002
Zoning Text Amendment No. 13-002

2. LEAD AGENCY: City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Contact: Rosemary Medel, Associate Planner
Phone: (714) 536-5271

3. PROJECT LOCATION: The Senior Residential (-SR) Overlay District is a Citywide zoning overlay district that may overlay any property that allows for mobilehome park uses. The -SR Overlay designation is proposed to be added to 10 existing senior mobilehome parks. The locations of the 10 senior mobilehome parks are described in Table 1 and shown on the attached location map (Attachment No. 1).

Table 1 – Location of Mobilehome Parks

PARK NO. *	PARK NAME	ADDRESS/ZIP CODE	NUMBER OF SPACES
1.	Rancho Del Rey Mobilehome Park	16222 Monterey Lane, 92647	403
2.	Skandia Mobilehome Park	16444 Bolsa Chica Street, 92649	167
3.	Huntington Harbor Mobilehome Park	16400 Saybrook Lane, 92649	106
4.	Sea Breeze Mobilehome Park	5200 Heil Avenue, 92649	65
5.	Beachview Mobilehome Park	17261 Gothard Street, 92647	82
6.	Los Amigos Mobilehome Park	18601 Newland Street, 92646	145
7.	Brookfield Manor	9850 Garfield Avenue, 92646	139
8.	Del Mar Mobilehomes	19251 Brookhurst Street, 92646	142
9.	Mariners Pointe	19350 Ward Street, 92646	98
10.	Rancho Huntington Mobilehome Park	19361 Brookhurst Street, 92646	194
		Total	1,541

*Park numbers correspond to mobilehome park locations shown on Attachment No. 1

4. PROJECT PROPONENT: City of Huntington Beach,
 2000 Main Street
 Huntington Beach, CA 92648
Contact: Rosemary Medel, Associate Planner
Phone/Email: (714) 374-1684/rmedel@surfcity-hb.org

5. GENERAL PLAN DESIGNATION: Refer to Table 2 below

6. ZONING: Refer to Table 2 below

Table 2

PARK NO.	PARK NAME	PARK ADDRESS	GENERAL PLAN	ZONING
1.	Rancho Del Rey Mobilehome Park	16222 Monterey Lane	RM-15 (Residential Medium Density-15 units/acre) - RL-7 rmp (Residential Low Density-7 units/acre - Residential Mobilehome Park Overlay)	RMP (Residential Mobilehome Park)
2.	Skandia Mobilehome Park	16444 Bolsa Chica Street	RM-15	RMP
3.	Huntington Harbor Mobilehome Park	16400 Saybrook Lane	RL-7 rmp (Residential Low Density-7 units/acre - Residential Mobilehome Park Overlay)	RMP
4.	Sea Breeze Mobilehome Park	5200 Heil Avenue	RM -15	RMP
5.	Beachview Mobilehome Park	17261 Gothard Street	RL-7-rmp	RMP-FP2 (Residential Mobilehome Park – Flood Plain 2)
6.	Los Amigos Mobilehome Park	18601 Newland Street	RL-7	RMP
7.	Brookfield Manor	9850 Garfield Avenue	RL-7-rmp	RMP
8.	Del Mar Mobilehomes	19251 Brookhurst Street	RL-7	RMP
9.	Mariners Pointe	19350 Ward Street	RM-15	RMP
10.	Rancho Huntington Mobilehome Park	19361 Brookhurst Street	RL-7-rmp	RMP

7. PROJECT DESCRIPTION:

Project Background

On August 5, 2013, the City Council adopted Ordinance No. 3986, an Interim Ordinance establishing a moratorium on the conversion of senior mobilehome parks due to the lack of senior housing options in and around the City of Huntington Beach. On September 16, 2013, the City Council adopted Ordinance No. 3990, an Interim Urgency Ordinance extending the moratorium on the conversion of senior mobilehome parks (established by Ordinance No. 3986 on August 5, 2013) for an additional 10 months and 15 days. The moratorium was extended to allow the City time to create a regulatory framework (i.e. the proposed -SR Overlay district) to address the City's senior housing issues and is set to expire on July 31, 2014.

Project Description

The project involves a City-initiated proposal to amend the Huntington Beach Zoning and Subdivision Ordinance to establish a Senior Residential (-SR) Overlay zoning district for mobilehome parks (Zoning Text Amendment No. 13-002) (Attachment No. 2). The purpose of the -SR Overlay district is to establish criteria that will protect those mobilehome parks primarily occupied by seniors 55 years of age and older from conversion to family (non age-restricted) parks in an effort to preserve affordable housing for seniors. The proposed -SR Overlay may overlay any property that allows mobilehome park uses.

The project also consists of Zoning Map Amendments to apply the Senior Residential (-SR) Overlay designation to 10 existing (as of July 31, 2013) senior mobilehome parks in the City. The eight remaining family parks in the City will not be affected by the proposed -SR Overlay district. However, they could apply to have the -SR Overlay designation in the future. In addition, a senior mobilehome park with the -SR Overlay designation could apply to remove the overlay designation pursuant to applicable city code requirements.

Although none of the senior mobilehome parks is located within the Coastal Zone, the zoning district map for Rancho Del Rey and Huntington Harbor senior mobilehome parks includes the Coastal Zone boundary. As such, the City is processing a separate Zoning Map Amendment (No. 13-002) for this park as it will require a minor amendment to the City's certified Local Coastal Program and approval from the California Coastal Commission.

-SR Overlay District Provisions

The proposed regulations of the Senior Residential Overlay district 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. 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. The proposed 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. 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.

8. SURROUNDING LAND USES AND SETTING: The –SR Overlay is a Citywide overlay district. The proposed Zoning Map Amendments include 10 existing senior mobilehome parks that are identified in Attachment No. 1. The sites are identified by the –SR designation. Surrounding uses for each of the 10 parks is as follows:

PARK NO.	NORTH	EAST	SOUTH	WEST
1.	Multiple family, and City of Seal Beach	Residential single family	Mobile Home park site #3	Across Saybrook Ln./residential single family
2.	Residential single family	Residential single family	Commercial general and multifamily across Heil Ave.	Across Bolsa Chica is commercial and single family residential
3.	Mobile Home park site #1	Multiple family	Across Heil Ave. public open space.	Across Saybrook Ln. multifamily residential
4.	Across Heil Ave., single family residential	Meadowlark Development (SFR)	Meadowlark Development (SFR)	Multifamily Residential
5.	PS - Ocean View High School	Across Gothard is industrial development.	Municipal City Yard	Single Family Residential
6.	Across Ellis, single family residential	Across Newland, Single Family Residential/City of Fountain Valley	Single family Residential	Multifamily Residential
7.	Single family residential/City of Fountain Valley	Vacant Land/Commerical Development	Existing Mobile Home Park	Single Family Residential
8.	Existing Mobile Home Park	Vacant Land/Commerical Development	Existing Mobile Home Park	Single Family Residential
9.	Industrial Development	Nursery Operation	Single Family/Nursery Operation	Single Family Residential
10.	Existing Mobile Home Park	Single Family Residential	Single Family Residential/Commerical Development	Single Family Residential

9. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION: None

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED: California Coastal Commission - Zoning Map Amendment No. 13-002 as a minor amendment.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- Land Use / Planning
- Transportation / Traffic
- Public Services
- Population / Housing
- Biological Resources
- Utilities / Service Systems
- Geology / Soils
- Mineral Resources
- Aesthetics
- Hydrology / Water Quality
- Hazards and Hazardous Materials
- Cultural Resources
- Air Quality
- Noise
- Recreation
- Agriculture Resources
- Mandatory Findings of Significance

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.**

Rosemary Medel
Signature
Rosemary Medel
Printed Name

November 13, 2013
Date
Associate Planner
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XIX at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XIX. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

SAMPLE QUESTION:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<i>ISSUES (and Supporting Information Sources):</i>				
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
<i>Landslides? (Sources: 1, 6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i>				

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1,3,4)

Discussion: The proposed project involves the establishment of a Senior Residential Overlay Zoning District and designation of 10 existing senior mobilehome parks with the Senior Residential Overlay. The proposed project would be consistent with the following goals and policies of the Land Use and Housing Elements of the City's General Plan:

Policy HE 1.5 Protection of Existing Affordable Housing: Work with property owners, tenants, and non-profit purchasers to facilitate preservation of assisted rental housing at risk of conversion to market rents.

Policy HE 2.1 Variety of Housing Choices: Provide site opportunities for development of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy HE 5.2 Housing Options for Seniors: Support development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community.

Objective LU 9.5: Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low, and moderate income families.

Objective LU 15.6: Facilitate the preservation and development of Residential Mobilehome Parks.

The project would be consistent with the goals, objectives and policies listed above because the project creates an overlay to designate existing senior mobilehome parks with the Senior Residential designation in an effort to retain existing senior housing. The proposed project does not propose an increase in densities and does not include any construction activities. None of the 10 parks are located within the Coastal Zone. The eight existing family parks would not be affected by the overlay. No impact would occur.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 1,3,4)
- Discussion: See discussion under c.
- c) Physically divide an established community? (Sources: 1,3,4)

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion b-c: The establishment of a Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the -SR Overlay does not involve any physical changes to existing senior or family mobilehome parks. The project would not change the allowable uses on any property and would not necessitate any operational changes to existing senior mobilehome parks that would physically divide an established mobilehome park community. In addition, the project would not conflict with any applicable habitat conservation plan or natural community conservation plan as there are none adopted for the City of Huntington Beach. No impacts would occur.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources:3)

Discussion: The proposed project is for the implementation of a Senior Residential Overlay District. The proposed project does not include the construction of any new homes or businesses that would introduce any new population growth and would not result in any impacts to existing infrastructure or necessitate any new infrastructure. No infrastructure upgrades are proposed as a result of this project. No impact would occur.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources:3)
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:3)

Discussion b-c: The project would not result in the displacement of any existing housing or people. The -SR Overlay designation would be placed on 10 existing senior mobilehome parks and would not affect existing family parks such that the existing residents would be displaced. Within the proposed -SR Overlay, at least 80 percent of the spaces in a -SR designated mobilehome park are required to be occupied by at least one person 55 years of age or older. The 10 existing senior mobilehome parks proposed to be designated with the -SR Overlay met this requirement as of July 31, 2013. However, if any of the 10 senior mobilehome parks falls below the minimum 80 percent requirement prior to the proposed -SR Overlay becoming effective, non-qualifying residents would be allowed to continue living in the mobilehome park. If and when non-qualifying residents cease to occupy a space or mobilehome in the park, that space/mobilehome would be required to be rented to age qualifying occupants. Therefore, no residents would be displaced as a result of the adoption of the -SR Overlay district. No impact would occur.

III. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Map issued by the State Geologist for the area or based on other substantial evidence of a known fault ? (Sources:1, 3,511)				
ii) Strong seismic ground shaking? (Sources:1,3,5,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Sources:1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Sources:1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources:1,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources:1,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources:1,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater? (Sources:1,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-e: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation does not propose or necessitate construction or development with the potential to result in geology and soils impacts. The provisions of the proposed Senior Residential Overlay District ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect geological conditions, result in soil disturbance, or expose people to risks related to seismic hazards and unstable soil conditions would be required. Therefore, no impacts would occur.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources:3)				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner which would result in flooding on or off-site? (Sources: 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Sources:3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources:3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Sources: 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Potentially impact stormwater runoff from construction activities? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Potentially impact stormwater runoff from post-construction activities? (Sources: 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Sources:3)

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources:3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources:3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources:3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-p: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the-SR Overlay designation would not result in any construction or development with the potential to impact hydrology and water quality. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect hydrology or water quality would be required with implementation of the proposed project. No impacts would occur.

V. AIR QUALITY. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 1,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create objectionable odors affecting a substantial number of people? (Sources:1,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources:7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources:1,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion a-e: The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the –SR Overlay will not result in construction or development nor necessitate the reconfiguration of existing mobilehome parks such that the impacts to air quality would occur. Sensitive receptors, including senior residents of the mobilehome parks, would not be exposed to pollutant concentrations in excess of current exposure conditions. In addition, as discussed in Section I implementation of the Senior Residential Overlay would be consistent with the General Plan and would not induce population growth. Therefore, the project would not conflict with the AQMP and no impacts to air quality will occur.

VI. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-g: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the –SR Overlay designation would not result in any construction or development with the potential to impact traffic and circulation. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect traffic, access, circulation or parking would be required. No impacts would occur.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Sources:1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (Sources: 1,3,2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources:1, 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: location map) (Sources: 1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources:1, 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-f: The proposed project would establish a Senior Residential (-SR) Overlay district and designate 10 existing senior mobilehome parks with the proposed -SR Overlay. No construction is proposed or required as part of the -SR Overlay implementation. The existing senior mobilehome park sites are developed and implementation would not effect existing vegetation on these sites or impact any local or regional sensitive habitats. The project will not result in the disturbance of nesting species protected by the Migratory Bird Treaty Act (MBTA), which protects over 800 species, including geese, ducks, shorebirds, raptors, singbirds, and many relatively common species. The project therefore, has no impact potential for any adverse effects to plant and wildlife recources or their habitat.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. MINERAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources:3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-b: The proposed Senior Residential Overlay district and designation of 10 existing senior mobilehome parks with the –SR Overlay designation does not propose or necessitate construction or development with the potential to result in impacts to mineral resources. There will be no loss of availability of a known mineral resource or recovery site. Therefore, no impacts would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 2, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 3,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 3,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources:3,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources:3,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 3,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 3,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 3,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-h: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the –SR Overlay designation would not result in any construction or development with the potential to create hazards or increased risks from the release of hazardous materials. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could increase impacts due to hazards or hazardous materials would be required. Therefore, no impacts would occur.

X. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources:3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources:3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:2,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would				

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the project expose people residing or working in the project area to excessive noise levels? (Sources:3, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion a-f: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the –SR Overlay designation would not result in any construction or development which would increase or generate noise to surrounding uses. The provisions of the –SR Overlay ordinance would not require physical or operational changes to any existing mobilehome park such that permanent or temporary increases in noise levels would result. No impacts would occur.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection? (Sources:1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police Protection? (Sources 1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? (Sources:1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? (Sources:1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities or governmental services? (Sources:1,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion a-e: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the –SR Overlay would not result in any construction or development with the potential to impact public services. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. Additionally, existing family parks would not be required to convert to senior parks and potentially increase calls for police and fire service.

The proposed ordinance would require monitoring and inspections by City staff. However, the provisions of the –SR Overlay require updates every two years and would involve a minimal number of sites relative to the entire City. Therefore, monitoring and inspections as a result of the proposed project would not place substantial additional demand on public services resulting in decreased performance objectives or the need for additional funding for staff. No other physical or operational changes that could affect public services are anticipated. Therefore, less than significant impacts would occur.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources:3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-h: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation would not result in any construction or development with the potential to impact utilities or service systems. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect utilities or service systems are anticipated, thus no impacts would occur.

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (Sources:1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-d: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation would not result in any construction or development with the potential to impact aesthetics. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes are proposed that could impact aesthetics. Therefore, no impacts would occur.

XIV. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources:1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources:1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-d: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation would not result in any physical changes to the environment, including construction or demolition, with the potential to have significant impacts to cultural or historic resources or disturb human remains. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect cultural resources will occur. Therefore, no impacts would occur.

XV. RECREATION. Would the project:

a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources:1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect existing recreational opportunities? (Sources:1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-c: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation would not result in any construction or development with the potential to impact recreation facilities. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards. No physical or operational changes that could affect recreation resources will occur. Therefore, no impacts would occur.

XVI. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-c: The proposed Senior Residential Overlay District and designation of 10 existing senior mobilehome parks with the Overlay designation would not result in any construction or development with the potential to impact agricultural resources. The provisions of the proposed Senior Residential Overlay ordinance are limited to occupant and age verification criteria and related operational standards and could apply to properties that allow mobilehome park uses. The -SR Overlay would not convert any property designated as Prime Farmland or Unique Farmland or zoned for agricultural use. No physical or operational changes that could affect agricultural resources are proposed. Therefore, no impacts would occur.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources:1, 3)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed –SR Overlay district and designation of 10 existing senior mobilehome parks with the –SR Overlay would not result in any construction or development with the potential to impact wildlife or cultural resources. Since no development is proposed, the project does not have the potential to reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. No significant, adverse environmental impacts are anticipated from the project. Therefore, no impacts would occur.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources:1, 3)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion b & c: As discussed in Sections I through XVI, the project does not propose or require new construction or uses nor change the allowable uses of the base zoning district on any property. The proposed –SR Overlay designation would be placed on existing senior mobilehome parks (as of July 31, 2013) only. The project would not contribute to population increase or increases in traffic, air pollutants, noise or other environmental effects. Therefore, the project would not have any adverse effects on human beings nor contribute to cumulatively considerable environmental impacts.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources:1,3)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion under b.

XIX. EARLIER ANALYSIS/SOURCE LIST.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). Earlier documents prepared and utilized in this analysis, as well as sources of information are as follows:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	Project Area Location Map	Attachment No. 1
2	Legislative Draft-Proposed Senior Residential (-SR) Overlay District	Attachment No. 2
3	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 3rd Floor 2000 Main St. Huntington Beach
4	City of Huntington Beach Zoning and Subdivision Ordinance	“
5	City of Huntington Beach Geotechnical Inputs Report	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 3 rd Floor 2000 Main St. Huntington Beach
6	FEMA Flood Insurance Rate Map (February 18, 2004)	“
7	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	“
8	City of Huntington Beach CEQA Procedure Handbook	“
9	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	“
10	Hazardous Waste and Substances Sites List	“
11	State Seismic Hazard Zones Map	“
12	City of Huntington Beach Municipal Code	“

ORDINANCE NO. _____

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 CODE BY ADDING NEW CHAPTER 228 THERETO ENTITLED "SR SENIOR RESIDENTIAL OVERLAY DISTRICT"

WHEREAS, the lack of affordable housing options in and around the City of Huntington Beach continues to create housing problems for senior citizens living in the City; and

One affordable housing option for senior citizens is a mobilehome park that permits exclusive residence by those individuals age fifty-five (55) years and older; and

The City of Huntington Beach Housing Element has identified that the senior segment of the City's population is an ever increasing group with seniors at 65+ years of age representing 14% of the population; and

By the Senior Residential Overlay District permitting the senior category to commence at age 55 addresses cost and affordability for a large segment of our senior population; and

The conversion of ten (10) existing senior mobilehome parks may unduly burden and irreparably harm senior citizens within the community; and

Pursuant to California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 13-002, which establishes the Senior Residential Overlay District; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council has determined that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Zoning Text Amendment No. 13-002, establishing the Senior Residential Overlay District as more fully described herein, is hereby adopted and approved.

SECTION 2. That the Senior Residential Overlay District will promote, retain, and provide affordable housing, and is consistent with the Housing Element of the General Plan.

SECTION 3. That the Huntington Beach Zoning and Subdivision Code is hereby amended by adding new Chapter 228 thereto, entitled "SR Senior Residential Overlay District" to read as follows:

Chapter 228

SR SENIOR RESIDENTIAL OVERLAY DISTRICT

Sections:

- 228.02 Senior Residential Overlay District Established**
- 228.04 Zoning Map Designator**
- 228.06 Definition**
- 228.08 Land Use Regulations**
- 228.10 Minimum Design and Performance Standards**
- 228.12 Removal of the Senior Residential Overlay District or Change of Use**

228.02 Senior Residential Overlay District Established

The Senior Residential Overlay District is intended to promote the maintenance and viability of existing mobilehome parks through appropriate zoning. It is an overlay district where mobilehome parks are established as the primary land use in order to limit conversion of existing affordable housing to other land uses. The Senior Residential Overlay District may overlay any property which provides for mobilehome park developments.

The Senior Residential Overlay District is established and shall be designated by the symbol (SR). The (SR) designation applies to all of the ten (10) senior residential mobilehome parks that existed in the City of Huntington Beach as of the approval on August 5, 2013 of the City's moratorium ordinance regarding senior mobilehome park conversions.

228.04 Zoning Map Designator

The Zoning Map shall show all property subject to the provisions of this chapter and overlay district by adding a "SR" designator to the underlying base zone.

228.06 Definition

Except where the context clearly indicates otherwise, the definition given in this section shall govern the provisions of this chapter.

Senior Residential Park. A "senior residential park" means a mobilehome park in which at least eighty (80) percent of the spaces are occupied by, or intended for occupancy by, at least one person who is fifty-five (55) years of age or older, or where one hundred (100) percent of the spaces are occupied or intended for occupancy by persons sixty-two (62) years of age or older.

