

RESOLUTION PC 26-5219

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE ADDING CHAPTER 20.270 OF THE SAN MARCOS MUNICIPAL CODE AND AMENDING THE ZONING MAP TO ESTABLISH A SENIOR MOBILEHOME PARK OVERLAY ZONE OVER THE SEVEN EXISTING SENIOR MOBILEHOME PARKS IN SAN MARCOS

TA24-0005
City of San Marcos

WHEREAS, the City of San Marcos (“City”) General Plan Housing Element includes policies and goals for senior oriented development, and establishes the City’s objective to maintain housing for special needs groups, such as seniors, as well as provide additional housing for senior residents; and

WHEREAS, affordable senior rental housing in the City of San Marcos is insufficient, because most of the City’s thirteen affordable senior housing developments maintain a waiting list; and

WHEREAS, according to the California Department of Finance, the share of people in the 55+ age group is anticipated to continue to grow in the decades ahead, projected to increase by 12.5% from 2020-2050 and comprising almost 40% of the population in San Diego County by 2050; and

WHEREAS, housing vulnerability due to high cost of living is particularly egregious in San Marcos, a high cost of living city; and

WHEREAS, as of June 2026, the average rent in San Marcos for a two-bedroom unit was \$2,926; and

WHEREAS, as of 2019, 483 senior households in San Marcos are below the poverty level when the median income of 65+ households is \$57,054, significantly less than the overall median household income of \$80,814; and

WHEREAS, a significant number of mobile home park residents in the City of San Marcos are senior citizens with fixed incomes, limiting their ability to maintain a dignified standard of living, respond to housing instability, or a financial crisis; and

WHEREAS, according to the San Diego Regional Task Force on Homelessness, one in three people experiencing homelessness in San Diego County are age 55 and older; and

WHEREAS, as noted in the above resource, seniors experiencing homelessness for the first time rose 5% in San Diego County in 2025; and

WHEREAS, the 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, 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

WHEREAS, mobilehome residents face unique hardship in finding alternative housing as relocation of a mobilehome coach is difficult or impossible, creating an acute reliance on the availability of an existing mobilehome rental space; and

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 residents can easily walk to these facilities and events; and

WHEREAS, the decision to purchase mobilehomes in senior-only 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, which would be significantly changed were the park(s) in question to become all-ages parks; 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 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, 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 that seniors relied upon prior to entering into their 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, and emotional distress due to

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

WHEREAS, the Federal Fair Housing Act, California Fair Employment and Housing Act, and California Mobilehome Park Residency law each legislatively 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 would intend that any ordinance enacted for the protection of housing for older persons 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, an ordinance would codify 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, amendment of the San Marcos Municipal Code (“SMMC”) to add Chapter 20.270 establishing a senior mobilehome park overlay district that would recognize and retain the existing use, does not propose a change in the same, and does not constitute a “project” as defined under section 15378 of the California Environmental Quality Act State Guidelines (CEQA Guidelines) set forth at California Code of Regulations, Title 14, Division 6, Chapter 3. Therefore, pursuant to CEQA Guidelines section 15060(c)(3), no environmental review is required. Notwithstanding the foregoing, the proposed actions contemplated hereunder qualify for an exemption pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.; and

WHEREAS, the City has complied with noticing and other requirements for zoning text amendments governed by Chapter 20.505 of the SMMC and by California Government Code Section 65853; and

WHEREAS, a public workshop was held on September 4, 2025 and was duly noticed and held in the manner prescribed by City of San Marcos Resolution 99-5208; and

WHEREAS, the Planning Commission’s decision is based on the following findings and determinations:

1. The proposed Text Amendment to the SMMC and Zoning Map update will not adversely affect the implementation of the San Marcos General Plan in that the Text Amendment does not conflict with any goal, objective, or policy of the General Plan.
2. The proposed Text Amendment to the SMMC Zoning Map update will not be detrimental to the public health, safety, morals, and welfare in that the Text Amendment will address the regulation of Senior Mobilehome Park housing, in compliance with Federal and State law.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The project exemption (EX 25-042) from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines is hereby recommended to the City Council for approval.
3. The Text Amendment modifying certain provisions contained in the SMMC, as specified in redlined, underlined strikeouts in Attachment B, is recommended to the City Council for approval.

4. The Zoning Map modifying the identified mobilehome parks as subject to a Senior Mobilehome Park Zone, included as attachment C, is recommended to City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, at a regular meeting held on this 6th day of July, 2026 by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

APPROVED:

Lionel Saulsberry, Chairperson

ATTEST:

Song LeBaron, Senior Management Analyst