

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF OCTOBER 9, 2007**

FROM: Lynn Tracy Nerland, City Attorney

DATE: September 26, 2007

SUBJECT: Repeal of the Moratorium on the Conversion of Any Mobile Home Park from a Senior Park to an All-Age Park

RECOMMENDATION:

Adopt an Ordinance to repeal the extension of the Moratorium Ordinance (repeal of Ordinance No. 1094-C-S) (Attachment A).

BACKGROUND:

At the Council meeting on September 25, 2007, the Council voted to introduce an ordinance repealing the extension of moratorium on the conversion of any mobile home park from a senior park to an all-age park. No revisions were made to the ordinance as proposed in the staff report.

A provision of the Agreement reached between the City and Park Owners regarding Vista Diablo Mobile Home Park allows the Park Owners to terminate the Agreement if the City adopts an ordinance imposing rent control or an ordinance prohibiting the conversion of a senior park to an all-age park. Accordingly, the City Council took action to introduce an ordinance to repeal Ordinance No. 1094-C-S adopted on June 26, 2007: "An Extension of the Interim Urgency Ordinance of the City Council of the City of Antioch Placing a Moratorium on the Conversion of any Mobilehome Park Currently Existing in the City from a Park Occupied Primarily or Exclusively by Residents over the age of 55 Years (Senior Residents) to a Mobilehome Park, Allowing Residents of All Ages."

OPTIONS:

No other options are presented given that this recommended action is consistent with the City Council's direction on September 25, 2007.

ATTACHMENTS:

- A. Ordinance Repealing the Moratorium on the Conversion of any Senior Mobile Home Park to an All-age Park (Ordinance 1094-C-S)

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ORDINANCE NO.

AN ORDINANCE REPEALING THE EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH PLACING A MORATORIUM ON THE CONVERSION OF ANY MOBILEHOME PARK CURRENTLY EXISTING IN THE CITY FROM A PARK OCCUPIED PRIMARILY OR EXCLUSIVELY BY RESIDENTS OVER THE AGE OF 55 YEARS (SENIOR RESIDENTS) TO A MOBILEHOME PARK ALLOWING RESIDENTS OF ALL AGES

WHEREAS, on May 22, 2007, in response to a threat to convert a senior mobile home park (Vista Diablo Mobile Home Park) to an all-age park, the City Council of the City of Antioch adopted an urgency interim ordinance to place a moratorium on the conversion of any senior mobile home park to an all-age mobile home park given the importance of affordable housing options for seniors as described in the City’s Housing Element (Ordinance No. 1092-C-S); and

WHEREAS, following a public hearing on June 26, 2007, the City Council considered the report from staff regarding the extension of the interim ordinance for another 10 months and 15 days and all written and oral testimony, and extended the interim ordinance (Ordinance No. 1094-C-S);

WHEREAS, after many meetings and discussions, the ownership of Vista Diablo Mobile Home Park has agreed to enter into an Agreement with the City of Antioch to address the concerns raised by the residents regarding this proposed conversion and other issues and such Agreement is acceptable to the residents of the Vista Diablo Mobile Home Park as relayed by the Vista Diablo Action Committee;

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

SECTION 1: Repeal of Moratorium. Ordinance No. 1094-C-S extending the moratorium on the conversion of a senior mobile home park to an all-age mobile home park is repealed.

SECTION 2: 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 any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3: Effective Date. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 4. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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I HEREBY CERTIFY that the foregoing ordinance was introduced at an adjourned regular meeting of the City Council of the City of Antioch, held on the 25th day of September 2007, and passed and adopted at a regular meeting thereof, held on the ____ day of _____, 2007 by the following vote of the City Council of the City of Antioch:

AYES: Councilmembers

NOES:

ABSENT:

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH