

ATTACHMENT 1

ZONING CODE AMENDMENTS

Additions Shown in Underline, Deletions Shown in ~~Strikethrough~~

CHAPTER 3.34 MHP MOBILE HOME PARK OVERLAY DISTRICT

3.34.100 Specific Purposes

In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purpose of the MHP Mobile Home Park Overlay District is to reserve land for the construction, use, and occupancy of mobile home parks.

3.34.104 Applicability and Zoning Map Designation

The MHP Mobile Home Park Overlay District may be combined with any zoning district. Each MHP Overlay District shall be shown on the zoning map by adding an “(MHP)” to the base district designation. The zoning map shall include a reference to the adopting ordinance establishing the MHP Overlay District. Any parcel may be added to the MHP Mobile Home Park Overlay District under the procedures established by Chapter 5.16 of this Code.

3.34.112 Use Regulations

No use(s) shall be allowed in the MHP Mobile Home Park Overlay District except as specified herein. The following uses are allowed in the MHP Mobile Home Park Overlay District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Chapter 5.04 of this Code:

A. Mobile Home Parks as defined in Section 1.12.108.

3.34.116 Development Regulations

The development regulations applicable in an MHP Overlay District shall be those of the base zoning district with which the MHP Overlay District is combined.

3.34.120 Notice

If a property owner submits an application for a zoning map amendment to remove a mobile home park from the MHP Mobile Home Park Overlay District, notice of the public hearings at which the application is considered shall be mailed or delivered at least 10 days prior to the hearing to all residents of the pertinent mobile home park. The cost of such notice shall be borne by the applicant.

Chapter 5.28 Mobile Home Park Conversions

5.28.100 Specific Purpose.

The specific purpose of the Mobile Home Park Conversion procedure is to ensure that any mobile home park conversion ~~of these parks to other uses~~ is preceded by adequate notice and that relocation and other assistance is provided to park residents, consistent with the provisions of the California Government Code, Section 65863.7.

5.28.104 Definitions

~~A. See Section 1.12.108 Definitions for definitions of: Mobile Home; Mobile Home Park; Mobile Home Park Conversion.~~

A. As used in this chapter, “mobile home park conversion” shall mean a use of a mobile home park for a purpose other than the rental or the holding out for rent of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of the mobile home park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold.

B. As used in this chapter, “mobile home” shall mean any structure, regardless of type, designed or used for human habitation located in a mobile home park, including but not limited to, mobile homes as defined in Civil Code section 798.3, recreational vehicles as defined in Civil Code Section 799.24, and commercial coaches, as defined in Health and Safety Code Section 18218.

C. As used in this chapter, “low income” shall mean an annual household gross income that is less than eighty percent (80%) of Area Median Income for Alameda County.

D. As used in this chapter, “moderate income” shall mean an annual household gross income that is greater than eighty percent (80%) and less than one hundred twenty percent (120%) of Area Median Income for Alameda County.

5.28.108 Permit Required

~~The conversion of an existing mobile home park to another use~~A mobile home park conversion shall require a use permit reviewed by the Planning Commission and approved by the City Council pursuant to Chapter 5.08 Use Permits, Variances, and Parking Exceptions. An application for such permit shall include the following and such other information as may be required by the Zoning Enforcement Official:

A. A general description of the proposed use to which the mobile home park is to be converted.

- B. The proposed timetable for implementation of the conversion.
- C. A description of the mobile home spaces within the mobile home park including:-
1. Number of mobile home spaces occupied.
 2. Length of time each space has been occupied by the present resident(s) thereof.
 3. Age, size, and type of mobile home occupying each space.
 4. Monthly rent currently charged for each space.
 5. Name and mailing address of the residents of each mobile home within the mobile home park.
- D. A report of impact and a disposition/relocation plan addressing the availability of replacement housing for existing residents ~~tenants~~ of the mobile home park consistent with Government Code Section 65863.7. Upon filing an application for conversion, the Zoning Enforcement Official shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code Section 65863.8 regarding notification of the mobile home park residents concerning the conversion proposal.
- E. Upon the filing of an application for conversion, the Zoning Enforcement Official shall mail or deliver notice of the conversion application to all residents of pertinent mobile home park. The cost of such notice shall be borne by the applicant.

5.28.112 Relocation Plan

- A. The relocation plan for residents ~~tenants~~ of a mobile home park shall be submitted to the City Council for approval as part of the application for a mobile home park conversion ~~of a mobile home park to another use~~. The plan shall provide specifically for relocation assistance to full-time, low- and moderate-income residents of the park for a minimum period of 12 months following approval of a use permit for the conversion. Information on sites available in mobile home parks in the City and adjacent communities shall be provided to all residents ~~tenants~~.
- B. A relocation plan shall include, but not be limited to, consideration of the availability of medical and dental services and shopping facilities, the age of the mobile home park and the mobile homes, and the economic impact on the relocated residents ~~tenants~~.
1. Special Cases. The relocation plan shall specifically provide guarantees that all residents ~~tenants~~ 62 years old or older and all residents ~~tenants~~ who are medically proven to be permanently disabled, as evidenced by a medical doctor's diagnosis or other statement, shall not have to pay an increase in rent over the amount currently paid for a period of two years following relocation.
 2. Moving Expenses. The relocation plan shall provide for moving expenses equal to the actual cost of moving, but not exceeding the cost of moving to a location no more than 10 miles from the mobile home park to any resident ~~tenant~~ who relocates from the park after City approval of the use permit authorizing conversion of the park. When the resident

~~tenant~~ has given notice of ~~his~~their intent to move prior to City approval of the use permit, eligibility to receive moving expenses shall be forfeited.

