



DATE: October 16, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Eric Danly, City Attorney
Dylan Brady, Assistant City Attorney
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SUBJECT: Adoption (Second Reading) of Ordinance No. 2865 N.C.S. Amending Chapter 5 of the Petaluma Implementing Zoning Ordinance to Add Section 5.060 Establishing a Senior Mobilehome Overlay District and a Zoning Map Amendment to Additionally Zone Five Existing Self-Designated Senior Mobilehome Parks as Senior Mobilehome Park Overlay District Located at 300 Stony Point Rd., 901 N. McDowell Blvd., 911 N. McDowell Blvd., 576 N. McDowell Blvd., and 750 Wood Sorrel Dr.; APNs: 007-422-042, 048-080-0023, 007-401-013, 048-080-024, 007-401-004, 149-030-003, and 137-061-024

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending Chapter 5 of the Petaluma Implementing Zoning Ordinance to add section 5.060 establishing a senior mobilehome overlay district and a zoning map amendment to additionally zone five existing self-designated senior mobilehome parks as senior mobilehome park overlay district located at 300 Stony Point Rd., 901 N. McDowell, 911 N. McDowell Blvd., 576 N. McDowell Blvd., and 750 Wood Sorrel Dr.; APNs: 007-422-042, 048-080-0023, 007-401-013, 048-080-024, 007-401-004, 149-030-003, and 137-061-024.

BACKGROUND

On October 2, 2023, City Council unanimously introduced the attached ordinance, establishing a senior mobilehome overlay district over five mobilehome parks in the City of Petaluma.

The City of Petaluma has seven mobilehome parks. Five of the seven mobilehome parks self-identify through their own park rules as “senior parks.” This means that under the mobilehome park’s own rules, at least 80% of the mobilehome spaces are reserved for seniors. These five self-designated senior mobilehome parks are:

Park Name	Address	Assessor Parcel Number
Leisure Lake	300 Stony Point Rd, Petaluma, CA 94952	007-422-042

Petaluma Estates	901 N McDowell Blvd, Petaluma, CA 94954	048-080-023 & 007-401-013
Royal Oaks	750 Wood Sorrel Dr, Petaluma, CA 94954	137-061-024
Cottages of Petaluma	576 North McDowell Blvd, Petaluma, CA 94954	149-030-003
Youngstown	911 N McDowell Blvd, Petaluma, CA 94954	048-080-024 & 007-401-004



Senior mobile home park tenants currently reside in these five parks under the premise that these parks are exclusively designated for seniors. Youngstown, one of the City's existing senior mobilehome parks, has announced a rule change that would convert the park to an all-age park. However, in accordance with Section 798.25(b) of the Mobile Home Residency Law, the rule cannot take effect until 6 months after notice of the rule change was given. A number of Youngstown residents have strongly opposed converting the park to an all-age park. Unlike traditional rental agreements, most mobilehome tenants have invested in purchasing their units and just lease the ground space from park owners. As a result, many senior mobilehome tenants have made significant investments and chosen these parks partially based on their status as senior-only communities. While the term "mobilehomes" might suggest mobility, relocating these units between parks can be prohibitively expensive especially for seniors on fixed income. Some older mobilehomes are unable to be moved, and as a result are essentially fixed in place.

The introduction of a senior mobilehome overlay district aims to establish specific criteria to safeguard the five mobile home parks, which total 724 spaces, which are predominantly

occupied by seniors aged 55 years and older, from being converted into all-age parks. This ordinance seeks to preserve housing options for seniors and ensure that these communities remain exclusive to the senior demographic. The proposed overlay would not affect Little Woods and Capri Village, the City's existing all-age parks.

The need to preserve our senior residents is evidenced by data provided in the City's recently approved Housing Element. The 2023-2031 Housing Element states that, "Since 2000, the percentage of the elderly population increased from 11 percent to 18 percent," and that 34.6% of total households in Petaluma include a resident over the age of 65.¹ Additionally, Table A8 of the Housing Element shows that 66 percent of elderly renters and 34 percent of elderly homeowners are experiencing housing problems, primarily related to housing cost burden.² Preserving the City's existing senior mobilehome parks as senior parks will help ensure affordable housing for Petaluma's increasingly aging population.

