

FAQ Winchester Ranch Mobilehome Park

How do Mobilehome Parks (Winchester Ranch) fit into the concept of an urban village?

The Envision San Jose 2040 General Plan in creating urban villages recognized that existing neighborhoods were an important part of the new neighborhoods being planned. This did not assume that everything within an urban village boundary would be redeveloped, but rather that better connections for pedestrians and bicyclists need to be accommodated, and that existing deficiencies in these edge neighborhoods should be addressed. In some cases existing homes might be included into new development plans, but the specifics were to be determined with the creation of an Urban Village Plan for each designated Urban Village and with an individual development proposal.

In the case of the Winchester Ranch Mobile Home Park, the owner's representative asked on many occasions for the park to be included into the boundary of the Urban Village. City staff included the park in the boundary but has been clear with the representative that it did not commit the City to supporting any change in use or closure of the existing mobile home park. The General Plan land use designation remains Residential Neighborhood [Density: typically 8 DU/AC (Match existing neighborhood character); FAR up to 0.7 (1 to 2.5 stories)]. The intent of this land use designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern.

How will Senior Housing be addressed in Urban Village plans? What provisions will be made?

Urban Village plans will look at a number of issues, and senior housing may be one of those items. The City is still developing the format for Urban Village plans and what would be included in each. The City staff has proposed affordable housing requirements within the village plans. Most senior housing in the city has some level of affordability included in the projects.

Why would the City consider allowing the closure of non-subsidized senior affordable housing?

The city is required to consider all applications submitted for rezonings and development permits according to terms of the San Jose Municipal Code (SJMC) Section 20.100.

How do rezonings happen? How often do they occur?

Rezonings are considered by the City Council normally once a month at their evening meeting although they can consider them at any City Council meeting. Most rezonings go to the Planning Commission for their recommendation, but not all are required to go to the Planning Commission. Rezonings may occur at the request of a property owner, by the City Council or the Director of Planning. In San José, most rezoning requests are filed by the property owner. By policy, rezonings are required to be consistent with the

General Plan's Land Use Transportation Diagram and overall policies contained in the General Plan, currently the Envision San Jose 2040 General Plan.

All rezoning requests are required to be reviewed for potential environmental impacts under the California Environmental Quality Act (CEQA). For more detailed information on rezonings please follow the link to the Zoning Process Brochure on the City's website at: <http://www.sanjoseca.gov/DocumentCenter/Home/View/343>

Specifically, how does a rezoning of a mobile home park work?

A property owner may apply by submitting the appropriate applications and fees. The rezoning request is analyzed for conformance with the goals and policies of the San Jose 2040 General Plan, as well as the site's General Plan land use designation. Other City departments also review the application for compliance with health and safety standards. In addition, a rezoning must obtain environmental clearance consistent with the California Environmental Quality Act (CEQA) and this process is run concurrently with the rezoning application. Typically, a community meeting is held, followed by a public hearing before the Planning Commission who makes a recommendation to the City Council. The City Council will hold a public hearing and make the final decision on the rezoning request. More detailed information on this process can be found in the document entitled, "Planning in San Jose, a Community Guide", on the City's website at: <http://www.sanjoseca.gov/DocumentCenter/Home/View/317>

What is the current zoning of mobile home parks? Winchester Ranch?

Most mobile home parks in San Jose are zoned A(PD) Planned Development. This is a custom created zoning district that is unique for each property. The City Council rezoned a number of mobile home parks to the R-MH Mobilehome Park District in the late 70's to protect the mobile home use from being eliminated. Many of the parks, especially in North San Jose, were approved and developed as interim uses that would be replaced with industrial development years later as the need for land increased.

The Winchester Mobile Home Park is zoned A(PD) Planned Development. The zoning for the Winchester Mobile Home Park was filed in 1975, with File No. PDC75-095. It allowed for a mobilehome park with a residential density of 7.2 Dwelling Units per Acre (DU/AC) of land. This is a low density residential development typical of most single-family neighborhoods in San Jose.

What factors can the City Council or Planning Commission consider when choosing to approve or deny a rezoning change for a Mobilehome Park?

The City Council and Planning Commission look at the land use designation and policies of the Envision San Jose 2040 General Plan to make decisions such as rezoning land. In the case of the Winchester Mobile Home Park, the General Plan land use designation is Residential Neighborhood to reflect the single-family level of density of the mobile home park. It is also included in the boundary of the Santana Row/Valley Fair Urban Village.

The General Plan is also a policy document that contains hundreds of policies on a number of topics. Relevant policies that would be reviewed for consistency for the questions of a change in use would include housing, neighborhood, sustainability, and economic development.

How does the closure process work? What are the steps?

