



ORDINANCE NO. 2008-09 _____

**MORATORIUM ON THE CONVERSION OF AN AGE RESTRICTED
MOBILEHOME PARK WITHIN THE CITY OF AMERICAN CANYON TO A NON-
AGE RESTRICTED MOBILEHOME PARK**

WHEREAS, the current City of American Canyon ("City") General Plan includes policies and goals to maintain the character of residential neighborhoods and to address the needs of special needs groups, such as seniors. The City is committed through the General Plan Housing Element policies to preserving the City's existing affordable housing stock and for maintaining housing for special needs groups, such as seniors; and

WHEREAS, there is a short supply of rental housing in the City; and

WHEREAS, the lack of affordable housing options in the City of American Canyon and the County of Napa continues to create a serious problem for senior citizens living in the City of American Canyon; and

WHEREAS, one of the few affordable housing options left to senior citizens exist in mobile home parks that permit exclusive residence by those individuals over the age of 55 years; and

WHEREAS, at least one mobile home park within the City of American Canyon has recently announced an intention to convert from a "seniors only" mobile home park to a park allowing residents of all ages, thereby reducing the number of affordable housing units available to those over the age of 55; and

WHEREAS, such a conversion may unduly burden and irreparably harm senior citizens within the community and reduce the number of existing affordable units; and

WHEREAS, in accordance with Government Code section 65858(f), the City Council finds, based upon substantial evidence, there currently exists in the City certain events, occurrences, or set of circumstances different from the events, occurrences or set of circumstances that supported the City's prior Moratorium (Ordinances 2006-11, 2006-13, and 2007-01) on the conversion of any mobile home park existing in the City from a park occupied primarily or exclusively by senior residents to a mobile home park allowing residents of all ages; and

WHEREAS, Environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment,

directly or indirectly and it prevents changes in the environment pending the completion of the contemplated municipal code review; and

WHEREAS, the City Council of the City of American Canyon has determined that an urgency ordinance is necessary to allow time to study additional methods to protect the public health, safety and welfare of the citizens of American Canyon, particularly those tenants or residents who are over 55 years of age in mobilehome parks within the City and the City's consideration of this issue is an ongoing matter that requires continuation of the moratorium.

NOW, THEREFORE, the City Council of the City of American Canyon does hereby ordain as follows:

SECTION 1: Moratorium. In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code section 65858, a moratorium is placed on the conversion of any mobilehome park currently in existence in the City of American Canyon from a park where at least sixty percent (60%) of the full-time residents are individuals aged fifty-five years (55) and older (a "seniors only" mobilehome park) to a mobilehome park accepting all ages of residents is established for forty-five (45) days pursuant to Government Code section 65858(a).

SECTION 2. Declaration of Urgency. This urgency is based on the following facts:

- a. There is a current, continuing and immediate threat to the public health, safety and welfare arising from the lack of affordable housing options for senior citizens age 55 and older in and around the City.
- b. The City, like the State of California, is experiencing an unprecedented amount of foreclosures, which have adversely affected property values and will have even greater adverse consequences as foreclosure rates continue to rise and limit the availability of any residential opportunity much less senior citizen housing for residents aged fifty-five years (55) and older. (SB 1137).
- c. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.
- d. The California Legislature has authorized cities to provide zoning for "senior only" mobile home parks pursuant to Health and Safety Code section 18300 and applicable law.
- e. The California Attorney General has opined that such senior only zoning does not conflict with the general prohibition

against discrimination based upon age contained in California Government Code section 65008. 87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).

- f. The City of American Canyon currently does not have a "senior only" mobilehome park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve the few affordable housing options left to our senior citizens.
- g. The City of American Canyon requires additional time to study and decide:
 - 1. If such an ordinance is necessary to protect the public, health, safety and welfare and provide adequate affordable local housing for senior citizens.
 - 2. If such an ordinance would have any adverse effects upon the general housing market and particularly the general affordable housing market in the City of American Canyon.

SECTION 3. Exceptions. This Ordinance shall not apply to any undeveloped parcels of land or to any mobilehome park as may be exempted by a majority vote of the City Council during the term of this Ordinance.

SECTION 4. Planning Department. The Planning Director is directed to provide a written report to the City Council at least ten days prior to the expiration of this Ordinance, describing the study conducted of the local housing conditions that led to the adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon the date of its adoption pursuant to Government Code section 65858.


SECTION 6. Expiration. This moratorium shall be of no further force or effect upon the expiration of forty-five (45) days from the date of adoption, unless extended in accordance with the provisions Government Code section 65858.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections,


subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

The foregoing Ordinance was introduced and read, at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of September, 2008, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of September, 2008 by the following vote:

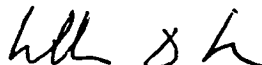
AYES: Garcia, Coffey, Bennett, Callison, West
NOES: None
ABSTAIN: None
ABSENT: None



Leon Garcia, Mayor

ATTEST:


Dorothy Roadman, City Clerk

APPROVED AS TO FORM:


William D. Ross, City Attorney