

San Juan Capistrano Municipal Code						
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TITLE 9. LAND USE CHAPTER 2. ADMINISTRATION Article 3. Development Review Procedures						

Sec. 9-2.331. Mobilehome park conversions, closures, and cessation of use.

- (a) Purpose and intent. The purpose and intent of this section is to require the person proposing to convert an existing mobilehome park to another use, to close a mobilehome park, to cease using land as a mobilehome park, or to file a subdivision map application connected with a conversion of use for a mobilehome park to file and distribute a report on the impact of such change and to require measures to be undertaken to mitigate the adverse effects of the change of use upon the residents of the mobilehome park who would be displaced by such change.
- (b) Review process. The Planning Director shall prescribe the type and form of information required and shall ensure that it is of sufficient detail to allow adequate analysis of each proposal. Applications for the proposed change of use, and/or closure of a mobilehome park shall be processed in accordance to the procedure depicted in Figure 2-14. If the application is found to be incomplete, the Department of Planning Services will notify the applicant in writing within thirty (30) days what additional information is required, and the application will not be processed until that information is received by the Department of Planning Services.

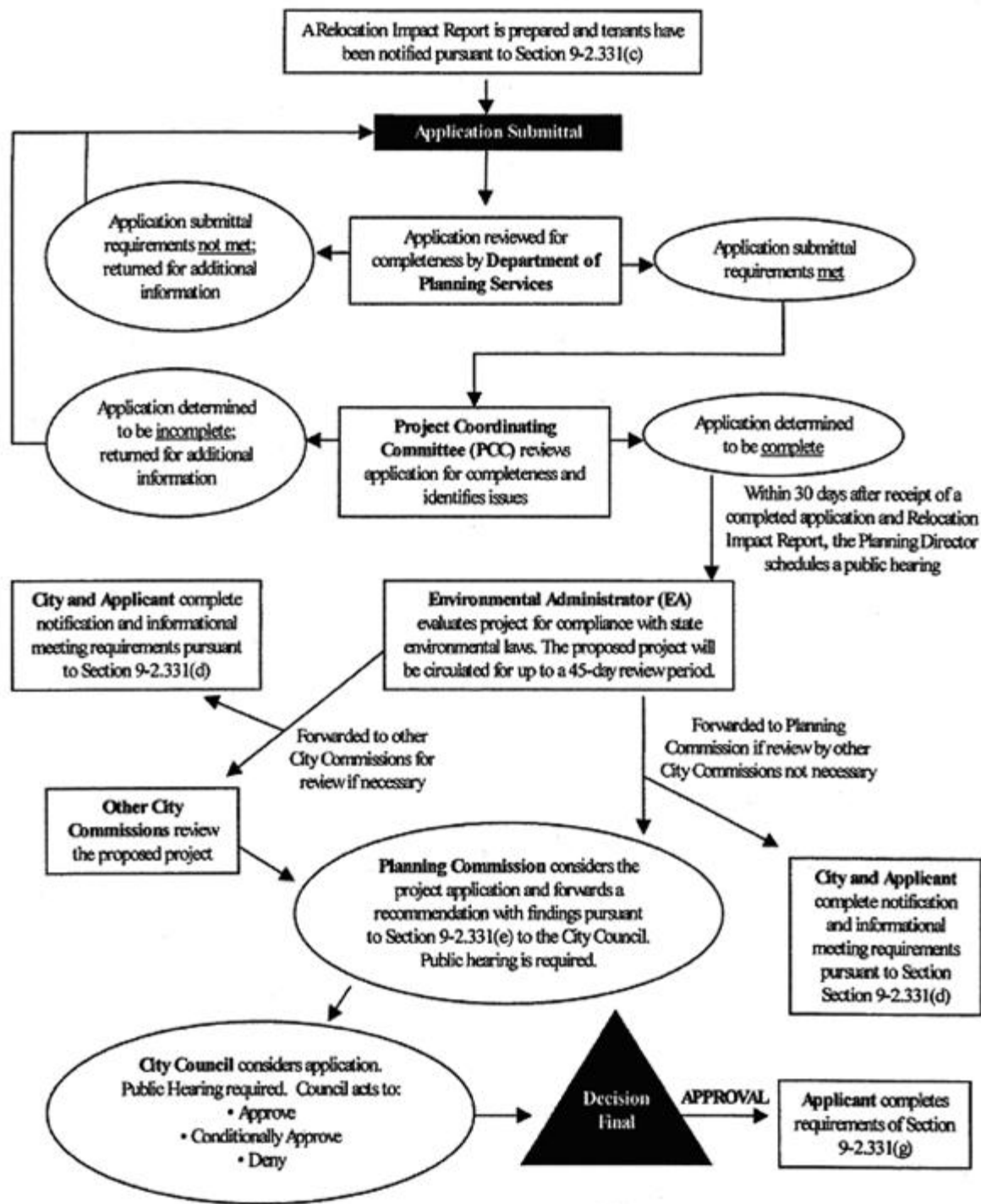


Figure 2-14
Process for Approval for
Mobilehome Park Conversions,
Closures, and Cessation of Use

(c) Relocation impact report required/purpose.

(1) Any person who files an application with the City for a General Plan amendment or for a rezoning of land type or density, or for approval of a tentative tract map, conditional use permit, or any other application for the purpose of converting a mobilehome park to a condominium, stock cooperative, or any other form of ownership wherein mobilehome spaces within the park are to be sold for residential use, or to change to another use, close a mobilehome park, or cease to use land as a

mobilehome park, shall concurrently file with the City a mobilehome relocation impact report that complies with this section. The purpose of the report is to address the impact of the conversion, closure, or cessation of use upon displaced residents of the mobilehome park. No such application shall be considered or approved unless and until such relocation impact report is filed and approved in accordance with this section.

(2) The City shall select a consultant to perform the relocation impact report within ninety (90) days of a written request from the applicant. The applicant shall be noticed in writing of the estimated cost of the relocation impact report and shall deposit that sum with the Planning Services Department prior to commencement of any work on the relocation impact report. The City will then contract with a consultant for the preparation of the relocation impact report. Once an application is filed, the residents of the mobilehome park shall be notified by the City that an application has been filed and preparation of the relocation impact report will begin. The relocation impact report shall contain, but need not be limited to, the following information:

(A) A legal description of the property;

(B) A map and detailed description of the condition of the mobilehome park, including the nature and location of structures, landscaping, easements, utilities and other onsite features and amenities;

(C) The names and addresses of all mobilehome owners within the park (including absentee mobilehome owners), as shown on the rental agreement for the mobilehome park spaces, and the names and addresses of all mobilehome tenants within the park as of the date of the application;

(D) The age, including date of manufacture, of each mobilehome within the park, including the type of mobilehome, width, size, and number identifying the mobilehome space being occupied;

(E) The number of spaces within the park, length of occupancy by the current occupant of each space, and the current lease rate for each space;

(F) The total number of mobilehome residents, broken down space by space, identifying owner or renter occupancy, principal or second home occupancy, occupants under sixteen (16) years of age, occupants sixty (60) years of age and over, and the number of residents who are physically disabled, including the chronically ill;

(G) A description of the proposed new use and all discretionary approvals necessary therefore, if any;

(H) The proposed timetable for conversion, closure, or cessation of use of the land as a mobilehome park and for obtaining other discretionary approvals for the proposed use, if any;

(I) The location of all comparable mobilehome parks within a fifty (50) mile radius from the City limits of the City of San Juan Capistrano, including the park name, number of lots, number of vacancies, lease rates and terms, policies, and restrictions on the type of mobilehomes and residents accepted, amenities offered, and proximity to services (bus stops, grocery stores, hospitals, etc.);

(J) A determination based on the information provided in subsections (D), (E) and (I) above of the total number of mobilehome units that are eligible to be relocated to a comparable mobilehome park;

(K) The estimated cost of relocating the mobilehomes identified in subsection (J) above to available lots in mobilehome parks within the study area. The cost of relocating shall include the costs of physically moving the mobilehome and movable improvements such as patios, carports and porches, to a new site (i.e., dismantling, packing, moving, reassembling, rebuilding, including skirting and tie-downs, and unpacking, as necessary; and packing, moving, and unpacking all personal property);

(L) An estimate of the fair market value of each mobilehome and all associated fixed property that cannot be relocated to a comparable mobilehome park. In determining fair market value, the consultant shall consider the mobilehomes in their current locations assuming the continuation of the mobilehome park in a safe, sanitary, and well maintained condition with competitive lease rates.

The consultant shall specify the basis for a conclusion that any mobilehome cannot be relocated to a mobilehome park and the basis for determining the value of the mobilehome.

