



# City of San Leandro

Meeting Date: October 4, 2021

## Ordinance

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**File Number:** 21-498 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.K.

**TO:** City Council

**FROM:** Fran Robustelli  
City Manager

**BY:** Tom Liao  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE of the City of San Leandro City Council adding Chapter 3.34, MHP Mobile Home Park Overlay District, and amending Chapter 5.28, Mobile Home Park Conversions, of the San Leandro Zoning Code, and amending the San Leandro Zoning Map

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**WHEREAS**, the State of California recognizes, by the adoption of special legislation regulating tenancies of mobile home owners in mobile home parks, that there is a significant difference between homeowners in mobile home parks and other dwelling units; and

**WHEREAS**, owners of mobile homes in mobile home parks, unlike apartment tenants or residents of other rental housing stock, are in the unique position of having made a substantial investment in a residence that is located on property that is either rented or leased and not owned by them; and

**WHEREAS**, the City of San Leandro has nine (9) mobile home parks with approximately eight hundred fifty-five (855) spaces located within the City limits. These spaces represent a significant portion of the affordable housing supply within the City; and

**WHEREAS**, the City of San Leandro General Plan, Chapter 6, Housing Element provides for the following goals and actions:

1. Conservation of Mobile Home Parks. Promote the conservation and rehabilitation of mobile home parks without displacing tenants or reducing the number of affordable units. Mobile home parks should be recognized as an important affordable housing resource for San Leandro's seniors and low-income households (Policy 56.08).
2. Mobile Home Rent Stabilization. Consider adopting a mobile home rent stabilization ordinance similar to the agreement currently in effect for Mission Bay

(Action 56.08-B) (The agreement would apply more broadly to residents of all mobile home parks in the city and help protect the city's existing supply of mobile homes.); and

**WHEREAS**, it is often difficult to move mobile homes from one park to another due to the age and condition of some mobile homes and the limited availability of vacant spaces in mobile home parks; and

**WHEREAS**, it is often costly to move a mobile home and, in many instances, moving a mobile home requires separation of the mobile home from its appurtenances, which may create severe damage and depreciation in value to the mobile home; and

**WHEREAS**, Government Code section 65863.7 establishes minimum rules and regulations regarding mobile home park conversions, but explicitly authorizes local agencies to enact more stringent protections; and

**WHEREAS**, Chapter 5.28 of the San Leandro Zoning Code governs the conversion of mobile home parks within the City and requires City Council approval prior to the closure or conversion of a mobile home park; and

**WHEREAS**, the proposed amendments to Chapter 5.28 would increase noticing requirements for mobile home park conversion applications and establish minimum relocation benefits that must be paid in the event that any of the requirements of Chapter 5.28 are waived; and

**WHEREAS**, the proposed addition of Chapter 5.34 to the San Leandro Zoning Code would establish a mobile home park zoning overlay that prohibits all uses other than a mobile home park use; and

**WHEREAS**, the proposed amendments to the San Leandro Zoning Map would apply the proposed overlay to all existing mobile home parks citywide; and

**WHEREAS**, the proposed amendments would strengthen existing protections for mobile home park residents; and

**WHEREAS**, a staff report dated July 1, 2021, incorporated herein by reference, described and analyzed the proposed amendments for the Planning Commission; and

**WHEREAS**, the City of San Leandro Planning Commission held a duly noticed Public Hearing on July 1, 2021 for consideration of the proposed amendments, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

**WHEREAS**, the City of San Leandro Planning Commission unanimously recommended

that the City Council adopt the proposed amendments, with certain changes; and

**WHEREAS**, the changes recommended by the Planning Commission are incorporated into the proposed Zoning Code amendments; and

**WHEREAS**, the City Council held a duly noticed Public Hearing on September 7, 2021 for consideration of the proposed ordinance, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

**WHEREAS**, the City Council desires to adopt the Ordinance in order to increase the protections for San Leandro residents living in mobile home parks.

**NOW, THEREFORE**, the City Council of the City of San Leandro does ordain as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. FINDINGS.** The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. The amendments to the Zoning Code will not be detrimental to the public interest, health, safety, or welfare of the City.
2. The amendments to the Zoning Code are consistent with the General Plan and all applicable specific plans in that the amendments advance Policy 56.08 of the General Plan, Chapter 6, Housing Element, which promotes the conservation of mobile home parks as an important affordable housing resource for San Leandro's seniors and low-income households.

