

**ORDINANCE NO. 2015- 010**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN  
BUENAVENTURA AMENDING THE MUNICIPAL CODE TO  
ESTABLISH A SENIORS MOBILE HOME PARK OVERLAY  
ZONE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP  
TO APPLY THAT OVERLAY ZONE TO CERTAIN MOBILE HOME  
PARKS**

**WHEREAS**, there exists a lack of seniors housing options in the City of San Buenaventura ("City") that will likely increase with the aging of the City's population; and

**WHEREAS**, preserving mobile home housing for seniors is consistent with the Housing Element of the City's General Plan; and

**WHEREAS**, as set forth in the Housing Element of the City's General Plan, the City has a policy of facilitating the provision of housing to address Ventura's growing seniors population (2014-2021 Housing Element Policy 1.7 – Mobile Home Park Preservation); and

**WHEREAS**, mobile home parks provide one of the few housing options within the City available to seniors (individuals who are age 55 years or older) that are affordable and allow for independent living in a detached dwelling; and

**WHEREAS**, conversion of existing seniors mobile home parks to parks that allow occupancy by persons of all ages would reduce the availability of housing available to seniors and thereby harm the public health, safety and welfare; and

**WHEREAS**, the City Council has determined that new regulations are necessary to protect the public health, safety and welfare of the citizens of the City, particularly within the special needs group such as those tenants or residents who are 55 years of age or older in mobile home parks; and

**WHEREAS**, Table 26 of the California Travel Trends and Demographics Study Final Report that was issued to the Department of Transportation, Division of Transportation Planning, Office of State Planning, in December 2002, demonstrates that individuals aged 55-59, 65-69, and 75-79 make 87.5%, 78.6%, and 64.5% fewer daily trips than those aged 40 to 44; and

**WHEREAS**, in contrast to other seniors housing, mobile home parks afford seniors the ability to live in their own, detached homes rather than in apartments, and provide a senior living community in a low-rise, walkable setting enabling community events, socializing, and recreational activities; and

**WHEREAS**, many of the seniors living in seniors mobile home parks enjoy living in a quieter community with others in their own age group; they often purchase their homes in these parks because the parks accept only prospective purchasers where at least one occupant of the mobile home being purchased is 55 years of age or older; and

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

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

**WHEREAS**, the Housing for Older Persons Act amendments to the federal Fair Housing Act, 42 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 seniors 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 seniors housing exemption from the provisions of the Fair Housing Act prohibiting discrimination based on familial status; and

**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 seniors housing exemptions from statutes prohibiting discrimination in housing based on age and familial status; and

**WHEREAS**, on August 12, 2015, the Ventura Planning Commission held a duly noticed public hearing to consider the provisions of this Ordinance, and following the receipt of public comments and any written materials, the Planning Commission closed the hearing, reviewed and considered all the evidence presented, and recommended to the City of San Buenaventura City Council find and determine the Ordinance to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), and approve this Ordinance; and

**WHEREAS**, on September 14, 2015, the City of San Buenaventura City Council held a duly noticed public hearing to consider the provisions of this Ordinance, and following receipt of all written and oral public comments, the City Council closed the public hearing, considered the evidence presented, and deliberated;

**WHEREAS**, the City Council does hereby find that the proposed ordinance and zoning map amendments are exempt from the provisions of CEQA, the State CEQA Guidelines, and the Environmental Review Procedures of the City of San Buenaventura, pursuant to State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The Ordinance will preserve and maintain existing seniors mobile home parks in the City, and thus maintain the environmental status quo for those mobile home parks that may be made subject to the proposed overlay zone; and therefore,

THE COUNCIL OF THE CITY OF SAN BUENAVENTURA DOES ORDAIN AS FOLLOWS:

**SECTION 1. Findings and Determinations.**

A. There are 16 mobile home parks in the City, nine (9) of which have long operated as seniors mobile home parks, providing an important source of affordable seniors housing; and

B. The nine (9) seniors mobile home parks represent approximately 1,428 spaces out of 1,960 spaces, or 73% of all mobile home spaces in the City; and