228.08 Land Use Regulations

At least eighty (80) percent of the spaces in mobilehome parks in the Senior Residential Overlay Districts shall be occupied by at least one person fifty-five (55) years of age or older. If an existing mobilehome park met this qualification on August 5, 2013, and fell below the eighty (80) percent requirement between that date and the effective date of this ordinance codified in this section, the Senior Residential Overlay District shall be applied to that mobilehome park and the park shall be required to operate as a senior residential park by renting spaces and mobilehomes only when at least one occupant of the mobilehome is fifty-five (55) years of age or older. The signage, advertising, park rules, regulations, rental agreements and leases for spaces in a senior residential park in the SR Overlay District shall state that the park is a senior residential park. Pursuant to Section 228.06 Definitions and as of the effective date of the ordinance codified in this section, the senior residential parks in the SR Zoning District are: Rancho Del Rey Mobilehome Park, Skandia Mobilehome Park, Huntington Harbor Mobilehome Park, Sea Breeze Mobilehome Park, Beachview Mobilehome Park, Los Amigos Mobilehome Park, Brookfield Manor, Del Mar Mobilehome Park, Mariners Pointe, Rancho Huntington Mobilehome Park.

Spaces and mobilehomes in senior residential parks shall be rented only to occupants who meet the age requirement set forth in Section 228.08 above; provided, however, that if the occupants of a space or mobilehome who do not meet this requirement rented the space or mobilehome before the effective date of the ordinance codified in this section, they shall be allowed to remain, and provided further that when such occupants cease to occupy a space or mobilehome, the mobilehome and space cannot thereafter be rented except to occupants who meet the age requirements set forth in this section.

228.10 Minimum Design and Performance Standards

The signage, advertising, leases, and park rules and regulations for spaces in senior residential parks shall state that the park is a senior residential park. Each senior residential park shall have procedures for verifying that it qualifies as a senior facility under applicable federal and/or state law, including documentation establishing that at least eighty (80) percent of the mobilehomes or spaces in the mobilehome park are occupied by at least one resident who is fifty-five (55) years of age or older. These procedures shall provide for regular updates, through surveys or other means of initial information supplied by the occupants of the mobilehome park. Such updates must take place at least once every two years. A summary of this occupancy verification documentation shall be available for inspection upon reasonable notice and request by City officials.

228.12 Removal of the Senior Residential Overlay District or Change of Use

A zoning map amendment to remove the SR overlay designation or approve a change of use shall be subject to the provisions of Chapter 234 and 247. Removal of the SR overlay designation or approval of a change of use within the coastal zone shall require an amendment to the Local Coastal Program approved and effectively certified by the Coastal Commission.

SECTION 4. This ordinance shall take effect thirty days following its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on _____, 20__.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

M. White

City Attorney *Per 1/6/2014*

REVIEWED AND APPROVED:

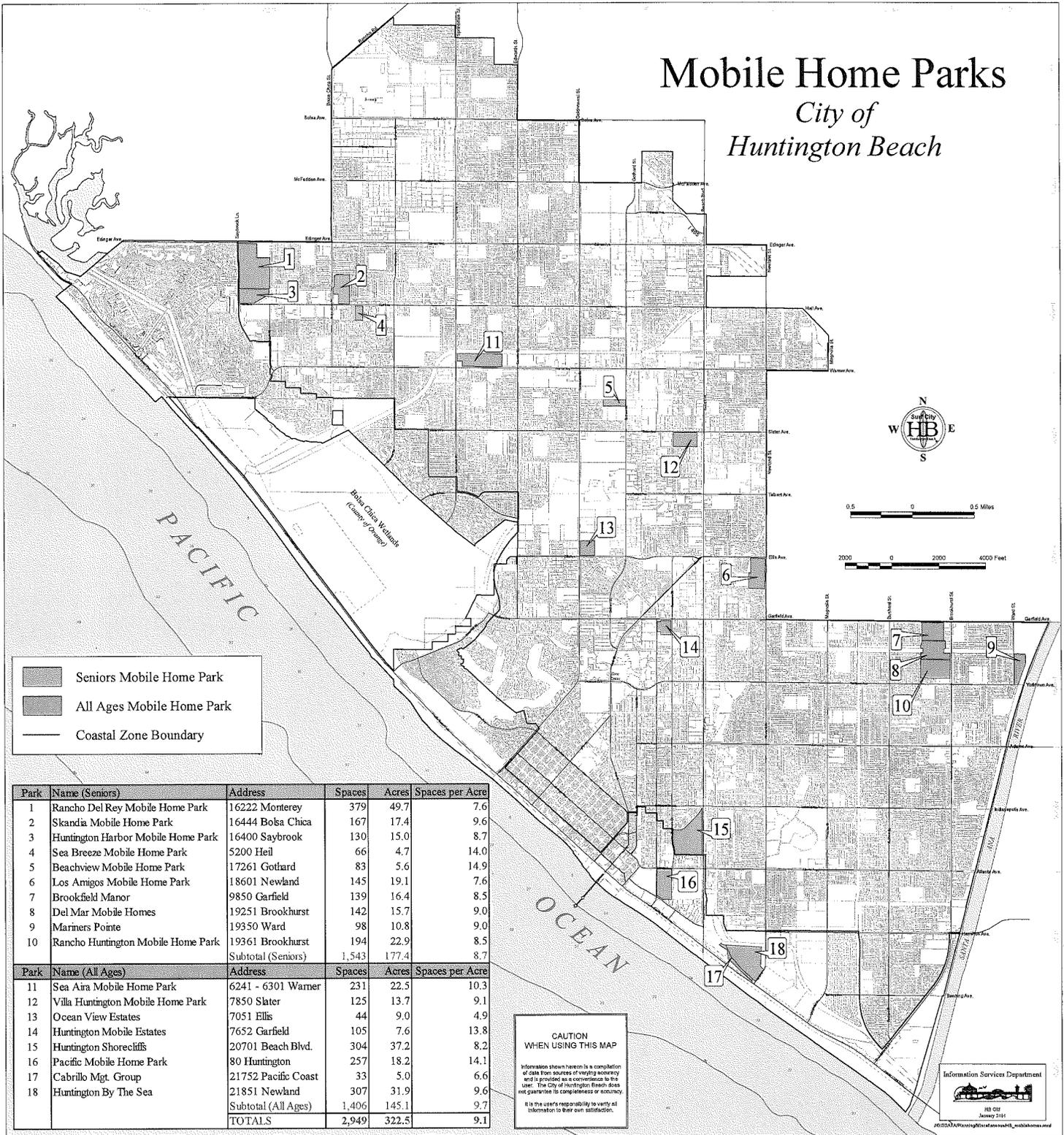
INITIATED AND APPROVED:

City Manager

Director of Planning and Building

Mobile Home Parks

City of Huntington Beach



Seniors Mobile Home Park
 All Ages Mobile Home Park
 Coastal Zone Boundary

Park	Name (Seniors)	Address	Spaces	Acres	Spaces per Acre
1	Rancho Del Rey Mobile Home Park	16222 Monterey	379	49.7	7.6
2	Skandia Mobile Home Park	16444 Bolsa Chica	167	17.4	9.6
3	Huntington Harbor Mobile Home Park	16400 Saybrook	130	15.0	8.7
4	Sea Breeze Mobile Home Park	5200 Heil	66	4.7	14.0
5	Beachview Mobile Home Park	17261 Gotthard	83	5.6	14.9
6	Los Amigos Mobile Home Park	18601 Newland	145	19.1	7.6
7	Brookfield Manor	9850 Garfield	139	16.4	8.5
8	Del Mar Mobile Homes	19251 Brookhurst	142	15.7	9.0
9	Mariners Pointe	19350 Ward	98	10.8	9.0
10	Rancho Huntington Mobile Home Park	19361 Brookhurst	194	22.9	8.5
	Subtotal (Seniors)		1,543	177.4	8.7
Park	Name (All Ages)	Address	Spaces	Acres	Spaces per Acre
11	Sea Aira Mobile Home Park	6241 - 6301 Warner	231	22.5	10.3
12	Villa Huntington Mobile Home Park	7850 Slater	125	13.7	9.1
13	Ocean View Estates	7051 Ellis	44	9.0	4.9
14	Huntington Mobile Estates	7652 Garfield	105	7.6	13.8
15	Huntington Shorecliffs	20701 Beach Blvd.	304	37.2	8.2
16	Pacific Mobile Home Park	80 Huntington	257	18.2	14.1
17	Cabrillo Mgt. Group	21752 Pacific Coast	33	5.0	6.6
18	Huntington By The Sea	21851 Newland	307	31.9	9.7
	Subtotal (All Ages)		1,406	145.1	9.6
	TOTALS		2,949	322.5	9.1

CAUTION WHEN USING THIS MAP

Information shown hereon is a compilation of data from sources of varying accuracy and is provided as a convenience to the user. The City of Huntington Beach does not guarantee its completeness or accuracy. It is the user's responsibility to verify all information to their own satisfaction.

Information Services Department
 HB City
 January 2011
HOUSTON/HUNTINGTON/BEACH/STATIONERS/ARTISTS

Request: 16873 Entered on: 12/11/2013 12:39 PM

Customer Information

Name: Jane Patterson
Address: 18601 Newland St #35
Huntington Beach, CA
92646

Phone: (714) 965-7820
Alt. Phone:
Email: jn.patterson@verizon.net

Request Classification

Topic: Planning Commission - Comments
on Agenda Items
Status: Open
Assigned to: Rosemary Medel
Request type: Comment
Priority: Normal
Entered Via: Web

Description

Comment on the Draft Mitigated Negative-Declaration for SR Overlay District for Mobile Home Parks directed to Rosemary Medel, Associate Planner - My husband and I have just returned from the Central Library where we had the opportunity to review and copy the proposed declaration - We live in Los Amigos Park and are very much in support of the declaration and look forward to attending the study session in January. Sincerely, Jane & Gene Patterson
18601 Newland Street Spc 35, HB 92646

Reason Closed

Date Expect Closed: 12/21/2013

Enter Field Notes Below

Notes:

Notes Taken By: _____ **Date:** _____

ATTACHMENT NO. 4.17

RECEIVED

DEC 02 2013

Dept. of Planning
& Building

November 27, 2013

Rosemary Medel
Associate Planner
City of Huntington Beach Planning and Building Dept.
2500 Main Street
Huntington Beach, California 92648

My husband and I are mobilehome owners in the Del Mar Estates Senior Park.

We purchased our beautiful mobile home in 2007 and have been enjoying our home and living in Huntington Beach. Now we are faced with the possibility of the park changing from a senior park to a family park, and perhaps even being sold to a developer for commercial gain.

When you are a retired person living on a fixed income, it would be difficult to compete with rent increases that are so staggering they could double, even triple.

A mobile home owner is then faced with moving from Huntington Beach because there are no longer any senior parks. They not only lose their homes, but are then faced with re-locating.

We request the senior parks remain senior parks.

Thank you for your consideration to this matter, and also to our future.

