



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY PLANNING DEPARTMENT

STAFF REPORT

TO: CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

HEARING DATE: September 23, 2024

PROPOSAL: Draft Mobilehome Park Overlay and Conversion Ordinance

BACKGROUND

On April 24th, 2024, the Unincorporated Services Committee of the Board of Supervisors discussed a possible moratorium to prevent the conversion of existing mobile home parks into other uses and explored a new zoning layer for the existing mobilehome parks within Unincorporated Alameda County. The new zoning layer could require a permit from the Planning Department in addition to State Housing and Community Development (HCD) requirements when a change of use is proposed.

On June 26, 2024, The Unincorporated Services Committee discussed a new Mobilehome Park (MHP) Overlay District for the existing mobilehome parks within Unincorporated Alameda County. During the public meeting the Committee directed Planning Staff to draft a MHP Overlay and Conversion Ordinance and determined that a moratorium was not needed at this time.

DISCUSSION

There are 18 existing mobilehome parks within Unincorporated Alameda County located within the Eden and Castro Valley Planning Areas. The Mobilehome Park (MHP) Overlay and Conversion Ordinance would be combined with the existing zoning district to preserve land for the construction, use and occupancy of mobilehome parks. The overlay would be in addition to the State HCD requirements, while trying to avoid any duplication within the two requirements. The Ordinance would also create flexibility and discretion through the Planning Department to approve MHP changes in the use.

The County is considering adopting the ordinance to ensure that any proposed conversion of an existing mobilehome park to any other use will require a Conditional Use Permit, which by itself is the most significant new requirement, and is modeled after many other similar ordinances in the region. The ordinance ensures that any conversion is preceded by adequate notice, that an opportunity to purchase the MHP is offered to existing residents, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed

conversion and that relocation and other assistance is provided to park residents as required by State Law and local ordinance.

Staff used other bay area cities mobilehome park and conversion ordinances for examples and guidance while writing the draft ordinance. A draft of the ordinance is attached, which provides a framework for what a final ordinance may contain. The draft is now being circulated for public comment and it is expected some changes may occur over the course of the public review.

