



**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION**
Joan L. Flynn, City Clerk
Office of the City Clerk

TO: Honorable Mayor and City Councilmembers
FROM: Joan L. Flynn, City Clerk 
DATE: 3/3/2014
SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE MARCH 3, 2014 REGULAR CITY COUNCIL/PFA MEETING

Attached are the Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

Study Session

Notice of Absence received from Jim Katapodis requesting permission to be absent from the March 3, 2014 Study Session.

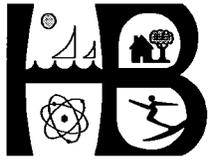
Public Hearing #7, #8, #9 (Being Held Concurrently)

Communications received regarding Zoning Map Amendment No. 13-001, Zoning Text Amendment No. 13-002, and Zoning Map Amendment No. 13-002 regarding the Senior Residential Mobilehome Park Overlay:

Julie Paule, Regional Representative of Western Manufactured Housing Communities Association	
Vickie M. Talley, Executive Director of Manufactured Housing Educational Trust	
L. Sue Loftin, Esquire of The Loftin Firm, P.C., Attorneys at Law	
Deborah Gardner, President and Don Hart, Vice President, Fountain Valley Estates Homeowners Assn.	
Mary Jo Baretich	Kathy Fortune
Martin Van Genderen	Janice Genelle
Evelyn Gregor	Druchel Haley
Janet Cooper Jackson, Ph.D.	Ruth and Donald John
John Linder	Robert & Theresa Lonero
Charlene Raborn	Karen & Bill Reitz
Martin Van Genderen	Fred & Patricia Williams
Pete and Jodie Wollman	Alan & Pamela Belasco

Ordinances for Introduction

#10. Communication received from Dan Kalmick, dated February 27, 2014 supporting mandatory electronic filing of campaign statements and reports.



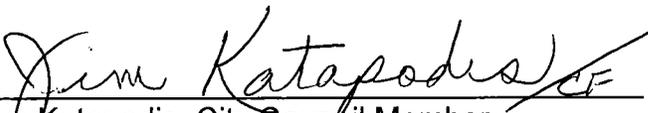
CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: Honorable Mayor and City Council Members
Attention: Joan Flynn, City Clerk
From: Jim Katapodis, City Council Member
Date: March 3, 2014
Subject: *NOTICE OF ABSENCE*

I will be absent from the Study Session scheduled for March 3, 2014.

Pursuant to City Council Resolution Number 2001-54, and there being no objection, the City Council's permission for this absence shall be expressed in the official minutes of this meeting.



Jim Katapodis, City Council Member

xc: Fred Wilson, City Manager
Ken Domer, Assistant City Manager



Western
Manufactured Housing Communities
Association

February 27, 2014

SUPPLEMENTAL COMMUNICATION

Mayor Matthew Harper
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Meeting Date: 3-3-2014

Agenda Item No. 7, 8, 9

Dear Chariman Bixby:

I am writing in opposition to items number 7 (A-H), 8 and 9: Senior Residential Overlay Zone for Senior Mobile Home Parks within the City of Huntington Beach.

My organization represents many of the impacted parks that will be affected by this zoning change.

I have met personally with several residents concerned about the future status of their park. Park owners can appreciate the concern and stress that rumors and speculation of uncertainty can bring residents. Admittedly, there are many aspects of keeping a community senior that owners enjoy. However, permanently zoning the communities senior is wrong.

First, it ignores market forces that exist in the housing market. There may come a time in the future when there isn't a robust market for senior housing in mobile home parks in Huntington Beach. Seniors may decide that the mobile home living isn't for them and choose another one of their various housing options. These communities are a business and now the city has placed an undue burden on these business owners by restricting whom they can rent to.

Secondly, the ordinance discriminates. Perhaps a vacant space cannot be filled by a senior but by a family that needs affordable housing and finds the community meets their needs. Why not allow that family an opportunity for home ownership? Why would the city want to tell that family where they can and can't afford and what is or is not acceptable.

The city is using this tactic to deal with one park—Rancho Huntington. There is no evidence to suggest that other communities are ready to convert. If that were true, there would have been others that noticed residents in the same manner Rancho Huntington did. From our informal survey of senior operators they are happy operating as senior but are perplexed as to why they would be combatively regulated.

It would seem there is a sincere disagreement between whether or not Rancho Huntington is all age or senior. The draft of the city ordinance refers to it as one

of the senior communities. The owner/operator considers Rancho Huntington an all age community. This is certainly headed to court.

Wouldn't it be a shame if after litigation, Rancho Huntington was determined to have met all requirements to convert to all age? Forcing this overlay zone to be applicable to the other owner/operators will unfairly subject them to this unnecessary regulation.

I have offered possible middle ground that might meet the needs of the city and many of the park owners. **Perhaps a voluntary MOU or Accord with those senior operators who agree to remain senior for an agreed amount of time in lieu of being part of the overlay?** A sort of an exemption from the overlay while at the same time a guarantee to the city and their residents that they will intent to and will remain senior.

This is a reasonable and sensible approach and accomplishes two important goals. First, it gives a guarantee to the city that the spaces will remain senior – the stated purpose from the beginning of this ordinance process. Secondly, the voluntary agreement doesn't give a heavy-handed regulation that the effected park owners object to. Unfortunately, this idea hasn't received much if any consideration and the proper vetting process and this council seems determined to inflict a one-sided solution instead of attempting to find something both can agree to.

Please reject this overlay map and focus on a solution that is workable for all parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Paule". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Julie Paule, Regional Representative



SUPPLEMENTAL COMMUNICATION

Meeting Date: 3-3-2014

Agenda Item No. 7, 8, 9

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Keith Casenhiser

James R. Bestick

Executive Director

Vickie Talley

March 2, 2014

Mayor Matthew Harper
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

RE: Agenda Items 7, 8 and 9
Oppose Senior Mobilehome Park Overlay Zoning

Honorable Mayor and Members of the City Council;

The Manufactured Housing Educational Trust (MHET) represents mobile home park owners in the Southern California Counties of Orange, Riverside and San Bernardino. We have been actively involved in opposing the City's efforts to rezone ten Huntington Beach mobile home parks for the purpose of restricting them as "Senior Residential" since it was first proposed in 2013 and a moratorium was adopted.

The owners of the nine mobile home parks impacted by this proposal oppose the rezoning of their property. Letters from these owners have been submitted and are part of the record of the Planning Commission meeting. They all stating their opposition to the City taking action to restrict their property rights.

Prior to the City's action to adopt a moratorium on converting an existing Park from Housing for Older Persons (age 55 and older), no parks were contemplating changing their existing "senior" status.

However, the City's action did cause one Rancho Huntington to notice a change in the senior status of the park to protect their property right to do so. The notice to the park tenants was legally served and given before the City Council adopted the moratorium. Therefore it is not impacted by this change, although the City continues to imply that it does – witness its inclusion on this action tonight that this impacts ten parks and not nine. Rancho Huntington is represented by legal counsel that has more than adequately addressed the issue that the park is not a senior park and should not be included in the actions this evening. Doing so simply begs a law suit that the City can ill afford.

