



SENATE SELECT COMMITTEE
ON
MOBILEHOMES

TRANSCRIPT OF HEARING
ON
MOBILEHOME PARK LAND USE CONVERSION PROBLEMS

OCTOBER 17, 1984
SACRAMENTO, CALIFORNIA
STATE CAPITOL

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Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

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III.

BACKGROUND PAPER

iii.

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BACKGROUND PAPER

OCTOBER 17, 1984 HEARING

MOBILEHOME PARK LAND USE CONVERSION PROBLEMS

In California, zoning and land use policy has, in most instances, been left to local prerogative. Local governments have the power to both zone for general land uses and issue permits for specific projects, such as mobilehome parks.

The State's Role:

State law requires the adoption by every city and county of a local general plan and requires the local legislative body to establish a planning agency to, among other things, develop and maintain the general plan. The general plan is required to include a number of elements, including a housing element, to make adequate provisions for the housing needs of all economic segments of the community. Basically, this means that local government must provide and zone areas for lower income and rental housing.

Although local government has the innate police power to regulate land uses, the State Legislature has intervened with the enactment of a number of statutes, including the Subdivision Map Act, which requires local governments to regulate the division of an existing parcel of land into five or more additional parcels to ensure that appropriate easements and improvements are made and that the subdivision is in conformity with appropriate planning policies. Additionally, the state has enacted legislation to regulate the conversion of apartments to condominiums by requiring a notice to affected residents of the proposed conversion along with the right of first refusal on the part of the existing tenants to buy into the proposed condominium.

The state has also enacted administrative regulations pursuant to the Health and Safety and Government Codes to regulate local government's actions in taking residential land under eminent domain proceedings and other public takings by requiring notice, hearing, and the payment of relocation assistance in some cases.

In the area of mobilehome parks the Legislature did not become active in the issue of establishing guidelines for local governments concerning the conversion of mobilehome parks until about five years ago. Two bills were passed in 1980 dealing with the conversion of mobilehome parks to other uses.

SB 1722 (Craven) dealt with the issue of converting a mobilehome park into a subdivision. It is now part of the

Subdivision Map Act. The law requires that a subdivider, at the time of filing a tentative map for a subdivision to be created from the park, submit a report to local government on the impact that such a conversion will have on displaced tenants, to include other mobilehome park spaces which may be available for them within a reasonable distance. A copy of the report must be provided to each mobilehome resident fifteen days prior to the hearing by a local agency on the permit for the proposed subdivision.

With this information local government is supposed to be able to determine whether there is a problem of displacement of mobilehome tenants, who may not have any other place to go, and therefore be better able to decide whether to require subdividers and developers to take mitigating steps, such as providing relocation assistance, where there is an adverse impact on mobilehome owners from the conversion.

AB 3234 (Wray) was also enacted in 1980 and is similar to SB 1722 but extends beyond the conversion of a mobilehome park to a subdivision to include the conversion of such a park to any other use.

Additionally, AB 3234 amended the Mobilehome Residency Law (MRL) to require that a mobilehome park rental agreement contain notice to residents with regard to the nature of zoning under which the park operates and the expiration date of any conditional use permit. The bill also enacted provisions of the MRL requiring management to give homeowners at least fifteen

days written notice of their appearance before a local government board or agency to request a permit for change of use of the park, which will eventually result in termination of tenancy. After all required permits requesting a change of use have been approved by local government, the management must give homeowners at least six months written notice of the termination of tenancy. This section was recently amended to provide that if a change of use requires no local government permits, then notice by the park owner shall be given twelve months or more prior to their determination that a change of use will occur.

AB 2748 (Wray) was enacted in 1982 to require local government to mitigate any adverse impact on the conversion of a mobilehome park to a subdivision by either zoning for additional replacement housing, finding that land zoned for replacement housing or adequate space in other mobilehome parks for displaced residents already exists, requiring the subdivider to take steps to mitigate any significant adverse impact on such displaced residents, or making a finding, based on substantial evidence, that the above alternative mitigating steps are not "feasible." The provisions of AB 2748 sunset on January 1, 1989.