C. The conversion of seniors mobile home parks to mobile home parks allowing occupancy by persons of all ages will result in harmful environmental effects and the loss of existing affordable seniors housing within the City. These effects present a threat to, and a specific adverse impact upon, public health, safety and welfare and the City's ability to provide safe and decent housing opportunities to seniors; and

D. One of the goals of the City's Housing Element of the General Plan and Comprehensive Plan (for Coastal Zone) is the Conservation of Housing, specifically to preserve the affordability of mobile homes (Housing Element Policy 1.7); and

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

F. The California Legislature has authorized cities to provide zoning for "senior mobilehome parks" and "family mobilehome parks" pursuant to California Health and Safety Code Section 18300; and

G. The California Attorney General has opined that zoning for seniors housing does not conflict with the general prohibition against discrimination

based upon age contained in California Government Code Section 65008 (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004)); and

H. The City Council has determined it is necessary to develop new zoning regulations to implement a Mobile Home Park - Seniors Overlay Zone in order to preserve seniors mobile home parks; and

I. This ordinance is necessary to mitigate the unregulated effects of conversion of seniors-only housing to housing allowing occupancy by persons of all ages, including the potential shrinking inventory of existing quality affordable housing for seniors, and the increased environmental effects of non-senior housing. No feasible alternative is available to satisfactorily mitigate or avoid these specific adverse impacts as well or better with a less burdensome effect than the adoption of the proposed ordinance; and,

J. California's Unruh Civil Rights Act (Civil Code § 51 et seq.) expressly allows private parties to establish housing for senior citizens and the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.) expressly allows for "housing for older persons".

**SECTION 2.** Chapter 24.110 of Part 1 of Division 24 of the San Buenaventura Municipal Code is hereby amended to add a new Section 24.110.1255 as follows:

**"Sec. 24.110.1255 - Mobile home park – seniors.**

"Mobile home park – seniors" or "seniors mobile home park" means a mobile home 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 in which one hundred (100) percent of the spaces are occupied or intended for occupancy by persons sixty-two (62) years of age or older."

**SECTION 3.** Section 24.300.010 of Chapter 24.300 of Part 3 of Division 24 of the San Buenaventura Municipal Code is hereby amended to read as follows:

**" Sec. 24.300.010. – Contents of overlay zone regulations.**

The overlay zone regulations of the zoning ordinance consist of the following chapters:

24.300	General Provisions
24.310	Coastal Protection (CP) Overlay Zone
24.315	Coastal Bluff (CB) Overlay Zone
24.320	Flood Plain (FP) Overlay Zone
24.325	Sensitive Habitat (SH) Overlay Zone

24.340	Historic District (HD) Overlay Zone
24.345	Downtown Parking (DP) Overlay Zone
24.350	Tourist-Oriented (TO) Overlay Zone
24.360	Mobil Home Parks – Seniors (MHP-S) Overlay Zone
24.375	Oil Drilling (OD) Overlay Zone
24.380	Westside Workplace (WW) Overlay Zone
24.385	Eastside Workplace (EW) Overlay Zone
24.390	Hillside (HS) Overlay Zone
24.395	Civic Building (CV) Overlay Zone ”

**SECTION 4.** Section 24.300.030 of Chapter 24.300 of Part 3 of Division 24 of the San Buenaventura Municipal Code is hereby amended to read as follows:

**“ Sec. 24.300.030. – Establishment of overlay zones.**

In order to further the purposes of this zoning ordinance, the following overlay zones may be established and may be superimposed over existing zones:

1. CP Coastal Protection Overlay Zone
2. CB Coastal Bluff Overlay Zone
3. FP Flood Plain Overlay Zone
4. SH Sensitive Habitat Overlay Zone
5. HD Historic District Overlay Zone
6. DP Downtown Parking Overlay Zone
7. TO Tourist-Oriented Overlay Zone
8. Mobil Home Parks – Seniors Overlay Zone
9. OD Oil Drilling Overlay Zone
10. WW Westside Workplace Overlay Zone
11. EW Eastside Workplace Overlay Zone
12. HS Hillside Overlay Zone
13. CV Civic Building Overlay Zone ”

**SECTION 5.** Part 3 of Division 24 of the San Buenaventura Municipal Code is hereby amended to add a new Chapter 24.360 to read as follows:

**“Chapter 24.360 – Seniors Mobile Home Park (MHP-S) Overlay Zone**

**Sec. 24.360.010. – Chapter Description**

Chapter 24.360 establishes the Seniors Mobile Home Park (MHP-S) Overlay Zone in order to preserve a variety and balance of housing types within the City, and to provide assurances that mobile home parks within

the Mobile Home Park Overlay Zone will remain available to senior households.