Depending on the zoning of a subject property, mobilehome park conversions or closures require the approval of a Conditional Use Permit by the Planning Commission or a Planned Development Permit by the Planning Director. A conversion or closure is also regulated by the requirements contained in the Zoning Ordinance under Chapter 20.180.010. You can view this section of the Zoning Ordinance at the following link: <http://www.sanjoseca.gov/index.aspx?nid=1751>

Will Mobilehome Park residents have the same access to the City staff as the developers?

Generally, yes. The developer makes an application with the City and the staff does need to respond to that application and complete the required review within specified time frames. The City staff will schedule community meetings, receive written comments and attempt to answer questions from the community. Staff does not have unlimited time so they may request community members to coordinate their inquiries to avoid repeated requests of the same information. This FAQ is part of providing information to the community and will be updated as new questions of broad relevance are received and answered.

How can residents share their opinions or speak out?

Residents can write to their City Council member and attend public hearings. If a project were to be filed with the City, residents could also contact the dedicated project manager and attend community meetings held for the project. To keep updated on potential projects in your area you can also subscribe to the City's notification service by Council District, or Planning Division news flash or both on our website at: <http://ca-sanjose.civicplus.com/list.aspx>

How is relocation amount calculated?

The Mobilehome Conversion Ordinance does not specify the process for calculating relocation amounts in the event of closure. It does provide that the mitigation measures in the plan "may include but are not limited to" the following:

- a. Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz or San Mateo County.

- b. Provision for payment of any or all portions of the cost of physically moving a mobilehome to a new site in Santa Clara, Alameda, Santa Cruz or San Mateo County, including, but not limited to, tear down and set up.
- c. For those who move to a multiple or a two-family dwelling, provision of a rent subsidy for up to twenty-four months. Rent shall not exceed the fair market rent for new construction and substantial rehabilitation for the Santa Clara County area as established by the U. S. Department of Housing and Urban Development. "Rent subsidy" is the difference between the rent of the multiple or two-family dwelling and the rent of the mobilehome space or mobilehome on the date of the notice to convert.
- d. Payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months.
- e. Purchase of the mobilehome at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association. In-place value includes the value of any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport. The appraisal is to be made no more than sixty days prior to its submittal.
- f. Extended leases or rental agreements (commencing at the conclusion of the right of continued tenancy period under subsection 3. of Section 20.180.360 ([http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/title20zoning*1?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanjose_ca](http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/title20zoning*1?f=templates$fn=default.htm$3.0$vid=amlegal:sanjose_ca)) for mobilehome owners and mobilehome tenants who are handicapped, and/or aged sixty-two or over, and/or of low income, and/or for mobilehome owners and mobilehome tenants with minor children. No mobilehome owner or mobilehome tenant covered by any such extended lease or rental agreement shall be unjustly evicted. "Extended lease or rental agreement" is a lease or rental agreement whose expiration date is extended at least ninety days."

Are there any examples from San Jose? In the County? The City does not have any prior mobilehome relocation plans. The nearest municipality considering a draft relocation plan is Palo Alto. The draft is available on Palo Alto's website at <http://www.cityofpaloalto.org> .

How does other affordable housing, especially senior affordable housing, compare to mobile home parks? What are the specific costs?

The City's subsidized affordable rental housing is generally restricted to lower income persons and families earning less than 60% of the area median income ("AMI"), more affordable units to those earning less than 50% of AMI ("very low income persons") and 30% of AMI ("extremely low income persons"). Most rents are set according to the size of the unit based on a chart published by the State of California Housing and Community

Development Department. For example, one-person who is extremely low income (“ELI,” which means 30% of area median income (AMI), or a maximum of \$22,300/year) can pay a maximum of \$558/month in rent for a studio apartment. A very low income (VLI) one-person household earns a maximum of \$37,150 annually (50% of AMI) for a maximum monthly rent of \$929, while a low income one-person household earns a maximum of \$59,400 annually (80% AMI) for a maximum monthly rent of \$1,485. The income and rent limits increase based on the size of the household.

Will the City’s decision-making process be based on how much tax revenue will be generated?

The following are the findings that the City must make for either a Conditional Use Permit or a Planned Development Permit in order to allow for the conversion of a mobile home park per Zoning Ordinance Chapter 20.180 Mobilehome Park Conversions to Resident Ownership or to Any Other Use.

20.100.720 Conditional Use Permit Findings.

A. The Planning Commission, or the City Council, may issue a conditional use permit only after finding that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
 - b. By other public or private service facilities as are required.

B. The Planning Commission, or the City Council, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

(Ord. 26248.)

20.180.610 Supplemental findings for Conditional Use Permits.

In addition to the findings required pursuant to Section 20.100.720, a Conditional Use Permit may be issued for a mobilehome park conversion of use only if the Planning Commission or City Council finds that the applicant has provided a satisfactory program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.630 of this chapter to mitigate the conversion on displaced mobilehome owners and mobilehome tenants. (Ord. 26248.)

