ITEM NO. 29

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OCEANSIDE ESTABLISHING A SENIOR MOBILE HOME PARK OVERLAY DISTRICT, AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE CERTAIN PROPERTIES TO BE WITHIN THE SENIOR MOBILE HOME PARK OVERLAY DISTRICT, AND AMENDING THE OCEANSIDE ZONING ORDINANCE

(City of Oceanside – Applicant)

WHEREAS, approximately twenty percent of the population of the City of Oceanside is 55 years or older and the City has created a Senior Commission to address the needs of its senior residents and one of those needs is affordable housing;

WHEREAS, the eight mobile home parks in the City that have long operated as senior mobile home parks provide an important source of affordable senior housing;

WHEREAS, 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 a low-rise setting that typically provides a clubhouse for community events and socializing as well as recreational facilities inside the park so that the residents can easily walk to these facilities and events;

WHEREAS, the City's Manufactured Home Fair Practices Ordinance provides for rent stabilization to help ensure the continued affordability of mobile home park living;

WHEREAS, many of the seniors living in these senior mobile home parks enjoy having their grandchildren visit them in the parks and love children, 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;

WHEREAS, the California Mobilehome Park Residency Law, the California Fair Employment and Housing Act, and the Federal Fair Housing Act each recognize the need for and value of senior housing by expressly exempting facilities in which 80 percent of the units are occupied by at least one person who is 55 years or older from the requirement to rent to families with children;

WHEREAS, 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 representations 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;

WHEREAS, 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 other senior facility. Further, as the number of senior mobile home parks diminishes, it will become harder and harder to find a mobile home to purchase in a senior park in the City or surrounding areas;

WHEREAS, for the reasons set forth in the preceding Paragraphs, the City Council finds it necessary to protect, enhance and encourage the preservation, enhancement and development of senior mobile home parks through the adoption of this Ordinance;

WHEREAS, the City's General Plan (Land Use Element 1.16) and Housing Element provide that the City shall strive to maintain a reasonable balance between senior and family housing and this Ordinance assists the City in accomplishing and maintaining that balance and will help to ensure that an important source of senior housing is preserved;

WHEREAS, the Housing for Older Persons Act amendments to the federal Fair Housing Act, 47 U.S.C. §3607(b), and the provisions of the implementing regulations set forth in the Code of Federal Regulations (24 CFR §100.304(b)(4)) and the Appendix thereto (64 Fed.Reg. 16331 provide that a senior housing facility or community includes a municipally zoned area and that an area zoned by a unit of local government as 'senior housing' satisfies the intent requirement of the senior housing exemption from the provisions of the Fair Housing Act prohibiting discrimination based on familial status;

WHEREAS, The City intends that this Ordinance be consistent with, comply with and implement the federal Fair Housing Act as amended by the Housing for Older Persons Act and the California statutes providing senior housing exemptions from statutes prohibiting discrimination in housing based on age and familial status;

WHEREAS, on November 13, 2006, the Oceanside Planning Commission held a duly noticed public hearing to consider the provisions of this Ordinance. Following the receipt of public comments and any written materials, the Planning Commission closed the hearing, reviewed and considered all the evidence presented and adopted Resolution No. 2006-P63

recommending adoption of the Negative Declaration and approval of this Ordinance;

WHEREAS, the Acting City Planner has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, in accordance with the California Environmental Quality Act (CEQA). Based upon the results of the Initial Study, the Acting City Planner has determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Acting City Planner has prepared a Negative Declaration;

WHEREAS, the City Council does hereby find that the Negative Declaration has been prepared in accordance with requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Environmental Review Procedures of the City of Oceanside, and hereby adopts the Negative Declaration;

WHEREAS, on December 6, 2006, the Oceanside City Council held a duly noticed public hearing to consider the provisions of this Ordinance. Following receipt of all written and oral public comments, the City Council closed the hearing, considered the evidence presented and deliberated;

NOW, THEREFORE, the City Council hereby amends the Municipal Code as follows:

Section 1. Paragraph C (Establishment of Overlay Zoning Districts) of Section 230 (Applicability of Land Use and Development Regulations) of Article 2 (Organization, Applicability, and Interpretation) of Part I (General Provisions) of the Oceanside Zoning Ordinance is hereby amended to add the following text at the end of the chart that is included in that paragraph C:

"SMH Senior Mobile Home Park Overlay District 29"

Section 2. Part III (Overlay Zoning Districts) of the Oceanside Zoning Ordinance is hereby amended to add a new Article 29 to read as follows:

"Article 29 Senior Mobile Home Park Overlay District

Sections:

2901 Specific Purposes
2902 Definitions
2903 Zoning Map Designator
2904 Qualification for Inclusion of Properties within the Senior Mobile Home Overlay District
2905 Land Use Regulations
2906 Development Regulations and Incentives
2907 Project Review

2908 Limitations on Rentals
2909 Violations
2910 Severability

2901 Specific Purposes

The specific purposes of the Senior Mobile Home Park Overlay District are to:

A. Provide various development and preservation incentives to make the development and maintenance of senior mobile home parks attractive to mobile home park owners and developers while, at the same time, providing assurances that existing senior mobile home parks within the overlay district remain available to seniors.

B. Provide for land use, development, and regulatory standards for mobile home parks that are designed or operated for occupancy by seniors.

2902 Definitions

"Mobile Home" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790. Mobile Home does

not include a recreational vehicle, as defined in Civil Code Section 799.4, or a commercial coach, as defined in Health and Safety Code Section 18218. For the purposes of this Ordinance, the term "Mobile Home" includes "Manufactured Home."

"Mobile Home Park" is an area of land where two or more mobile home or manufactured home sites are located to accommodate mobile homes used for human habitation. This definition shall include rental mobile home parks where mobile home spaces are rented or held out for rent. Mobile Home Park shall also include a mobile home subdivision, condominium or stock cooperative in which specific ownership rights are acquired by the space occupants within the mobile home park.

"Senior Mobile Home Park" is a mobile home park in which at least 80 percent of the spaces are occupied by or intended for occupancy by at least one person who is 55 years of age or older or in which 100% of the spaces are occupied or intended for occupancy by persons 62 years of age older.

2903 Zoning Map Designator

Adoption of a Senior Mobile Home Park Overlay District shall be by amendment of the Zoning Map. The Senior Mobile Home Park Overlay District may be combined with the RM - A Medium-Density Residential District, the RM - AH Medium Density Residential District, Historic Overlay, the RH - U High-Density Residential District, the Downtown Mixed Use District, and the MHP Mobile Home Park District. The Senior Mobile Home Park Overlay District shall be shown on the Zoning Map by adding the designator "SMH" to the base map designation.

2904 Qualification for Inclusion of Properties within the Senior Mobile Home Park Overlay District

Properties that are designated to be within the Senior Mobile Home Park Overlay District shall be those properties operated as or developed or proposed to be developed as a

senior mobile home park in which at least one occupant of each mobile home is 55 years or older.

2905 Land Use Regulations

At least 80 percent of the spaces in mobile home parks in the Senior Mobile Home Park Overlay District shall be occupied by at least one person 55 years or older. If an existing mobile home park met this qualification on January 5, 2005 and fell below the 80 percent requirement between that date and the effective date of this Ordinance, the Senior Mobile Home Park Overlay District shall be applied to that mobile home park and that park shall be required to operate as a senior mobile home park by renting spaces and mobile homes only when at least one occupant of the mobile home is 55 years or older. The signage, advertising, park rules and regulations, and leases for spaces in mobile home parks in the Senior Mobile Home Park Overlay District shall state the park is a senior park. Mobile home parks in the Senior Mobile Home Park Overlay District constructed after the adoption of this Ordinance shall also be subject to the following standards and requirements:

A. Senior Mobile Home Park Development Plan (SMHP Development Plan) shall be required for the development or expansion of a mobile home park in the senior mobile home park (SMHP) overlay district. The following development regulations shall apply.

1. Minimum Area. The minimum area of a MHP district shall be 2 acres. A SMHP district may be subdivided into lots smaller than 2 acres, provided a Tentative Map is approved concurrent with a MHP Development Plan and the minimum lot size is in accordance with the requirements of this section.