(M) The availability and cost of rental housing of comparable size and quality in the City of San Juan Capistrano for each mobilehome park resident;

(N) A relocation plan which will include a timetable for physically relocating the mobilehomes, or payment of relocation assistance;

(O) Proposed measures to adequately mitigate the adverse impacts of the conversion upon each park resident based on subsection (f) of this section;

(P) A list of persons, firms, and organizations with proven expertise in the fields of housing and relocation of persons displaced from housing. This list shall include the names, addresses, telephone numbers, and fee schedules of persons who are qualified as mobilehome movers and appraisers of mobilehomes. The information shall include an explanation of the services which the housing specialists can provide; and

(Q) Any other information which the Planning Services Department determines is necessary to address the specific issues raised by the application or the impact study and any other information that may be necessary to implement provisions of this section.

(d) Notice, distribution, and informational meeting.

(1) At least thirty (30) days prior to a hearing by the Planning Commission on the application(s) pursuant to subsection (b) of this section, the Planning Department shall inform the applicant in writing of the provisions of Section 798.56 of the [Civil Code](#) and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners in the mobilehome park of the proposed change in use.

(2) Not less than thirty (30) days prior to a scheduled hearing before the Planning Commission, the park owner shall transmit to the owner or occupant of each mobilehome occupying a site within the mobilehome park and to all of the persons described in subsection (c)(2)(C) of this section, a copy of the relocation impact report, a copy of this section, and notices of the dates, times, and places of the public hearings and the informational meetings to be held pursuant to subsection (3) below. The copies provided shall be free of charge. Proof of service by mail or personal service of distribution of the impact report to each resident must be filed by the applicant with the Planning Director two (2) days prior to the hearing and the proof of service shall be signed under penalty of perjury.

(3) Not later than fourteen (14) days prior to the scheduled public hearing before the Planning Commission, the park owner shall conduct not less than one informational meeting for the residents of the mobilehome park regarding the status of the application for change of use and/or closure, the timing of the proposed relocation of residents, and the nature of the relocation benefits the park owner proposes to make available to be considered by the Planning Commission and City Council as set forth in subsection (f) of this section. The meeting shall be conducted on the premises of the mobilehome park or other suitable location as determined by the City. The housing specialist(s) designated in the relocation impact report shall be present at such meeting. Not less than five (5) days prior to the scheduled public hearing before the Planning Commission, the applicant shall file with the Planning Director a statement made under penalty of perjury that the applicant has complied with the requirements of this subsection. Such statement shall state the date, time, and place where such meeting or meetings were conducted.

(e) Findings. The Planning Commission and City Council, in considering whether to approve, conditionally approve, or deny the application and report, shall adopt written findings as to whether the project mitigation measures will adequately mitigate impacts on residents. The following factors shall be considered in making the above-stated findings:

(1) Whether there will exist, at the time of conversion, closure, or cessation of use, available mobilehome lots within a fifty (50) mile radius from the City to accommodate the mobilehomes to be displaced;

(2) Whether the age, type, condition, and style of mobilehomes within the park proposed for conversion, closure, or cessation of use are such that the mobilehomes are able to be moved and accepted into other parks within a fifty (50) mile radius from the City;

(3) Whether the resident cannot relocate to a comparable mobilehome park within a fifty (50) mile radius from the City and justification for that conclusion;

(4) Whether there is evidence that the applicant or mobilehome park owner(s) have attempted to evict or otherwise cause the removal of residents for the purpose of avoiding or reducing payment of relocation assistance;

(5) Whether reports and notices required by law have been properly prepared and properly served;

(6) If the proposed conversion is to another residential use, whether the residents of the mobilehome park will have an opportunity to purchase, if for sale, or rent the new units, and whether the construction schedule will result in unreasonable long-term displacements;

(7) Whether the relocation assistance benefits to be provided adequately mitigate any adverse impacts to the residents based on subsection (f) of this section;

(8) Based upon the mitigation measures imposed, if any, whether the proposed conversion is consistent with the goals, policies, and objectives of the City's General Plan, any applicable Specific Plans, and/or zoning ordinances; and

(9) Based upon the mitigation measures imposed, if any, whether the proposed conversion will be detrimental to the public health, safety, and general welfare.

(f) Relocation assistance. In approving a relocation impact report/application, the City may attach reasonable conditions in order to adequately mitigate any adverse impacts associated with the conversion, closure, or cessation of use. Conditions of approval may include, but are not limited to, the following matters:

(1) Payment of relocation assistance to each resident who resided in the park at the time of, or subsequent to, the filing of the relocation impact report and who was actually displaced as a result of an approved relocation plan.