Best regards,
Ray and Marsha Leckman
19251 Brookhurst St. #104
Huntington Beach, California
92646

714-465-9754 ATTACHMENT NO. 4.18

November 23, 2013

Attn: Rosemary Medel, Associate Planner

City of Huntington Beach Planning &
Building Department
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

DEC 02 2013

Dept. of Planning
& Building

Dear Ms. Medel,

As residents of Los Amigos Mobilehome Park, 18601 Newland St.,
Huntington Beach, we strongly support the proposed (-SR) Overlay.

We moved into this mobilehome park specifically because it was
designated as a senior mobilehome park.

The protection of affordable senior housing is essential so that elderly
citizens can continue to live in Huntington Beach.

We appreciate the efforts of the City of Huntington Beach to
establish criteria to preserve and protect our designation as a senior
mobilehome park.

Sincerely,

The residents of Los Amigos Mobilehome Park

(See attached signatures)

ATTACHMENT NO. 4.19

As residents of Los Amigos Mobilehome Park,
18601 Newland St., Huntington Beach
we support the proposed
Senior Residential(-SR) Overlay District for Mobilehome Parks.

Name	Space #
Jen Economus	18
Gibbier Fleeson	96
Debra Fleeson	96
Priscilla Compton	96
Jane A. Chavez	77
Rhylene Chavez	21
Lucy Wright	20
Howard Woodstra	56
Maureen Shatto	119
Mary Kups	134

As residents of Los Amigos Mobilehome Park,
18601 Newland St., Huntington Beach
we support the proposed
Senior Residential(-SR) Overlay District for Mobilehome Parks.

Name	Space #
Robert Ball	70
Don Stonelocker	144
Cather DeJung	79
Gol Shaw	76
Russell Lewis	88
Ann Ramsey	22
TINA SHAW	76
Patricia Nesvold	22
Ry Nussold	22

As residents of Los Amigos Mobilehome Park,
18601 Newland St., Huntington Beach
we support the proposed
Senior Residential(-SR) Overlay District for Mobilehome Parks.

Name	Space #
Murphy F. Bayley	107
W. J. Bayley	44
William J. Bayley	107
Robert Bell	10
Henry Gregory	92
Theresa L. Gregory	92
Dolores E. Cruz	129
Gary L. Andersen	129
Jemell W. Knox	134
Robert DeBerry	79

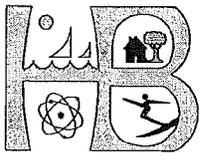
As residents of Los Amigos Mobilehome Park,
18601 Newland St., Huntington Beach
we support the proposed
Senior Residential(-SR) Overlay District for Mobilehome Parks.

Name	Space #
STEVE GULLAGE	100
TIM GULLAGE	100
Margery Veall	109
Tom Kilpatrick	63
Joseph A. Sholom	# 82
Helen J. Blake	# 130
Lette Pearson	# 6
Gail R. Harris	# 21
Sandra Olson	# 101
Aruba	# 61

As residents of Los Amigos Mobilehome Park,
18601 Newland St., Huntington Beach
we support the proposed
Senior Residential(-SR) Overlay District for Mobilehome Parks.

Name	Space #
Don Shuey	75
Rita Stonelocker	144 -
Charles Petersen	85
Audrey Rodriguez	# 67
Frank Rodriguez	# 67
Judith A. Messer	63

C. FIKES, Admin



CITY OF HUNTINGTON BEACH
City Council Interoffice Communication

To: Honorable Mayor and City Council Members
From: Jim Katapodis, City Council Member *JK*
Date: July 8, 2013
Subject: **CITY COUNCIL MEMBER ITEM FOR THE JULY 15, 2013, CITY COUNCIL MEETING – RESTRICTING SENIOR MOBILE HOME PARKS FROM BECOMING FAMILY PARKS**

STATEMENT OF ISSUE:

In February 2013, the United States Court of Appeals, Ninth Circuit, determined that a city may establish protections for senior mobile home parks under both federal and state law. Specifically, the case establishes the ability for a city to adopt a Senior Mobile Home Park Overlay District to restrict the ability of a senior mobile home park from becoming a family park.

RECOMMENDED ACTION:

Direct the Planning and Building Director and City Attorney to draft the Senior Mobile Home Park Overlay District for consideration by the Planning Commission and the City Council.

xc: Fred Wilson, City Manager
Bob Hall, Deputy City Manager
Joan Flynn, City Clerk
Scott Hess, Director of Planning and Building
Jennifer McGrath, City Attorney

*APPROVED AS AMENDED TO HAVE CITY ATTORNEY
BRING BACK A MORATORIUM ORDINANCE AT
THE 8/5/2013 COUNCIL MEETING.*

5-1-1 (HARPER NO, WALSHY ABSENT)

ATTACHMENT NO. 4.1

#21

members, one from each elementary, high school, and community college district having facilities within the City, Ordinance No. 3983, "An Ordinance of the City of Huntington Beach Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission."

The motion carried with the following roll call vote:

AYES: Sullivan, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None
ABSENT: Hardy

COUNCILMEMBER ITEMS

20. Submitted by Mayor Pro Tem Harper and Councilmember Hardy - Review of Huntington Beach Municipal Code, Chapter 9 and Recommendations

Mayor Pro Tem Harper acknowledged and thanked the Police Chief and the Huntington Beach Police Department for further identifying some of the other areas within Chapter 9 that needed updating.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Carchio to as a result of the review and in an effort to update Chapter 9 of the Huntington Beach Municipal Code, direct the City Attorney to prepare an ordinance to repeal the following sections that are outdated and no longer necessary:

HBMC 9.24.090 - Card Games
HBMC 9.44.015 - Regulation of Alcohol Consumption on or about Independence Day
HBMC 9.84.070 (c) (i), (ii), (iii) and (iv) Alcohol Use Permit Requirements

The motion carried with the following roll call vote:

AYES: Sullivan, Harper, Boardman, Carchio, Katapodis
NOES: None
ABSENT: Hardy, Shaw (Out of the room)

21. Submitted by Councilmember Katapodis – Directed the City Attorney to Draft Moratorium Ordinance to Prevent Senior Mobilehome Parks Form Becoming Family Parks and Establish Senior Mobilehome Park Overlay District for Consideration

Councilmember Katapodis acknowledged the various public speakers regarding the matter this evening and encouraged the support and protection of seniors in the community.

In response to Mayor Pro Tem Harper's inquiries regarding value of units at mobile home parks, City Attorney McGrath reported that they are market-driven. She added that if the park is a senior park, homeowners would have to sell to seniors and that removal of the unit would be another option available.

Mayor Pro Tem Harper expressed concerns regarding "over-reach" of government into the daily lives of citizens and using the City as a tool to dictate to property owners. He felt that the first

point of contact for residents should be mobile home park property owners and then the Mobile Home Advisory Board.

Councilmember Katapodis reported that they have approached owners and the owners have indicated they have no problem in maintaining the senior park. He added that this solidifies the issue with an ordinance that will support the City's seniors.

In response to an inquiry from Councilmember Shaw, it was noted that mobile home parks are not counted as part of the senior housing mandatory requirement because the State does not allow the City to use those numbers.

Councilmember Shaw felt that the matter is timely and commended Councilmember Katapodis for bringing the matter forward.

Councilmember Carchio felt that the issue is just scratching the surface and does not address what seniors really need. He listed many issues that should be considered by the Mobile Home Advisory Board for recommendations to Council. He stated the need to protect seniors, but protect them in the right way. He felt that the matter should be heard by the Mobile Home Advisory Board.

Councilmember Sullivan noted that the City is not placing itself in jeopardy because the process has been followed. He stated that he will support Councilmember Katapodis's motion.

Councilmember Katapodis noted that this is a senior issue rather than a mobile home park issue.

Councilmember Shaw felt that there is adequate time for the Mobile Home Advisory Board to give recommendations for how the ordinance should be written.

Councilmember Carchio suggested including the Mobile Home Advisory Board in the motion.

Councilmember Shaw responded that this is an opportunity to give seniors protection, right now.

Councilmember Carchio indicated this is why the Mobile Home Advisory Board was established.

Mayor Pro Tem Harper commented on Council's opinions regarding the relevancy of the Mobile Home Advisory Board.

Mayor Boardman indicated that she will oppose the motion and that it has nothing to do with how she feels regarding the relevancy of the Mobile Home Advisory Board but rather because of the need to act quickly on the matter and because this is a senior issue.

Mayor Pro Tem Harper wondered why this issue needs to be acted upon quickly.

Mayor Boardman noted that any Council Member has the right to bring items up for consideration and that there will be further opportunity for public input as the City Attorney brings back ordinances as well as adding consideration by the Mobile Home Advisory Board.

Motion by Mayor Pro Tem Harper, second by Councilmember Carchio to refer the item to the

Mobile Home Advisory Board for further consideration.

The motion failed with the following roll call vote:

AYES: Harper, Carchio
NOES: Sullivan, Boardman, Shaw, Katapodis
ABSENT: Hardy

Councilmember Carchio indicated that he would support the action if the Mobile Home Advisory Board is included in the recommended action.

Councilmember Katapodis stated that he did not think there is a need to do so as they will consider the issue, anyway.

City Attorney McGrath suggested making it part of the motion that all three bodies will have an opportunity to review the ordinance.

Mayor Pro Tem Harper felt that there is an ideological agenda and reiterated concerns regarding the heavy hand of government controlling people's daily lives and property. He felt this sends the wrong message that Council wants to decide as to how private property is used within the City.

Councilmember Carchio noted that park owners sit on the Mobile Home Advisory Board and they would have an opportunity to discuss the relevant issues.

Councilmember Shaw stated that Council is sending a message that it listens to the City's residents. This, along with other matters has been the result of citizens approaching the City for support and this is how ordinances are generated. The City is trying to protect its residents instead of letting them fend for themselves.

Mayor Pro Tem Harper felt that Council is pursuing an agenda that is different from what the City has projected, historically and that it is a move to the left like more liberal and left-winged cities that have a history of trampling on private property rights. He felt that over time, the voters of the City will not stand for it.

Mayor Boardman commented that Council is following in the footsteps of "radical" cities like Hayward and Yucaipa in protecting an investment by senior citizens; protecting the property rights of people who live in senior mobile home parks.

In response to Mayor Boardman's inquiry, Planning and Building Director Scott Hess reported that it will take approximately ten months for the ordinance to return to Council for approval and addressed the process.

Staff discussed the process and time involved in changing senior parks to family parks.

Regarding establishing a moratorium to stop property owners from converting senior parks to family parks, City Attorney McGrath indicated that she will have to conduct further research and draft a moratorium for Council's next meeting.

In response to Councilmember Sullivan's inquiry, City Attorney McGrath reported that it will take approximately three weeks to establish the findings and present the moratorium to Council. She added that part of the findings would be the necessity to have it effective today.