STAFF RECOMMENDATION

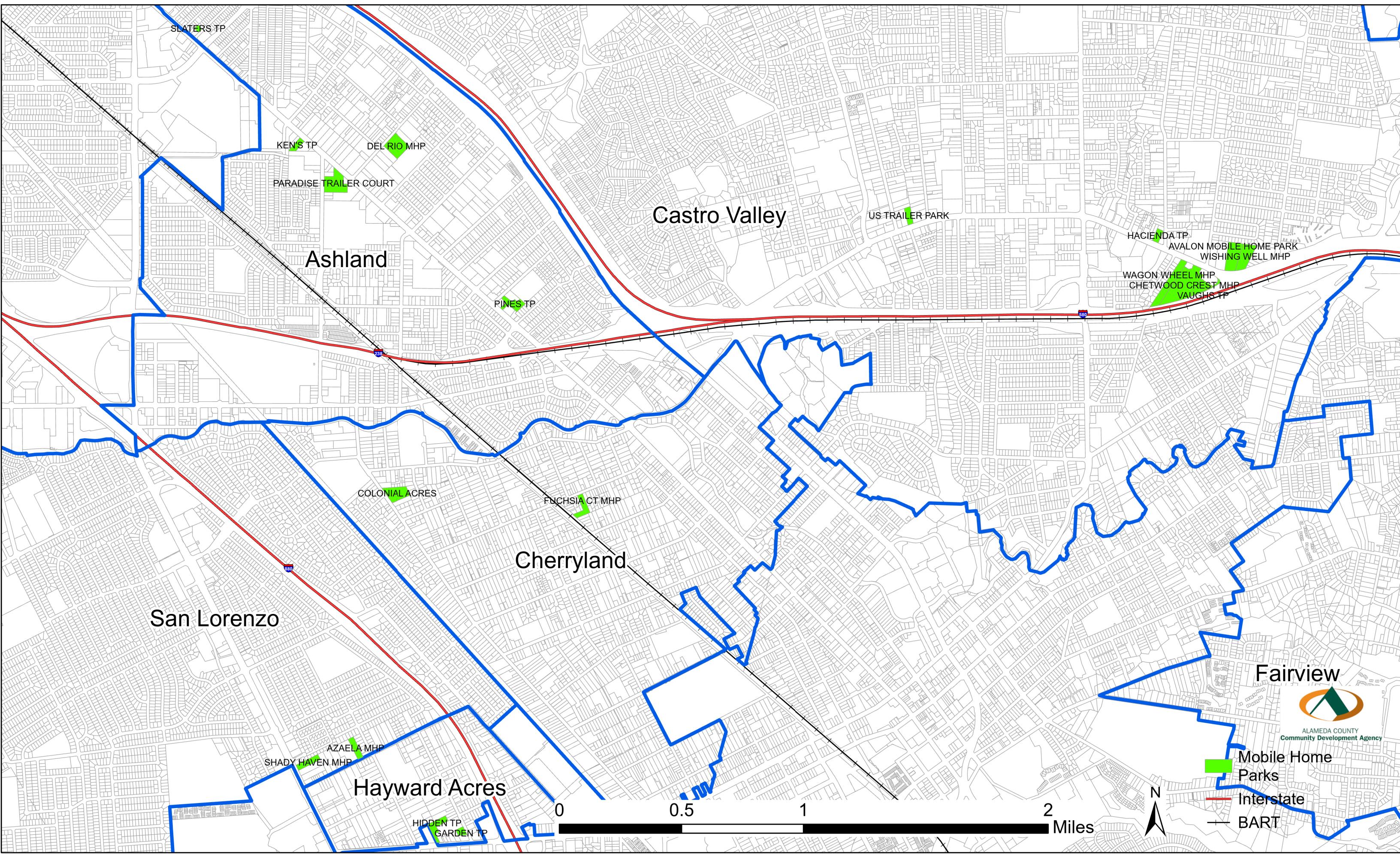
Staff recommends that the Castro Valley Municipal Advisory Council hear a presentation by staff, discuss the draft ordinance, take public testimony, and make recommendations to Planning Staff on the draft Mobilehome Park Overlay and Conversion Ordinance, to be able to report back to the Unincorporated Services Committee with the recommendations for consideration.

ATTACHMENTS

Map of Mobilehome Parks
Draft Mobilehome Park Overlay and Conversion Ordinance

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REVIEWED BY: Albert Lopez, Planning Director

Mobile Home Parks



Reader: This document is a draft of work in progress by the Planning Department. The draft has three sections – Definitions, MHP Overlay and MHP Conversion (in that order). The final format may be different than this draft, but the sections above are to ease discussions around the various topics.

SECTION 1

Title 17 Zoning

17.04.010 Definitions (Existing)

"Mobilehome" - means a factory-assembled structure or structures transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation where connected to the required utilities, including but not limited to plumbing, electrical, heating and air-conditioning contained therein and installed in accordance with Title 15 Building Ordinance (Building and Construction).

"Mobilehome park"- is any building site where one or more mobilehome sites are rented or leased or held out for rent or lease or for sale as a unit of a condominium to accommodate mobilehomes used for human habitation.

"Mobilehome site"- is that portion of a mobilehome park designed or used for the occupancy of one mobilehome.

NEW Definitions to add -17.04.010 Definitions.

“Disabled household” shall mean a household in which a resident is a person with a medical condition or physical or mental impairment that substantially limits at least one of the person’s major life activities, as defined in the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, or successor statutes.

“Fair market Value” shall mean of a mobilehome and all associated fixed property that cannot be relocated to a comparable mobilehome park.

“Low-income household” shall mean a household with annual income less than eight percent of the area median income of households in Alameda County, as defined by the California Housing and Community Development Department.

“Conversion” shall mean a use of an existing mobilehome park for any purpose other than the rental or holding out for rent of two or more mobile home sites to accommodate mobile homes used for human habitation. A conversion may affect an entire mobilehome park or any portion thereof. A conversion shall include but is not limited to: conversion to any other use that is not a mobile home park, closure of the park, a change of the mobilehome park or any portion thereof to

a condominium, stock cooperative, planned development, or any form of ownership wherein spaces within the mobilehome park are to be sold.