There is no need to adopt this extra layer of government regulation on private property.

The following reasons support our request to not adopt the proposed zoning ordinances regulating and preventing parks from changing from senior to all-age communities.

The terminology of “Senior Residential” is not accurate.

- The proper Federal terminology is “Housing for Older Persons”, not “Senior Residential”. Federal law defines “Senior” housing as housing for elderly, age 62 and older. This designation would be an incredibly severe restriction of property rights.

The proposed ordinance hurts senior mobile home owners

- When a park is a senior park, the mobile home owners who want to sell their homes are restricted to selling to only 25% of the senior buyers who live in Huntington Beach and are not allowed to sell to the other 75% of willing buyers who are not seniors. Countywide the senior population is only 16.5%. Without the senior restriction, the seller has access to 100% of the buyers. This rezoning is a dramatic disadvantage to the owners of mobile homes and will likely result in a reduction in the value of the mobile homes owned by seniors.
- When a park is designated as a senior park homes may only be sold to seniors. If an underage person inherits a mobile home upon the death of a tenant, the underage person may not move into the park and is forced to sell the home. This is only one example of the “unintended consequences” of the City trying to regulate who can and cannot live in mobile home parks. Who will police and enforce the regulations? Conduct required surveys? Qualify new tenants? Defend the park owners in housing discrimination complaints? Advertise housing to conform to zoning as required? Undertake all the requirements of the operation of the parks required of the city when a zoning law is proposed? The City assumes all responsibilities for intent to operate, yet there is no direction, budgeting, or manpower devoted to paying for these new city services.

The findings in the proposed ordinance cannot be supported by facts.

- The reference to the need to protect “Affordable Senior Housing ” is misleading and disingenuous.

- No Huntington Beach mobile home park is designated as affordable housing. There are absolutely no restrictions on the amount of rent that may be charged, the amount a mobile home may be sold for, or the income of the people who may live in the parks.
- Findings cannot be made that there is a need to preserve the fewer than 1500 mobile home units in Huntington Beach mobile home parks that may be occupied by seniors. These 1500 units make up only 2% of the total 78,000 total housing units in the City that are available to seniors city-wide. Additionally, the seniors living in these mobile homes are an extremely small special interest group of only .03% of all of the 47,426 seniors living in the City. And, residency by families and children, per se, cannot possibly pose a serious or immediate threat to public health and safety.
- This proposed zoning action to protect less than .03% of the seniors living in the City is a potentially extremely costly action for a City with far more important and pressing financial challenges and, as previously stated, is completely unnecessary. The City Attorney has already put on the Council's agenda discussions regarding the threat of litigation by mobile home park owners over this issue.

The proposed spot zoning targets only mobile home parks, which account for less than .03% of the City's senior population.

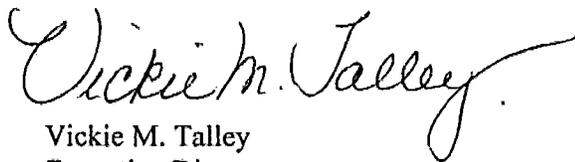
- There is no need to force a very small segment of the City's housing providers to provide housing only for seniors. There are currently a significant number of senior housing opportunities in Huntington Beach to provide for the seniors. A quick search for "senior housing in Huntington Beach" resulted in a variety of senior apartments, condominiums, and other facilities. Of course, the vast majority of Huntington Beach seniors live in single-family detached housing.
- The City should not be in the business of telling property and business owners how to run their business operations when it comes to whom they must choose as customers. Would the City adopt a similar ordinance that would require apartment owners, restaurant owners, and other businesses to serve only seniors who make up only 25% of the City's population?

Better yet, if the city is so concerned about protecting senior housing then perhaps they should consider identifying the largest apartments in the city and adding the overlay zoning to those properties as well – or other existing senior housing in the community! There certainly is an abundance of senior housing that would qualify.

In Huntington Beach the City's 18 mobile home parks are almost evenly split between all-age and senior communities. The free market system is working. The City does not have to "fix" it.

For the above reasons we respectfully urge the City Council to reject the proposal to regulate mobile home park housing and to not adopt the proposed rezoning regulations before you that would restrict those who can and cannot live in the City's mobile home parks.

Sincerely,

A handwritten signature in black ink that reads "Vickie M. Talley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Vickie M. Talley
Executive Director

cc: Huntington Beach Mobile Home Park Owners

RECEIVED

FEB 28 2014

THE LOFTIN FIRM, P.C.



ATTORNEYS AT LAW

Huntington Beach
CITY COUNCIL OFFICE

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-2014

Agenda Item No. 7.8.9

FACSIMILE TRANSMITTAL

To: City Council Office Fax: 714-536-5233
From: L. Sue Loftin, Esq. Date: 2/28/2014
Re: Public Hearing March 3, 2014 Pages: 13 (including cover page)
cc:

- Urgent For review Please comment Please reply Please recycle

Please see attached document regarding:

Public Hearing: March 3, 2014
6:00 pm

Item No.7: Zoning Map Amendment No. 13-002 (senior residential MHP overlay)

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VIA U.S. MAIL AND ELECTRONIC MAIL

February 28, 2014

The Honorable Mayor Matthew Harper, and
City Councilpersons for
The City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: **Public Hearing:** **March 3, 2014**
6:00 p.m.
Item No. 7: **Zoning Map Amendment No. 13-002 (Senior Residential MHP Overlay)**

Request to Remove Huntington Harbour Village Mobilehome Park, a Resident Owned Community (Site No. 3) from the Senior Residential MHP Overlay:

- 1. Proposed Ordinance Amending District Map 23Z of the City of Huntington Beach Zoning and Subdivision Ordinance to Add the SR Senior Residential Overlay to Real Property; and,**
- 2. Proposed Ordinance Adopting Zoning Text Amendment No. 13002 and Amending The Huntington Beach zoning and Subdivision Code by Adding New Chapter 228 Entitled "SR Senior Residential Overlay District.**

Dear Honorable Mayor Harper and Council Persons:

This correspondence is written on behalf of Huntington Harbour Village Mobilehome Park located at 16400 Saybrook Street (the "**Community**"). The subdivision of the Community to create a *single family detached mobilehome condominium community* ("*resident owned mobilehome park*") was approved by the City of Huntington Beach in 2011. Thereafter, the California Department of Real Estate issued the Final Public Report (the permit to sell the individual spaces on which the resident mobilehomes are located) and sales were commenced. In May 2012 the first sales to the residents were completed and to date, 45 individual units have closed escrow, an additional 15 are currently in escrow and several more pending offers being reviewed and negotiated. Huntington Harbour Mobilehome Park is *not* a rental mobilehome

THE LOFTIN FIRM, P.C.
Mayor and City Councilpersons
City of Huntington Beach
February 28, 2014
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park, which distinguishes this Park from the other nine (9) mobilehome parks considered under the above referenced action, but in fact a resident owned community.