In response to Mayor Pro Tem Harper's inquiry regarding Council's action on a moratorium at this time since it is not on the agenda, City Attorney McGrath reported that it is not authorized for action tonight so that direction will be to draft it for the next meeting.

In reply to Councilmember Carchio's inquiry regarding removal of the moratorium, City Attorney McGrath reported that the item would have to be reconsidered after thirty days and will need to be brought before Council after the process to extend it.

Motion by Councilmember Shaw, second by Councilmember Katapodis to direct the Planning and Building Director and City Attorney to draft the Senior Mobile Home Park Overlay District for consideration by the Planning Commission and the City Council, ensuring the Mobile Home Advisory Board has an opportunity to review and give input during the process.

Mayor Boardman offered an amendment to the motion to include direction to the City Attorney to draft a moratorium to prevent senior mobile park owners from converting them into family parks during the process of establishing an ordinance for consideration at the next Council meeting.

Councilmember Shaw and Councilmember Katapodis agreed with the amendment to the motion.

Mayor Pro Tem Harper asked that the motion be divided.

Mayor Boardman stated her desire to move on both items, together.

The motion carried, as amended with the following roll call vote:

AYES: Sullivan, Boardman, Carchio, Shaw, Katapodis
NOES: Harper
ABSENT: Hardy

22. Submitted by Councilmember Shaw - Directed the City Attorney to prepare a Resolution requiring a minimum number of Electric Vehicle (EV) capable parking spaces for new residential, commercial, and industrial developments

Councilmember Shaw referenced a pending Assembly Bill making EV parking spaces mandatory in 2017 and commented on input from Southern California Edison regarding the issue. He stated that SCE indicated that Huntington Beach is known as "first adopters" and commented on the importance of having charging stations in the City. The resolution will not require the charging stations to be built, but will require the installation of wiring for future development of charging stations.

Mayor Pro Tem Harper felt that this is another proposal to expand the role of government into people's daily lives, that it is not market-driven, is City-mandated and is the heavy hand of government intruding into citizen's daily lives and property. He suggested that the City is



CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 5, 2013
SUBMITTED TO: Honorable Mayor and City Council Members
SUBMITTED BY: Jennifer McGrath, City Attorney
PREPARED BY: Jennifer McGrath, City Attorney
SUBJECT: Adopt Ordinance No. 3986, An Interim Ordinance Establishing a Moratorium on Conversion of Senior Mobile Home Parks

Statement of Issue:

There is a lack of senior housing options in and around the City of Huntington Beach that will only increase with the aging population of the community. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years. There are 18 mobile home parks in the City of which 10 are operating as senior mobile home parks. The 10 senior mobile home parks represent approximately 1,539 spaces out of 2,951 spaces, or 52.15 percent of all of the mobile home spaces in the City. Recently, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa*, ("Putnam") (2012) 673 F.3d 920, in which it determined that City was not preempted from creating a overlay district that restricted the age of certain mobile home residents to 55+. In addition, by creating the overlay district, the City did not discriminate in housing on the basis of familial status. In light of this recent judicial decision, the City council directed the City Attorney to create an interim ordinance and a moratorium to preserve the existing senior mobile home parks.

Financial Impact: N/A

Recommended Action: Adopt Ordinance No 3986, "An Interim Ordinance Of The City Council Of The City Of Huntington Beach Establishing A Temporary Moratorium On The Conversion/Change Of Any Mobile Home Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobile Home Park Allowing Residents Of All Ages And Declaring The Urgency Thereof, To Take Effect Immediately."

Alternative Action(s): Do Not Adopt Ordinance No 3986, "An Interim Ordinance Of The City Council Of The City Of Huntington Beach Establishing A Temporary Moratorium On The Conversion/Change Of Any Mobile Home Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobile Home Park Allowing Residents Of All Ages And Declaring The Urgency Thereof, To Take Effect Immediately."

ATTACHMENT NO. 5.1

Analysis:

A temporary land use regulation (often called a "moratorium") is a mechanism by which a zoning regulation is adopted for a limited period of time without having to go through the normal process of public hearings. State law requires a current and immediate threat to the public health, safety and welfare in order to adopt a moratorium. In this case, the City of Huntington Beach has a finite amount of housing that is designated as senior only housing and is affordable. One such housing option is mobile homes. After the decision in Putnam, in an effort to protect the City's limited resource of age restricted mobile home parks, the City Council directed staff to look at how this may be accomplished. The announcement that the City is studying this issue and may develop a zoning ordinance restricting the change of seniors only mobile home parks has resulted in the owner(s) of mobile home park(s) pursuing conversions to all age mobile home parks prior to any such ordinance taking effect. In order to preserve the status of mobile home parks operating as senior only parks, the City will need to adopt as an urgency measure an interim ordinance to preserve the existing senior only mobile home park.

Environmental Status: N/A

Strategic Plan Goal:

Enhance and maintain public safety.

Attachment(s):

1. Ordinance No 3986, An Interim Ordinance Of The City Council Of The City Of Huntington Beach Establishing A Temporary Moratorium On The Conversion/Change Of Any Mobile Home Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobile Home Park Allowing Residents Of All Ages And Declaring The Urgency Thereof, To Take Effect Immediately

ATTACHMENT #1

ATTACHMENT NO. 5.3

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ESTABLISHING A TEMPORARY MORATORIUM ON THE CONVERSION/CHANGE OF ANY MOBILEHOME PARK CURRENTLY EXISTING IN THE CITY FROM A PARK OCCUPIED PRIMARILY OR EXCLUSIVELY BY RESIDENTS OVER THE AGE OF 55 YEARS (SENIOR RESIDENTS) TO A MOBILEHOME PARK ALLOWING RESIDENTS OF ALL AGES AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY

WHEREAS, the lack of senior housing options in and around the City of Huntington Beach (the "City") continues to create a serious problem for senior citizens living in the City that will only increase with the aging of the community's population; and

Mobilehome parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years; and

As set forth in the Housing Element of the City's General Plan, an important goal for the City is to preserve the existing senior housing stock which is represented in part by affordable mobilehome housing; and

Mobilehome parks represent four percent of the City's housing stock. "Converting" mobilehome parks from a "seniors only" to all ages parks would reduce the number of senior housing units available to those persons 55 years of age and older; and

There are 18 mobilehome parks in the City, 10 of which are operating as senior mobilehome parks; and

The 10 senior mobilehome parks represent approximately 1,539 spaces out of 2,951 spaces, or 52.15 percent of all of the mobilehome spaces in the City; and

Change from a "senior only" to an "all age" mobilehome park will unduly burden and irreparably harm senior citizens within the community; and

The City Council of the City has determined that an urgency ordinance is necessary to protect the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Declaration of Urgency.

The City Council finds and declares:

1. The City's General Plan Housing Element includes policies and goals for the protection of senior housing and development and establishes the City's objective to provide sufficient housing for senior residents.

2. In 2009, the City of Yucaipa, California adopted an Ordinance which amended its land-use plan by creating a Senior Mobilehome Park Overlay District. The Ordinance prohibits any of the 22 mobilehome parks in Yucaipa that currently operate as senior housing (defined as a park in which either 80 percent of the spaces are occupied by or intended for occupancy by at least one person who is age 55 or older or 100 percent of the spaces are occupied by or intended for occupancy by people who are age 62 or older), from converting to all-age housing. Mobilehome park owners sued, alleging that the Ordinance violated the Federal Law (Fair Housing Amendments Act (FHAA) by forcing them to discriminate on the basis of familial status, and by interfering with their ability to "aid[] or encourage[]" families with children in the enjoyment of fair housing rights, *id.* § 3617. Plaintiffs also argued that the ordinance was preempted by the FHAA [Federal Law] because it required plaintiff to take action that the FHAA prohibited.

3. In 2012, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa*, ("Putnam") (2012) 673 F.3d 920, in which it determined that the ordinance was not preempted and that the overlay district did not discriminate in housing on the basis of familial status in violation of FHAA (if the federal senior housing exemption applies (which it did in this case)), since the FHAA's ban on familial status discrimination does not apply to "housing for older persons."

4. In light of this recent judicial decision, the City intends to develop new zoning regulations relating to the preservation of senior mobilehome parks, which zoning regulations include provisions relating to the location and age restrictions of such parks.

5. Based upon the current state of the law, if a temporary moratorium is not established, existing senior mobilehome parks in the City could be eliminated.

6. There is a current and immediate threat to the public health, safety and welfare arising from the lack of senior housing options for citizens aged 55 and older in and around the City. The change from a "senior only" mobilehome park to an "all ages" mobilehome park will reduce the number of housing units available to those persons 55 years of age and older. Further, the announcement that the City is studying this issue and may develop a zoning ordinance restricting the change of seniors only mobilehome parks has resulted in the owner(s) of

mobilehome park(s) pursuing conversions to all age mobilehome parks prior to any such ordinance taking effect.¹

6. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

7. The California Legislature has authorized cities to provide zoning for “senior only” mobilehome parks pursuant to Health and Safety Code §18300.

8. As discussed above, in *Putnam*, the California Court of Appeal has confirmed previous California Attorney General opinion that such senior only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code §65008 (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004)).

9. The City currently does not have a “senior only” mobilehome park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City’s senior citizens.

10. The City requires time to study and decide:

a. If such an ordinance is necessary to protect the public, health, safety and welfare and provide adequate local senior housing for the community’s aging population.

b. If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City. Further, whether any potential effects from the removal of a senior housing resource in the City constitute a current and immediate threat to the public safety, health and welfare.

c. The extent City may regulate internal operations of mobilehome parks.

d. Given the harm to the community by the removal of senior only mobilehome parks, this moratorium is being established to preserve the status quo to provide time to seek clarification of the law, and permit City staff to develop appropriate regulations consistent with the requirements of the law.

SECTION 2. Moratorium.

In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code §65858, a moratorium is hereby placed prohibiting the “conversion” of any mobilehome park currently in existence in the City from a park where at least eighty percent (80%) of the full-time residents are individuals aged fifty-five (55) years and older (a “senior only” mobilehome park) to a mobilehome park accepting all ages of residents.

¹ Attached to this ordinance are two letters to residents of Rancho Huntington mobilehome park residents declaring intent that the mobilehome park no longer restrict housing to older persons (55+).

SECTION 3. Exceptions.

This ordinance shall not apply to any undeveloped parcels of land or to any mobilehome parks currently operating within the City where the number of full-time residents younger than 55 years of age comprise twenty-one percent (21%) or more of the total number of residents in the mobile home park.

SECTION 4. Report.

Staff is directed to provide a written report to the City Council at least ten days prior to the expiration of this ordinance, describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

SECTION 5. Effective Date.