2. Density. The total number of mobile home units in a SMHP Development Plan shall not exceed the maximum permitted by the General Plan density for the total area of parcels designated for residential use and open space; provided however that a density bonus may be available pursuant to Section 2906 B of this Article.

3. Compatibility with Adjacent Land Uses. The mobile home park shall be designed and developed in a manner compatible with and complimentary to existing

and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and the residents from adverse surrounding influences, as well as the protection of the surrounding area from potentially adverse influences within the development. A mobile home park shall relate harmoniously to the topography of the site, make suitable provisions for the preservation of water course and wooded areas, and shall otherwise be so designed as to use such natural features and amenities to the best advantage.

4. Setbacks: Perimeter. Mobile home units and buildings within the mobile home park shall maintain the following setbacks:

(a) A setback of at least 20 feet from the nearest edge of the street right-of-way of any street along the exterior boundary of the mobile home park.

(b) A side-yard and rear-yard of at least 15 feet from the exterior boundary of the mobile home park.

5. Setbacks: Recreational Use Area. A recreational use area or facility shall be centrally located within the park. Where permanent intervening open space, a minimum of 100 feet in width, exists on adjacent property, this restriction may be modified on approval of the Planning Commission through the SMHP Development Plan.

6. Common Usable Open Space and Recreation Facilities. A minimum of one substantial area of common usable open space shall be provided that meets the following standards:

(a) A minimum of 250 square feet of common usable open space or recreational facility per dwelling unit shall be provided.

(b) The common usable open space and recreational facility shall be designed, so that a horizontal rectangle inscribed within it has no dimension less than 50 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side-yards. The common usable open space shall be landscaped, improved and maintained.

(c) The common usable open space areas and recreational facilities shall be designed to be accessible and suitable for persons 55 years and older. The facilities provided shall reflect the occupants needs within the park.

(d) Completely enclosed indoor recreation facilities may be provided and shall consist of not less than 10 square feet for each dwelling unit and may be included as part of the 250 square feet per dwelling unit required for the common usable open space.

7. Building Height. The maximum height of any structure within the mobile home park (excluding the mobile home unit) shall be limited to 30 feet.

8. Access Drives and Streets. A mobile home park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobile home park when adequate access is obtained through an existing portion of the mobile home park. All mobile home spaces/lots and recreation facilities shall have access only from an interior access drive or street. Interior private access drives and streets shall meet the requirements of Article 31 of this ordinance and the standards within the Engineering Manual for driveways and private streets.

9. Sewer and Water. Each mobile home space/lot in a mobile home park shall have water and sewer connections in accordance with Title 25 of the California Code of Regulations and with applicable City codes, ordinances and standards.

10. Refuse Storage Areas. Refuse storage areas shall comply with Section 3022 of this ordinance.

11. Undergrounding of Utilities. The undergrounding of utilities shall be in accordance with Section 3023 of this ordinance.

12. Fire Protection. On- and off-site fire hydrants and other fire protection facilities shall be installed as specified by the MHP Development Plan for the project and shall be in accordance with Title 25 of the California Code of Regulations and with applicable City codes, ordinances and standards.

13. Night Lighting. Lighting shall be provided and maintained for all walks, driveways, parking areas, common areas and other facilities as specified by Title 25 of

the California Code of Regulations, and in accordance with Section 3117 of this Ordinance to assure safe and convenient nighttime use. Street lighting shall be provided on all interior access drives and streets and shall be designed to meet public street design standards as specified in the City's Standard Engineering Specifications.

14. Signs. All signs shall be in conformance with Article 33 of this ordinance.

15. Guest Parking. The amount of visitor or guest parking shall not be less than one parking space for each six mobile home spaces in the senior mobile home park, with any fraction of spaces rounded down to the nearest whole number.

16. Handicapped Parking. Handicapped parking shall be provided in accordance with Section 3107 of this ordinance.

B. For the Individual Mobile Home Spaces/Lots

1. Space or Lot Size. A minimum size of 3,500 square feet (excluding interior access drives) shall be provided for each space/lot. Smaller lot sizes may be approved under a Planned Block Development Plan (PBD) in accordance with Article 24 of this Ordinance; provided however that in the event of any conflict with the Mobilehome Parks Act, California Health and Safety Code Section 18200, *et seq.*, the Mobilehome Parks Act shall control.

