

STAFF REPORT



ITEM NO. **22**

CITY OF OCEANSIDE

DATE: December 14, 2005

TO: Honorable Mayor and City Councilmembers

FROM: Planning Department

SUBJECT: **EXTENSION OF AN INTERIM URGENCY ORDINANCE PLACING A MORATORIUM ON THE CONVERSION OF ANY MOBILE HOME PARK CURRENTLY EXISTING IN THE CITY FROM A SENIOR DESIGNATED PARK TO AN ALL-AGE PARK**

SYNOPSIS

Staff recommends that the City Council extend for six months the interim urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a park occupied primarily or exclusively by residents over the age of 55 years to a mobile home park allowing residents of all ages.

BACKGROUND

There are 19 mobile home parks in the City of Oceanside of which ten are designated as senior mobile home parks for persons 55 years of age and older. This represents approximately 1,718 or 65 percent of the 2,643 spaces. These parks have been operated as senior parks either by application and approval through a Conditional Use Permit process or by common practice of the park. This represents a significant amount of housing that has been designated specifically for seniors within the City.

In January 2005, the City Council approved a 45-day moratorium on the conversion of any senior-only mobile home park until City staff could conduct a study on the effects of the health, safety and welfare of the City's senior citizens. That original 45-day moratorium was thereafter extended for an additional 10 months and 15 days, and is set to expire on January 2, 2006.

ANALYSIS

City staff conducted the aforementioned study and determined that a new zoning overlay district would adequately protect the low-income housing option afforded to the City's senior citizens by the "seniors only" mobile home parks. Accordingly, staff, the City Attorney's office, and special outside counsel drafted a new comprehensive "seniors only" mobile home park overlay zoning ordinance. Subsequently, staff conducted an initial environmental study and prepared a negative declaration, which

was then circulated along with the draft ordinance for comment pursuant to the California Environmental Quality Act. On November 7, 2005, the matter was brought before the Planning Commission for recommendation to the City Council. The Planning Commission unanimously endorsed the new zoning ordinance, and recommended to the City Council that it adopt the ordinance. Due to the fact that some of the affected parks are within the jurisdiction of the California Coastal Commission, staff was required to initiate a six-week review period before bringing the proposed zoning amendment before the City Council. The City Council will consider this item at its December 14, 2005, meeting. However, if approved at that meeting, the Ordinance will also require a second reading at a subsequent City Council meeting and then a thirty-day appeal period before it will be effective. Accordingly, the moratorium would expire before the overlay zone is in effect.

Staff believes that the previously enumerated threat of conversion still exists in the mobile home park community and that if the moratorium is allowed to expire before the new zoning takes effect, some mobile home park owners might take advantage of this lapse and quickly convert to an all-age park, effectively destroying the affordable senior housing that the overlay zone is designed to protect. By adopting this extension of the moratorium for the brief period needed to enact the overlay zone on all appropriate mobile home parks, the City Council will protect the remaining senior housing options.

The California Legislature has authorized cities to provide zoning for “senior only” mobile home parks and the California Attorney General has recently opined that such “senior only” zoning is not in conflict with the general prohibition against discrimination based upon age.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

As this ordinance is being presented as an urgency interim ordinance, it has not been reviewed by the Planning Commission or the Housing Commission, however both have endorsed the senior mobile home park overlay zone.

CITY ATTORNEY’S ANALYSIS

The interim urgency ordinance extension has been prepared by the City Attorney’s Office pursuant to Government Code section 65858(a). Government Code section 65858 authorizes cities to adopt interim urgency ordinances to protect the public health, safety and welfare and to prohibit any use that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable time. The urgency ordinance requires a four-fifths vote for adoption.

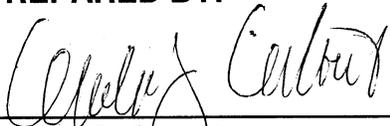
The current moratorium continues in force and effect until January 2, 2006, at which time the proposed six-month extension would be in effect, through July 2, 2006.

The extension of this interim urgency ordinance is needed to address the current and immediate threat to public health, safety and welfare arising from the lack of affordable housing for senior citizens aged 55 and older in and around the City, and specifically to maintain the moratorium for a brief additional period to allow the new zoning overlay ordinance to go into effect.

RECOMMENDATION

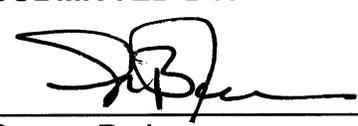
Staff recommends that the City Council extend the interim urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a park occupied primarily or exclusively by residents over the age of 55 years to a mobile home park allowing residents of all ages for an additional six months past the January 2, 2006 expiration date, until July 2, 2006.

PREPARED BY:



Gerald S. Gilbert
Planning Director

SUBMITTED BY:



Steven R. Jepsen
City Manager

GSG/vnm

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager



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ATTACHMENTS/EXHIBITS

1. City Council Ordinance

1 only” mobile home parks;

2 WHEREAS, certain mobile home parks affected by the new zoning amendment lie
3 within the jurisdiction of the California Coastal Commission requiring a six-week notice period
4 before public hearing by the City Council;

5 WHEREAS, the moratorium to prohibit conversion of seniors only mobile home parks to
6 all ages parks will expire on January 2, 2006, which will not give the City Council sufficient
7 time to hear the evidence at public hearing, make a decision on enacting the zoning amendment
8 and have the amendment effective before the expiration of the present moratorium;

9 WHEREAS, pursuant to Government Code section 65858(a) an urgency ordinance
10 enacted under Section 65858 may be extended for up to a total of 24 months from the original
11 date enacted after a notice and public hearing and if adopted by a four-fifths vote of the City
12 Council;

13 WHEREAS, the same threat to the public health, safety and welfare exists and a valuable
14 affordable housing resource may be lost to senior citizens if the moratorium is lifted before the
15 new senior mobile home zoning overlay becomes effective;

16 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

17 SECTION 1. Moratorium. The moratorium on mobilehome park conversion enacted by
18 Ordinance No. 05-OR0014-1 and previously extended by Ordinance No. 05-OR0076-1 is
19 hereby extended for an additional six months through and including July 2, 2006.

20 INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of
21 the City of Oceanside California, held on the ____ day of _____, 2005, by the
22 following vote:

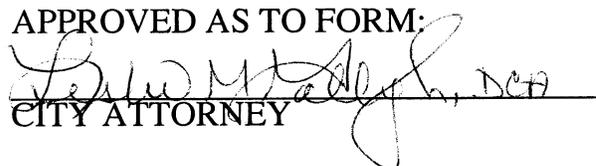
- 23 AYES:
- 24 NAYS:
- 25 ABSENT:
- 26 ABSTAIN:

27 ATTEST:

28 _____
CITY CLERK

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:



CITY ATTORNEY