1. The Community is a Resident Owned Community that can determine these issues by vote of its Members.
2. The Community's recorded Declaration include the senior occupancy requirements (age restrictions) consistent with the State and Federal requirements.

BASIS FOR REQUEST TO REMOVE THE COMMUNITY FROM THE TWO (2) ORDINANCES

1. **Conflicts with State law governing the Community and the Ordinance Amendments apply to Rental Mobilehome Parks**
2. **The Community is deed restricted through its Declaration of Covenants, Conditions and Restrictions to an "Older Persons Housing Community" in compliance with State and Federal Law.**
3. **Proposed Ordinance 228.01 is written for Rental Mobilehome Parks and is inapplicable to a resident owned mobilehome park.**
4. **The zoning change and new Ordinance 228.10 result in conflicting and confusing restrictions which will negatively impact the financing for the resident owners within the Park.**
5. **The Findings do not apply to the Community.**

DISCUSSION

Proposed Ordinances Conflict with State Law Governing the Community

A *resident owned mobilehome park* is governed by different laws than a rental mobilehome park. The operation and conduct of its business is governed by the California Nonprofit Mutual Benefit Corporation Act, *Corporations Code §§ 7110-7160 and §§ 7210-7238*, as well as the extensive operational, maintenance and duty requirements of the Davis-Stirling Common Interest Development Act, *Civil Code §§ 4000-6150 and 711-714.1*, and other applicable statutes.

The Huntington Harbour Village Homeowners Association ("**Association**"), and its related operating documents, such as the Bylaws, the Declaration of Conditions, Covenants and Restrictions (the "**Declaration**"), Rules and Regulations, and numerous other documents were subject to the Subdivided Lands Act, *Business & Professions Code §§ 11000 et seq.* The California Bureau of Real Estate extensively reviewed the Community's operating and sales documents, the operating and reserve budgets, and the Condominium Plan, among other documents, as part of the issuance of the Final Public Report issued on April 16, 2012. Such review process is to ensure the Community's compliance with applicable State and Federal laws and to generally provide for the protections of the buyers.

THE LOFTIN FIRM, P.C.
Mayor and City Councilpersons
City of Huntington Beach
February 28, 2014
Page 3 of 5

The Declaration and Statues Control the Community

The Declaration restricts the property to an "Older Persons Housing Development", pursuant to *California Government Code § 12955.9*, the Unruh Civil Rights Act (Civil Code Section 51.2), and the Federal Fair Housing Act, as amended by Public Law 104-76 and the implementing regulations. Declaration §§ 3.1 and 6.20. The Declaration also provides the resident property owners the right of amendment of the Declaration upon the approval by the at least sixty-seven percent (67%) of the voting power of the resident owners (Members) as required by *California Code of Regulations, Chapter 10, § 2792.24*. Declaration §§ 15.1-15.3.

The proposed Ordinances would directly conflict with both the statutory law applicable to the Community and to the governing documents approved as in compliance with the State statutes. Further, as a resident owned community the owners have the right to determine their housing restrictions and the proposed Ordinances would remove that right. The right to amend the governing documents upon approval by the resident owners is a critical and important piece of the ownership structure to ensure the ability to react to changing legislation, to changing lending environments, and to changing demographics.

Proposed Ordinance 228.01 Is Written for *Rental Mobilehome Parks*, and On its Face cannot apply to a Resident Owned Mobilehome Park

Proposed Ordinance 228.01 purports to regulate to whom a Park Owner may rent a space and to whom a mobilehome owner may rent a mobilehome. Ord. 228.08. Rental of common interest development ownership is governed by the Davis-Stirling Common Interest Development Act, *California Civil Code §§ 4000 et seq.* Further, pursuant to the Declaration for the Community, each manufactured home must be sold with the underlying lot to ensure full resident ownership overtime. These ownership interests are owned just as any other single family residence. Declaration § 11.2. These rental restrictions are inconsistent with the statutes and governing documents, which will create an inability to comply with either the statutes and governing documents, or this proposed ordinance. The Community needs to be protected by the City Council from being subject to this conflict situation.

A subsequent right to be removed from the Senior Residential Overlay District pursuant to Ord. Chapter 234 and 247 imposes an expensive and time consuming remedy for the resident owners. Proposed Ord. 228.12. The logical solution is to exempt the Community from the Ordinances *before* the Ordinances are approved by the City Council.

One of the Values to a Resident Owned Park is the Ability to Sell Their Ownership Interests, Which requires Financing, But Conflicting Restrictions Will Impact the Ability to Obtain Favorable Financing, or Financing

As a condominium community, the majority of the lenders that offer this type of financing product require Fannie Mae or FHA community approval. To obtain such approval, the Community undergoes detailed review. Fannie Mae and FHA approval is becoming increasingly more difficult for any community that is not within their standard normal project

THE LOFTIN FIRM, P.C.
Mayor and City Councilpersons
City of Huntington Beach
February 28, 2014
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parameters – and the imposition of an Overlay zone and Ordinance which on its face conflicts with the applicable statutes, regulations and governing documents will create a hurdle which is generally not resolvable. If Fannie Mae or FHA were to cease approving the Community because of the Overlay and Ordinance 228.01, such as is proposed, it would remove almost all viable financing operations leaving resident owners with no ability to sell their homes, thus greatly impact the values of their property. Jeopardizing the financial security of these seniors defeats the purpose of the resident ownership housing opportunity approved by the City.

The Proposed Findings Do Not Support Application of the Zone Overlay nor the Proposed Ordinance 228.01 *et seq.* to Huntington Harbour Mobilehome Park, A Resident Owned Park

The following suggested Findings for Approval of Zoning Map Amendment No. 13.002 and the Findings set forth in the two draft Ordinances are inapplicable to the Huntington Harbor Mobilehome Park, the Community:

1. The application of both the Zoning Overlay and Ordinance 228.01 will not promote the affordability of this Community in that this action if applied to the Community will seriously jeopardize or eliminate the financing opportunities for the resident owners as referenced above.
2. The Zoning Map Amendment No. 13-002 and Ordinance 228.01 is NOT compatible with the uses authorized in, and the standards prescribed for, this Community in that it conflicts with and jeopardizes the status of the resident owned Community as referenced above.
3. These actions will NOT ensure that the City will retain a variety of senior housing options in that the operations, compliance with other statutory schemes, and financing are all seriously jeopardized. The risk is potential displacement of seniors who may need to sell their homes, but cannot do so because of the interference of this action as referenced above.
4. These actions are INCONSISTENT with the City's General Plan goals for accommodating a variety of housing to benefit the senior population of the community. These actions unduly burden and remove rights of the resident owners in the Community, and may result in the financial failure for Community or individual owners.

CONCLUSION

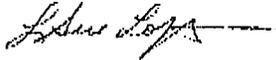
A vigorous opposition to the inclusion in the proposed District Map and Zoning Ordinance was presented at the Planning Commission on January 28, 2014 by the Homeowners Association through Board representatives, the owner of the units not yet sold, individual resident owners and real estate sales person who is familiar with the sale activity in the Park. All such testimony and documents presented at the Planning Commission in opposition to the proposed City action are hereby incorporated as though fully set forth.