**SECTION 3. AMENDMENT OF ZONING CODE.** The San Leandro Zoning Code is hereby amended to add Chapter 3.34, MHP Mobile Home Park Overlay District, and to amend Chapter 5.28, Mobile Home Park Conversions, as shown in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 4. AMENDMENT OF ZONING MAP.** The San Leandro Zoning Map is hereby amended as shown in attached Exhibit B and incorporated herein by reference.

**SECTION 6. ENVIRONMENTAL REVIEW.** The amendments enacted by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") based on: 1) the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a set of text amendments that do not authorize any new land uses, it can be seen with certainty that there is no possibility that the proposed amendments to the Zoning Code will have a significant effect on the environment; and 2) CEQA Guidelines Section 15301, which exempts changes to existing facilities involving negligible or no expansion of existing or former use.

**SECTION 7. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 8. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

**EXHIBIT A  
ZONING CODE AMENDMENTS**

**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 30 days prior to the hearing to all residents of the pertinent mobile home park. This requirement shall be in addition to all other legally required noticing requirements in Civil Code Section 798.56 and Government Code Section 65863.8. 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 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. 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 799.29, and commercial coaches, as defined in Health and Safety Code Section 18218.

### **5.28.108 Permit Required**

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 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 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. The plan shall provide specifically for relocation assistance to full-time, residents of the park for a minimum period of 12 months. Following approval of a use permit for the conversion of a park, relocation assistance shall commence upon a resident's departure from the park, or the closure of the park, whichever occurs first. Information on sites available in mobile home parks in the City and adjacent communities shall be provided to all residents.

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.

1. **Special Cases.** The relocation plan shall specifically provide guarantees that all residents 62 years old or older and all residents who are 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 125 miles from the mobile home park to any resident who relocates from the park after City approval of the use permit authorizing conversion of the park. When the resident has given notice of 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 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 notified of the proposed conversion as required by this code and applicable state law;
- 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 mobile home residents who cannot afford rents charged in other mobile home parks within the City of San Leandro or within 50 miles of the park;
- 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 within 50 miles of the park;
- 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 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 within 50 miles of the park. 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 services providers, shopping facilities, recreation facilities, religious and social facilities.



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. Notwithstanding the requirements of Government Code Section 65863.7, if a resident voluntarily chooses not to move a mobile home owned by the resident to a new location, the applicant shall pay all costs to demolish or otherwise dispose of the mobile home from the park.

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. Any person who files an application for a mobile home park conversion may simultaneously file an application for a waiver on a form prescribed by Planning staff with supporting information as may be required by the Zoning Enforcement Official.