Most of these mobilehome enactments have been designed either to inform current and prospective park residents of the possibility of future conversions of their park or authorize or require local government to take some mitigating steps to protect residents in the event of such conversion and relocation.

SB 1960 (Rains) of the 1980 legislative session prohibited local government from precluding the installation of mobilehomes on lots zoned for single family residential dwellings, although the bill permitted local government to require that such installations conform to certain requirements applicable to conventional dwellings, such as roof design. Local governments have often met the mandate of SB 1960 by establishing mobilehome zones or areas within their jurisdiction for the placement of mobilehomes.

Local Government's Role:

Despite these state requirements, local governments still maintain primary authority in zoning and issuing permits for the location of mobilehomes within their jurisdictions.

In most cases it has only been in recent years that local governments have zoned newly developed mobilehome parks on a permanent basis, usually in zones for residential mobilehome use. Many older mobilehome parks have been built on a conditional use permit basis on another form of zoning - such as commercial or light industrial. Local governments have permitted use of the land for a park until development of the adjacent land to the "highest and best use" for that zone caught up with and surpassed it. Thus, if use of the land, where the park is located, for a commercial or light industrial purpose would be of greater economic value to the owner than to continue its use as an operating mobilehome park, the owner will no doubt attempt to convert it.

Although owners of mobilehome parks which exist on permanent zoning may also attempt to convert the park to some other use, mobilehome parks which exist on conditional use permits are the easiest to convert because the change is usually consistent with local zoning and planning policies.

Local governments have wide discretion to impose permits for the development of new projects and may require such permits to be subject to the payment of certain fees, the installation of certain improvements and/or the fulfillment of certain conditions. Among these conditions, which local government may impose, are those requiring some form of compensation to residents uprooted by the displacement of their homes. Often local governments have been sensitive to issues of hardship on such displaced residents, particularly renters, since local governments must maintain, under their general plan, a certain balance in terms of the housing needs of all economic segments of the community. To avoid the conversion of rental real property some local governments have even imposed moratoriums on condominium or other conversions and require relocation assistance or allowances as a condition for the development of the land for a new project.

Yet many communities, seeking to encourage development, seeking the highest and best use of land within their jurisdiction, and seeking higher property tax revenues for local coffers, have permitted the conversion of apartments, rental units and mobilehome parks without these restrictions.

Hence, within the minimum parameters of state law, there may be considerable difference from community to community in the extent to which local ordinances require mitigation by developers to relocate or assist displaced residents.

Problem:

Despite the fact that local government has considerable discretion in regulating land use, including the conversion of mobilehome parks within their jurisdiction, and despite state laws which have been enacted in recent years in this regard, the committee is still receiving complaints concerning this issue.

These problems vary, but basically involve a change in the use of a rental mobilehome park to some other land use, such as a subdivision or shopping center, the closure of a mobilehome park, the conversion of a mobilehome park to a recreational vehicle or RV time-share park, or the conversion of a rental park to a resident-ownership or co-op park, thus resulting in the displacement of some or all mobilehome owners and their mobilehomes.

Additionally, with the trend toward the development of cooperative and condominium mobilehome parks, the so-called "own-your-own" parks, there are a number of land use problems with which both local and state governments must be concerned.

Is the conversion of a rental park to a resident ownership park an affordable alternative for the majority of lower income mobilehome owners?

How are residents of a rental park who cannot afford, or do not wish to participate in, the purchase of the park or their space to be dealt with?

Are they to be displaced like residents of a converted rental mobilehome park? Should they be permitted to continue to rent from the homeowners' association or provided dislocation assistance to relocate their mobilehomes to other parks?