THE LOFTIN FIRM, P.C.
Mayor and City Councilpersons
City of Huntington Beach
February 28, 2014
Page 5 of 5

The Community respectfully requests that it be removed from the list of mobilehome parks to be included in the Zoning Overlay and Ordinance 228.01.

Sincerely,

THE LOFTIN FIRM, P.C.



L. Sue Loftin, Esq.

Encl: Sections of Declaration of Covenants, Conditions and Restrictions

cc: Fred Wilson, City Manager *(via facsimile)*
Joan Flynn, City Clerk *(via facsimile)*
Jennifer McGrath, City Attorney *(via facsimile)*
Huntington Harbour Village Community Association, Inc., *(via electronic mail)* and
All Members and Residents *(via personal distribution)*
Huntington Mobile Home Investments, LLC *(via electronic mail)*
Kathy Mills, Esq. Krieger Law Firm *(via electronic mail)*

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Tom Daly, Clerk-Recorder

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Burnham USA Equities, Inc.
1100 Newport Center Drive, Suite 150
Newport Beach, California 92660
Attn: Therese Hotvedt

APN: 178-751-01

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**DECLARATION OF ESTABLISHMENT
OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

HUNTINGTON HARBOUR VILLAGE

Huntington Harbour Village
Declaration

**DECLARATION OF ESTABLISHMENT
OF COVENANTS, CONDITIONS, AND RESTRICTIONS
HUNTINGTON HARBOUR VILLAGE**

THIS DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Declaration") is made this [_____] day of January 2012, by Huntington Mobile Home Investments, LLC, a California limited liability company, its successors and assigns, hereinafter collectively referred to as "**Declarant**", with reference to the following facts:

WHEREAS, on or about the date of recordation of this Declaration, in the Office of the County Recorder of the County of Orange, State of California, the Declarant owns that certain real property described in Exhibit "A", attached hereto and made a part hereof, hereinafter referred to as the "**Community**."

WHEREAS, pursuant to the general plan set forth in this Declaration, the Community has been subdivided into one hundred thirty (130) units to create a common-interest condominium project (the "**Community**") as further described on Exhibit "A", subject to the provisions of the *Davis-Stirling Common Interest Development Act* contained in *Division II, Part 4, Title 6* of the *California Civil Code* (the "**Act**").

WHEREAS, it is the desire and intention of Declarant that interests in said real property be sold and conveyed to various individuals and subject to certain basic protective restrictions, limitations, easements, covenants, reservations, liens, and charges between it and the acquirers or users of said property as hereinafter set forth.

NOW, THEREFORE, the Declarant hereby declares that the Community shall be held, conveyed, divided, encumbered, hypothecated, leased, rented, used, occupied, sold, mortgaged and improved only upon and subject to the following uniform covenants, conditions, restrictions, limitations, reservations, grants of easements, rights, rights-of-way, liens, charges and equitable servitudes, all of which are hereby declared, established, expressed and agreed: (1) to be in furtherance of a plan for the subdivision and sale or lease of Units in the Community; (2) to be for the benefit and protection of the Community, its desirability, value and attractiveness; (3) to be for the benefit of Owners, as hereinafter defined, in the Community; (4) to run with the land and be binding upon all parties having or acquiring any right, title or interest in the Community or any portion thereof; (5) to inure to the benefit of every portion of the Community and any interest therein; and (6) to inure to the benefit of and be binding upon each successor and assignee in interest of each Owner. Any conveyance, transfer, sale, assignment, lease or sublease made by Declarant or an Owner of a Condominium in the Community will, and hereby is, deemed to incorporate by reference the provisions of this Declaration, including, but not limited to, covenants, conditions, restrictions, limitations, grants of easements, rights-of-way, rights, liens, charges and equitable servitudes contained herein. The provisions of this Declaration or any other Governing Document shall be enforceable at law or in equity by Declarant or any Owner or its successors in

1.31 "Home" means any residential structure, the construction of which is subject to the provisions of *Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code*, and specifically, *Sections 18007 and 18008*.

1.32 "Map" means and refers to the Certificate of Compliance No. 11-020 recorded on October 26, 2011, as Document No. 2011000537042 of Official Records of Orange County, State of California.

1.33 "Member" means and refers to the Owners of a Condominium who hold a membership in the Association as provided herein.

1.34 "Mortgage" includes a deed of trust as well as a mortgage.

1.35 "Mortgagee" is the holder of a Mortgage, including a beneficiary or a holder of a deed of trust.

1.36 "Mortgagor" includes the trustor of a deed of trust and a Mortgagor.

1.37 "Older Persons Housing Development" means a community that qualifies as "Housing for Older Persons," pursuant to *California Government Code §12955.9*.

1.38 "Owner" means each person on title for a Condominium who shall be a member of the Association, including, without limitation, successors, assigns and devisees of Owners, but excluding Persons having an interest merely as security for the performance of an obligation. In the case of a Condominium being held in trust or another similar such estate planning device, "Owner" shall mean the trustee of said trust. "Owner" may also include the Declarant to the extent that Declarant retains ownership of any Condominium in the Community.

1.39 "Person" means a natural person, a corporation, a partnership, a trustee or other legal entity.

1.40 "Policies and Procedures" shall mean the separate and independent document entitled "Policies and Procedures" as adopted by the Board of Directors and incorporated by this reference herein (in its original draft or as amended), as may be amended from time to time, which sets forth the policies and procedures for enforcing the Governing Documents.

1.41 "Policies for Older Persons Housing Designation" means the separate and independent document entitled "Policies for Older Persons Housing Designation", which policy may be amended from time to time by the Board of Directors without the need to amend this Declaration.

1.42 "Qualified Permanent Resident" means a person who is either (i) residing with a Qualifying Resident that is forty-five (45) years of age or older, or (ii) a spouse, significant other, cohabitant or person providing primary physical care or economic support to the Qualifying Resident.

1.43 "Qualifying Resident" means a person fifty-five (55) years of age or older in an "Older Persons Housing Development."

1.44 "Reasonable Cost of Collection" shall mean and include (i) reasonable charges imposed to defray the cost of preparing and mailing demand letters; (ii) reasonable attorney's fees incurred; (iii) recording costs; (iv) costs incurred with title costs or foreclosure services procedures and (v) costs associated with small court claims action.

1.45 "Resident" means any lawful person residing in a Condominium, including, without limitation, an Owner and/or Tenant, if permitted.

1.46 "Tenant" means a person renting or leasing a Condominium from an Owner.

1.47 "Tenant Impact Report" means that certain Tenant Impact Report submitted to and approved by the City on July 6, 2011, in relation to the approval of the Map for the Community.

1.48 "Total Voting Power" means, unless otherwise specifically indicated, the vote or written assent of a bare majority of the Class B voting power as well as the vote or written assent of a prescribed majority of the Class A voting power; and upon the conversion of the Class B memberships to Class A memberships, the vote or written assent of a bare majority of the total membership of the Association as well as the vote or written assent of a prescribed majority of Members other than Declarant.

1.49 "Unit" means and refers to the separate air space portion of a Condominium, the boundaries of which are shown and described on the Condominium Plan, as further defined in *California Civil Code Section 1351*. The Units are numbered RU-1 through RU-130 inclusive. "Unit" is commonly referred to as a space or lot and shall have the same meaning as "Residential Condominium Unit" as defined on the Condominium Plan.

1.50 "Unit Designation" shall mean the number, letter, or combination thereof or other official designation(s) shown on the Condominium Plan. Each Unit is identified by separate number on the Condominium Plan.

1.51 "VA" means and refers to the Department of Veterans Affairs of the United States of American and any department or agency of the United States government which succeeds to VA's function of issuing guarantees of notes secured by Mortgages on residential real estate.

Area, excluding the Exclusive Use Areas appurtenant to other Units. The Common Area appurtenant to each Unit is declared to be permanent in character and cannot be altered without consent of all Owners affected, as expressed in an amended declaration. Each Owner may use the Common Areas, except the Exclusive Use Areas appurtenant to other Units, in accordance with the purpose for which they are intended without hindering the exercise of or encroaching upon the rights of any other Owner.

2.5. Owner's Rights of Enjoyment of Common Area. Every Owner shall have a right and easement in and to the Common Area, except the Exclusive Use Areas appurtenant to other Units, which shall be subject to the following provisions:

(A) The right of the Association to suspend the voting rights and the right to use the recreational facilities, by an Owner for any period during which any Assessment against his Condominium remains unpaid; and for a period not to exceed thirty (30) calendar days for any non-continuing infraction of the Governing Documents or if the infraction of the Governing Documents continues, then for the duration of such infraction; provided, however, the Owner is given notice and a hearing by the Board of Directors of the Association which satisfies *California Corporations Code Section 7341*.

(B) The right of the Association to impose a monetary penalty upon an Owner to reimburse the Association for costs incurred by the Association to repair any damage to Common Areas or facilities as a result of or condition caused by violation of any of the limitations, restrictions, conditions and covenants by such Owner. This right shall be in addition to charges imposed against an Owner because of delinquent Assessments and/or charges to reimburse the Association for loss of interest and for costs reasonably incurred (including attorneys' fees) in its effort to collect delinquent Assessments.

ARTICLE III **MEMBERSHIP IN THE ASSOCIATION**

3.1. Qualification. The Owners of the Units shall constitute an owners Association. Each Owner of a Unit, including Declarant, shall be a member of the Association. The Association membership shall be appurtenant to Unit ownership, and each Owner of a Unit shall automatically be a member of the Association. Ownership of a Unit within the Community shall be the sole qualification for membership in the Association. Each Owner shall remain a Member of the Association until its ownership interest in the Unit in the Community ceases, at which time its membership in the Association shall automatically cease. Persons or entities that hold an interest in a Unit merely as security for performance of an obligation are not to be regarded as Members.

(A) **Age Restriction.** The Community is "age-restricted" per the guidelines of the Housing for Older Persons Act of 1995, as amended by Public Law 104-76. Regardless of whether the Condominium is Owner-occupied or Tenant-occupied, the persons residing in the Condominium must meet the age requirements set forth herein, in the above-referenced act and the

Policies Older Persons Housing Designation. Accordingly, at least one (1) person must be a Qualifying Resident, meaning they must be fifty-five (55) years of age or older. All other occupants must be either a Qualified Permanent Resident or otherwise be approved by the Board of Directors in accordance with the Policies for Older Persons Housing Designation, which shall further define and outline the age restriction requirements.

(B) **Exceptions to the Age Restriction.** Exceptions to the age restriction policy are set forth in the Policies for Older Persons Housing Designation, as may be amended by the Board from time to time.

(C) **Prior Approval of Prospective Purchasers and Occupants.** The Board, either directly or through a management company, if any, shall have the right, but not the obligation, to require that any and all potential Residents obtain approval prior to a prospective purchaser's purchase or prospective occupant's residing of a Home that will remain in the Community. Approval cannot be withheld if the prospective purchaser or occupant has the financial ability to pay the Assessments provided for herein and satisfies the age requirements provided for herein, unless the Board reasonably determines that the persons who will reside in the Home do not satisfy the age restrictions set forth herein, or that based on the prospective purchaser's prior residencies, he or she will not comply with the Governing Documents of the Community.

3.2. **Control of Common Area.** The Common Area, excluding the Exclusive Use Areas, shall be managed and controlled by the Owners in common through their membership in the Association. The Association shall have the responsibility to manage and maintain, or cause to be maintained, all of the Common Area, excluding the Exclusive Use Areas, in a state of high quality so as to keep the whole Community in a first-class condition and in a good state of repair.

3.3. **Administration of the Community.** The Owners, together with all parties bound by this Declaration, covenant and agree that the administration of the Community shall be in accordance with the provisions of the Governing Documents, and amendments, changes and modifications thereto, as may come into effect from time to time. In the event of any inconsistency between the provisions of this Declaration and the provisions of the Bylaws or said Rules and Regulations, the provisions of this Declaration shall prevail. To the extent to which the provisions of the Bylaws and Rules and Regulations are consistent with this Declaration, each and every provision in the Bylaws and the Rules and Regulations are incorporated herein by this reference and made a part hereof as though set forth verbatim.

3.4. **Suspension of Privileges.** The Board shall have the right to suspend any Owner's membership in the Association, provided that such suspension is done in good faith and in a fair and reasonable manner and is consistent with *California Corporations Code Section 7341 and California Civil Code Section 1363*. The Board shall follow the process for suspension of an Owner's membership in the Association or any other remedy sought against an Owner as is outlined in the Policies and Procedures and *California Civil Code Section 1363*.

(A) Affording vehicular passage and pedestrian movement within the Community, including access to the Units;

(B) Beautification of the Common Area and providing privacy to the Owners in the Community through landscaping and such other means as the Board of Directors shall deem appropriate; and

(C) Parking of automotive passenger vehicles in areas provided therefore, as may be designated and approved by the Board of Directors upon such terms and conditions as may from time to time be determined by the Board of Directors.

No part of the Common Area shall be obstructed so as to interfere with its use for the purposes hereinabove permitted, nor shall any part of the Common Area be used for storage purposes, except as incidental to permitted uses or for storage of maintenance equipment used exclusively to maintain the Common Area or parking of vehicles (except as otherwise provided for herein) nor in any manner which shall increase the rate of insurance for the Community or cause such premises to be uninsurable against such risks or any policy or policies representing such insurance to be canceled or suspended or the company issuing the same to refuse renewal thereof.