20.100.940 Planned Development Permit Findings.

A. The Director, or the Planning Commission on appeal, may issue a Planned Development Permit only if all of the following findings are made:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan;
2. The Planned Development Permit, as issued, conforms in all respects to the planned development zoning of the property;
3. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious;
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

B. The Director or the Planning Commission on appeal shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings. (Ords. 26248, 26995.)

20.180.620 Supplemental findings for planned development permit.

In addition to the findings required pursuant to Section 20.100.940, a Planned Development Permit may be issued for a mobilehome park conversion of use only if the Director or Planning Commission finds that the applicant has provided a satisfactory program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.630 of this chapter to mitigate the conversion on displaced mobilehome owners and mobilehome tenants. (Ord. 26248.)

20.180.630 Relocation and purchase assistance.

Without limiting the generality of the provisions relating to conditions which may be imposed upon a development permit under Chapter 20.100 of this title, the Director, Planning Commission or the City Council shall make any Conditional Use Permit or Planned Development Permit which may be granted under this chapter for mobilehome park conversion of use subject to a condition requiring a plan of relocation and purchase assistance for mobilehome owners and mobilehome tenants within the proposed project. Such a plan may include the following:

1. Information to be provided to each mobilehome owner within the proposed project:
 - a. A list of known available mobilehome lots in Santa Clara, Alameda, Santa Cruz and San Mateo Counties, including any written commitments from mobilehome park owners willing to accept displaced mobilehome owners.
 - b. Estimates from two moving companies as to the per mile costs of moving mobilehomes of various sizes including, but not limited to, tear down and set up of coaches.
2. Measures to mitigate the adverse impacts of conversion upon mobilehome owners and mobilehome tenants. Such mitigation measures shall benefit mobilehome owners and mobilehome tenants of the mobilehome park from the date the application for the Conditional Use Permit or Planned Development Permit for the proposed conversion

project is filed with the City, or from the date on which notices to vacate are mailed to mobilehome owners and mobilehome tenants, whichever is earlier. Mitigation measures may include but are not limited to:

- a. Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz or San Mateo County.
- b. Provision for payment of any or all portions of the cost of physically moving a mobilehome to a new site in Santa Clara, Alameda, Santa Cruz or San Mateo County, including, but not limited to, tear down and set up.
- c. For those who move to a multiple or a two-family dwelling, provision of a rent subsidy for up to twenty-four months. Rent shall not exceed the fair market rent for new construction and substantial rehabilitation for the Santa Clara County area as established by the U. S. Department of Housing and Urban Development. "Rent subsidy" is the difference between the rent of the multiple or two-family dwelling and the rent of the mobilehome space or mobilehome on the date of the notice to convert.
- d. Payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months.
- e. Purchase of the mobilehome at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association. In-place value includes the value of any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport. The appraisal is to be made no more than sixty days prior to its submittal.
- f. Extended leases or rental agreements (commencing at the conclusion of the right of continued tenancy period under subsection 3. of Section 20.180.360) for mobilehome owners and mobilehome tenants who are handicapped, and/or aged sixty-two or over, and/or of low income, and/or for mobilehome owners and mobilehome tenants with minor children. No mobilehome owner or mobilehome tenant covered by any such extended lease or rental agreement shall be unjustly evicted. "Extended lease or rental agreement" is a lease or rental agreement whose expiration date is extended at least ninety days. (Ord. 26248.)

Are the provisions of the required Relocation and Purchase Assistance Plan required or only recommended? Can other items be required? Who makes that decision?

The Permit allowing another use can issue “only if the Director or Planning Commission finds that the applicant has provided a satisfactory program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.630 of this chapter to mitigate the conversion on displaced mobilehome owners and mobilehome tenants.” The plan of relocation and purchase assistance is required under San Jose Municipal Code (SJMC) Section 20.180.630, which contains suggested provisions, but no specific required provisions. Government Code Section 65863.7 requires that the plan/impact report “address the availability of adequate replacement housing in mobilehome parks and relocation costs.” It also provides that the “steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.”

Can the owner just close the Mobilehome Park and do nothing on the property?

The owner must comply with Mobilehome Residency Law (Civil Code 798.56, 798.57) requirements in order to terminate leases of existing tenants in connection with a change in use or closure. This requires compliance with Government Code Section 65863.7 which requires an impact report.

Can the residents or City force the owner to continue to operate a Mobilehome Park?

The owner of the park must comply with Mobilehome Residency Law, Government Code Section 65863.7, and the City's Zoning Ordinance. These laws limit the owner's ability to terminate mobilehome space lease and to use the site for other uses.

Can the residents purchase the Mobilehome Park? Is the owner required to sell to the residents?

Residents may purchase the park. The owner is not required to sell to the residents.

How long do the residents have to negotiate with the property owner to buy the land?

The City's Mobilehome Conversion Ordinance provides a 180 day period for negotiations; however, the residents are not constrained by this period and may negotiate with the owner as long as they wish.