If a rental mobilehome park which previously existed on a conditional use permit is converted from a rental to a resident ownership park, should improvements be required by local government to assure that the park meets the requirements of its new permanent status, such as the installation of gutters, sewer hookups, new lighting, and other amenities where applicable?

Do the conditions, improvements, and fees required by local government upon the conversion of a rental park to a resident ownership park prevent, in many instances, the conversion of such park to resident ownership status because of these added front end costs?

These and related mobilehome park land use issues are open for discussion at this hearing.

1984 Legislation Which May Affect These Issues:

Numerous mobilehome bills were considered in the 1984 legislative session. A few of them may have an impact on the issue of the conversion of rental mobilehome parks to resident ownership parks or other land uses:

1) SB 1835 (Craven) requires the Department of Housing and Community Development to conduct a survey of mobilehome parks in California to include, among other things, information on how such parks are zoned. This measure should provide more up-to-date data on the number of mobilehome parks zoned on a permanent basis versus those which exist on a conditional use or special permit basis which may be more subject to conversion.

2) SB 1802 (L. Greene) requires the Department of Housing and Community Development to conduct a study into the practices of local government with regard to the placement of mobilehomes within their communities, including the number of permits issued for placement of mobilehomes, the number of denials for such permits, the reasons therefor, and the like. The purpose of this study is to determine how the provisions of SB 1960, aforementioned, are being implemented or possibly circumvented.

3) AB 2728 (Frazee) prohibits a local agency from charging a fee as a condition for the approval of a tentative, final or parcel map for the conversion of a mobilehome park to a condominium or stock cooperative ownership park. The bill does permit, however, local government to charge regulatory fees for the issuance of a permit and fees for processing subdivision maps.

Depending upon what constitutes a "regulatory fee," it is still somewhat unclear what fees local government may or may not impose upon a conversion of a rental mobilehome park to a condominium or stock cooperative resident-owned park.

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IV.

TESTIMONY

SENATOR CRAVEN: Good morning, ladies and gentlemen. We welcome you to the mobilehome park land use problems hearing of the Senate Select Committee on Mobilehomes. I have with me this morning on my left the Secretary of the Committee, Mickey Bailey, and on my right, John Tennyson, who is the Consultant. I expect a little later this morning to be joined by Senator Ray Johnson of Chico, who is a member of this committee.

The meeting today will focus on problems inherent in changing a rental mobilehome park to another land use and the effect of those changes on mobilehome residents.

Issues vary from the displacement and relocation of residents upon the closure or conversion of a park to another land use, to the impact of local government fees and charges on a park and park residents where the park is converted from a rental park to a resident ownership park.

In California, within the guidelines and requirements established by state law, local government is primarily responsible for zoning and regulating land uses, including issuing permits for the placement and development of mobilehome parks. Some communities regulate the conversion of residential properties, including mobilehome parks, to other uses somewhat stringently, requiring impact reports, hearings and compensation and dislocation allowances to displaced residents as the price for conversion. Others only require the minimum notice and hearing provisions of state law.

The conversion of a rental park to a resident ownership park also brings about some unique problems, the ability of all residents to afford it, what to do with residents who do not want to participate in buying up the park, and the impact of local fees, charges and subdivision requirements upon the conversion, among other issues. All of these are areas open for discussion today.

We have a number of witnesses scheduled to speak. Others not listed are welcome to address the committee after all of the scheduled speakers have been heard. Please state your name and the city of your residence and speak into the microphone clearly as this hearing, as you may have observed, is being recorded for later transcription.

I will be here until about quarter to twelve. I'm going to try to get as many of you up and out as quickly as I can because I want to hear what you have to say. Unfortunately, my schedule is such that I have to leave at that time.

With that, let's hear first from Jim Booth, who is a mobilehome owner. Jim.

JIM BOOTH: Good morning. My name is James B. Booth. I live at the Lighthouse Resort on Brannan Island Road near Isleton. This is a mobilehome park and RV park combined, and approximately a year and a half ago it was purchased by Advance Resort Systems and converted to a membership park. None of the 19 mobilehome owners have any interest in becoming members of a camping organization so they asked that the mobilehomes get out of the park.