"Closure Impact Report" shall be the report required to be filed under the Mobilehome Residency Law (MRL), found in Section [798](#) et seq. of the Civil Code, establishes the rights and responsibilities of homeowners and park management.

"Right of First Refusal" shall mean the right of existing mobile home park residents to purchase the property before it is offered for sale to external buyers. The term also refers to the right for mobile park residents to be offered replacement housing, if such housing is constructed on the mobile home park site.

"Senior household" shall mean a household in which a resident is at least sixty-two years old.

SECTION 2

Chapter 17.XX.XX Mobilehome Park (MHP) Overlay Combining District

17.XX.XX Mobilehome Park Overlay Combining District – Intent.

The district, hereinafter designated as combining MHP (Mobile Home Park) district, is established to be combined with other districts to preserve land for the construction, use, and occupancy of mobile home parks. The district applies to specific parcels in the unincorporated area, as depicted in the map in 17.XX.XXX.

17.XX.XX Mobilehome Park Overlay District – Map

The district map shall show all the overlay parcels and applicable development standards.

17.XX.XX Applicability. Unless otherwise noted, the requirements of this section apply to all property located within an MHP overlay district.

17.XX.XXX Permitted Uses: Mobilehome parks

The only permitted use in the MHP District is a Mobilehome park.

17.XX.XXX Conditional Uses

None.

17.XX.XXX Accessory buildings and accessory uses.

- A. Accessory buildings and uses per Section 17.52.180-17.52.320, 17.42.470 and 17.52.730 for sections applicable for any R district would apply to the MHP district.
- B. Accessory structures such as managers offices, laundry facilities, and other services for the residents of the park.

- C. Display of mobilehomes and mobilehome accessories for on-site sale, provided the accessories are contained within a mobilehome or an approved permanent structure.
- D. Clubhouses, swimming pools, and recreation facilities for the use of park residents and guests.

17.52.1000 Mobilehome parks. (Existing)

The regulations set forth in this and following sections shall apply to the construction, maintenance, and operation of mobilehome parks established after November 30, 1969, and to the expansion of any mobilehome park existing on November 30, 1969.

(Prior gen. code § 8-70.0)

17.52.1010 Mobilehome parks—Building site. (Existing)

All mobilehome parks shall be on a building site having an area not less than five acres and a median lot width not less than three hundred (300) feet.

(Prior gen. code § 8-70.1)

17.52.1020 Mobilehome parks—Density. (Existing)

Except as otherwise provided in a combining district or specific plan, the number of dwelling units permitted on a building site in a mobilehome park shall not exceed the number obtained by dividing the area in square feet of the building site by five thousand (5,000), disregarding any fraction.

17.XX.XXX Yards.

The yard requirements in a MHP district are as follows subject to the general provision of Section 17.52.330 (Yard Regulations):

- A. Depth of Front yard: Not less than twenty (20) feet.
- B. Depth of Rear yard: Not less than twenty (20) feet.
- C. Width of Side yard: Not less than five (5 feet).
- D. Width of Street Side yard: Not less than ten (10) feet.

17.XX.XXX Height Limit

The maximum height of mobilehomes or other residential structure in a mobilehome park shall not have a height of more than two stories nor shall any building or structure have a height more than twenty-five feet.

17.52.1030 Mobilehome parks—Mobilehome sites. (Existing)

Mobilehome sites shall have a minimum area of two thousand five hundred (2,500) square feet and a minimum width of thirty-five (35) feet.

(Prior gen. code § 8-70.3)

17.52.1040 Mobilehome parks—Utilities. (Existing)

All utilities within the mobilehome park boundaries shall be underground.

(Prior gen. code § 8-70.4)

17.52.1050 Mobilehome parks—Common areas. (Existing)

There shall be provided within the park a minimum of three hundred (300) square feet of common area for each mobilehome site. This area shall be divided in appropriate amounts for recreation areas and buildings, storage areas and utility areas with the recreation area provided at not less than two hundred (200) square feet per site. The common areas shall have a minimum width of ten feet and shall include no portion of the required front yard, roadways, parking areas, mobilehome sites or areas with a ground slope exceeding twenty (20) percent.