During hearings on the City's recent amendments to Chapter 6.50 of the Petaluma Municipal Code, entitled "Mobilehome Park Space Rent Stabilization Program," tenants urged Council to also adopt a senior mobilehome overlay district to preserve the senior status of the five existing mobilehome parks designated as senior parks. Some City Councilmembers also expressed a desire for a senior mobilehome overlay district.

Numerous jurisdictions throughout the state have enacted a senior mobilehome overlay ordinance. These cities include:

- ☐ American Canyon
- ☐ Huntington Beach
- ☐ Ventura County
- ☐ San Juan Capistrano
- ☐ Santa Clarita
- ☐ Oceanside
- ☐ City of Yucapai
- ☐ San Buenaventura
- ☐ Yountville

Also, on September 12, 2023, the City of Cotati adopted an urgency ordinance prohibiting the conversion of mobilehome parks to all-age parks.

DISCUSSION

The Fair Housing Act, part of the federal Civil Rights of 1968, prohibits discrimination regarding the sale, rental, and financing of housing based on race, religion, national origin, sex, and familial status like age. However, the Housing of Older Persons Act, enacted in 1995, exempts "senior housing communities and facilities" from the prohibition against familial status discrimination, known as the "senior exemption." To qualify for the senior exemption, the senior housing community must:

- ☐ Have at least 80 percent of the occupied units be occupied by at least one person who is 55 years of age or older;
- ☐ Publish and adhere to policies and procedures that demonstrate the intent required

under this subparagraph; and

- ☐ Comply with rules issued by the Secretary for verification of occupancy.

Essentially senior parks are required to have an 80% age restriction, senior rules and policies and verification. As the five mobilehome parks proposed in the overlay currently qualify as “senior housing” they must satisfy the above three requirements. These three requirements for the park owners are substantially similar to the regulations for the park owners in the proposed ordinance.

Similarly, the proposed Senior Mobilehome Park Overlay Zone ordinance establishes occupancy requirements mandated by federal law and associated guidance, in order to satisfy an exemption to the Fair Housing Act's prohibition on age and familial status discrimination. The proposed Senior Mobilehome Park Overlay District ordinance would require that at least 80 percent of the occupied units in currently existing senior mobilehome parks be occupied by at least one person 55 years of age or older. These occupancy requirements would not prevent senior mobilehome parks from applying conditions of residency which may be more restrictive, including limiting occupancy entirely to seniors. Additionally, the proposed ordinance requires signage, advertising, park rules and rental agreements to state that these senior mobilehome parks are intended for occupancy by seniors. Lastly, the proposed ordinance would require that documentation be submitted by park owners to the Petaluma Housing Manager every two years to certify that their park is complying with the overlay's age-restrictions. It is expected that this verification would be performed through the City's Mobilehome Park Rent Stabilization Program, which requires certification regarding tenant information every year.

As the five existing self-designated parks are already required to comply with the three senior exemption requirements the ordinance's three proposed regulations, 80% age restriction, stating that the park is a senior park in leases and documents, and verification to the City every two years, the proposed ordinance should not pose a new significant burden on the park owners.

The proposed senior mobilehome overlay district ordinance, attachment 1, substantially mirrors the City of Yucaipa's senior mobilehome ordinance. In 2013, the Ninth Circuit Court of Appeals upheld Yucaipa's ordinance, finding that the city is not preempted from creating an overlay district that restricted the age of mobilehome residents to 55 years and above. Similarly, in 2004 the California Attorney General issued an opinion stating, “Notwithstanding the prohibition against discrimination based upon age contained in the Planning and Zoning Law, a city may adopt a zoning ordinance or issue a conditional use permit that limits a specified parcel of land to use as a mobilehome park for senior citizens.” (Cal. Atty. Gen. Op. No. 04-704). The California Attorney General arrived at this opinion in reliance on California Health and Safety Code Section 18300(g)(1) which states, “This part shall not prevent local authorities of any city, county... within the reasonable exercise of their police powers from doing any of the following... from establishing... certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city... or establishing types of uses and locations, including... senior mobilehome parks...” Accordingly, there is strong legal authority for the City to adopt the proposed ordinance.