**Sec. 24.360.020. – Applicability**

The provisions of this chapter shall apply within the boundaries of any area in which mobile home park developments are permitted pursuant to chapter 24.220 or chapter 24.236 and that has been designated as a Seniors Mobile Home Park (MHP-S) Overlay Zone by the City Council pursuant to chapter 24.540. Such areas may be designated as MHP-S on the official zoning district map.

**Sec. 24.360.030. – Land Use Regulations**

At least eighty (80) percent of the spaces in any mobile home park designated Seniors Mobile Home Park Overlay Zone shall be occupied by at least one person fifty-five (55) years of age or older. If an existing mobile home park met this qualification on October 14, 2013, and fell below the eighty (80) percent requirement between that date and the effective date of the ordinance codified in this section, the Seniors Mobile Home Park Overlay Zone shall be applied to that mobile home park and that park shall be required to operate as a seniors mobile home park by complying with the limitations on rentals set forth in Section 24.360.050 of this Code for any new space of mobile home rental. The signage, advertising, park rules, regulations, rental agreements, and leases for spaces in a seniors mobile home park in the MHP-S Overlay Zone shall state that the park is a seniors park.

**Sec. 24.360.040. – Limitations on Converting Seniors Mobile Home Park**

No Seniors Mobile Home Park located within the MHP-S Overlay Zone shall convert to a mobile home park allowing occupancy by persons of all ages. “Convert” or “conversion” means changing from a seniors mobile home park to a mobile home park that could not qualify as a seniors mobile home park.

**Sec. 24.360.050. – Limitations on Rentals**

Spaces and mobile homes in a mobile home park in the Seniors Mobile Home Park Overlay Zone (MHP-S) shall be rented only to occupants who meet the age requirement set forth in Section 24.360.030, 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 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 mobile home, the mobile home and space cannot thereafter be rented except to occupants who meet that age requirement.

**Sec. 24.360.060. Minimum Design and Performance Standards;  
Annual Certification.**

The signage, advertising, leases, rental agreements, and park rules and regulations for spaces in a mobile home park in the Seniors Mobile Home Park Overlay Zone (MHP-S) shall state that the park is a seniors residential park. Each seniors mobile home park shall have procedures for verifying that it qualifies as a seniors facility under applicable federal and/or state law, including documentation establishing that at least 80% of the mobile homes or spaces in the mobile home park are occupied by at least one resident who is 55 years of age or older, or that 100% of the residents are 62 years of age or older. These procedures shall provide for regular updates, through surveys, affidavits, or other means of initial information supplied by the occupants of the mobile home 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.

The operator of each mobile home park in the Seniors Mobile Home Park Overlay Zone shall on an annual basis, provide to the City's Mobile Home Park Rent Administrator a certification that the subject mobile home park is in compliance with the age qualification requirements, substantially in the following form:

I *[name]* hereby certify that there is at least one occupant 55 years of age or older in *[number of units]* units of the total *[number of units in the park]* units in the *[name of the seniors mobile home park]* seniors mobile home park. This certification is based on my personal knowledge of the residents, evidence provided to me in the form of official government documents containing specific information about the current age of the residents, resident affidavits, or age certifications made by residents in their current lease agreements. "

The Mobile Home Park Rent Administrator shall establish the deadline for filing the annual certification, which, to the extent possible, should be coordinated with the timing of filings as may be required pursuant to the City's rent stabilization program.