(Prior gen. code § 8-70.5)

17.52.1060 Mobilehome parks—Fencing. (Existing)

The perimeter of the mobilehome park shall be surrounded by a fence equal to the height permitted by Section 17.52.430 (Fence, Walls and Hedges- Height Limitations).

(Prior gen. code § 8-70.6)

(Ord. No. 2010-71, § 91, 12-21-10)

17.52.1065 Mobilehome parks—Parking. (Existing)

Pursuant to Section 17.52.910 (Parking spaces required—Residential buildings), every mobilehome site shall have two parking spaces. A mobilehome park shall also provide one parking space for every ten (10) mobilehome sites.

(Ord. No. 2012-58, § 20, 4-10-12)

17.52.1065 Mobilehome parks – Parking (Existing)

Pursuant to Section 17.52.910 (Parking spaces required—Residential buildings), every mobilehome site shall have two (2) parking spaces. A mobilehome park shall also provide one parking space for every ten (10) mobilehome sites.

SECTION 3

17.XX.XXX Mobilehome Park Requirements for Conversion - Purpose

The specific purpose of this section is to ensure that any mobilehome park conversion is preceded by adequate notice, that residents are given an opportunity to purchase the mobile home park, and that relocation and other assistance is provided to park residents consistent with the provisions of the State adopted Mobilehome Residency Law (MRL). The Conversion requirements described herein are in addition to State laws or local ordinances applicable to mobile home parks. The intent of the district overlay is to limit the conversion of existing affordable housing located in Mobile Home Parks to other uses, and in the instances where conversion does occur, describes the requirements and process for conversion.

17.XX.XXX Notice of Intent to Change the Use and Right of First Refusal

- A. At least sixty (60) days prior to the date of filing an application for a Conditional Use Permit for a conversion, the mobile home park owner or project proponent shall provide a written Notice of Intent to the County, to each of the affected mobile home park residents and any resident organization, and shall post in a prominent location within the mobilehome park, the proposal to change the use of the mobile home park. The notice shall also be provided to any person applying for a rental space in the affected mobile home park, prior to payment of any rent or deposit.
- B. Said Notice of Intent to convert shall contain a statement describing the proposed new use for the project site, as well as the following information:
 1. How the Conversion will impact current residents, including their rights to seek relocation assistance.
 2. The requirement for a Conditional Use Permit with the Alameda County Planning Department for the Conversion
 3. An explanation of the residents' right of First Refusal, including the timeline and process for exercising this right.
- C. Right of First Refusal: In the event of a Conversion notification, residents shall have the right of first refusal to purchase a condo interest or an undivided interest in a community or cooperative mobile home park. A designated resident organization shall have the right to negotiate for purchase of a mobilehome park for which a Conversion project is proposed. If written notice of the exercise of this right is provided to the park owner within 60 days of the date of issuance of the Notice of Intent to convert, such an action would suspend the processing of any Conditional Use Permit for 180 days in order that good faith negotiations can be pursued; and the following would apply:

1. Offer to Residents: Existing residents or an approved resident association shall be granted the right of first refusal to purchase the mobile home park at a fair market value determined by an independent appraiser.
2. Process for Exercising the Right:
 - i. If the residents or resident association does not submit their proposal to purchase the park in writing within 60 days after receiving the Notice of Intent, then the right of first refusal is waived and the property owner may proceed with the Conditional Use Permit process described in Section 17.xx.xxx

17.XX.XXX Conditional Use Permit Required

A mobilehome park conversion shall require a Conditional Use Permit reviewed by the Alameda County Planning Commission and approved by the Alameda County Board of Supervisors. An application for such permit shall include the following and such other information as may be required by the Planning Director:

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

17.XX.XXX Relocation Plan

- A. A Relocation Plan (Plan) for residents of a mobile home park shall be submitted to the Alameda County Planning Commission for review in a duly noticed public hearing. The Plan shall provide specifically for relocation assistance to full-time residents of the park for minimum of period of 12 months. Following approval of a Conditional Use Permit for the conversion of a park, relocation assistance shall commence upon a resident's departure from the park, or when residency in the park is no longer possible due to the conversion, whichever occurs first. Information on sites available in mobilehome parks

within the unincorporated areas of Alameda County and adjacent cities shall be provided to all residents.