In August we received a notice from them saying we had one year to leave the park, and they made provisions to pay anyone who would move in the first thirty days \$3000, the second thirty days \$2000, the third thirty days \$1000, and after that nothing. Well, since that time, they have paid two or three other people to move out, and at the present time we are down to three members. Now we have double-wide mobilehomes and there are no places in the area where a double-wide can be moved to, so we are kind of captive.

SENATOR CRAVEN: Jim, when you mention "in the area," do you mean in the area of Isleton or the area around the Sacramento metropolitan area?

MR. BOOTH: The area around Sacramento, Bethel Island, all around - anywhere in the Delta area. We have been unable to locate any place that would take a double wide. Most of those that have a double-wide space will take a double-wide new trailer and put it up for sale, and then they get the commission out of it. This also helps upgrade their park by bringing newer trailers into the park.

Over half of the tenants at the park are senior citizens, retired, and some of them have been there as long as 14 years. I have lived there for 10 years, and I like the Delta. I like fishing. I have a boat, and they are attempting to stop all this. I have no place to move to. I have until Saturday to get out. So if you are going down that way, don't use Brannan Island Road because there will be a double wide parked in the middle, and. . .

SENATOR CRAVEN: . . .and it will be yours, huh?

MR. BOOTH: Yes.

SENATOR CRAVEN: Very well.

MR. BOOTH: Now the outfit that is buying this park is attempting to buy other parks and doing the same thing, selling memberships, and they anticipate selling ten memberships for every space, and there are 160 hookups in the space so they could handle 1600 memberships for this park although they can't handle near that many at any one time.

Any questions that I can answer?

SENATOR CRAVEN: No, you have brought to our attention a problem with which you must contend, which I guess you are saying could very well be repeated in other areas, and that it is one of the problems inherent in conversion of a park.

MR. BOOTH: Right. They bought a mobilehome park in Felton, and they helped the speedy evacuation of the people by hooking onto them and turning them into the Henry Cowell State Park, and saying, "This is where you live." Seven of them hired an attorney and collected a little money for this action.

SENATOR CRAVEN: Mr. Tennyson has a question.

JOHN TENNYSON: With regard to your park, is it a mobilehome park or an RV park?

MR. BOOTH: It is both. The state says if you have two or more mobilehomes, it's a mobilehome park. We have 22 mobilehome sites.

MR. TENNYSON: What kind of a permit did they have to get from local government?

MR. BOOTH: Apparently it is a conditional. We have never been advised of any type of permit or rezoning or anything. I've lived there 10 years and it was zoned agriculture when I moved in there. In 1977 it was rezoned commercial recreation, and no one was advised of this change and the planning commission in their correspondence says that they recommend no permanent residents - that they should be phased out over a five-year period.

MR. TENNYSON: So there was no local hearing on this?

MR. BOOTH: Nothing was ever said. The owner at that time sold the park; it has been sold four times, and five owners are still being paid.

SENATOR CRAVEN: Is Isleton a city, Jim?

MR. BOOTH: Yes. We're about eight miles out of Isleton on the Mokelumne River.

SENATOR CRAVEN: Did you say it was in there on a conditional use permit?

MR. BOOTH: I assume that is what it is called. It's zoned commercial recreation although there are four or five other mobilehome parks in our immediate area that do not have the conditional zoning. I mean they are not required to terminate their permanent residence. I asked why of the planning commission and they said they wanted mobilehomes.

SENATOR CRAVEN: Well, that's kind of a different situation. Very well, Jim. Thank you very much.

MR. BOOTH: Thank you very much.

SENATOR CRAVEN: Our next person is Del Brey, Director of Region 14, GSMOL, Big Oak Mobile Park, Citrus Heights.

DEL BREY: May I sit?

