

**EFFECTIVE DATE
OF ORDINANCE**

November 15, 2023

ORDINANCE NO. 2865 N.C.S.

Introduced by: Janice Cader Thompson

Seconded by: Dennis Pocekay

ADOPTION (SECOND READING) OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADDING SECTION 5.060 TO THE PETALUMA IMPLEMENTING ZONING ORDINANCE, ORDINANCE 2300 N.C.S., AND AMENDING THE ZONING MAP TO ESTABLISH A SENIOR MOBILEHOME PARK OVERLAY DISTRICT OVER THE FIVE EXISTING SENIOR MOBILEHOME PARKS IN PETALUMA

WHEREAS, the City of Petaluma ("City") General Plan includes policies and goals for senior housing oriented development, and establishes the City's objective to provide sufficient housing for senior residents; and

WHEREAS, there is a shortage of affordable rental housing in the city of Petaluma, because over 1/3 of housing units in Petaluma are occupied by renters, 18.2% of households in Petaluma live in neighborhoods that are susceptible to or experiencing displacement, and 38.7% of Petaluma households live in neighborhoods where low-income households are likely to be excluded due to prohibitive housing costs¹; and

WHEREAS, the City is committed through its General Plan Housing Element policies to preserving the City's existing affordable housing stock and to maintaining housing for special needs groups, such as senior citizens; and

WHEREAS, the 2023-2031 Housing Element, which was adopted in May 2023, states that, "Since 2000, the percentage of the elderly population increased from 11 percent to 18 percent" and that there are "7,849 households with one or more seniors (34.6% of total households)"² and

WHEREAS, according to the Association of Bay Area Governments' Plan Bay Area 2050 Regional Growth Forecast, the share of people in the 65+ age group is anticipated to continue to grow in the decades ahead, more than doubling between 2015 and 2050, from 14 percent of the total population to 23 percent;³ and

WHEREAS, according to the Existing Conditions Report prepared to inform subsequent policy development as part of the City's General Plan update which was presented to the City Council on January 3, 2022, Petaluma's population is aging at a faster rate than that of Sonoma County and the State of California, in that 35% of the Petaluma population is 55 or older, 6.6% of the Petaluma Population is 75 or older, and since 2000, the share of the Petaluma population that is 65 or older has increased by 57.7%, more than double the rate in the State of California, and higher than the rate in Sonoma County; and

¹ <https://mtcdrive.app.box.com/s/nei8x775oi5m47mqhu8ctpyyqrio2v3/file/794789786076>.

² Chrome

extension://efaidnbmnnnibpcajpcgglefindmkaj/https://storage.googleapis.com/proudcity/petalumaca/uploads/2023/05/Housing-Element-Final-Certified-2023-2031web.pdf Page A-21

³ Okoro CA, Hollis ND, Cyrus AC, Griffin-Blake S. Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults — United States, 2016. MMWR Morb Mortal Wkly Rep 2018;67:882–887. DOI:

WHEREAS, 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;⁴ and

WHEREAS, the rental vacancy rate in Petaluma is 1.92%;⁵ and

WHEREAS, the median rent in Petaluma for one- and two-bedroom units was \$2,527 as of July 2022, the highest median rent in Sonoma County⁶; and

WHEREAS, 81% of renters in Petaluma with incomes below 80% of area median income are paying more than 30% of their income for housing costs, and this statistic has increased since the adoption of the City's previous Housing Element, when approximately 63% of renters were paying more than 30% of their income for housing;⁷ and

WHEREAS, between January 2021 and January 2022, the cost of rental housing in Petaluma rose 14.5%, despite the Tenant Protection Act rent caps and anti-price gouging statutes limiting rent increases to 10%;⁸ and

WHEREAS, on September 13, 2021, the City Council declared a shelter crisis in the City of Petaluma due to the lack of affordable and accessible housing in California, Sonoma County and Petaluma, pursuant to Resolution 2021-149 N.C.S.;⁹ and

WHEREAS, the recitals enumerated in Resolution 2021-149 N.C.S. are hereby incorporated herein in support of the need for amendments to the City's zoning regulations; and

WHEREAS, a significant number of mobile home park residents in the City of Petaluma are senior citizens with fixed incomes, qualifying as very-low or low-income individuals according to criteria established by the California Department of Housing and Community Development; and

WHEREAS, in enacting this ordinance, the City Council is relying on the City's police power and home rule authority pursuant to Article XI, Sections 5 and 7 of the California Constitution to enact and enforce ordinances and regulations for the public health, safety, and welfare of the City and its residents; 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 those tenants or residents who are over 55 years of age in mobilehome parks within the special needs group; and

WHEREAS, certain senior restricted mobilehome parks are faced with the threat of converting those facilities to all-age mobilehome parks, which would allow residents of any age to reside in that community, and such conversions to non-age restricted housing would result in the loss of existing predominantly senior only housing and have detrimental impacts on the senior citizens of the community; and

WHEREAS, mobilehome park conversions to non-senior housing results in a loss of existing senior only housing available within the City, and this loss of affordable senior housing in the City creates a threat to the health, safety and welfare of the seniors in the City; and

⁴ Id. A-22

⁵ <https://www.rate.com/research/petaluma-ca>

⁶ Id.