**SECTION 6.** Pursuant to Section 24.105.040 of the Municipal Code, the Official Zoning District Map of the City of San Buenaventura, California, is hereby amended to apply the Seniors Mobile Home Park (MHP-S) Overlay Zone to the following mobile home parks, as shown in Exhibit A, which is attached hereto, and incorporated herein by reference:

1. Buena Trailer Park
2. Buenaventura Estates
3. Country Estates

4. Imperial (seniors portion only)
5. La Posada
6. Lemonwood
7. Patrician
8. Sea Esta
9. Ventura Marina

The assessor's parcel numbers for each of the foregoing mobilehome parks are provided in Exhibit B, attached hereto, and incorporated herein by reference.

**SECTION 7. Severability.**

If any provision of this Ordinance or the application thereof to any persons or circumstances is for any reason is declared by a court of competent jurisdiction, adjudicated to a final determination, to be invalid, this City Council finds that said invalidated part is severable, and that this City Council would have adopted the remainder of this Ordinance without the severed and invalidated part, and that the remainder of this Ordinance without the severed and invalidated part, and that the remainder of this Ordinance shall remain in full force and effect.

**SECTION 8. Effective Date.**

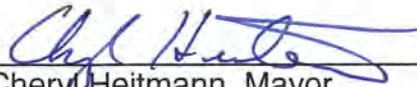
A. This Ordinance shall take effect on the 31<sup>st</sup> day after its final passage and adoption. The City Clerk shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted and published in the manner required by law.

B. Designation of the MHP-S Overlay Zone for the Ventura Marina Mobile Home Park located at 1215 Anchors Way Drive (APN 080-0-240-275) will not become effective until reviewed and approved as an amendment to the City's Local Coastal Program (LCPA) by the California Coastal Commission. During fall 2015, Community Development Director will pursue with California Coastal Commission staff the feasibility of a "De Minimis" amendment as specified in PRC Section 30514(d) since this MHP-S Overlay Zone appears will have no individual or cumulative impact on coastal resources. The Director shall report back to the City Council the outcome of the discussion and what processing steps may be required to implement the LCPA.

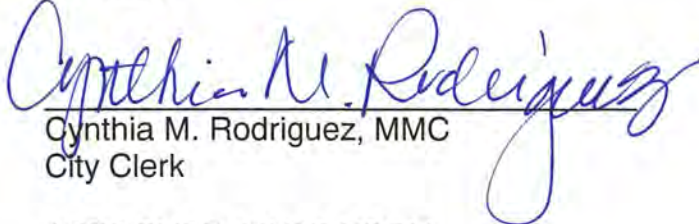
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PASSED and ADOPTED this 21 day of September 2015.

  
Cheryl Heitmann, Mayor

ATTEST:

  
Cynthia M. Rodriguez, MMC  
City Clerk

APPROVED AS TO FORM

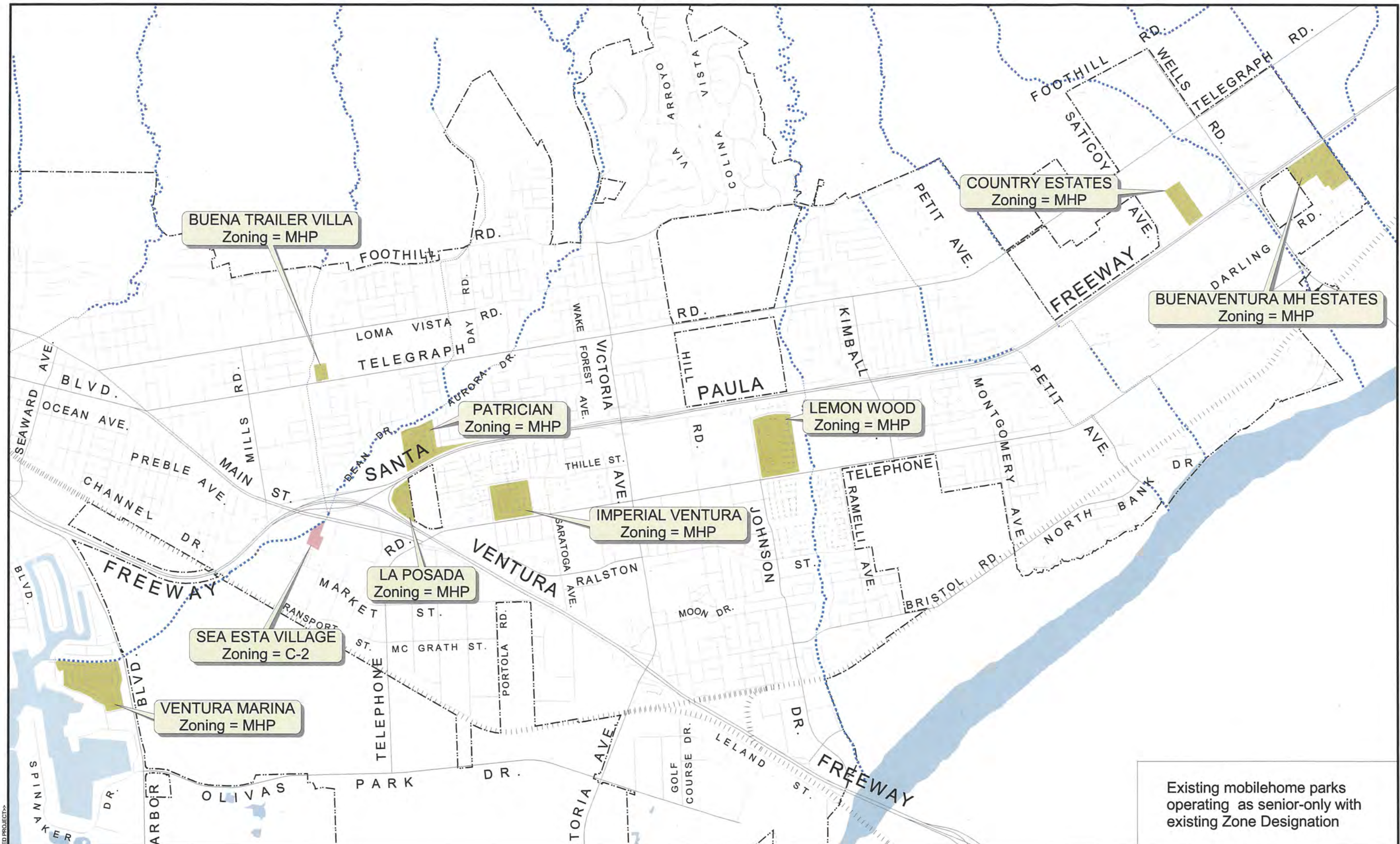
By:  9/16/2015  
Gregory G. Diaz, City Attorney

**EXHIBIT LIST:**

- A - Official Zoning Map – Mobile Home Parks-Seniors
- B – Assessor's Parcel Numbers for Parks to which the MHP-S Overlay Zone is Applied



