



Meeting Date: January 19, 2010  
Agenda Item: 14  
Reviewed by Town Manager:

## Yountville Town Council Staff Report

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**TO:** Mayor and Town Council

**FROM:** Robert Tiernan, Planning Director  
Amy L. Valukevich, Town Attorney (Former)  
Arnold M. Alvarez-Glasman, Town Attorney

**SUBJECT:** Consideration of Proposed Ordinance to Amend Article 4, Section 4.7 MHP - Mobile Home Park Residential, of the Yountville Zoning Ordinance to Create a Senior Mobile Home Overlay Coterminous with the Existing MHP Zone to Limit the Conversion of Any Mobile Home Park Currently Existing in the MHP Zone From a Park Occupied Primarily By Residents Age Fifty-Five (55) or Older (Senior Residents) to a Mobile Home Park Allowing Residents Of All Ages

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### **BACKGROUND/DISCUSSION**

On April 21, 2009, the Town Council considered a draft of the Town's 2009 Housing Element Update. As part of its Housing Element review, the Town Council noted that the existing mobile home parks within the Town are a valuable affordable housing resource for seniors which should be protected for that purpose.

As of the year 2000, the Census indicated that the median age of Yountville residents was 60.4 year (as compared with the median age for Napa County, 38.3 years) and just over 45 percent of Town residents were over age 65.<sup>1</sup> In light of this demographic, the Town's General Plan includes as an Objective development of housing for households with special needs, including affordable housing options for seniors. The Town's General Plan Housing Element Program 27 provides for maintaining the critical Mobile Home Park zoning (MHP) for the two parks located in the Town, which are considered affordable housing when compared with traditional housing options, and which are currently age restricted. Program 31 states that in order to preserve the Town's stock of senior affordable housing options, the Town will amend the Zoning Code to require that at least 80 percent of mobile home units within the parks in the existing MHP zone remain available primarily to residents age 55 and over. Both Rancho de Napa and Gateway Mobilehome Lodge operate under management restrictions that require at least one tenant of each mobile home unit to be at least 55 years of age, and all other tenants of any unit to be at least 45 years of age.<sup>2</sup>

The proposed Ordinance will amend Article 4, Section 4.7, MHP, Mobile Home Park Residential, to meet the General Plan Objective 9.2 (affordable senior housing), and to implement Housing Element Programs

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<sup>1</sup> Age data includes the Veterans Home, which has an age requirement of at least 55 years.

<sup>2</sup> The Fair Housing Act (FHA) protects all citizens from discrimination on the basis of race, color, national origin, religion, sex, handicap or familial status (families with children under the age of 18 living with parents or legal guardians; pregnant women and people trying to get custody of children under 18). However, housing that satisfies the legal definition of senior housing or "housing for older persons" can legally exclude families with children. Under the federal FHA, the definition of "housing for older persons" includes housing with at least 80 percent of units limited to occupancy by at least one person 55 years of age or older. Further, under the California Mobile Home Parks Act, California Fair Housing Act, Fair Employment and Housing Act, and Unruh Civil Rights Act, a city may adopt a zoning ordinance or issue a conditional use permit that limits a specified parcel of land to use as a mobile home park for senior citizens pursuant to Health and Safety Code section 18300 (g)(1) where such regulation meets the standards for "housing for older persons" as defined in the federal FHA.

The proposed Ordinance will amend Article 4, Section 4.7, MHP, Mobile Home Park Residential, to meet the General Plan Objective 9.2 (affordable senior housing), and to implement Housing Element Programs 27 and 31 to preserve mobile home parks, and in particular, to preserve affordable senior housing. The intent of the Ordinance is to protect the existing mobile home parks that are primarily occupied by seniors from conversion to family (not age-restricted) parks. The Ordinance establishes a definition of a Senior Mobile Home Park as one currently in the MHP zone and in which at least 80 percent of the spaces are occupied by, or intended to be occupied by, at least one person who is age 55 years or older. The Ordinance creates a new zoning overlay classification, MHP-S, coterminous with the MHP, for Senior Mobile Home Parks.

The provisions of the Ordinance are meant to preserve affordable senior housing within the context of state and federal laws that generally prohibit discrimination in housing, but permit some discrimination in order to promote housing opportunities for older persons, specifically those 55 years and older. This includes that the Ordinance must meet the requirements of the federal Housing for Older Persons Act<sup>3</sup>, which states that as a provider of housing for older persons, by adoption of the Ordinance, the Town must publish and adhere to policies and procedure that demonstrate an intent to provide housing to senior persons (55 years of age or older); comply with rules for verification of occupancy, including verification by survey or affidavit, and follow policies and procedures to determine compliance with verification.

The proposed Ordinance does not alter existing general plan land use designations or development standards. Therefore, any potential effects from the proposed ordinance are adequately addressed within the final environmental impact report prepared for the General Plan. Also, the project does not have the potential for causing a significant effect on the environment and is a continuing administrative activity. Pursuant to Sections 15162, 15061(b)(3), and 15378(b)(2) of the State CEQA Guidelines, no further environmental review is required for this project.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	No
Is it currently budgeted?	N/A
Where is it budgeted?	N/A
Is it Mandatory or Discretionary?	Discretionary
Is there a Staff Resource Impact?	Minimal staff impact in preparing ordinance for adoption. Staff impact in monitoring compliance of affected Senior Mobile Home Parks with policies and procedures, including verification of occupancy.

### **ALTERNATIVES**

Direct staff to investigate more or less restrictive provisions to protect senior affordable housing.

### **RECOMMENDATION**

1. Receive the staff report and direct questions to staff.
2. Conduct a public hearing and receive testimony.
3. Conduct Council discussion on proposed ordinance.
4. ***Introduction and First Reading of Ordinance Number 383-10*** Amending Article 4, Section 4.7 MHP - Mobile Home Park Residential, of the Yountville Zoning Ordinance to Create a Senior Mobile Home Overlay Coterminous with the Existing MHP Zone to Limit the Conversion of Any Mobile Home Park Currently Existing in the MHP Zone From a Park Occupied Primarily By Residents Age Fifty-Five (55) or Older (Senior Residents) to a Mobile Home Park Allowing Residents Of All Ages and Waive the Reading.

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<sup>3</sup> An amendment to the FHA.

**ATTACHMENTS**

1. Proposed Ordinance Number 383-10 to Amend Article 4, Section 4.7 MHP - Mobile Home Park Residential, of the Yountville Zoning Ordinance to Create a Senior Mobile Home Overlay Coterminous with the Existing MHP Zone to Limit the Conversion of Any Mobile Home Park Currently Existing in the MHP Zone From a Park Occupied Primarily By Residents Age Fifty-Five (55) or Older (Senior Residents) to a Mobile Home Park Allowing Residents Of All Ages