This ordinance is declared to be an urgency ordinance measure adopted pursuant to the provisions of Government Code Section 65858. As set forth in the findings above, this ordinance is necessary for preserving the public safety, peace, health and welfare of the community. Accordingly, upon adoption by a four-fifths vote of the City Council, this ordinance shall take effect immediately.

SECTION 6. Expiration.

This moratorium shall be of no further force or effect upon the expiration of forty-five (45) days from the date of adoption, unless extended in accordance with California Government §65858.

SECTION 7. Severability.

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Further, the City Council hereby declares that this ordinance neither is intended to nor shall it impair the obligation of existing contracts.

SECTION 8. Publication.

The City Clerk shall cause this ordinance to be posted in three places designated by City Council pursuant to City Charter Section 500(c) and published by title with a brief summary at least once within fifteen (15) days after its adoption in a newspaper of general circulation, published in the County of Orange and circulated in the City, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 9. CEQA Exemption.

The City Council finds that, regarding the California Environmental Quality Act (CEQA), there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment (CEQA Guideline 15061 (b)(3)).

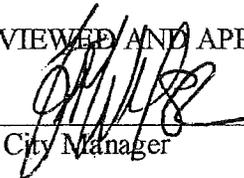
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

ATTEST:

City Clerk

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney 7-31-13

INITIATED AND APPROVED:



City Attorney 7-31-13

RANCHO HUNTINGTON MOBILE HOME ESTATES
19361 BROOKHURST STREET
HUNTINGTON BEACH, CALIFORNIA 92646
(714) 962-7311

July 16, 2013

To All Residents at Rancho Huntington Mobile Home Estates,

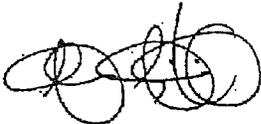
At last night's City Council meeting, the council directed the City Attorney to draft a moratorium to be adopted at the next City Council meeting prohibiting existing senior manufactured home communities from changing to all age communities.

While we previously had no intention of changing the current senior status at Rancho Huntington, upon the advice of our attorney we are now moving forward and providing legal notice that we are changing our status to an all age park to protect our property rights. Please understand that this is not something we desire; however, the actions by the City Council have forced us to take this action to preserve our legal rights as property owners. We will dialogue with you and City representatives at any time, as we stated last night.

OFFER OF COMPROMISE: Further, we will be proposing, as an offer of compromise to the City Council, that we consider an agreement to preserve senior status at Rancho Huntington for a fixed period of time while the HOA and management pursue a long term lease with covenants that protect the interests of the residents and management, including a senior community with terms that make sense (in lieu of inflexible terms forced on us by government). This makes any ordinance unnecessary. This proposal is not a release or cancellation of the enclosed notices.

We feel that an agreement between residents and management is much more preferable than a long, drawn out legal battle with outsiders making decisions affecting your future. We look forward to meeting with you soon!

Sincerely,



Authorized Agent of the Owner

RANCHO HUNTINGTON MOBILE HOME ESTATES
19361 BROOKHURST STREET
HUNTINGTON BEACH, CALIFORNIA 92646
(714) 962-7311

NOTICE OF AMENDMENT TO RENTAL AGREEMENT

July 16, 2013

Dear Residents:

This letter serves to provide notice of amendment to the rental agreement under which you reside in Rancho Huntington by the addition of the covenant set forth below. You currently reside in the park at space 22 pursuant to a written rental agreement entered into on February 14, 2005.

Management has no further intention of enforcement of "older persons" housing regulations. The rental agreement is amended, by this notice as provided by Civil Code § 827 (amendment of periodic tenancies), to comply with the federal housing mandate entitled "Federal Fair Housing Amendments Act of 1988," which guarantees the right of "familial status," which includes the right of persons of all ages to occupy mobilehomes in the park. This means that all residents are afforded the opportunity to allow the grandchildren to move in, extended families to share housing in these difficult economic times and allows residents to sell their homes to persons without regard to age restrictions. All persons intending on sale of their homes should make full disclosure of this amendment to all prospective purchasers.

AMENDMENT TO THE RENTAL AGREEMENT

THIS NOTICE IS PROVIDED IN ACCORDANCE WITH CALIFORNIA LAW AS A BINDING AMENDMENT TO THE RENTAL AGREEMENT. THE RENTAL AGREEMENT IS HEREBY AMENDED BY ADDITION OF THE FOLLOWING PARAGRAPH TO READ AS FOLLOWS:

 FAIR HOUSING POLICY OF RANCHO HUNTINGTON (REVISED) IS AS FOLLOWS: WE DO BUSINESS IN ACCORDANCE WITH THE STATE AND FEDERAL FAIR HOUSING LAWS. IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION OR PREFERENCE, HANDICAP OR DISABILITY, FAMILIAL STATUS, SOURCE OF INCOME, NATIONAL ORIGIN, ANCESTRY OR FOR ARBITRARY REASONS UNDER STATE LAW - DISCRIMINATORY ACTIONS OF THE MANAGEMENT, HOMEOWNERS, RESIDENTS, GUESTS OR OTHERS MAY BE REPORTED TO OWNER'S AGENTS, OR THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING OR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. MANAGEMENT WILL NOT AT ANY TIME UNLAWFULLY ADMINISTER, ENFORCE OR EXPRESS ANY PREFERENCE WITH RESPECT TO EXISTING OR PROSPECTIVE TENANTS, RESIDENTS, OR GUESTS BASED ON ANY PROTECTED CLASS STATUS AS DEFINED UNDER SUCH LAWS. NO SUCH UNLAWFUL ACTIVITY BY OTHER PERSONS WHETHER RESIDING IN OR DOING BUSINESS IN THE COMMUNITY OR OTHERWISE IS PERMITTED; ANY UNLAWFUL DISCRIMINATION KNOWN OR REASONABLY SUSPECTED MAY BE REPORTED TO APPROPRIATE GOVERNMENT AUTHORITIES FOR PROSECUTION.

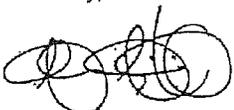
"ALL-AGE COMMUNITY: Rancho Huntington has no intent to operate, as an "older persons" community and absent such legal requirement for operation of "older persons housing" can no longer enforce an "older persons" housing restriction. The Park is therefore, by law, required to immediately comply with "familial status" protections of federal and state law. Accordingly, the park is an "all-age" mobilehome park with no minimum age requirements for tenancy and residency. At least one tenant must have the legal capacity to enter a contract. ALL PERSONS MAY RESIDE IN THE PARK WITHOUT RESPECT TO AND NOT CONDITIONED UPON OR RESTRICTED BY FAMILIAL STATUS OR AGE IN ACCORDANCE WITH THE FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988. THE FOREGOING AMENDMENT IS FINAL."

"Speedy Dispute Resolution: To resolve disputes quickly and inexpensively with lessee or lessor, we agree to arbitrate our differences before an impartial arbiter (per the FAA*) we jointly select from a list supplied from an alternate dispute resolution organization such as the AAA** within 10 days after one side gives written notice of an arbitrable dispute. If a dispute arises with respect to any terms or provisions of tenancy, with the exception of actions in unlawful detainer, forcible detainer, foreclosure, small claims court or injunctive relief, the arbiter will decide all aspects of the dispute, including arbitrability and enforceability of this clause. "Disputes" include rent adjustments or fees, legal compliance in park operation, and park repair and maintenance. AAA** Commercial Rules will apply, and available at www.adr.org, choose "rules and procedures," choose "rules," scroll down to "commercial arbitration rules and mediation procedures . . ." A copy is also on file in the office. No joinder or consolidation or class actions allowed. Arbiter to decide issues under FAA, shall split costs evenly and decide arbitrability, all within 120 days of selection. Costs to be awarded to the prevailing party; no attorney's fees to either side. Discovery permitted as per Federal Rules of Civil Procedure."

** "FAA" refers to the "Federal Arbitration Act." ** "AAA" refers to the "American Arbitration Association."

Please feel free to contact management in the event that you desire to ask any additional questions or have any comment.

Sincerely,



Authorized Agent of the Owner

ATTACHMENT NO. 5.10

RANCHO HUNTINGTON MOBILE HOME ESTATES
19361 BROOKHURST STREET
HUNTINGTON BEACH, CALIFORNIA 92646
(714) 962-7311

July 16, 2013

NOTICE OF AMENDMENT TO RULES AND REGULATIONS

Dear Residents:

This letter serves to provide notice of a meeting regarding the amendment of the rules and regulations. The amendment provides for a fair housing policy consistent with the Federal Fair Housing Amendments Act of 1988 and implementing regulations. Accordingly, all provisions restricting residency to "older persons" (55 years of age and more) as currently set forth in the rules and regulations are deleted.

All residents are entitled to meet and offer their comments to the amendment. You are invited to attend a meeting to discuss the amendment to be held at the clubhouse at 10:00 A.M. o'clock, July 26, 2013. Everyone is invited to comment and ask all questions. Of course, you are not obligated to attend. And, you are free to provide us your written comments at any time, before and after the meeting for your convenience. If the time set forth above is inconvenient and you desire to meet at a different time, please advise so we may informally accommodate you.

You are free to consent to the amendment by the terms of the Mobilehome Residency Law (*Civil Code* §§798, *et seq.*) ("MRL"), by returning a signed copy of the amendment. We advise you that this amendment is the final text, and is enforceable only as effectuated and defined by the MRL.

Please feel free to contact management if you have any questions or comments.

AMENDMENT TO THE RULES AND REGULATIONS

THIS NOTICE IS PROVIDED TO EACH RESIDENT IN ACCORDANCE WITH THE MOBILEHOME RESIDENCY LAW AS A BINDING AMENDMENT TO THE RULES AND REGULATIONS OF THE PARK. ALL EXISTING RULES REMAIN IN FORCE AND EFFECT EXCEPT WHICH ARE INCONSISTENT WITH THE FOLLOWING AMENDMENT. THE RULES AND REGULATIONS ARE AMENDED BY ADDITION OF THE FOLLOWING PARAGRAPH TO READ AS FOLLOWS:

ALL-AGE COMMUNITY: Housing provider is an "all age" community and welcomes families with children under the age of eighteen (18). This housing provider has no intent to operate an "older persons" community and will no longer restrict housing to older persons (55+). At least one tenant must have the legal capacity to enter a contract. All rules and regulations which mandate or require adult supervision of minors in common facilities, restrict hours of usage, or bar access on the basis of age are rescinded.