⁷ <https://storage.googleapis.com/proudcity/petalumaca/uploads/2019/09/HousingElement.pdf> Appendix A, Page 11

⁸ Napa, Sonoma, Marin, Solano rents jump, burdening tenants, landlords (northbaybusinessjournal.com)

⁹ <https://cityofpetaluma.primegov.com/Portal/viewer?id=24208&type=2>

WHEREAS, in contrast to other senior housing in the City, mobilehome 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; and

WHEREAS, seniors in these parks have deliberately chosen to reside in senior-specific communities to enjoy a quieter and more age-appropriate living environment; and

WHEREAS, the decision to purchase mobilehomes in senior parks was often based on the understanding that these parks would only accept residents who meet the age requirement of being 55 years of age or older; and

WHEREAS, the prospect of converting senior parks to family parks may disrupt the peaceful and tranquil atmosphere that has been enjoyed by senior residents, including those who have grandchildren visiting; and

WHEREAS, the City recognizes the importance of respecting the preferences and expectations of its senior residents and preserving the unique character and ambiance of senior mobilehome parks that have been specifically designed to cater to the needs and desires of seniors seeking a quiet and supportive community; and

WHEREAS, Senior-only parks often develop a close-knit and supportive community of residents who share similar interests and lifestyles and introducing a more diverse age group could alter the social atmosphere and dynamics of the community, potentially affecting the sense of belonging and camaraderie among existing residents; and

WHEREAS, with the addition of families and children, there might be an increase in noise and activity levels within the park and this change could be disruptive for senior residents who value peace and quiet and may affect their overall well-being; and

WHEREAS, the existing amenities and services in the park may change or be reconfigured to cater to the needs of all-age residents and this could mean a reduction in amenities specifically tailored to seniors, affecting their quality of life; and

WHEREAS, some seniors may have chosen to live in a senior-only park because of health-related reasons and the stress or disruption caused by the conversion could potentially impact their health and well-being; and

WHEREAS, all-age parks generally attract more residents, leading to a higher number of vehicles entering and exiting the community and this can result in increased traffic and congestion on nearby roads, potentially affecting the safety of pedestrians and other motorists; and

WHEREAS, the potential conversion of senior mobilehome parks to family parks, contrary to previous representations and agreements on which residents of senior mobilehome parks have relied in entering their leases, poses a significant threat to the rights and expectations of senior residents who have invested in their homes and chosen these communities as their places of residence; and

WHEREAS, mobilehome park residents' reliance on the representations made by park management and owners in the leases, rental agreements, and park rules underscores the importance of maintaining the integrity of these agreements to ensure that senior residents are not unfairly forced to uproot their lives and homes; and

WHEREAS, by the use of Civil Code Section 798.25 to convert senior mobilehome parks without the consent and despite the objections of the senior residents undermines the protections afforded to seniors that have existing leases in the self-designated senior parks; and

WHEREAS, it is essential to recognize the unique needs and vulnerabilities of senior citizens and to ensure that they are not subject to housing instability, unsustainable financial burdens, and emotional distress due to sudden changes in park regulations; and

WHEREAS, the lack of available affordable housing options for seniors in the City and surrounding areas may force them to relocate to other cities or states, separating them from their established communities, support networks, and medical care providers and facilities; and

WHEREAS, the displacement of senior residents from existing senior mobilehome parks could lead to increased homelessness and financial hardship for those unable to afford alternative housing options; and

WHEREAS, senior mobilehome parks have been established to cater to the unique needs and preferences of senior citizens, providing a safe, quiet, and supportive community environment; and

WHEREAS, the loss of senior mobilehome parks may also have negative effects on the mental and emotional well-being of senior residents, as the sense of community and companionship they have grown accustomed to may be lost in a family-oriented park setting; and

WHEREAS, preserving the limited supply of senior mobilehome parks in the City is essential to ensure that seniors can continue to age in place and maintain a sense of stability and belonging in their retirement years; and