6.20. Minimum Age Requirement. Residency and ownership is based on age requirements for housing for older persons, in compliance with the provisions of the federal *Fair Housing Act*, as amended by *Public Law 104-76*, and implementing regulations, as may be amended from time to time. At least one resident who is an Owner must be fifty-five (55) years of age. You MUST refer to the Policies for Older Persons Housing Designation of the Association to determine all other requirements relating to minimum age requirements, as those Policies for Older Persons Housing Designation are amended from time to time. Occupancy in the Community is restricted to older persons at each home in that at least one resident occupant and Owner must be fifty-five (55) years or older. Other requirements relating to this occupancy requirement will be established from time to time in the Policies for Older Persons Housing Designation of the Community.

ARTICLE VII

GENERAL PROVISIONS

7.1. Right of Entry for Emergency Repair. The Association shall have the authority to designate one (1) or more qualified repairmen or other persons to enter upon and within any individual Unit and/or Home, in the presence of the Owner thereof or with the written consent of the Owner thereof, or otherwise, for the purpose of making emergency repairs therein, or for necessary maintenance or repair to portions of the Common Area, or to abate any nuisance being conducted or maintained in said Unit, in order to protect the property rights and best interests of the remaining Owners. The Association or its management company, if any, shall have the right to enter upon the Unit (excluding the Home) to perform maintenance of utilities, trees and driveways, or for maintenance of the Unit when the Owner fails to so maintain the premises. The Association shall have the right to enter a Home without the prior written consent of the Owner in case of an

Page 26 of 39

Dombo, Johanna

From: Deborah Gardner [dggdebbie@yahoo.com]
Sent: Saturday, February 22, 2014 3:55 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: March 3 Agenda -- Senior Residential Overlay District for Mobilehome Parks

We are writing to urge each of you to please vote in favor of Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).

This is simply the right thing to do – help these seniors maintain the status quo. Do not allow the new owners of their park to change the deal.

Many of them invested their life savings in their homes and cannot afford to lose them, which will happen if the rent goes up much more, with a change to an all-age park.

Please protect our vulnerable senior citizens.

It's the right thing to do.

Thank you.

Deborah Gardner, President, Fountain Valley Estates Homeowners Association and GSMOL Chapter 235
Don Hart, Vice President, Fountain Valley Estates Homeowners Association and GSMOL Chapter 235

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: MJ Baretich [mjbaretech@hotmail.com]
Sent: Tuesday, February 25, 2014 6:10 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Fikes, Cathy; Dombo, Johanna
Subject: HB City Council Support for Senior Residential Overlay

Dear City Council Members,

An important issue will be coming before you on March 3, 2014 that will affect the lives of thousands of Huntington Beach Senior Citizens, and that is the Zoning Text Amendment No. 13-002, Zoning Map Amendment No. 13-001 and 13-002 (Senior Residential Overlay for Mobile Home Parks).

The purpose of the SR Overlay District is to establish criteria that will protect those mobilehome parks primarily occupied by seniors 55 years of age and older from conversion to family (non age-restricted) parks in an effort to preserve senior housing.

The City of Yacaipa fought all the way to the 9th Circuit Court of Appeals and won for the rights of the Seniors to keep and enjoy their quality of life in their Senior Mobile Home Parks.

Please preserve the dignity of these Senior Citizens by voting in favor of this Senior Residential Overlay here in the City they love, Huntington Beach.

Thank you,

Mary Jo Baretich
GSMOL State President
Huntington Beach, CA
(714) 960-9507

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Kathy Fortune [kfortune630@gmail.com]
Sent: Monday, February 24, 2014 8:06 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Dombo, Johanna; Fikes, Cathy
Subject: Sr. Mobile Home Parks

The park owners seem to have all the money in the world. Definitely more than we have. All we seem to have is our physical presence at the City Council meetings and our "voice" through our emails and at the voting booth. Even though we know there is one person on the HB City Council that we do not envision ever being on our side, please keep your emails and/or presentation before the City Council kind and respectful to all members. We are especially grateful to Jim Katapodis for bringing the item forward initially. We are also thankful for the continued support and protection of seniors by Connie Boardman, Joe Shaw, Dave Sullivan, Jill Hardy, and Joe Carchio. (Joe was the one who ultimately cast the deciding vote in our favor when the issue was initially moved forward).

I am also addressing this email to some of you who have moved from Huntington Beach mobile home parks. We urge you to let your voices be heard in this last City Council vote on the issue in favor of remaining residents. We all voluntarily chose to move to a senior community when we purchased our homes. Please do whatever you can to individually participate in an outcome that will affect all of us. Thank you.

Kathy Fortune
Rancho Huntington Mobile Home Park

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7.8.9

Dombo, Johanna

From: Martin Van Genderen [maartienvg@gmail.com]
Sent: Saturday, February 22, 2014 2:09 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Fwd: Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks),"

Dear Huntington Beach City Council members,
I urge you to vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).
Except for my voice at the ballot box, I find myself with fellow home owners, unevenly matched financially with the park owners when it comes to seeking justice for a just cause; affordability of housing for seniors. It is therefore with gratitude I noticed the support of a majority of members of the City Council for our cause.

Martin Van Genderen
Rancho Huntington #126

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

----- Forwarded message -----

From: Martin Van Genderen <maartienvg@gmail.com>
Date: Sat, Feb 22, 2014 at 12:57 PM
Subject: Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks),"
To: Jim.Katapodis@surfcity-hb.org, Connie.Boardman@surfcity-hb.org, Joe.Shaw@surfcity-hb.org, Dave.Sullivan@surfcity-hb.org, JHardy@surfcity-hb.org, JCarchio@surfcity-hb.org, Matthew.Harper@surfcity-hb.org
Cc: Johanna.Stephenson@surfcity-hb.org, CFikes@surfcity-hb.org

Dear Huntington Beach City Council members,

I urge you to vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).

I find myself, as do fellow home owners, unevenly matched financially with the park owners when it comes to seeking justice for a just cause. A

Dombo, Johanna

From: Janice Genelle [genellejan@socal.rr.com]
Sent: Tuesday, February 25, 2014 5:49 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Dombo, Johanna; Fikes, Cathy
Cc: 'Betsy Crimi'; 'Bruce Binder'; 'Maura Van Strien - RHMHE'; 'Pat Taylor'; 'Patti Kushnir - RHMHE'; 'Pete Woliman'
Subject: Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002

Ladies and Gentlemen,

I appeal to you to vote in FAVOR of the Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobile-home Parks). My husband and I are just two of many seniors who set their goals, made plans, invested in 401 or similar pension plans so that we could live comfortably in Huntington Beach in our retirement. We understand that times change, and that life does not always turn out the way we plan. However, in the case of senior mobile home parks, the decisions made by our Huntington Beach City Council can impact our lives. We support you with our votes, and we are asking you to support us with yours. It's that simple. Please help us retain dignity in our autumn years by helping us retain our homes and live independently as long as we are physically able to do so.

Thank you,

Janice Genelle, Homeowner
Rancho Huntington Mobile Home Park

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Evelyn Gregor [qredhead814@yahoo.com]
Sent: Saturday, February 22, 2014 9:58 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks)

Your vote in "favor" of the above Amendment will allow me to live in my "forever" home in a peaceful and affordable manner with the many friends made over the 14 years of living in my senior mobile park, Del Mar Estates.