(2) Payment of the cost of relocating the mobilehomes identified in subsection (c)(2)(J) above to available lots in mobilehome parks within the study area. The cost of relocating shall include the costs of physically moving the mobilehome and movable improvements such as patios, carports, and porches, to a new site (i.e., dismantling, packing, moving, reassembling, rebuilding, including skirting and tiedowns, and unpacking, as necessary; and packing, moving, and unpacking all personal property).

(3) Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobilehome park.

(4) Payment of a lump sum to compensate for any differential between rental rates at the closing mobilehome park and the new mobilehome park during the first year of the new tenancy.

(5) For residents, the costs may include all reasonable expenses incurred in moving to a new location of their choice, up to a maximum distance of fifty (50) miles.

(6) For homeowners who are unable to reasonably relocate their mobilehome, payment of fair market value for their mobilehome based on information contained in the approved relocation impact report.

(7) If the park is to be converted to another residential use, setting aside a certain number of affordable units for the residents of the park, either on-site or off-site within the City limits, pursuant to the provisions of Section 9-3.505, Affordable Housing Requirements; or providing payment of housing in-lieu fees pursuant to the provisions of Section 9-5.103, Housing In-Lieu Fee.

(8) In order to facilitate a proposed conversion, closure, or cessation of use of a mobilehome park, the residents and applicant may agree to mutually satisfactory conditions. Such an agreement shall be in writing, shall include a provision stating that the resident is aware of the provisions of this section, shall include a copy of this section as an attachment, shall include a provision in at least 12-point type which clearly informs the resident of the right to seek advice of an attorney prior to signing the agreement with regard to the resident's rights under such agreement, and shall be drafted in the form and content otherwise required by applicable state law.

When processed in conjunction with a change of use, the applicant may be required to enter into an agreement with the City to implement the terms of the approval of the closure plan.

(g) Obligation of applicant.

(1) After the date of approval of the relocation impact report, the applicant shall undertake, or be responsible for performance, of the following obligations:

(A) Not later than thirty (30) days from such approval, the housing specialist(s) shall make personal contact with each resident of the mobilehome park and commence consultations to determine the proper relocation assistance to be provided. The housing specialist(s) shall give each resident eligible to receive relocation assistance written notice of his or her relocation assistance.

(B) Not later than four (4) months from the date of such determination, residents who are entitled to make selections between alternative benefits shall make such selection in writing. Such selection shall be submitted to the applicant on a form provided by the housing specialist.

(C) Not less than thirty-five (35) days prior to the date any resident is required to vacate the mobilehome park, any such cash or monetary relocation assistance shall be paid to such resident.

(D) The date upon which any resident of the mobilehome park is required to vacate such park, or upon which the owner of any mobilehome is required to be removed from the mobilehome park shall be not less than six (6) months from the date of notice of termination of tenancy and not less than thirty-five (35) days from payment of any relocation benefits.

(E) If the applicant specifically requests that any of the time limitations required by this subsection be modified, the City Council shall consider any such modification and evidence relating to the request at the hearing on the relocation impact report. The City Council shall have the power to make such modifications in such time limits.

(F) The relocation impact report shall expire one year from the date of its approval unless twenty-five (25) percent or more of

the homeowners or tenants receive relocation assistance in accordance with this section, or the applicant requests an extension setting forth justification for not having proceeded within the one-year period. No more than two (2) such extensions may be granted by the City Council. A request for an extension must be filed no less than forty-five (45) days prior to the expiration of the relocation impact report. A public hearing shall be held on request.

(2) If relocation assistance has not been provided to all eligible homeowners and tenants in accordance with this section within three (3) years of the original date of approval, a new study shall be prepared in accordance with this section.

(3) Each year on the anniversary date of the approval of the original relocation impact report, the relocation provided for by the City Council shall be increased by an amount equivalent to the cost-of-living index for the Los Angeles/Riverside/Orange County area published by the U.S. Department of Labor. The increase shall be determined by taking the average CPI for the quarterly period closest to the anniversary date of approval.

(4) No building permit shall be issued for development unless and until the applicant files a statement with the Planning Director, made under the penalty of perjury, that relocation assistance payments pursuant to this section have been paid.

(h) Notice to new residents. When an application for a change of use and/or closure of a mobilehome park has been filed with the Planning Services Department, the park owner shall advise each prospective new resident who proposes to occupy a mobilehome within such park after the filing of such application, in writing, prior to the execution of a rental agreement or commencement of such occupancy, whichever occurs first, that such application has been filed.