FAIR HOUSING POLICY (REVISED): WE DO BUSINESS IN ACCORDANCE WITH THE STATE AND FEDERAL FAIR HOUSING LAWS. IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION OR PREFERENCE, HANDICAP OR DISABILITY, AGE, FAMILIAL STATUS, SOURCE OF INCOME, NATIONAL ORIGIN, ANCESTRY OR FOR ARBITRARY REASONS UNDER STATE LAW - DISCRIMINATORY ACTIONS OF THE MANAGEMENT, HOMEOWNERS, RESIDENTS, GUESTS OR OTHERS MAY BE REPORTED TO OWNER'S AGENTS, OR THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING OR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. MANAGEMENT WILL NOT AT ANY TIME UNLAWFULLY ADMINISTER, ENFORCE OR EXPRESS ANY PREFERENCE WITH RESPECT TO EXISTING OR PROSPECTIVE TENANTS, RESIDENTS, OR GUESTS BASED ON ANY PROTECTED CLASS STATUS AS DEFINED UNDER SUCH LAWS. NO SUCH UNLAWFUL ACTIVITY BY OTHER PERSONS WHETHER RESIDING IN OR DOING BUSINESS IN THE COMMUNITY OR OTHERWISE IS PERMITTED; ANY UNLAWFUL DISCRIMINATION KNOWN OR REASONABLY SUSPECTED MAY BE REPORTED TO APPROPRIATE GOVERNMENT AUTHORITIES FOR PROSECUTION.

Please feel free to contact management in the event that you desire to ask any additional questions or have any comment.

Sincerely,

A handwritten signature in dark ink, appearing to be a stylized name, possibly "D. G. B.", written over a circular scribble.

Authorized Agent of the Owner

ATTACHMENT NO. 5.11



July 26, 2013

FINAL NOTICE OF NEW RULES AND REGULATIONS

To All Resident(s):

Recently, all residents were advised of a scheduled meeting to discuss proposed amendment to the rules and regulations pursuant to the Mobilehome Residency Law (Civil Code §§798, et seq.). All residents were provided the opportunity to comment on the proposed change to the rules and regulations. We want to thank you for your input and comments. The new and final rule amendment is as follows:

AMENDMENT TO THE RULES AND REGULATIONS

THIS NOTICE IS PROVIDED TO EACH RESIDENT IN ACCORDANCE WITH THE MOBILEHOME RESIDENCY LAW AS A BINDING AMENDMENT TO THE RULES AND REGULATIONS OF THE PARK. ALL EXISTING RULES REMAIN IN FORCE AND EFFECT EXCEPT WHICH ARE INCONSISTENT WITH THE FOLLOWING AMENDMENT. THE RULES AND REGULATIONS ARE AMENDED BY ADDITION OF THE FOLLOWING PARAGRAPH TO READ AS FOLLOWS:

ALL-AGE COMMUNITY: Housing provider is an "all age" community and welcomes families with children under the age of eighteen (18). This housing provider has no intent to operate an "older persons" community and will no longer restrict housing to older persons (55+). At least one tenant must have the legal capacity to enter a contract. All rules and regulations which mandate or require adult supervision of minors in common facilities, restrict hours of usage, or bar access on the basis of age are rescinded.



FAIR HOUSING POLICY (REVISED): WE DO BUSINESS IN ACCORDANCE WITH THE STATE AND FEDERAL FAIR HOUSING LAWS. IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION OR PREFERENCE, HANDICAP OR DISABILITY, AGE, FAMILIAL STATUS, SOURCE OF INCOME, NATIONAL ORIGIN, ANCESTRY OR FOR ARBITRARY REASONS UNDER STATE LAW - DISCRIMINATORY ACTIONS OF THE MANAGEMENT, HOMEOWNERS, RESIDENTS, GUESTS OR OTHERS MAY BE REPORTED TO OWNER'S AGENTS, OR THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING OR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

MANAGEMENT WILL NOT AT ANY TIME UNLAWFULLY ADMINISTER, ENFORCE OR EXPRESS ANY PREFERENCE WITH RESPECT TO EXISTING OR PROSPECTIVE TENANTS, RESIDENTS, OR GUESTS BASED ON ANY PROTECTED CLASS STATUS AS DEFINED UNDER SUCH LAWS. NO SUCH UNLAWFUL ACTIVITY BY OTHER PERSONS WHETHER RESIDING IN OR DOING BUSINESS IN THE COMMUNITY OR OTHERWISE IS PERMITTED; ANY UNLAWFUL DISCRIMINATION KNOWN OR REASONABLY SUSPECTED MAY BE REPORTED TO APPROPRIATE GOVERNMENT AUTHORITIES FOR PROSECUTION.

Please be advised that all rules and regulations previously in effect and which are consistent with the amendment will continue to be effective and in full force and effect. The new rule and regulation amendment will take effect in accordance with the applicable provisions of the Mobilehome Residency Law (Civil Code §§798, et seq.). If you desire to provide any additional comments or should have any further questions regarding this amendment, you are welcomed and encouraged to contact the management.

Each individual resident has the unwaivable right and power to consent to the new rule and regulations amendment if desired. If you wish to consent to the new rule and regulation amendment, it becomes effective at such time as you elect to consent to it. If you desire to consent in writing, you may execute this notice in the space provided below and return the bottom portion of this notice to the park office. Otherwise, the new rule and regulation amendment takes effect in 180 days (6 months) after service of this notice for homeowners who have not expressly agreed in writing.

Again, should there be any further questions or comments respecting this amendment or any matter regarding the rules or the park, please feel free to contact the management.

Please feel free to contact management in the event that you desire to ask any additional questions or have any comment.

Sincerely,


Abe Arrigotti
Authorized Agent of the Owner



CONSENT TO RULE AND REGULATION AMENDMENT

I, _____, space no. _____, HEREBY CONSENT to the amendment of the rules and regulations set forth above. Please return this page to the park office for our records. Thank you.

Dated: _____

RESIDENT SIGNATURE

Familial Status Protections:

- In 1988, Congress enacted the FHAA to proscribe "familial status" discrimination. "Familial status" is defined as "one or more individuals (who have not attained the age of 18 years) being domiciled with ... a parent or another person having legal custody of such individual or individuals." 42 U.S.C. § 3602(k)(1). Specifically, under the FHAA it is **unlawful**:
- (a) To **refuse to sell or rent** . . . because of ... **familial status**
- (b) To **discriminate** ...in the... sale or rental of a dwelling...because of ... **familial status** .
- (c) To **make, print, or publish**, ... any **preference**,... based on ... **familial status** ...
42 U.S.C. §3604.

Illegal to Interfere with Providing Familial Status Protections:

- Section 3617 of the FHAA: "It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the
- exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in (**familial status rights**). 42 U.S.C. §3617.

No "Interference" ALLOWED in Providing "Familial Status"

- U.S. v. Hayward (1992) 805 F.Supp. 810: Park owner filed HUD complaint .
- The United States then filed an action against Hayward.
- The Court: Hayward violated the FHAA by coercing and interfering with Park owner's efforts to rescind its "older persons" rules and regulations.

Only Owner May Claim Intent To Operate

- Once park owner institutes change to familial status, City cannot interfere.
- Hayward attempts to claim the exemption on behalf of the petitioners. This Court concludes that only owners and managers may claim the exemption . . .

U.S. v. Mainlands

- Homeowners' association did not institute age-verification procedures adequately evidencing intent to provide housing for persons 55 years or older prior to taking action against two homeowners with children,
- These six factors are: ● (1) written rules and regulations; ● (2) the manner in which the housing is described to prospective residents; ● (3) the nature of advertising; ● (4) age verification procedures; ● (5) lease provisions; and ● (6) the actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules and regulations.

Putnam v. Yucaipa:

- The City (cannot) ensure that the Overlay District meets the fairly rigorous statutory requirements of maintaining an ● eighty-percent senior population, ● publishing and ● adhering to policies, and ● complying with occupancy verification rules, see 42 U.S.C. § 3607(b)(2)(C), and that the Overlay District does so
- *in advance of engaging in what would otherwise be discriminatory conduct*, (i.e. conduct which disqualifies the park from OPH).

If Park does not qualify for OPH, cannot enforce:

The Act prohibits a housing provider from "coercing, intimidating, threatening or interfering with anyone in the exercise or enjoyment of, or on account of his having exercised or enjoyed any right granted or protected by the Act. 42 U.S.C. Sec. 3617. The Government asserts that Respondents retaliated against Joyce Verzi and Barbara McDermott . . .

Yucaipa Does Not Apply to the Facts in R Huntington:

- The Park owner desires to and has in fact converted.
- The City has Failed to Act in Advance of the Conversion.
- It Would Constitute a Violation of §3617 of Federal law to coerce, intimidate or force park owner to discriminate against children.



CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 9/16/2013

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Adopt Ordinance No. 3990, an Interim Urgency Ordinance Extending the Moratorium on the Conversion of Senior Mobile Home Parks (established by Ordinance No. 3986 on August 5, 2013) for an Additional Ten Months and Fifteen Days (Requires 4/5 Vote)

Statement of Issue: Pursuant to City Council direction, the City Attorney created Interim Urgency Ordinance No. 3986 which established a temporary moratorium on the conversion/change of any mobile home park currently existing in the City from a park occupied primarily or exclusively by residents over the age of 55 years (Senior Residents) to a mobile home park allowing residents of all ages. State law limits the effective period of urgency interim ordinances to 45 days from adoption unless otherwise extended. The City Council may extend the urgency interim ordinance for an additional 10 months and 15 days after proper public notice and public hearing is provided. This extension requires a four-fifths vote for adoption. The extension of this ordinance will allow staff additional time to study and analyze a regulatory framework to address the senior housing issues in Huntington Beach.

Financial Impact: N/A

Recommended Action: Adopt Ordinance No. 3990, "An Interim Urgency Ordinance Of The City Council Of The City Of Huntington Beach, California, Extending For Ten Months And Fifteen Days The Moratorium On The Conversion Of Any Mobilehome Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobilehome Park Allowing Residents Of All Ages, To Take Effect Immediately."

Alternative Action(s): Do Not Adopt Ordinance No. 3990, "An Interim Urgency Ordinance Of The City Council Of The City Of Huntington Beach, California, Extending For Ten Months And Fifteen Days The Moratorium On The Conversion Of Any Mobilehome Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobilehome Park Allowing Residents Of All Ages, To Take Effect Immediately"

Analysis: A temporary land use regulation (often called a "moratorium") is a mechanism by which a zoning regulation is adopted for a limited period of time without having to go through the normal process of public hearings. State law requires a current and immediate threat to the public health, safety and welfare in order to adopt or extend a moratorium. In this case, the City of Huntington Beach has adopted an urgency ordinance and moratorium that is only in effect for 45 days. In order to continue to preserve the status of mobile home parks operating as senior-only parks, while staff continues to study the effects of regulating senior mobile home parks, the City will need to

ATTACHMENT NO. 6.1

extend Interim Urgency Ordinance No. 3986 for an additional 10 months and 15 days to preserve the existing senior only mobile home parks.