B. 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.

C. 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.

D. 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.

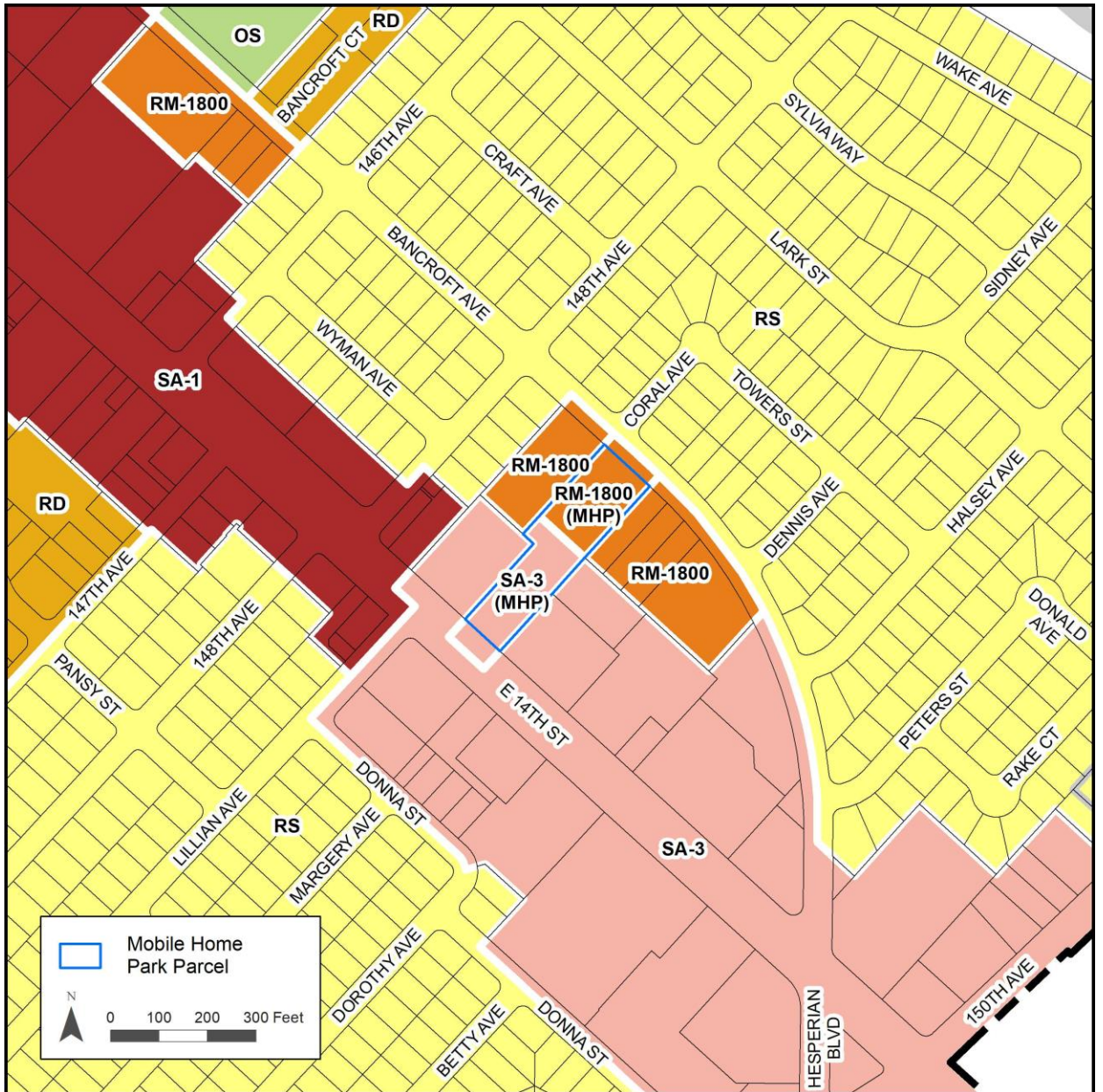
2. One Thousand Dollars (\$1,000.00) if at least one member of the household is 62 years old or older, or is permanently disabled.
3. Moving expenses equal to the actual cost of moving, but not exceeding the cost of moving to a location no more than 125 miles from the park to any resident who relocates from the park after City approval of the use permit authorizing conversion of the park. Such costs shall include the cost of moving the mobile home to its new location. Notwithstanding the requirements of Government Code Section 65863.7, if a resident voluntarily chooses not to move a mobile home owned by the resident to a new location, the applicant shall pay all costs to demolish or otherwise dispose of the mobile home from the park.