WHEREAS, according to a 2021 American Association of Retired Persons survey, more than ninety-seven percent (97%) of persons age fifty (50) and older would prefer to stay in their current residence as long as possible;¹⁰ and

WHEREAS, it is in the best interest of the City to protect the rights and quality of life of its senior residents, recognizing their contributions to the community and the importance of meeting their unique housing needs; and

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 of age or older from the requirement to rent to families with children; and

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

¹⁰ https://www.aarp.org/content/dam/aarp/research/surveys_statistics/liv-com/2021/2021-home-communitypreferences-annotated-questionnaire-age.doi.10.26419-2Fres.00479.002.pdf

housing" satisfies the intent requirement of the senior housing exemption from the provisions of the Fair Housing Act prohibiting discrimination based on familial status; and

WHEREAS, the federal Fair Housing Act, California Fair Employment and Housing Act, and California Mobilehome Park Residency law permit local regulation of mobile home park housing to provide "housing for older persons" to include housing that is restricted to occupancy of at least 80 percent of units by at least one person who is age 55 or older; and

WHEREAS, the California Unruh Civil Rights Act (California Civil Code Section 51 et seq.) allows establishment of mobile home housing that is age-restricted where such restrictions are consistent with the Federal Fair Housing Act and its subsequent amendments and existing implementing regulations; 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 senior housing exemptions from statutes prohibiting restrictions in housing based on age and familial status; and

WHEREAS, this ordinance codifies the City's intent to provide "housing for older persons," consistent with the Housing for Older Persons Act amendments to the federal Fair Housing Act 42 U.S.C. §3607(b) and the provisions for implementation as set forth in the Code of Federal Regulations (24 CFR §100.304(b)(4)) and the Appendix thereto (64 Fed.Reg. 16331), which provide that a permissible senior housing facility or community includes a municipally zoned area, and which zone, when established, satisfies the "intent" requirement of the "housing for older persons" exemption from the provisions of the Fair Housing Act prohibiting discrimination based on-familial status; and

WHEREAS, amending the City's Implementing Zoning Ordinance to add Section 5.060 establishing a senior mobilehome park overlay district is exempt from the California Environmental Quality Act in accordance with the analysis in Attachment 2 to the concurrent staff report which is incorporated herein by this reference as part of this ordinance, because the zoning amendments contained in this ordinance 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); and

WHEREAS, the City has complied with the noticing and other requirements for zoning text amendments governed by Chapter 25 of the Implementing Zoning Ordinance, Ordinance 2300 N.C.S. and by California Government Code Section 65853, including by giving on public notice of the October 2, 2023 public hearing before the City Council to consider the proposed zoning amendments in the Petaluma Argus Courier as an eighth-page ad; and

WHEREAS, on September 12, 2023, the Petaluma Planning Commission held a duly noticed public hearing to consider the proposed zoning amendments to enact a senior overlay district and following receipt of all written and oral public comments, considered the evidence presented, and deliberated; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. 2023-13, recommending the City Council adopt the amendments; and

WHEREAS, on October 2, 2023, the City Council held a duly noticed public hearing to consider the zoning amendments and following receipt of all written and oral public comments, considered the evidence presented, and deliberated and introduced the ordinance with a vote of 7-0.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Petaluma as follows:

Section 1. Findings:

- A. The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance as findings and determinations of the City Council.
- B. In accordance with Sections 25.010 and 25.070(A) of the City’s Implementing Zoning Ordinance, Ordinance No 2300 N.C.S., (“IZO”), the proposed amendments to the IZO contained in Section 3 and 4 are in general conformity with the General Plan 2025 in that the amendments do not change the general character or impacts of current zoning regulations and implement the General Plan in accordance with 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

- C. In accordance with Section 25.070(B) of the IZO, the proposed amendments contained in Section 3 and 4 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 prevent their conversion to all-age 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.

Section 2. Exemptions from CEQA Finds that amending the City’s Implementing Zoning Ordinance to add Section 5.060 pertaining to the establishment of a senior mobilehome park overlay district is exempt from the California Environmental Quality Act in accordance with the analysis in Attachment 2 to the concurrent staff report because the zoning amendments contained in this ordinance 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).

Section 3. Section 5.060 added to the Petaluma Implementing Zoning Ordinance. Chapter 5 of the Petaluma Implementing Zoning Ordinance, Ordinance 2300 N.C.S., is hereby amended to add a new Section 5.060 as follows:

Title 5.060 Senior Mobilehome Park Overlay District

A. Intent and Purpose

The Senior Mobilehome Park Overlay District is intended to preserve a variety and balance of housing types within the city of Petaluma, and to provide assurances that existing senior mobilehome parks within the Seniors Mobilehome Park Overlay District and future senior mobilehome parks established subject to the Overlay District will remain available to seniors.