(i) Administration fee. The City Council may establish by resolution reasonable fees to cover any costs incurred by the City in implementing this section. Such fees shall be paid by the park owner or applicant subject to the provisions of this section, in accordance with the limitations of Section 65863.7(g) of the [Government Code](#).

(j) Bankruptcy exemption. The provisions of this section shall not apply if it is determined that the closure of a mobilehome park or cessation of use of the land as a mobilehome park results from an adjudication of bankruptcy. The applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of the affected park as a mobilehome park is necessary. The documentation shall include the title, case number, and court in which the bankruptcy proceedings were held, and certified copies of all pertinent judgments, orders, and decrees of the court.

(k) Definitions. For the purpose of this section, unless otherwise apparent from the context, certain words and phrases used in this section are defined as follows:

(1) Affordable unit. A “for sale” unit that is sold to and occupied by a low income household as determined by HUD. Affordable unit shall also mean a rental unit for which the monthly payment does not exceed thirty (30) percent of the household’s gross income.

(2) Applicant. The person(s), firm(s), entity(ies), or corporation(s) applying for any application for the purpose of converting, changing to another use, closing, or ceasing to use land as a mobilehome park. If the owner of the controlling interest in a mobilehome park is not the applicant, then the applicant must provide evidence of the controlling owner’s consent to the filing of the application.

(3) Approving body. The Planning Commission’s decision is advisory to the City Council whose decision shall be final.

(4) Cessation of use of land as a mobilehome park. A decision by the owner(s) of a mobilehome park to discontinue the use of property as a mobilehome park which is not an adjudication of bankruptcy.

(5) Closure of a mobilehome park. When less than seventy-five (75) percent of the total spaces in the mobilehome park are leased by qualified homeowners (as defined in [Civil Code](#) Section 798 et seq.). In the event that less than seventy-five (75) percent of the total spaces in the mobilehome park are leased through no fault or action of the applicant and/or mobilehome park owner, at the request of the applicant or mobilehome park owner and upon finding of good cause, the City Council may take a discretionary action to determine that a park having less than seventy-five (75) percent of the total spaces leased does not constitute a closure.

(6) Conversion of a mobilehome park. The term “change of use” is synonymous with “conversion” and is defined as any change which results in elimination of any mobilehome lot, including, but not limited to, the conversion of any long-term lots to short-term lots or the removal of a lot for lease to a resident. A long-term lot is converted to a short-term lot if, subsequent to the adoption of this section, any habitable structure not meeting the definition of a “mobilehome” is moved onto the lot. Elimination of a mobilehome lot shall occur when the mobilehome lot ceases being rented, leased, or otherwise occupied by an owner of a mobilehome (that is not associated with the park owner). However, the following shall not constitute a conversion of a mobilehome park:

(A) During any one-year period subsequent to the adoption of this section, no more than one vacant lot may be converted to other uses, provided all necessary governmental approvals, including an amendment to any use permit or zoning is obtained from the City. Upon application of a mobilehome park owner, the City Council may, in its absolute discretion and upon finding of good cause, determine that a conversion of a mobilehome park is not occurring notwithstanding that more than one vacant lot is converted to other uses.

(B) A change in ownership to a limited equity cooperative, nonprofit corporation or condominium, provided fifty-one (51) percent of the resident occupants participated in the purchase of the mobilehome park and all other residents residing in the mobilehome park are offered lifetime leases.

(7) Fair market value. Fair market value shall be established through the use of an appraisal approach wherein a number of relevant factors, including, but not limited to, the price of comparable mobilehomes of similar size, proximity, and condition if sold on the open market without constraints imposed on the sales price, rental rate, or buyer qualifications. Fair market value is further governed by subsection (c)(2)(I) of this section.

(8) Impact report. A report required by California [Government Code](#) Sections 65863.7 and 66427.4 and containing the information set forth in subsection (c) of this section.

(9) Homeowner. The owner(s) of the mobilehome.

(10) Long-term lot. Any mobilehome lot which has been occupied by the same mobilehome for at least nine (9) of the twelve (12) months prior to the adoption of this section.

(11) Resident. A homeowner or tenant.

(12) Tenant. A person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, is not the owner or member of the immediate household of the owner of the mobilehome park. (§ 2 Exh. A, Ord. 938, eff. July 3, 2008)

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