2. Space or Lot Width. Every space/lot shall have a minimum width of forty (40) feet. Smaller lot dimensions may be approved under a Planned Block Development Plan (PBD) in accordance with Article 24 of this Ordinance; provided however that in the event of any conflict with the Mobilehome Parks Act, California Health & Safety Code Section 18200, *et seq*. the Mobilehome Parks Act shall control.

3. Space or Lot Coverage. Not more than seventy-five (75) percent of the area of a mobile home space/lot shall be covered by the mobile home and its accessory structures.

4. Setbacks and Separation Requirements: Each mobile home space/lot shall maintain the following minimum setbacks and separations for mobile homes;

provided however that in the event of any conflict with the Mobilehome Parks Act, Health and Safety Code Section 18200, *et seq.*, the Mobilehome Parks Act shall control.

(a) Front-Yard Setback: Each mobile home space/lot shall have a front yard setback of not less than five (5) feet extending the entire width of the mobile home space/lot. A front-yard shall be measured from the nearest element of the mobile home, garage, carport or any mobile home accessory structure to the property line, back of sidewalk, or back of curb, whichever is the most restrictive.

(b) Side-Yard Setback: Each mobile home space/lot shall have a side-yard setback of not less than three (3) feet in width along the entire length of the mobile home space/lot.

(c) Corner Side-Yard: A corner side-yard setback shall be not less than five (5) feet.

(d) Rear-Yard Setback: Each mobile home space/lot shall have a rear-yard setback of not less than three (3) feet in width across the entire length of the mobile home space/lot.

(e) Accessory Structures: Setbacks for any accessory structure shall be in accordance with Title 25 of the California Code of Regulations.

(f) Separation of Structures: The minimum separation between mobile homes or between mobile homes and buildings or accessory structures shall be in accordance with Title 25 of the California Code of Regulations.

5. Mobile Home Design. All mobile home units shall comply with the following design standards unless an alternate design is approved by the Planning Commission under a SMHP Development Plan:

(a) Each mobile home shall be at least 16 feet wide;

(b) It shall be built on a foundation as required by Title 25 of the California Code of Regulations and approved by the Building Official;

(c) It shall have been constructed after June 15, 1976, and shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1974;

(d) The unit's skirting shall extend to the finished grade;

(e) Exterior siding and materials shall be compatible with adjacent residential projects;

(f) The roof shall have a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;

(g) The roof covering shall be clay or concrete tile, composition shingle, wood shake or shingle complying with the most recent edition of the Uniform Building Code as amended by local ordinances;

(h) The roof shall have eaves or overhangs of not less than 1 foot; and

(i) Required covered parking shall be compatible with the mobile home design.

6. Building Height. Building height of individual mobile home units shall be limited to 1 story or 18 feet, whichever is less, unless additional height is approved through a SMHP Development Plan.

7. Parking. Two parking spaces shall be provided for each mobile home unit. At least one of the spaces shall be provided within a garage or a carport. Tandem parking is allowed provided that any required parking space shall not be located within any required setback area.

C. Development Restrictions

1. Any commercial operation within a mobile home must conform to Section 3007 of this ordinance.

2. No public oriented recreational activities for profit shall be permitted within the park.

3. No permanent buildings other than recreational buildings, laundry facilities and manager's quarters shall be constructed within the park except those approved by the Planning Commission within the context of a SMHP Development Plan.

2906 Development Regulations and Incentives

Notwithstanding any other provisions of the Oceanside Zoning Ordinance, the following regulations and incentives shall apply in the Senior Mobile Home Park Overlay District:

A. Guest Parking. The amount of visitor or guest parking shall not be less than one parking space for each six mobile home spaces in the senior mobile home park, with any fraction of spaces rounded down to the nearest whole number.

B. Dwelling Unit Density Bonus. In order to maximize net yield per acre, the City will consider increasing the allowable project density by granting a density bonus to the project site's existing density category pursuant to Government Code Section 65915 provided the minimum pad and setback requirements imposed by the Mobilehome Parks Act (Health and Safety Code Section 18200, *et seq.*) are maintained. Development incentives granted by the City pursuant to Government Code Section 65915 shall be contained in a Density Bonus Agreement to ensure that the mobile home park remains a senior mobile home park.