B. Definitions

- A. “Convert” or “conversion” means changing a senior mobilehome park to a mobilehome park that does not qualify as a senior mobilehome park in accordance with this ordinance and other applicable law.
- B. “Mobilehome park” has the same meaning as in Petaluma Municipal Code Section 6.50.020(K), as amended from time to time, and currently defines “Mobilehome Park” as any area of land within the incorporated areas of the city where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes used for human habitation, subject to and in accordance with all applicable land use regulations.
- C. “Senior mobilehome 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.

C. Designation

The Senior Mobilehome Park Overlay District shall be designated by the symbol (MH-S) on the City of Petaluma Zoning Map. The (MH-S) designation applies to the five senior mobilehome parks that exist in the city as of the effective date of this section, and to senior mobile home parks established in the city after the effective date of this section subject to the Overlay District. The five senior mobilehome parks in the city as of the effective date of this section are:

Park Name	Address	Assessor Parcel Number
Leisure Lake	300 Stony Point Rd, Petaluma, CA 94952	007-422-042
Petaluma Estates	901 North 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 North McDowell Blvd, Petaluma, CA 94954	048-080-024 & 007-401-004

D. Senior Occupancy Requirement

At least eighty (80) percent of the spaces in senior mobilehome parks must be occupied by at least one person fifty-five (55) years of age or older. This senior occupancy requirement does not apply to or affect ownership of a mobilehome unit. As long as at least one resident of a mobilehome in a senior mobilehome park is fifty-five years of age or older, the senior occupancy requirement is satisfied as to that mobilehome, whether or not the owner of the mobile home is fifty-five years of age or older.

E. Limitations on rentals

Spaces and mobilehomes in a senior mobilehome park overlay district shall be rented only to occupants who meet the senior occupancy requirements set forth in A of this section; provided, however, that the occupants of a space or mobilehome who do not meet the senior occupancy requirement in A of this section have rented a space and/or mobilehome in a senior mobilehome park before the effective date of this section and continue to

occupy that space and/or mobilehome following the effective date of this section, they shall be allowed to remain in that senior mobilehome park, and provided further that when such occupant(s) cease to occupy that space and/or mobilehome, the mobilehome and space shall be rented to occupants who meet the senior occupancy requirement in A of this section.

F. Minimum Design and Performance Standards

The signage, advertising, leases, rental agreements, and park rules and regulations for spaces in a mobilehome park in the senior mobilehome park overlay zone (MH-S) shall state that the park is a senior mobilehome park.

G. Annual Certification

Each senior mobilehome park shall have procedures for verifying that it qualifies as a senior facility under applicable federal and/or state law and this section, including documentation establishing that at least 80 percent of the mobilehomes or spaces in the mobilehome park are occupied by at least one resident who is 55 years of age or older in accordance with D of this section. These procedures shall provide for regular updates, through surveys, affidavits, or other means of updating the 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 mobilehome park overlay zone shall, on an annual basis, provide to the city's housing director a certification that the subject mobile home park is in compliance with the senior occupancy requirement of this section, in substantially the following form:

"I [name] hereby certify, under penalty of perjury in accordance with California law 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] senior mobilehome 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 city's housing director shall establish the deadline for filing the annual certification, which, to the extent possible, shall be coordinated with the timing of filings as may be required pursuant to the city's mobilehome rent stabilization program.

H. Violations

Failure to comply with the requirements of this section shall constitute a violation of this ordinance, and be subject to enforcement and the remedies provided in Chapters 1.10 through 1.16 of the Petaluma Municipal Code.

Section 4. Map Amendment The Zoning Map is amended to create a Senior Mobilehome Overlay District over senior mobilehome parks designated as (MH-S) on the Zoning Map. As of the effective date of this ordinance, the mobilehome parks within the Senior Mobilehome Overlay district are:

Park Name	Address	Assessor Parcel Number
-----------	---------	------------------------

Leisure Lake	300 Stony Point Rd, Petaluma, CA 94952	007-422-042
Petaluma Estates	901 North 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 North McDowell Blvd, Petaluma, CA 94954	048-080-024 & 007-401-004

Section 5. Severability If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

Section 6. Posting/Publishing of Notice City Clerk is hereby directed to publish or post this ordinance or a synopsis for the period and in the manner provided by the City Charter and other applicable law.

INTRODUCED and ordered published and posted this 2nd day of October 2023.

ADOPTED this 16th day of October 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Kami Noriega, Interim City Clerk

Eric Danly, City Attorney