Pursuant to Chapter 25 of the Petaluma Implementing Zoning Ordinance, Ordinance No 2300 N.C.S., (“IZO”), to make an amendment to the IZO both Planning Commission and City Council

must find that the amendment is in conformity with the General Plan and that adopting the amendment is in the public necessity, convenience, and general welfare. On September 12, 2023, the Petaluma Planning Commission adopted a resolution making these requisite findings.

In accordance with Sections 25.010 25.050(B) of the IZO the proposed amendments to the IZO are in general conformity with the General Plan 2025 in that these amendments do not change the general character or impacts of current zoning regulations and implement the General Plan as outlined in the September 12, 2023 Planning Commission staff report. Additionally, this amendment would help implement the following General Plan goals, policies, and programs:

- Program 18: Preservation of At-Risk housing
- Program 24: Senior Housing Options
- 6-P-24: Recognize the unique needs of Petaluma seniors

In accordance with Section 25.070(B) of the IZO, the proposed amendments are consistent with the public necessity, convenience, and welfare in that they to preserve and protect the existing senior mobilehome parks in the City and discourage their conversion to family parks. In doing so, the City aims to uphold its commitment to providing a diverse range of housing options and ensuring that senior citizens can age with dignity, respect, and a strong sense of community in the place they have called home for many years.

PUBLIC OUTREACH

The need for a senior mobilehome overlay district was raised during the recent hearings on amendments to the City's Mobilehome Rent Stabilization Ordinance, Chapter 6.50 of the Petaluma Municipal Code.

A community meeting regarding the proposed overlay district was held on September 7 at 6:00 p.m. at the Petaluma Community Center at 320 North McDowell Boulevard. The community meeting was well attended with around 100 attendees. Attachment 3 provides a summary of the community meeting.

On September 1, 2023, public notice of the September 12, 2023, Planning Commission meeting item was published as a 1/8-page advertisement in the Argus-Courier. On or before September 1, 2023, public notice of this scheduled public hearing before the Planning Commission was mailed to property owners within 1,000 feet of the project site and to current mobilehome park tenants. Public comments from the Planning Commission meeting are included as attachment 4.

This agenda item appeared on the City's tentative agenda document on September 18 and October 2, which were both publicly noticed meetings.

COUNCIL GOAL ALIGNMENT

This ordinance is consistent with the Council's express desires to strengthen tenant protections including for tenants at mobilehome parks and to protect existing senior mobilehome tenants. It also conforms to the General Plan Land Use and Housing Elements to provide and retain

affordable senior housing options. Additionally, this amendment would help implement the following General Plan goals, policies, and programs:

- Program 18: Preservation of At-Risk housing
- Program 24: Senior Housing Options
- 6-P-24: Recognize the unique needs of Petaluma seniors

CLIMATE ACTION/SUSTAINABILITY EFFORTS

The proposed amendment may result in greater stability in the mobilehome rental market, resulting in fewer displacements which may in turn help reduce homelessness in the City and its impacts on community members and the environment.

ENVIRONMENTAL REVIEW

Amending the City's Implementing Zoning Ordinance to add Section 5.060 establishing of a senior mobilehome park overlay district is exempt from the California Environmental Quality Act (CEQA) in accordance with the analysis in Attachment 2 to this staff report because the proposed zoning amendments qualify for the statutory emergency exemption in CEQA Guidelines Section 15269, the categorical exemption for existing facilities in CEQA Guidelines Section 15301, the categorical exemption for minor alterations in land use limitations in CEQA Guidelines Section 15305, and the commonsense exemption in CEQA Guidelines Section 15061(b)(3).

FINANCIAL IMPACTS

There are no anticipated direct financial impacts to the City from adoption of the proposed overlay ordinance.

ALTERNATIVES

City Council may decline to adopt the proposed ordinance.

ATTACHMENTS

1. Proposed Senior Mobilehome Overlay District Ordinance
2. CEQA Exemption Memo
3. Community Meeting Summary
4. Public Comments from the September 12, 2023 Planning Commission Meeting