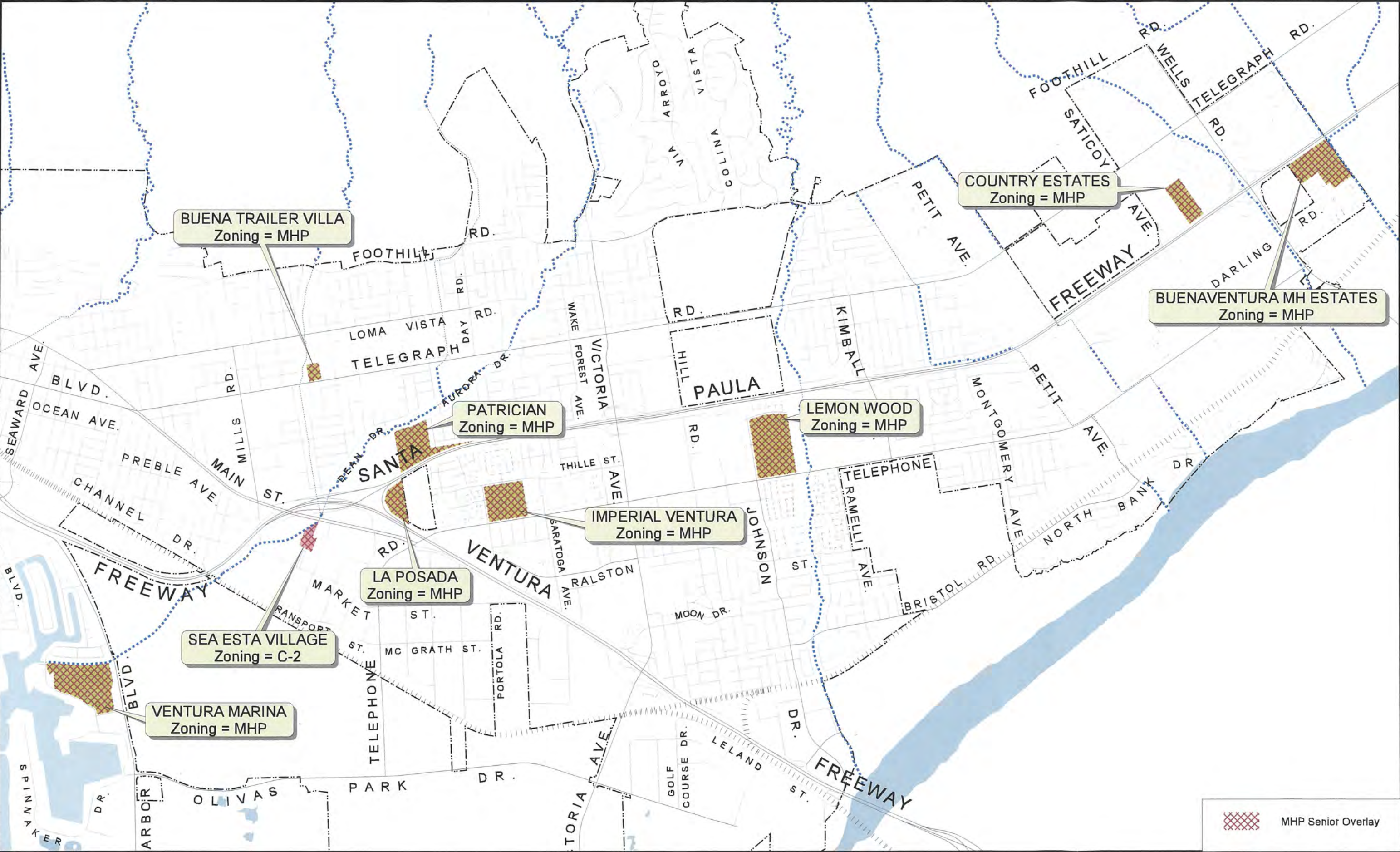
## EXHIBIT A - 1




Existing mobilehome parks  
operating as senior-only with  
existing Zone Designation



EXHIBIT A - 2



 MHP Senior Overlay

## Exhibit B

### Mobile Home Parks – Seniors Assessor's Parcel Numbers (APN)

Park Name	APN	Existing Zoning	Proposed Overlay Zone
Buena Trailer Villa	078-0-213-050	MHP	MHP-S
Buenaventura Estates	090-0-081-205	MHP	MHP-S
Country Estates	089-0-012-255	MHP	MHP-S
Imperial (A)	083-0-050-250	MHP	MHP-S
La Posada	079-0-240-025	MHP	MHP-S
Lemonwood	083-0-062-105	MHP	MHP-S
The Patrician	079-0-220-035	MHP	MHP-S
Sea Esta Village	138-0-160-055	C-2	MHP-S
Ventura Marina	080-0-240-275	MHP	MHP-S



STATE OF CALIFORNIA                     )  
COUNTY OF VENTURA                 ) ss  
CITY OF SAN BUENAVENTURA         )

I, ROXANNE FIORILLO, Assistant City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on September 21, 2015, by the following vote:

AYES:           Councilmembers Morehouse, Weir, Tracy, Andrews, Deputy Mayor Nasarenko, and Mayor Heitmann.

NOES:           Absent.

ABSENT:        Councilmember Monahan.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on September 22, 2015.

  
Assistant City Clerk