SENATOR CRAVEN: You certainly may. Good morning, Del.

MR. BREY: Good morning, Senator. Thank you. I live at 8010 Eucalyptus Lane, Citrus Heights, California 95610. In the last year or year and a half we have had one mobilehome park, about 70 spaces, close all together. Of course, they were provided some mitigating compensation and, of course, you have heard from Mr. Booth about Lighthouse. We have one more mobilehome park that is in the process of closing, a 30-space park, and they will be given some mitigating compensation.

But we have two mobilehome parks up in Rancho Cordova that have been purchased by an investment corporation, and last December the residents of both of those parks were advised the parks would be closing. As a result, a lot of those people panicked and moved or attempted to move. But at this point in time there are very few places for them to move and very few places that mobilehome parks will even accept their coaches. The present owners of these two parks have offered no mitigating compensation to those people at all. The land there is zoned RM-1, which is residential mobile-home, and they have made no application for a change in use, and it would appear to me, at least, maybe I'm overly suspicious, but it would appear to me that they are hoping that people will move out and when there is bare ground, they will apply for a change in use. I don't know that to be a fact, but I think it's a logical assumption.

What I suggest is that the statutes be changed, so that

if a piece of property zoned for mobilehome parks reverts to bare ground, they would have to get a use permit. In other words, that would be a change in use. As it stands now, as I understand the law, it is not a change in use to revert to just bare ground.

SENATOR CRAVEN: Well, a use permit, generally, is something to cover a specific use, not necessarily inherent in the zoning imposed on the land. So, if I understood you correctly, what you are saying is that they move off everybody but they then - "they" being the ownership of the land - would have to apply for a special use permit. Is that what you are saying?

MR. BREY: That's the idea, Senator.

SENATOR CRAVEN: Well, you see, depending on what they may have in mind, that would be required or not required. I don't understand, really, why they would apply for a special use permit unless they chose to do something in the underlying zone on the land that was not permitted. You see, at least in my judgment and John probably knows better than I, some cities have zones for mobilehome parks but many do not, and mobilehomes go in on a special or a conditional use permit, depending on whether it is a municipality or a county, and even that may have changed in nomenclature but it amounts to the same thing. So there is no real set for it. But what you are saying, however, is that if they strike the mobilehome, then they have to go back through the process to utilize the land in another way - just like they were attempting to get new zoning or attempting to get new zoning.

MR. BREY: Even though it might revert just to the bare ground would be the time. . .

SENATOR CRAVEN: Yes. I understand.

MR. BREY: That's the idea. On a little different subject relative to mitigating compensation, now Chapter 6 of Title 25 provides for various types of compensation to mitigate the people being relocated. However, it only applies at this point to a public entity taking a piece of ground that is occupied by conventional homes or mobilehomes.

MR. TENNYSON: Eminent domain in other words.

SENATOR CRAVEN: That's what you mean, isn't it?

MR. BREY: Yes. And there is a section in Chapter 6 of Title 25 that does cover mobilehomes. It is possible, I suppose, to draft a statute or law that the same thing would apply to mobilehome owners who are being relocated for any reason, such as the closure of a park or change of use.

SENATOR CRAVEN: Yes, I understand. What did you think - you heard Jim Booth speak about the \$3000, \$2000, and so forth on a descending scale - about how it related to the length of time these people stayed in the park. Did you think that was a fair action?

MR. BREY: No sir, I don't. To move a mobilehome in this area, No. 1 you have to find a space. There are no spaces, very few, if any, that will accept a mobilehome over two years old. No. 2, to move a double-wide mobilehome within a radius of 25 miles - no, it is 50 miles in the quotes I have - it costs around

\$5,000, and No. 3, there is what I like to characterize as a trauma payment. There is no trauma payment there. When people are uprooted, there is a certain trauma involved. Let me quote to you - not quote, mention to you - like, for instance, Arden Star that is closing. Those people - it's a small park, mostly single wides - if they move out, say, within a period of 120 days, they will be given \$500. After 120 days it is scaled down to nothing. They will be paid relocation expenses within a radius of 100 miles. In addition to that, there will be a rent differential payment with a maximum of \$1500. What I'm saying is they have to go to a park where they have to pay another \$20 or \$30 a month more in rent than what they are paying now, then the developers of the property will pay them the differential with a maximum of \$1500, and that's far more fair and more equitable than these people in Lighthouse are being treated.