Thank you.
Evelyn Gregor

SUPPLEMENTAL COMMUNICATION

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Druchel Haley [druchel@gmail.com]
Sent: Saturday, February 22, 2014 11:45 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Hello Huntington Beach City Council Members and Administrative Assistants

I represent myself as a daughter of my father who has lived in the Rancho Huntington Mobile Home Park 8 years. He loves where he lives and the peace and quiet of everyday living, etc. He came from a loud neighborhood in Monrovia and chose Rancho Huntington, because it was not only a nice looking, well kept park, but mostly, it was a "SENIORS ONLY" park that offered an undisturbed, calm and tranquil environment.

It is very disturbing to think that anyone can approach all of these "human beings" and turn their world upside down!

I am asking that you please vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks)", on Monday, March 3, 2014.

Thank you for your vote,
Druchel Haley
Fountain Valley Resident

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Jan Jackson [jcjckson@aol.com]
Sent: Sunday, February 23, 2014 9:35 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Senior Residential Overlay District for Mobilehome Parks

Dear City Council Members,

I am a resident of Rancho Huntington "Mobile Home Park". I purchased a home here 2 1/2 years ago primarily because it is a senior community. I have raised children and wish to live in a quiet senior community. I have no desire to live in a community with children or teenagers.

I fully support keeping this community senior and I sincerely hope you will vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks). Huntington Beach has a great reputation for being a senior-friendly city. Providing affordable senior housing is important to this reputation.

Before I close, I'd also like you to consider terminology. You may have noticed the quotation marks around "Mobile Home Park".

My home is not mobile. It is a 2000 square foot manufactured home, not a mobile home. The concept of "mobile home" is more applicable to a "trailer" which can be easily hooked up to wheels and moved. That is not the case with my house. My investment is weakened considerably with a conversion to an all-age community.

I don't live in a park. As my granddaughter remarked when I first moved here, "Grammi, where's the swings?" I live in a Manufactured Home Community. Again, the concept of "park" is more applicable to temporary placement of a trailer.

Why is this important? As we work with you, City Council, we need you to see that we are not that different from condo and townhome owners - we own our homes, but not the land. We pay taxes on our homes.

The old terminology of mobile home and space and park - refer back to the days where this housing was more transient. This is not the case with Rancho Huntington and I think it is time to update our terminology.

We at Rancho Huntington are especially grateful to Jim Katapodis for bringing the item forward initially. We are also thankful for the continued support and protection of seniors by Connie Boardman, Joe Shaw, Dave Sullivan, Jill Hardy, and Joe Carchio.

I thank you in advance for voting in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).

Janet Cooper Jackson, Ph.D.
19361 Brookhurst St., #95
Huntington Beach, CA 92646

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7.8.9

Dombo, Johanna

From: DAJRKJ@aol.com
Sent: Sunday, February 23, 2014 11:00 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Zoning Text Amendment No. 13-002

Dear Council Members,

As a senior citizen and resident of Rancho Huntington in Huntington Beach, I ask for your support in voting in favor of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobile home Parks.

This is a matter of extreme importance for our senior citizens on fixed incomes.

Thank you for your consideration,

Ruth and Donald John
19361 Brookhurst Street
Huntington Beach, CA 92646
714/968-9692

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: John & Sara [kingscanyon10@verizon.net]
Sent: Saturday, February 22, 2014 9:48 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Dombo, Johanna; Fikes, Cathy
Subject: In FAVOR of the "Senior Residential Overlay District for Mobilehome Parks" proposal on the March 3, 2014, agenda.
Importance: High

As a registered Voter and resident of Huntington Beach since 1988, I want to let you know that as a registered Voter, I am very much in favor of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks)," and encourage you to pass the proposal. The item will be on the City Council's **Monday, March 3, 2014**, agenda.

I don't live in the Rancho Mobil Home Park, but my 91 year old mother does since the 1990's. By keeping the Senior Parks Senior, the promise of the quality of life expected by Mom when she moved in will be maintained. We live only a 1/2 mile away, and our ability to care for Mom would be a lot harder if she had to move.

John Linder
9942 Kings Canyon Drive
Huntington Beach, CA
714 965-1783

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: robert lonero [rjlonero@gmail.com]
Sent: Monday, February 24, 2014 2:48 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Carchio, Joe; Hardy, Jill; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Senior Residential Overlay

Dear Council - City of Huntington Beach,

Please vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks.

Thank you for your continued support of seniors, not only in Huntington Beach, knowing that you speak for thousands of seniors throughout the State of California who do not have the ability, or the financial means, to speak for themselves.

God bless you,

Robert & Theresa Lonero
Rancho Huntington Mobile Home Park
rjlonero@gmail.com

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: charlene raborn [rabornc22@verizon.net]
Sent: Saturday, February 22, 2014 11:07 AM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Dombo, Johanna; Fikes, Cathy
Subject: Zoning Text Amendment #13-002

Hello Huntington Beach City Council Members and Administrative Assistants,

I represent myself as a daughter, as well as a daughter-in-law, of two residents in the Rancho Huntington Mobile Home Park. My mother-in-law has been a resident now for 34 years, my dad a resident now for 8 years. My concerns are not only for them, but for all of the seniors who at one point made a decision to move to a quieter more peaceful way of living. They chose Rancho Huntington, because it was not only a nice looking, well kept park, but mostly, it was a "SENIORS ONLY" park that offered an undisturbed, calm and tranquil environment.

It is very disturbing to think that anyone can approach all of these "human beings" with such an alarming change in their lifestyle, especially at this point in their lives. It repulses me to think that these disrespectful, money hungry individuals, are actually taking this action so far.

I am asking that you please vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks), on Monday, March 3, 2014.

Thank you for your vote,
Charlene Raborn

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Bill Reitz [breitz8552@gmail.com]
Sent: Saturday, February 22, 2014 7:47 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew; Dombo, Johanna; Fikes, Cathy
Subject: Please Vote in Favor of the Senior Residential Overlay

We request you vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).

Thank you from two registered and active voters.

Karen & Bill Reitz
Rancho Huntington MHE

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Martin Van Genderen [maartienvg@gmail.com]
Sent: Saturday, February 22, 2014 12:57 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks),"

Dear Huntington Beach City Council members,

I urge you to vote in FAVOR of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks).

I find myself, as do fellow home owners, unevenly matched financially with the park owners when it comes to seeking justice for a just cause. A

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3-3-14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Pat Williams [tricializ@mindspring.com]
Sent: Sunday, February 23, 2014 4:33 PM
To: Shaw, Joe
Cc: Dombo, Johanna
Subject: Senior Residential Overlay District for Mobilehome Parks

Dear Councilman Shaw,

We bought our manufactured home in Rancho Huntington Mobile Home Park in January 2012. We paid cash for it. We had lived in Huntington Beach before but my husband's job took us to Palmdale for several years before he retired.

When we signed the agreement to live here, there were rules we were expected to follow. One being one person had to be over the age of 55. We signed that agreement thinking we were signing a contract that guaranteed we would be in a senior park as long as we lived here.