3. **No Increase in Rent.** A resident's ~~tenant's~~ rent shall not be increased within two months prior to filing an application for conversion of a mobile home park, nor shall the rent be increased for two years from the date of filing of the conversion application or until relocation takes place.

5.28.116 Findings for Conversion

The City Council may approve a permit for a mobile home park conversion if it finds that the proposed conversion meets the following requirements in addition to the requirements of Section 5.08.124 Required Findings:

- A. That the proposed use of the property is consistent with the General Plan or any specific plan, and all applicable provisions of this ordinance are met;
- B. That the residents of the mobile home park have been adequately notified of the proposed conversion;
- C. That there exists land zoned for replacement housing or adequate space in other mobile home parks for the residents who will be displaced;
- D. That the conversion will not result in the displacement of low-income mobile home residents who cannot afford rents charged in other mobile home parks within the City of San Leandro or its general vicinity;
- E. That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other mobile home parks within the City of San Leandro or its general vicinity;
- F. That if the mobile home park is to be converted to another residential use, the mobile home residents to be displaced shall be provided the right of first refusal to purchase, lease, rent, or otherwise obtain residency in the replacement dwelling units, and the construction schedule for such replacement dwelling units shall not result in a displacement of unreasonable length for those mobile home residents electing to relocate ~~in these~~to the replacement units;
- G. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation; and
- H. That the relocation plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

5.28.120 Conditions of Approval

Consistent with Section 5.08.128 Conditions of Approval, the City Council shall impose the following conditions of approval of a permit for a mobile home park conversion. In addition to any other conditions:

A. The applicant shall submit a relocation plan that shall make adequate provisions for the relocation of all mobile homes and mobile home residents to be displaced as a result of the conversion. Such plan shall include provisions to relocate such mobile homes and mobile home residents in comparable mobile home parks within the City of San Leandro or its general vicinity. A replacement mobile home park shall be deemed comparable if it provides substantially equivalent park facilities and amenities, space rental and fees, and location, i.e., proximity to public transportation, medical services and dental ~~centers~~ services providers, shopping facilities, recreation facilities, religious and social facilities, ~~etc.~~

B. The applicant shall bear all reasonable costs of relocating mobile homes and mobile home residents displaced by the conversion. Such costs shall include, but not be limited to: the cost of moving the mobile home to its new location; the cost of necessary permits, installations, landscaping, site preparation at the mobile home's new location; the cost of moving personal property; and the cost of temporary housing, if any. Such costs may also include the cost of purchasing replacement mobile homes for those residents owning mobile homes that are not acceptable in other mobile home parks as a result of its size, age or style, or establishing a new mobile home park for the relocation of displaced mobile homes.

C. The City Council may establish the date on which the permit for conversion will become effective. Such date shall not be less than two years from the decision of the City Council, provided that conversion at an earlier date may be approved if the City Council receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the City Council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the applicant has complied with all the provisions of an approved relocation plan and submitted evidence of such compliance to the Zoning Enforcement Official.

5.28.124 Waiver

A. The City Council may find that there is substantial evidence to support a finding by the Council that the imposition of conditions as provided in Section 5.28.120 Conditions of Approval would result in an extreme economic hardship for the applicant. An extreme economic hardship does not exist where the cost of implementing the relocation conditions would merely deny the applicant the maximum profits that could be realized from the conversion of the mobile home park conversion.

B. If the City Council determines that the conditions would result in extreme economic hardship for the applicant, the City Council may waive or modify any conditions that would otherwise be necessary to enable the Council to make the findings required by Section 5.28.116 Findings for Conversion. Such conditions may be waived or modified only to the extent minimally necessary to alleviate such extreme economic hardship.

C. In the event a waiver is granted, the City Council shall require the applicant to provide, at a minimum, relocation assistance to each household occupying a mobile home as follows:

1. Three (3) times the most current Fair Market Rents for a 2-bedroom unit as published annually by the U.S. Department of Housing and Urban Development (“HUD”) for the Oakland-Fremont, California HUD Metro FMR Area in the Federal Register, or three (3) times the monthly rent that the resident(s) is paying at the time the mobile home park conversion is approved, whichever amount is greater.
2. One Thousand Dollars (\$1,000.00) if at least one member of the household is 62 years old or older, or is permanently disabled.
3. Moving expenses equal to the actual cost of moving, but not exceeding the cost of moving to a location no more than 10 miles from the park to any resident who relocates from the park after City approval of the use permit authorizing conversion of the park.

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