SENATOR CRAVEN: Let me just ask you this, Del. You mentioned \$5000 to move a double wide. Now, I understand the transportation of the unit - does that include the reassembly of the unit?

MR. BREY: Yes, sir. That's my understanding.

SENATOR CRAVEN: Very well.

MR. BREY: That's my understanding from the three different contractors I contacted in the last year or year and a half - complete tear down and complete assembly, and, of course, the moving.

SENATOR CRAVEN: John?

MR. TENNYSON: Mr. Brey, let me ask you - you stated that there are very few spaces in the Sacramento County area that will accept two-year old mobilehomes or older. Where do you get that information? Is that based upon a study you have done?

MR. BREY: Yes, sir. It is based upon a study we've done in the past two years. We have been involved. . .

MR. TENNYSON: In Sacramento County?

MR. BREY: Yes, sir, Sacramento County.

SENATOR CRAVEN: Very good, Del.

MR. BREY: Any more questions?

SENATOR CRAVEN: No, sir.

MR. BREY: You're letting me off pretty easy, Senator.

SENATOR CRAVEN: Yes, sir. I appreciate your being here. Thank you, Del. Next is Pat Kelly, Alternate Director of Region 1, GSMOL, covering the five Bay Area counties. Good morning, Pat.

PAT KELLEY: Good morning, Senator Craven and staff. I'll make my remarks short. I have prepared three copies of the pertinent information for you and staff. There are so many areas that this committee is discussing that I would like to speak on all of them, but I'm only going to address one specifically and that is the conversion of a mobilehome park to another use.

As a specific example of a horror story, in the City of Fremont a small park, consisting of nine mobilehomes and an 8-foot wide, was sold and was to be converted to a rest home. Well, actually, a convalescent home. The law specifies that in the case of a change of use, the management will notify the homeowners

fifteen days in advance and so forth. This was never done. The city manager and planning office sent a notice to the homeowners. They mailed it eight days prior to the hearing. The homeowners received it six days ahead of the hearing. Since it came from the city and was worded very legally, there was only one person in the park who realized it would have a direct effect on them and went to the hearing that was scheduled. At that hearing the conversion permit was granted. There was no impact report, no consideration of the homeowners.

Fortunately, the lady was a member of GSMOL and contacted the regional director. I went down and talked with her, and then went over to the planning office and city manager's office. Both the planning office and the city manager said, "Well, we've never heard of such a thing as a state law applying to mobilehomes." So I gave them copies of a couple of the pertinent laws. They went back to the new owner, and he agreed to rescind his permit and rescheduled another hearing. He prepared an EIR statement. Among the other things that he stated was that any mobilehome in the park could be moved within 100 miles for \$100 cash. So he was going to make them the magnificent offer of \$600 to move out of the park. That would give them the transportation and relocation costs, plus, as he put it, \$500 cash in pocket. He quoted several companies in the area as to how he got his estimates. I contacted the companies and got the actual statements of the costs - the \$100 was just merely the towing cost within 50 miles. He had not included the teardown cost, the reconnecting cost - if they could find any place - and, of course, all of these homes were in excess of 15 years old so there was absolutely no place they could be moved.