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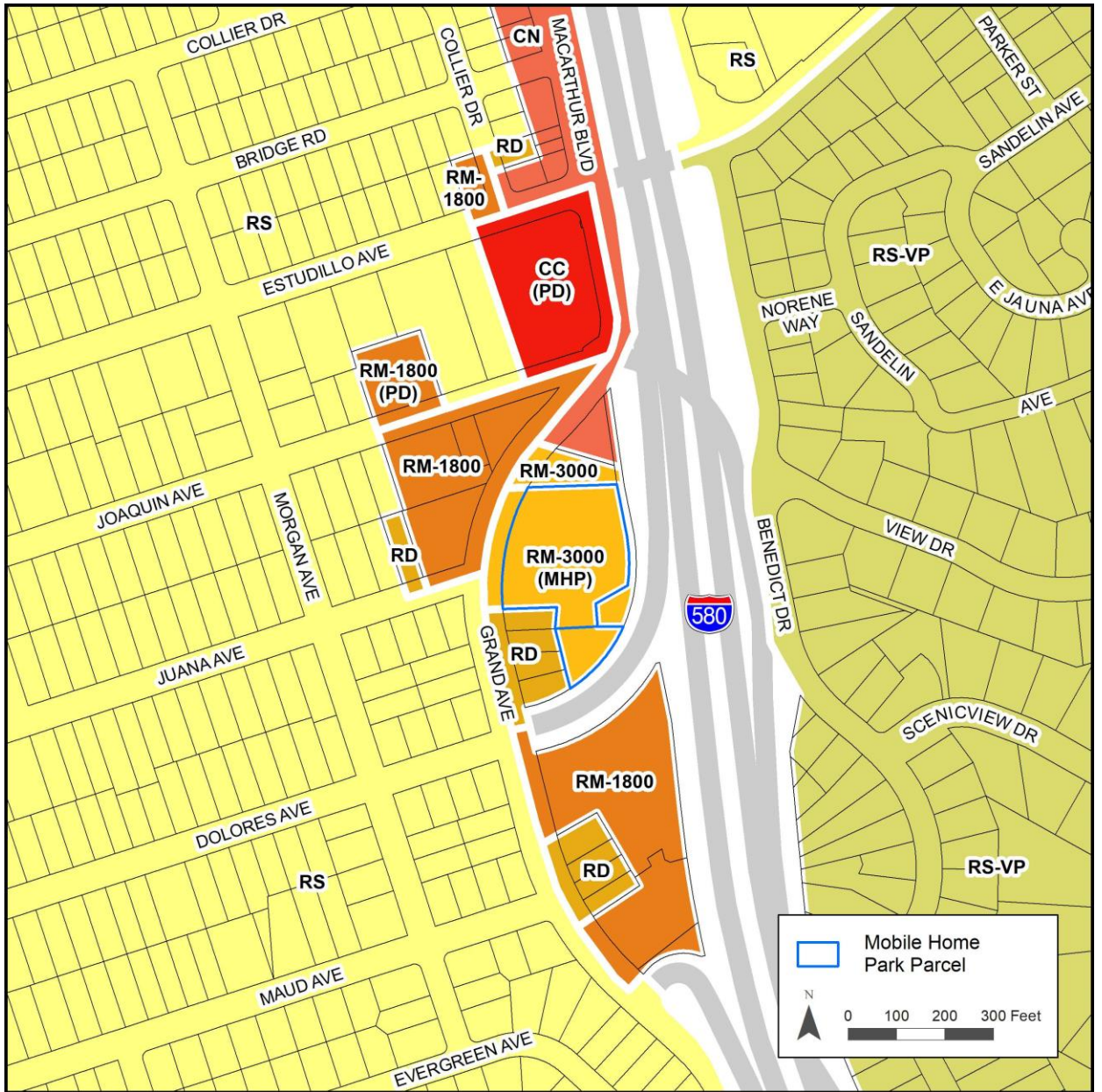