I believe the same people that own the park now owned it when we signed that contract. Nothing was said to us about changing the status of Rancho Huntington or we would not have purchased our home here.

How is this any different than the houses in Huntington Beach that were on leased land? I don't think those home owners would have put up with zoning changes that would change their living style. We own our homes also. Just because they were made in a factory doesn't mean we didn't buy them.

We really have had the rug pulled out from under us. We chose this park because it was a senior park, just as the 193 other home owners in this park did. We have been betrayed by the owners.

I am asking that you vote in favor of the "Zoning Text Amendment No. 13-002, Zoning Map Amendment Nos. 13-001 and 13-002 (Senior Residential Overlay District for Mobilehome Parks,)"

We are all voting homeowners in Huntington Beach. Many of us having lived here for a good number of years and just wanted to scale down in our senior years.

Our families and friends are here and our doctors and dentists and churches. It would be a hardship on most of us to move away.

Thank you for your attention to this situation.

Yours truly,

Fred and Patricia Williams
19361 Brookhurst St. #77
Huntington Beach, California 92646
714-369-2815

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7, 8, 9

Dombo, Johanna

From: Jodie Wollman [jodiewollman@gmail.com]
Sent: Saturday, March 01, 2014 7:39 PM
To: Katapodis, Jim; Boardman, Connie; Shaw, Joe; Sullivan, Dave; Hardy, Jill; Carchio, Joe; Harper, Matthew
Cc: Dombo, Johanna; Fikes, Cathy
Subject: Please support Senior Overlay - Zoning Text Amendments, 13-001 & 13-002

Dear Mayor Harper and City Council Members,

Pete and I wish to thank you for your continued support of Zoning Text Amendments, 13-001 & 13-002, Huntington Beach Senior Overlay, from your prior actions and Monday's upcoming March 3rd City Council Meeting.

We researched Senior Parks in Orange County 14 years ago, especially in Huntington Beach. We found Rancho Huntington Mobile Home Estates to be an excellent location in which to live what is anticipated to be the remaining independent years of our lives. Rancho Huntington has ALWAYS been a Senior Park of loving, caring neighbors, with excellent camaraderie and community spirit.

That is what Pete and I have always wanted and desired in our residential community. Now we are being threatened by Park Owners with the possible loss of such. Please help us in our plight.

We are asking only for the protection of Senior Citizens of Huntington Beach who have lived within this city for most of our lives, raised our family here and pray to live out the remaining years of our lives in this wonderful City. Our continued political support of Huntington Beach politicians is synonymous within our Senior Community and will remain as such for years to come so long as we are not forced to leave Huntington Beach.

Thank you again for your vote in favor of ZTA 13-001 & 13-002.

Respectfully yours,

Jodie

Pete and Jodie Wollman
19361 Brookhurst Street, Space 84
Huntington Beach, CA 92646-2953
(714) 963-2214 home
(714) 580-7426 Jodie's cell

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 3 - 3 - 14

Agenda Item No. 7, 8, 9

Alan Belasco and Pamela Belasco
16400 Saybrook Lane, #46
Huntington Beach, California 92649

March 3, 2014

**SUPPLEMENTAL
COMMUNICATION**

City of Huntington Beach
Attn: City Council
2000 Main Street
Huntington Beach, California 92648

Meeting Date: 3/3/14

Agenda Item No. 7, 8, 9

RE: Senior Residential Mobile Home Park Overlay

Dear Mayor Harper and Honorable City Council Members:

My wife and I are owners of a condominium unit within Huntington Harbour Village located at 16400 Saybrook Lane, Huntington Beach. We lived at Rancho Huntington Mobile Home Park for four years prior to physically moving our home to Huntington Harbour Village.

In July 2013, the park owner at Rancho Huntington unilaterally changed the older persons ("senior") status of the park to an "all age" park, despite an informal vote of the homeowners was 100% in favor of retaining its senior status. Furthermore, the park owner tried to leverage the park's senior status to force down the throats of the homeowners an unconscionable long term lease in return for retaining the senior status. The lease (either 15, 20, or 25 years) guaranteed annual rent increases of 6% and allowed the park owner to ratchet up the base rent by as much as 20% every five years in addition to each year's 6% increase.

Pam and I rejected the lease and instead moved our home to Huntington Harbour Village where we were able to purchase a lot. The cost of the move alone was some \$50,000 and exacted enormous emotional strain on our lives for three months. We had no real choice, however, as the value of our home plummeted due to the business policies and practices of the Rancho Huntington park owner.

Our manufactured home is no longer on leased land (each resident owns a lot), and the senior status of Huntington Harbour Village may be changed only by a two-thirds vote of the resident owners. There is no single park owner at Huntington Harbour Village who may unilaterally change the senior status.

I strongly favor the senior overlay because it protects senior homeowners in a leased land park, most of whom must capitulate to unreasonable demands from the park owner because they have no other viable alternatives. Nevertheless, I object to the inclusion of Huntington Harbour Village in the senior overlay zone for the following reasons:

Huntington Beach City Council

March 3, 2014

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1. Huntington Harbour Village is a senior restricted resident owned manufactured home community. Through the community's governing documents, including the CC&Rs, we have in place rules and regulations restricting the community to a senior park.
2. The community's CC&Rs can only be changed with the approval of the resident owners. A change to a family park would only be decided by the resident owners as part of their ownership rights.
3. The owners within Huntington Harbour have protections in place to ensure residents decide what happens with the community; the rights granted to us as property owners within this community should not be taken away.

Since Huntington Harbour Village, a resident owned community, has protections in place to ensure the resident owners decide the occupancy within the community and we own our units, the community does not need the City's protection and should retain its rights to decide for itself how to operate.

Sincerely,



Alan Belasco
16400 Saybrook Lane, Space #46
Huntington Beach, CA 92649

DAN KALMICK

2/27/2014

Dan Kalmick
16772 Glenhaven Ln
Huntington Beach CA 92647

City Council
City of Huntington Beach
2000 Main St
Huntington Beach CA 92647

RE: Agenda Item 10 – Mandatory Electronic Filing – Support

Honorable Mayor and City Council,

I'm writing in support of Agenda Item 10, and would urge you to support the City Clerk's office and pass Ordinance 4009.

As a past candidate and current treasurer, working with hand written reports is quite cumbersome. Additionally having to drive to City Hall to submit wet signatures is arcane at best and at worst it wastes time and fuel.

It's time to move into the 21st Century in Huntington Beach and pull everyone else kicking and screaming into the digital world. The reports look nicer, it cuts down on staff time and helps people doing records searches by allowing the documents to be index searchable.

While I have my problems with NetFile, it is leaps and bounds beyond doing one's paperwork by hand. Please support requiring electronic filing for candidates raising more than \$1000.



Dan Kalmick
Treasurer
Joe Shaw for Council 2014

SUPPLEMENTAL COMMUNICATION

Meeting Date: 3/3/2014

Agenda Item No. 10