I spoke to the city council at the time they were having their hearing, and they said, "Well, we really don't care because we don't want mobilehomes in our city. That's not a good use of our land." So they passed the zone change, granted these permits on the condition that he pay each one of them the \$600. Well, four of the homes in the park had mortgages. They had just been purchased within the last four years. Those people had a total loss. There was absolutely no choice except to just move out and let the bank repossess. One woman was able to sell her home for junk for \$2500. She had just put \$1000 into remodeling and buying new appliances, so, basically, she lost everything, and only recovered approximately \$1000 or \$1500. Another one got just slightly over \$2000 for junk.

When I checked last month, there was only one family still residing there, an 86-year old woman, a very spunky woman, who said, "I'm going to sit here, and I'm not going to pay them any rent until they pull me out bodily. They've destroyed my home; they've destroyed every investment I had in my lifetime, and I'm not going to put up with it." She was still sitting there, and they weren't charging her because he still hasn't got all his building permits and everything so he's not ready to start building.

But this is just an example. I feel we need very definitely some very explicit laws defining what consideration a city or county government has to give. Presently it just says they must address the problem. They addressed it. \$600. I understand that it is a burden on a developer to purchase land or an owner

who wants to convert it, but there's also the burden, particularly on older citizens or the disabled, that their entire life savings and everything they own are tied up in that home which they expect to live in until they die.

I really feel that the state needs to address this, and set up some specific guidelines as to what the local governing bodies must address in the way of compensation for these people. I would even go so far as to say that it might be addressed on the earning capacity of the individual. If they are young and still working, it is not nearly as much of a hardship as it is on the old and disabled and, in most cases, have a set income. It's really devastating because - let's face it - although we talk about high rents in the parks, they are, but for an elderly person who already owns the home so has no mortgage, the rent is less expensive than trying to live in a convalescent hospital. So it makes a major dislocation, and for a person who has lived in an area for 10 or 15 years and expects to be there until they die, and then they are suddenly uprooted into a completely different lifestyle, it's a major trauma for that person. So I'd really like to see this committee think about that.

Along that line, the Board of Supervisors in Santa Clara County has just started to consider this problem, and one of the supervisors has prepared a preliminary draft for the Board of Supervisors to consider. They are making changes and amendments in it, but it presented so many of the problems from both the park owners' and the mobilehome owners' sides that I included a

copy in this. I think it has a great deal of food for thought and help staff zone in on where the basic problems actually are.

If there are any questions, I'll be happy to answer them.

SENATOR CRAVEN: We appreciate that very much. You mentioned the city taking certain action, presumably to monitor and cause an implementation of what cost, I think, would be laid at the doorstep of the ownership of the land and/or the park.

Right.

SENATOR CRAVEN: In other words, it would be their responsibility to make payments according to a schedule set by the city, is that what you're saying?

MR. KELLEY: Yes, right.

SENATOR CRAVEN: Of course, it may take care of the pecuniary part of the problem, but it doesn't solve where the people are going to go.

MR. KELLEY: No, it doesn't.

SENATOR CRAVEN: I don't really know how we can solve that, frankly, as much as we certainly would like to. We will look with a great deal of interest on the Santa Clara information which you will give us, and we appreciate very much the fact that you were here today.

MR. KELLEY: Thank you, Senator.

SENATOR CRAVEN: You are entirely welcome. Thank you. Next we have Craig Biddle, who is the legislative advocate with WMA. Good morning, Craig.

CRAIG BIDDLE: Good morning, Senator, Mr. Chairman, members and staff. Let me just make a few brief comments if I can about the general subject matter, and then I would like to highlight two specific legal problems which have arisen from our Association's standpoint in the last year or so.

For the record, as you indicated, I represent the Western Mobilehome Association, and, as you know, our association is made up of the managers and the developers and the owners of mobilehome parks throughout the State of California. Generally, the subject of change of use really hit, from our Association's standpoint, about 1979 and 1980, and I know you had some legislation there, Senator, in that area a couple of years ago as a result of some of the problems we had down in San Diego. Generally, I think our crisis - if we could call it that - back in about 1979, '80 or '81 was the result of some legislative proposals at that time which some of the park owners throughout the state became very frightened that they would lose their right to change of use or something and they didn't know what to do, so prior to the 1980 bills we had, several of them gave notice, just to protect their rights, but didn't go out of use though. They gave the notice to the tenants fearful that the Legislature would change that law.