# EXHIBIT B

## Zoning Map Amendments

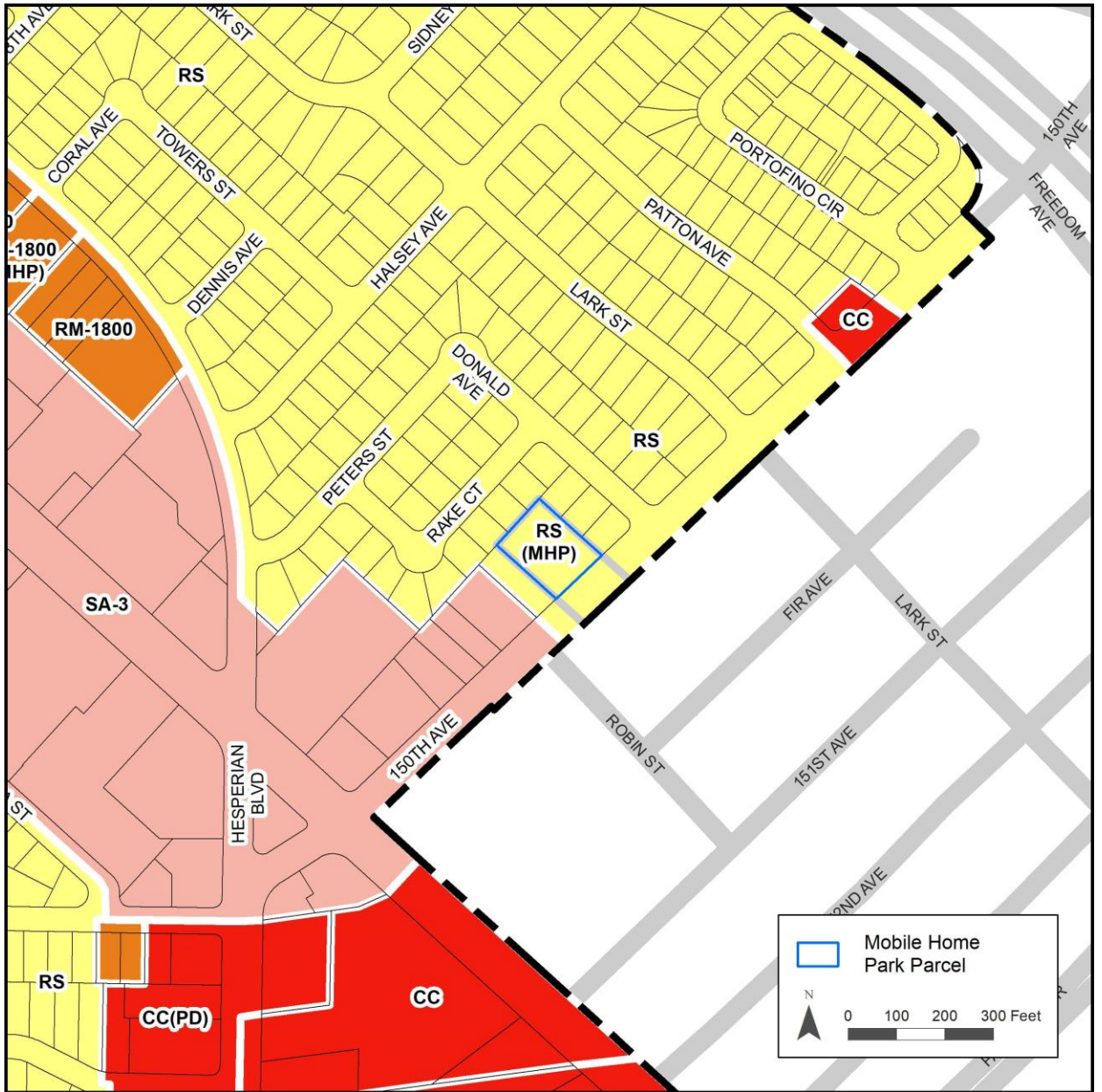
### Bal Trailer Court - 14831 Bancroft Ave.



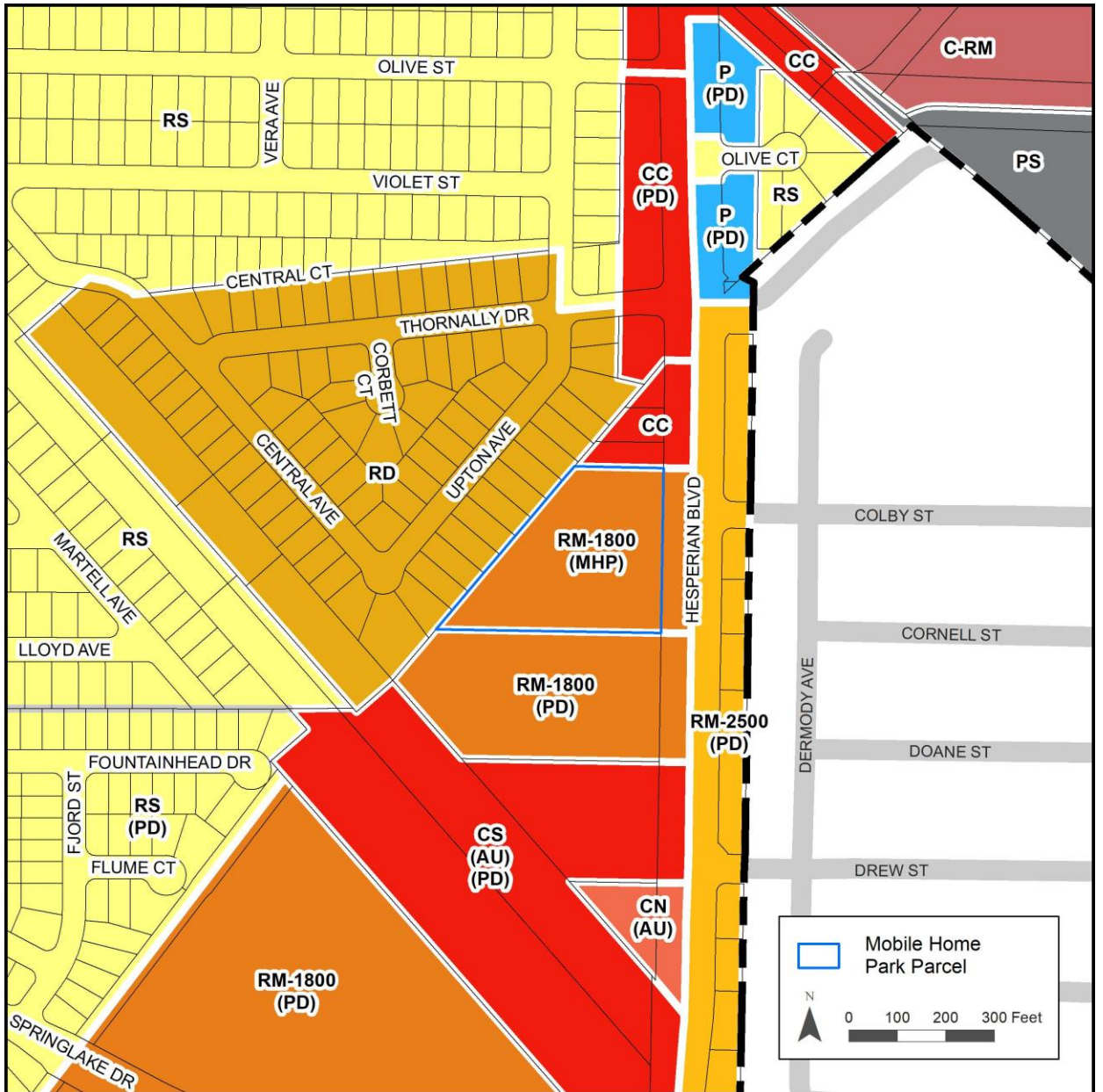
# Bayshore Commons - 1468 Grand Ave.