B. A Relocation Plan (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. The Plan shall provide for the applicant to pay all reasonable moving expenses to a comparable mobile home park within Alameda County to any tenant who relocates from the park after county approval of the use permit authorizing conversion of the park. The reasonable costs of relocation and moving expenses shall include the cost of relocating a displaced homeowner's' mobile home, accessories, and possessions, include the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories at the new site and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation; reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve months of the relocated tenancy. When any tenant has given notice of their intent to move prior to County approval of the use permit, eligibility to receive moving expenses shall be forfeited.
2. If the Planning Commission determines that a particular mobilehome cannot be relocated to a comparable mobilehome park within the County, and the mobile home owner has elected to sell their mobilehome, the relocation plan must identify those mobilehomes, the reasons why the mobile homes cannot be relocated as provided in subsection (B)(1)Section 17.XX.XXX Relocation Plan, then the Planning Commission may, as a part of the reasonable costs of relocation as provided in Government Code Section 65863.7 (e) require the applicant to purchase the mobilehome of a displaced homeowner at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location including the blocks and any skirting, siding, porches, decks, storage sheds and awnings, and assuming the continuation of the mobilehome park in a safe, sanitary, and well-maintained condition, and not considering the effect of the conversion on the value of the mobilehome. If a dispute arises as to the in-place value of a mobilehome, the applicant and the homeowner shall have appraisals prepared by separate qualified Member Appraisal Institute (MAI) appraisers with experience in establishing the value of mobilehomes. The Planning Commission shall determine the in-place

- value based upon the average of the appraisals submitted by the applicant and the mobilehome owner.
3. Special Cases. The Plan shall specifically provide guarantees that all residents 62 years old or older and all residents who are permanently disabled, as evidence 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.
 4. Moving Expenses. The 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 mobilehome park to any residents who relocates from the park after Alameda County approval of the use permit authorizing conversion. When the resident has given notice of their intent to move prior to Alameda County approval of the use permit, eligibility to receive moving expenses shall be forfeited.
 5. No Increase in Rent. A residents rent shall not be increased within two months prior to filing an application for conversion of a mobilehome park nor shall the rent be increase for two years from the date of filing of the conversion application or until relocation takes place.

17.XX.XXX Findings for Conversion

The Planning Commission may approve a permit for a mobilehome park conversion if it finds that the proposal meets the following requirements in addition to the requirements of Conditional Use Permit Findings Per Section 17.XX.XXX Conditional Use 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 Ordinance and applicable State law;
- C. That there is guaranteed occupancy for replacement housing or there is adequate space in other mobilehome parks within Alameda County for the owner of the mobilehome/occupants/residents who will be displaced;
- D. That the conversion will not result in the displacement of mobilehome residents who cannot afford rents in other mobilehome parks within the Unincorporated areas of Alameda County or within 50 miles of the subject mobilehome park;
- E. That the age, type, size, and style of mobilehomes to be displaced as a result of the conversion will be able to be relocated into other mobile home parks within the Unincorporated areas of Alameda County or within 50 miles of the subject mobilehome park;
- F. That if the mobilehome park is to be changed to another residential use, the mobilehome 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 an unreasonable length for those mobile home residents electing to relocate into the replacement units;
- G. That any mobilehome residents displaced as a result of the conversion shall be compensated by the applicant/permittee for all reasonable costs incurred as a result of their relocation;
 - H. That the relocation plan mitigates the impacts of the displacement of individual or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

17.XX.XXX Conditions of Approval

Upon making a recommendation to the Board of Supervisors, the Planning Commission shall consider the following conditions of approval of a permit for a mobilehome park conversion, in addition to any other conditions:

- A. The applicant/permittee shall submit a relocation plan that shall make adequate provisions for the relocation of all mobilehomes and mobilehomes owners/occupants/residents to be displaced as a result of the conversion. Such plan shall include provisions to relocate such mobilehome parks within the Unincorporated area of Alameda County or within 50 miles of the subject 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/permittee shall bear all reasonable costs of relocating mobilehomes and mobilehomes residents displaced by the conversion. Such costs shall include, but not be limited to the costs of moving the mobilehome to its new location; the costs of necessary permits, installations, landscaping, site preparation at the mobilehome's new location; the costs of moving personal property; and the costs of temporary housing, if any. Such costs may also include the costs of purchasing replacement mobilehomes for those residents owning mobilehomes that are not acceptable in other mobilehome parks as a result of its size, age, or style or establishing a new mobile home park for the relocation of displaced mobilehomes. Notwithstanding the requirements of Government Code Section 65863.7, if a resident voluntarily chooses not to move a mobilehome owned by the resident to a new location, the applicant/permittee shall pay all costs to demolish or otherwise dispose of the mobilehome from the existing park.
- C. The Planning Commission may establish the date on which the permit conversion will become effective. Such date shall not be less than two years from the decision of the

Planning Commission, provided that the conversion at an earlier date may be approved if the Planning Commission receives a written petition requesting an earlier date signed by the majority of those persons residing in the subject mobilehome park at the time of the Planning Commissions 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/permittee has complied with all other provisions of an approved relocation plan submitted evidence of such compliance to the Planning Director.

17.XX.XXX Exemption from Relocation Assistance Obligations/Waiver

If an applicant who files for a mobilehome park conversion may simultaneously file an application for a Waiver to request total or partial exemption from the relocation assistance obligations to show that the required relocation assistance would impose an unreasonable financial hardship in accordance with this section.

- A. Disclosure to Residents. The applicant shall notify residents in writing of the request for exemption from relocation assistance obligations within 30 days of the Waiver application submittal to the Planning Director.
- B. Required Information. To justify the bases for the request of exemption from relocation assistance obligations, the applicant shall provide the following information with the Relocation Plan.
 1. Financial Statements. Statements of profit and loss from the operations of the park for the most recent five-year period of the date of the application or request, verified by a certified public accountant.
 2. Statement of Repairs and Improvements. A statement made under penalty of perjury by a state-licensed general contractor that repairs and improvements are necessary to maintain the park in a decent, safe, and sanitary condition and to continue the use of the property as a mobile home park. The statement shall include an itemized list of necessary repairs and improvements, their costs, and the minimum period of time they shall be made. The applicant shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of mobilehome spaces within the park with in the next five years necessary to pay for such repairs or improvements. At the Planning Directors discretion, the applicant may be required to hire another licensed general contractor selected by the Planning Director to analyze the submitted information from another licensed general contractor selected by the Planning Director.
 3. Estimated Relocation Costs. The estimated total costs of relocation assistance based on the requirements of Relocation Plan and as determined by the relocation specialists.
 4. Appraised Value Estimate. A comparison by an appraiser from the Housing and Community Development Director's lists of the estimated values of the property

if it were to continue as a mobile home park, and if the park were developed according to the proposed redevelopment of the park.

5. Additional Information. Other information the applicant believes to be pertinent, or which may be required by the Planning Director.
- C. If the Planning Commission determines the that the conditions would result in extreme economic hardship for the applicant and grants the Waiver, the following shall require the applicant to provide, at a minimum, relocation assistance to each household occupying a mobile home as follows:
1. Three times the most current Fair Market Rents for a two-bedroom unit as published annually by the U.S. Department of Housing and Urban Development (HUD) for Oakland-Fremont, California HUD Metro FMR Area in the Federal Register (for FY2024 2-bedroom unit \$2,540), or three times the monthly rent that the resident is paying at the time the mobilehome park conversion is approved, whichever amount is greater.
 2. \$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 costs 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 Alameda County Planning Department approval of the use permit authorizing conversion of the park. Such costs shall include the cost of moving the mobilehome to its new location. Notwithstanding the requirements of California Mobilehome Residency Law (MRL) found in Section 798 of the Civil Code, if a resident voluntarily chooses not to move a mobilehome 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.

17.XX.XXX Expiration of Approval of Conversion

Conversion shall expire three years after the date they are approved. The Planning Director may deny or grant a request for an extension of time of the conversion approval. The Planning Director may grant extensions of time based upon a showing that good faith progress has been made toward fulfilling the conditions of approval or some intervening event not the fault of the park owner has prevented timely compliance with the conditions of approval. The applicant may appeal the denial of a request for an extension to the Planning Commission.

17.XX.XXX CEQA Exempt – All projects in applicability section above are CEQA Exempt.