C. Exemption from Abatement of Nonconforming Uses. Notwithstanding the provisions of Article 35 of the Oceanside Zoning Ordinance, senior mobile home parks that have become non-conforming as to the underlying zoning shall be deemed to be legal and conforming uses.

D. Expansion of Existing Senior Mobile Home Parks. Notwithstanding the provisions of Section 3509 of the Oceanside Zoning Ordinance, the expansion of an existing senior mobile home park shall not terminate the legal and conforming status of any previously existing structures or uses in the mobile home park.

2907 Project Review

All development projects within the Senior Mobile Home Park Overlay District requiring approval of the Planning Director or the Planning Commission shall be reviewed for compliance with the land use and development regulations of this Article. Prior to the issuance of a building permit for any use or structure within the Senior Mobile Home Park Overlay District, the Planning Director shall determine whether the use or structure conforms to the requirements of this Article.

2908 Limitations on Rentals

Spaces and mobile homes in a mobile home park in the Senior Mobile Home Overlay District shall be rented only to occupants who meet the age requirement set forth in Section 2905, provided, however, that if the occupants of a space or mobile home who do not meet this requirement rented the space or mobile home before the adoption of this Article, they shall be allowed to remain, and provided further that when such occupants cease to occupy a space or mobile home, the home and space cannot thereafter be rented except to occupants who meet that age requirement.

2909 Applicability

The requirements of Sections 2905 through 2908 shall not be applicable to a Senior Mobile Home Park that has closed or converted to another use in accordance with Article 34 of the Zoning Ordinance and all applicable state statutory requirements.

2910 Violations

Any violation of this Article is a misdemeanor and the City shall have the right to use all generally available legal remedies to enforce this Article.

2911 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Oceanside hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid."

Section 3. The Zoning Map of the City of Oceanside is hereby amended to designate the properties legally described in Exhibit A and depicted on Exhibit B to be within the Senior Mobile Home Park Overlay District.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Oceanside hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 5. The custodian of records of all the materials which constitute the record of proceedings upon which the City Council's decision to adopt the Ordinance is based, is City Clerk for the City of Oceanside. Those documents are available for public review in the City Clerk Department of the City of Oceanside located at Oceanside City Hall, 300 North Coast Highway, Oceanside, California 92054, telephone (760) 435-3000.

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Section 6. The City Clerk shall certify to the adoption of this Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the 6th day of December, 2006, and, thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ the day of _____ , 2006 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____ DCA
City Attorney