# Golden State Trailer Park - 1511 150th Ave.

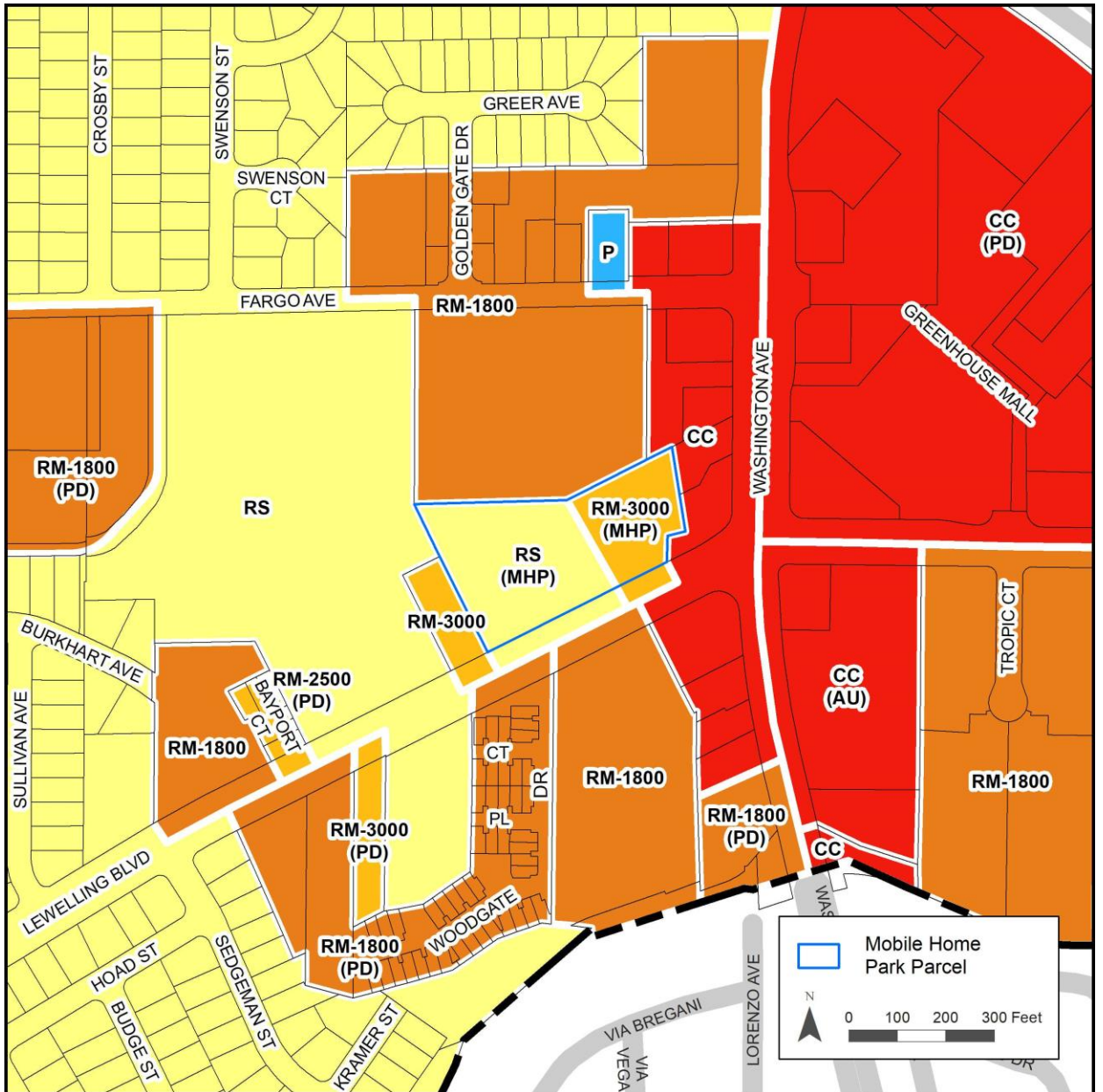


## Hesperian Trailer Park - 15263 Hesperian Blvd.



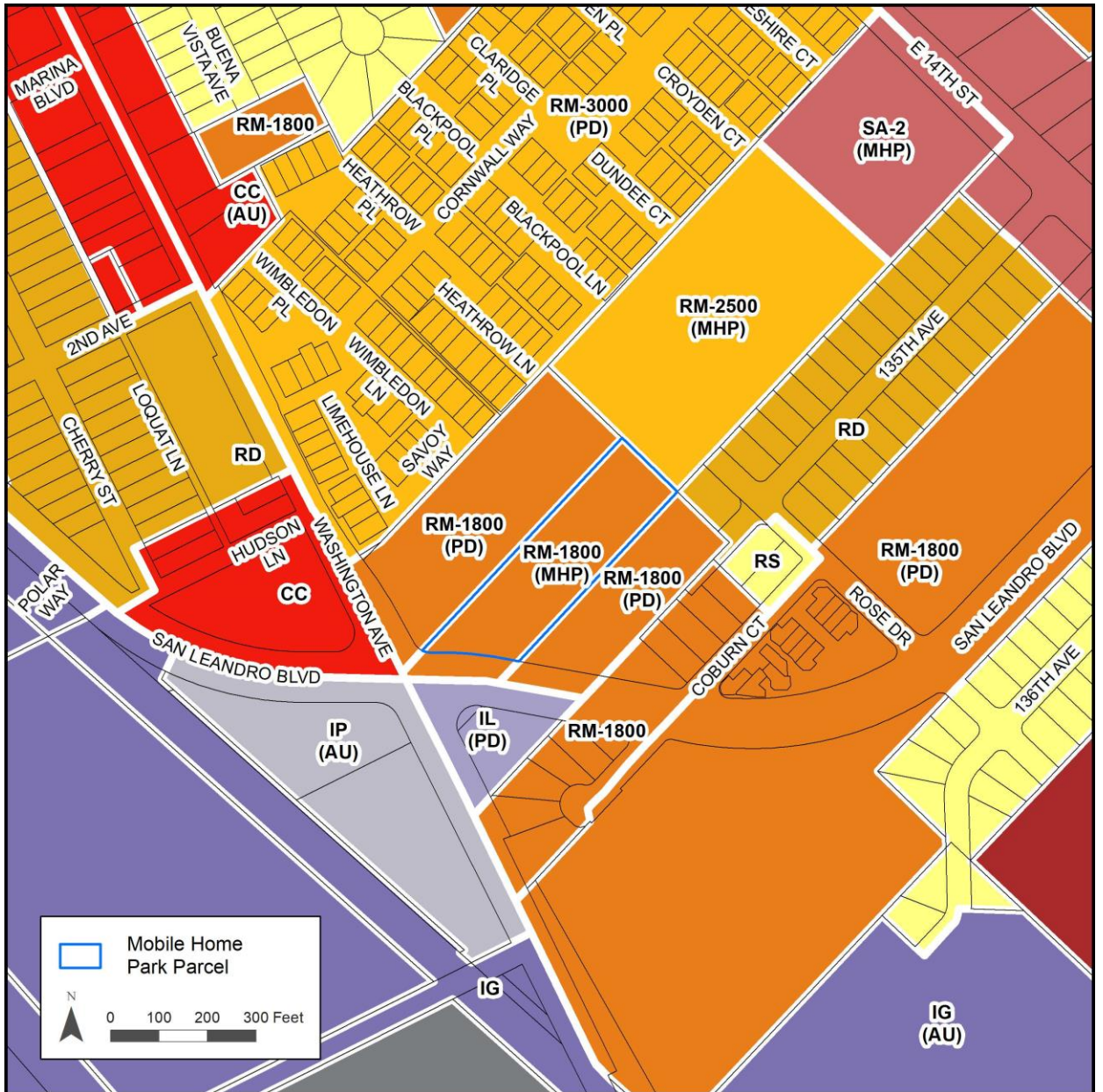