Environmental Status: N/A

Strategic Plan Goal:

Enhance and maintain public safety

Attachment(s):

Ordinance No 3990, "An Interim Urgency Ordinance Of The City Council Of The City Of Huntington Beach, California, Extending For Ten Months And Fifteen Days The Moratorium On The Conversion Of Any Mobilehome Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobilehome Park Allowing Residents Of All Ages To Take Effect Immediately"

ATTACHMENT NO. 6.2

ORDINANCE NO. 3990

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, EXTENDING THE MORATORIUM ON THE CONVERSION OF ANY MOBILEHOME PARK CURRENTLY EXISTING IN THE CITY FROM A PARK OCCUPIED PRIMARILY OR EXCLUSIVELY BY RESIDENTS OVER THE AGE OF 55 YEARS (SENIOR RESIDENTS) TO A MOBILEHOME PARK ALLOWING RESIDENTS OF ALL AGES UNTIL APRIL 30, 2014, TO TAKE EFFECT IMMEDIATELY

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. FINDINGS. The Ordinance No. 3986, enacted by the City Council of the City of Huntington Beach (the "City") on August 5, 2013 placed a forty-five (45) day moratorium on the conversion of any mobilehome park existing in the City on that date from a park occupied primarily or exclusively by residents over the age of 55 years (senior residents)¹ to a mobilehome park allowing residents of all ages. In part the moratorium on conversion allows the City time to study whether an amendment to the Mobilehome Park Overlay District to limit or prohibit such conversions is necessary to protect the public, health, safety and welfare by providing adequate affordable local housing for senior citizens, and whether such an ordinance would have any adverse effects on the general housing market in the City; and

Section 65858 et.al. of the California Government Code allows an urgency ordinance enacted under the California Government Code to be extended for ten months and fifteen days past the original 45-day urgency period, following a noticed public hearing, in order to further study the immediate health and safety problems identified in Ordinance No. 3986 and

At least ten (10) days prior to September 16, 2013, the City Clerk has caused to be published in a newspaper of general circulation a notice advising that on September 16, 2013 at 6:00 p.m. or as soon thereafter, the City Council will conduct a public hearing to consider extending Interim Ordinance 3986; and such public comment and hearing was conducted on September 16, 2013 at the regular City Council meeting.

SECTION 2. EXTENSION OF MORATORIUM. The initial forty-five (45) day moratorium on mobilehome park conversions enacted by Ordinance No. 3986, is hereby extended until April 30, 2014 and shall take effect immediately.

SECTION 3. DECLARATION OF URGENCY, FINDINGS. Ordinance No. 3990 as well as staff report in support of the Request for Council Action advances the idea that the City of Huntington Beach ("City") does not have enough affordable senior housing options which continues to create problems for seniors that will only increase with the aging population. Mobilehome parks represent one of a few affordable housing options left to senior citizens that

¹ Housing for Older Persons Act (HOPA) provides that "Senior" is defined as someone 62 years old and over. HOPA defines housing that are restricted to 55+, as "Housing for Older Persons".

permit exclusive residence in a detached dwelling by those individuals over the age of 55 years. As set forth in the Housing Element of the City's General Plan, an important goal for the City is to preserve the existing senior housing stock which is represented in part by affordable mobilehome housing. "Converting" mobilehome parks from a "seniors only" to all ages parks would reduce the number of senior housing units available to those persons 55 years of age and older. There are 18 mobilehome parks in the City, 10 of which are operating as senior mobilehome parks. Thus, converting the 'seniors only' mobilehome parks to family parks would result in a significant reduction in the number of affordable housing units available to senior citizens of the community and is irreparably detrimental to them as it creates an immediate threat to their health, safety and welfare. . Further, the announcement that the City is studying this issue and may develop a zoning ordinance restricting the change of seniors only mobilehome parks has resulted in the owner(s) of mobilehome park(s) pursuing conversions to all age mobilehome parks prior to any such ordinance taking effect.² There is immediate threat to the public health, safety and welfare that would result from allowing the unregulated conversion of senior housing to non-senior housing justifies the extension of the interim urgency ordinance.

Based on initial research and analysis, in contrast to other senior housing in the City, mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in these senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

While senior housing complexes in the City, other than senior mobile home parks, are generally restricted to senior occupancy by conditions, covenants, and restrictions, that is not the case in senior mobile home parks. The residents of those mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

² The two letters to residents of Rancho Huntington mobilehome park residents declaring intent that the mobilehome park no longer restrict housing to older persons (55+) are attached to ordinance no3986.

While the seniors now living in senior mobile home parks could remain in a park that changed to a family park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exists in the City could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes a family park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

The City of Huntington Beach currently does not have a "senior only" mobilehome park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve the few senior only housing options left to our senior citizens. The change from a "senior only" mobilehome park to an "all ages" mobilehome park will reduce the number of housing units available to those persons 55 years of age and older.

Based upon the foregoing, the City Council finds that there is a current and immediate threat to the public health, safety and welfare, and the approval of permits or other entitlements authorizing the conversion of senior mobilehome parks for persons 55 years of age and older to a mobilehome park allowing residents of all ages would result in that threat to the public health, safety and welfare.

SECTION 4. EFFECTIVE DATE. The Council finds that public health, safety and welfare require that this ordinance become effective upon its adoption and passage, pursuant to California Government Code Section 65858.

SECTION 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk shall cause this ordinance to be posted in three places designated by City Council pursuant to City Charter Section 500(c) and published by title with a brief summary at least once within fifteen (15) days after its adoption in a newspaper of general circulation, published in the County of Orange and circulated in the City, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of September, 2013.

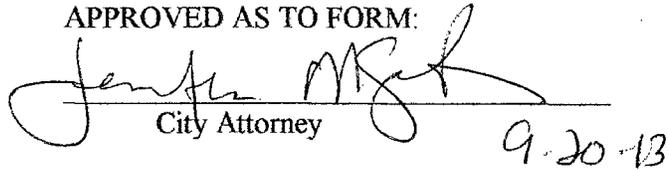


Mayor

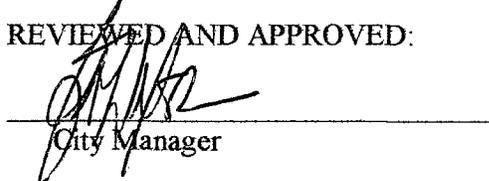
ATTEST:


City Clerk

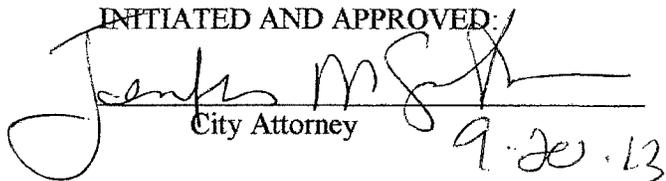
APPROVED AS TO FORM:


City Attorney 9.20.13

REVIEWED AND APPROVED:


City Manager

INITIATED AND APPROVED:


City Attorney 9.20.13

Urgency Ord. No. 3990

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **regular** meeting thereof held on **September 16, 2013** and was passed and adopted by at least five affirmative votes of said City Council.

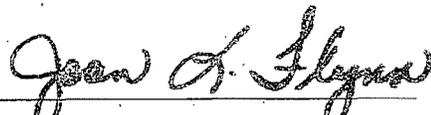
AYES: Sullivan, Hardy, Boardman, Carchio, Shaw, Katapodis

NOES: Harper

ABSENT: None

ABSTAIN: None

I, JOAN L. FLYNN, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on September 26, 2013
In accordance with the City Charter of said City
Joan L. Flynn, City Clerk
Rebecca Ross, Deputy City Clerk


City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

MOBILEHOME PARKS PROPERTY OWNERS LIST

1. Stephen B. Fabeck, Beach View Mobile Home Park, 80 South Lake #719, Pasadena, CA 91101 (Senior Park)*
2. Joanna Bruce, Mariners Point Mobile Home Park, 1837 Pine St., Huntington Beach, CA 92648 (Senior Park)*
3. Sea Breeze Mobile Estates LLC, Sea Breeze Mobile Estates, 5200 Heil Ave., Huntington Beach, CA 92647 (Senior Park)*
4. Brookfield Manor Inc., Brookfield Manor Mobile Home Park, 9850 Garfield Ave., Huntington Beach, CA 92646 (Senior Park)*
5. Del Mar Mobile Home Estates, Inc., Del Mar Mobile Home Estates, 921 Emerald Bay, Laguna Beach, CA 92651-1260 (Senior Park)*
6. Houser Brothers Company, LP, Rancho Del Rey Mobile Home Park, 17610 Beach Blvd., #32, Huntington Beach, CA 92647 (Senior Park)*
7. Sierra Corporate Management Inc., Rancho Huntington Mobile Home Park, 320 N. Park Vista St., Anaheim, CA., 92806 (Senior Park)*
8. Hubbell Family LLC, Skandia Mobile Home Park, 1161 Bryant Rd., Long Beach, CA 90805 (Senior Park)*
9. Kato & Associates LLC, Los Amigos Mobile Home Park, 18182 Bushard St., Fountain Valley, CA 92708 (Senior Park)*
10. Huntington Mobile Home Inv., LLC, Huntington Harbour Village, 430 S. San Dimas Ave., San Dimas, CA 91733 (Senior Park)*
11. Mills PCH LLC, Cabrillo Mobile Home Park, 430 S. San Dimas Ave., San Dimas, CA 91733
12. Mills HBS, Huntington by the Sea Mobile Home Park, 430 S. San Dimas Ave., San Dimas, CA 91733
13. John Sanders Property, Huntington Shorecliff Mobile Home Park, PO Box 11427, Santa Ana, CA 92711
14. City of Huntington Beach, Ocean View Estates, Economic Development, 2000 Main St., Huntington Beach, CA 92648;
15. Huntington Mobile Home Inv LLC, Huntington Harbour Village, 430 S. San Dimas Ave., San Dimas, CA 91733
16. JS Stadium LLC, Pacific Mobile Home Park, PO Box 11427, Santa Ana, CA 92711
17. Sea Aira Mobile Home LP, Sea Aira Mobile Home Park, 9597 Central Montclair, CA 91763
18. Villa Huntington Beach LP, Villa Huntington Mobile Castles, 1818 Gilberth Rd., Ste 240, Burlingame, CA 94010-1217.

*Existing Senior park, as of August 5, 2013, analyzed for –SR Overlay.