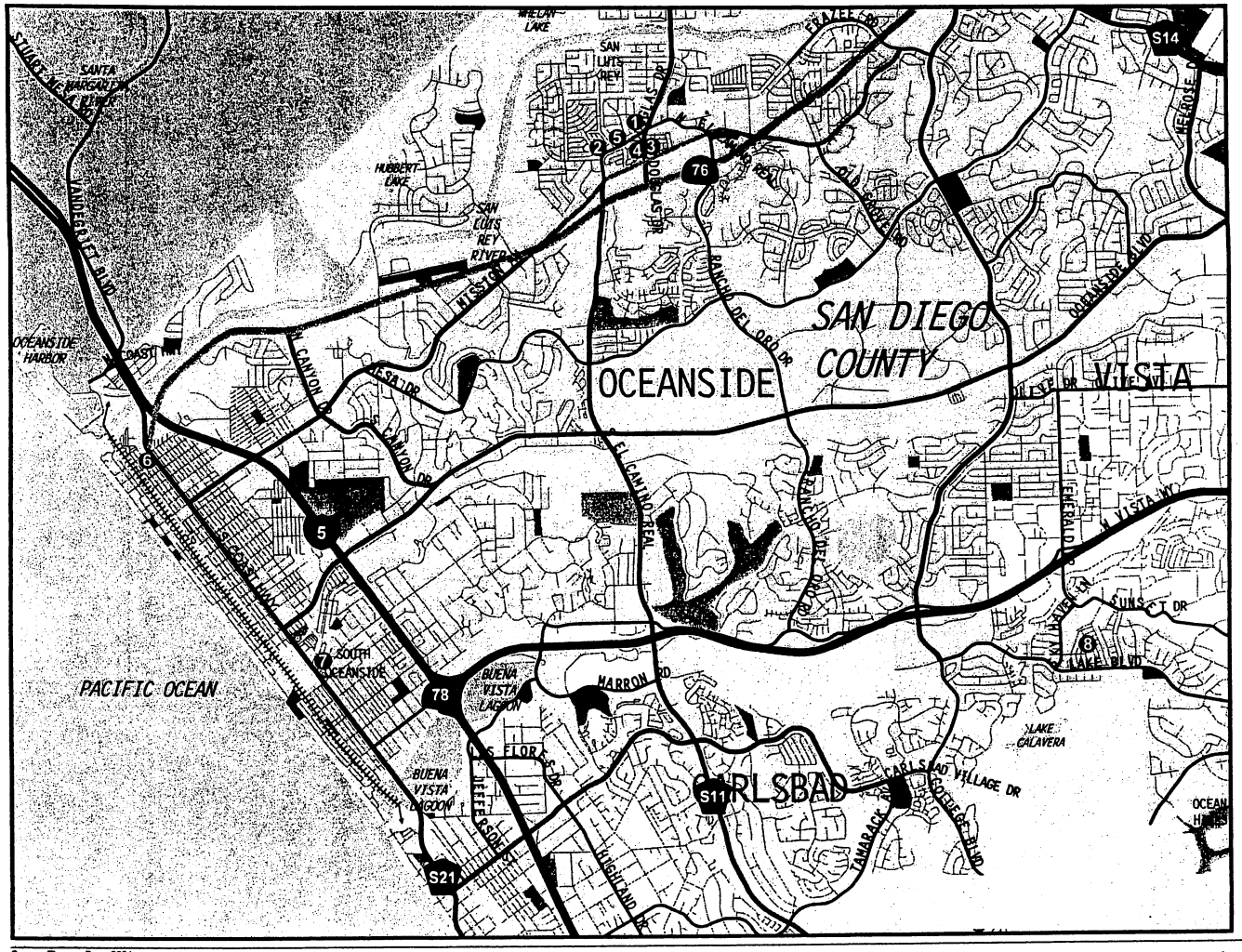
Exhibit A

[Provide Legal Descriptions of the listed Senior Mobile Home Parks]

1. Laguna Vista Mobile Estates
   276 North El Camino Real
   Oceanside, California 92054
2. Rancho San Luis Rey Mobile Home Park
   200 North El Camino Real
   Oceanside, California 92054
3. Mission View Manor East
   140 Douglas Drive
   Oceanside, California 92054
4. Mission View West
   141 Douglas Drive
   Oceanside, California 92054
5. Trico Mobile Estates
   221 North El Camino Real
   Oceanside, California 92054
6. Mira Mar Mobile Community
   900 North Cleveland Street
   Oceanside, California 92054
7. La Salina Mobile Village
   1550 South Hill Street
   Oceanside, California 92054
8. Rancho Calevero, LLP
   3570 Calevero Lane
   Oceanside, California 92056

Exhibit B

Maps Depicting Properties Subject to the Senior Mobile Home Park Overlay District



1. LAGUNA VISTA MOBILE ESTATES
276 N. EL CAMINO REAL
2. RANCHO SAN LUIS REY MOBILE HOME PARK
200 N. EL CAMINO REAL
3. MISSION VIEW MANOR EAST
140 DOUGLAS DRIVE
4. MISSION VIEW WEST
141 DOUGLAS DRIVE
5. TRICO MOBILE ESTATES
221 N. EL CAMINO REAL
6. MIRA MAR MOBILE COMMUNITY
900 N. CLEVELAND STREET
(WITHIN COASTAL ZONE)
7. LA SALINA MOBILE VILLAGE
1550 S. COAST HIGHWAY
(WITHIN COASTAL ZONE)
8. RANCHO CALEVERO MOBILE HOME PARK
3750 CALEVERO LANE

Source: Thomas Bros. 2004

NO SCALE

Figure 2
Existing Oceanside Mobilehome Parks
Proposed for Senior Overlay District