# Sale's Mobile Home Park - 747 Lewelling Blvd.

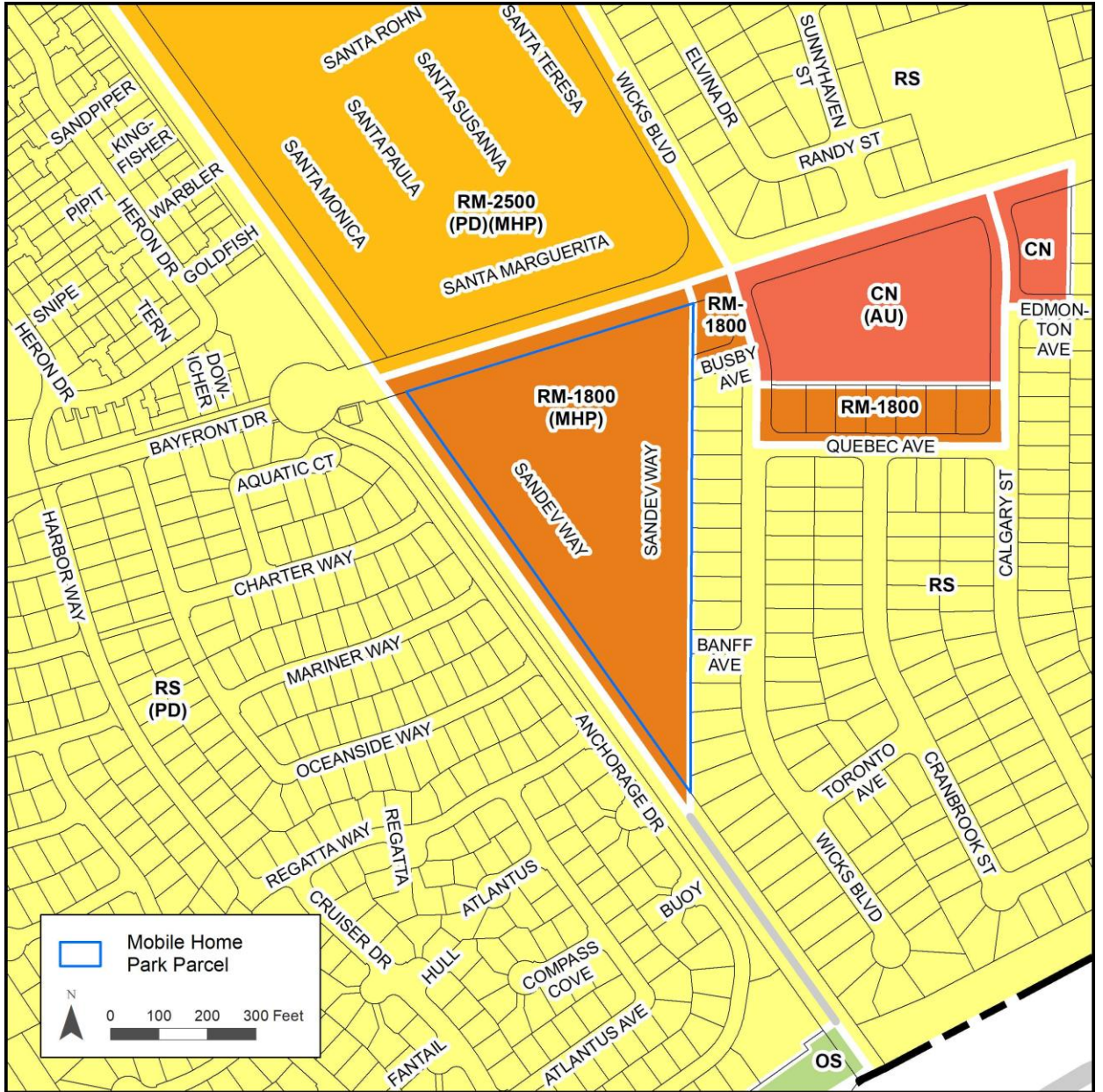




# San Leandro Court - 2470 Washington Ave.



# Sandev Mobile Park - 2100 Lewelling Blvd.



# Trailer Haven - 2399 E. 14th St.

