

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE IN SUPPORT OF THE SENIOR STATUS OF THE
CITY'S SENIOR COMMUNITIES

WHEREAS, approximately twenty percent of the population of the City of Oceanside is aged 55 years or older;

WHEREAS, the City of Oceanside has a larger percentage of residents over the age of 65 than does the larger San Diego region;

WHEREAS, many seniors living in Oceanside have chosen to reside in senior-only communities with features and amenities designed to foster a quality of life characterized by quiet companionship with others in their own age group;

WHEREAS, many senior housing communities in the City of Oceanside restrict occupancy to seniors by recorded covenants, conditions and restrictions, enforceable by the applicable homeowners' association, which affect the specified properties for a certain period of time;

WHEREAS, certain senior communities in the City of Oceanside are facing the potential expiration of these covenants, conditions and restrictions unless the residents of those communities collectively choose to extend the terms thereof;

WHEREAS, many senior residents have lived in their homes for many years and/or are on fixed incomes and cannot readily, easily or affordably find suitable alternative senior housing with the community amenities they enjoy in their existing neighborhoods;

WHEREAS, the senior status of Costa Serena was recently challenged in the case entitled *Costa Serena Owners Coalition v Costa Serena Architectural Committee*, Case Number GIN053352/DO52903/D053159/D053553; and

WHEREAS, in the Costa Serena case, the Court of Appeal found, among other things, that the Coalition's challenge to the 1986, 1987 and 1999 amendments to the Costa Serena Declaration of Restrictions was untimely. Furthermore, the Court of Appeal held that the Architectural Committee successfully effected an extension of the Declaration of Restrictions

1 by executing and recording a writing evidencing that a majority of lot owners agreed to the
2 extension.

3 NOW, THEREFORE, the City Council of the City of Oceanside does hereby resolve as
4 follows:

5 SECTION 1. To the extent allowed by law, the City Council strongly supports the
6 senior status of the City's existing senior communities so that the residents' quality of life may
7 be protected and preserved.

8 SECTION 2. As a result of the Court of Appeal decision in the Costa Serena litigation,
9 the City regards Costa Serena as a senior community through its validly extended Declaration
10 of Restrictions.

11 SECTION 3. Nothing herein shall be construed as a regulatory action by the City, or
12 otherwise as affecting the use or development of any particular property.

13 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
14 this _____ day of _____, 2010, by the following vote:

15 AYES:

16 NAYS:

17 ABSENT:

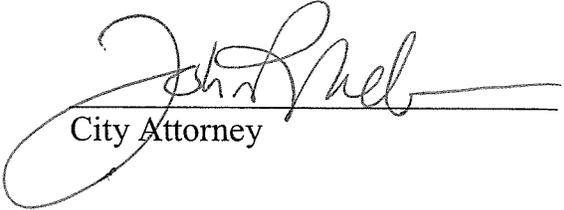
18 ABSTAIN:
19
20

21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:

23 APPROVED AS TO FORM:

24 _____
25 City Clerk

26 
27 _____
28 City Attorney