

STAFF REPORT
City of Lancaster, California

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Date: August 28, 2007

To: Mayor Hearn and City Council Members

From: David R. McEwen, City Attorney

Subject: Adopt Interim Ordinance Extending the Moratorium on Conversions of Senior Only Mobile Home Parks

Recommendation:

Adopt **Interim Ordinance No. 887** extending the moratorium imposed by Interim Urgency Ordinance No. 886 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.

Fiscal Impact:

There will be no direct fiscal impact; however, there will be staff costs associated with completing the necessary work to develop a “senior-only” mobile home park zoning ordinance.

Background:

It has been brought to the City’s attention that the owner’s of Sherwood Mobile Estates are in the process of converting the park from a park restricted to occupants 55 years of age or older to a park without age restrictions. There are currently 27 mobile home parks in the community of which three are designated as “seniors only” parks. The conversion of one-third of the senior parks could have a significant impact on housing available for seniors within the City.

The City does not currently have a “senior only” mobile home park zoning ordinance and needs time to determine whether such an ordinance is needed to preserve this affordable housing option for senior residents. In order to determine what impact the conversion of a senior only park to an all-age park would have on affordable senior housing stock, staff must conduct a study.

Accordingly, City Council adopted Interim Urgency Ordinance No. 886 on August 14, 2007, which imposed 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. Ordinance No. 886 was adopted pursuant to Section 65858 of the California Government Code, which 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.

Ordinance No. 886 will continue in force and effect for forty-five days after its adoption and may be extended for ten months and fifteen days and may subsequently be extended for an additional one year period, after public notice and a public hearing is provided. Such extensions also require a four-fifths vote of the City Council.

An extension of Ordinance No. 886 is now needed in order to conduct studies that 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. An extension of Ordinance No. 886 is also needed in order to consider and study the possible adoption of a zoning ordinance amendment regulating mobile home parks, including establishing senior mobile home parks and/or development standards in connection with family-oriented mobile home parks in accordance with the recently published Attorney General Opinion authorizing municipalities to impose such restrictions. (87 Ops.Atty.Gen. 148 (2004).)

As the studies mentioned above cannot reasonably be completed within the current forty-five day period, Ordinance No. 886, and the moratorium contained therein, should be extended for ten months and fifteen days pursuant to Section 65858 of the California Government Code. As mentioned above, such an extension is authorized after public notice and a public hearing is provided. A four-fifths vote of the City Council is required in order to pass this extension.