They gave notice to the tenants, and I know a couple of them were in the San Diego area, but then didn't proceed to make an application for change of use or anything like that and went ahead and worked out their problems as far as facilities were

concerned or rent increases within the individual parks. But I think because of that we had some legislation where we tried to solve the problem a few years ago, and, as I say, from our standpoint, from the Association's standpoint, since that time, since 1980, the problem really has diminished. It has diminished from the standpoint of park owners throughout the state wanting to change their use, but it has increased from the tenants in the park, the homeowners in the park, wanting to buy the parks. That's what we have seen in the trend in the last couple of years.

As Mr. Tennyson's position paper indicates, that's really where we see more of the problem today, more in the park owner himself wanting to go out of business or sell the land for some commercial use or something like that, but more where we are negotiating with some of the tenants in the park, where the tenants have come to us to purchase the park, and that creates various problems which Mr. Tennyson has indicated in his paper. I think that's what we've seen in the trend in the last couple of years, and I think we will continue to see that.

The other trend, I think, we've seen is that some of our park owners throughout the state are very concerned, and a couple of witnesses have testified about this just now, several of them are concerned about not just selling their land for another but just going out of the business of a mobilehome park. They have decided, and they have done this on a purely economic basis, for various reasons, and I can give you a couple of examples. For various reasons they just don't feel it is advisable to

continue in the mobilehome park business, and therefore they want to go out of the business completely. They don't have a purchaser for the land; they're not necessarily going to sell their land; they're not going to plant strawberries or whatever, but they are just going to go out of the business, and they want to protect this right and, of course, they have the right to do this now. They give their 12 months' notice and decide to just go out of the mobilehome park business. Where this comes about is usually in the older parks. It is not in the newer parks. Just as one example I can give you in one park that I was familiar with, they received the estimates of what it would take to bring the park up to proper conditions as far as the utilities were concerned, and they determined that this cost was so staggering - it's a very old park - that they wouldn't be able to recoup that cost fast enough by increasing rent over a moderate period of time so they just decided that money-wise and economics they don't want to do that. They don't want to put that investment out - hundreds of thousands of dollars - so they are just going to go out of the business, and they really haven't decided what to do.

We, our Association, have advised people like this that they have the right to give the 12 months' notice to the tenants and go out of the business. We have also advised them, and I think this should be very clear, that they can't do this as a subterfuge or under some guise that six months later or twelve months later that they then suddenly happen to find a purchaser

and sell to somebody. That then if they do that, it is not only illegal, it probably can be set aside and they subject themselves to great liability. If they are doing it as a subterfuge, they can't do it legally. I don't believe that they can, but I believe they should always have the right to make that economic decision and to go out of the business. That's the one area in which we have seen the trend in the last year or so of many parks wanting to do that, and making that decision whether or not they will do it. And it's primarily in the older parks.

Two areas though in which we have seen some litigation in the last year or so, and it was interesting that Mr. Tennyson asked a question a moment ago about this. I understand that they had a jury trial in Los Angeles County that lasted some two or three weeks just on his one question, and that is he asked whether it was a mobilehome park or an RV park. And that was the question in this trial. The question was whether it was a mobilehome park and you have to give the year's notice or the notice to the tenants prior to making application to the local governmental agency and then six months after that you get all your permits, or was it an RV park where you don't have all the requirements of the Mobilehome Residency Law?

Just to give you a brief, and not all the facts in the case, but it was a very old mobilehome park in a city right downtown, clearly an RV park originally, built many years ago, had an RV permit, etc, but then slowly a couple of mobilehomes evidently did come on the property and were actually physically

located on more than one space in the RV park. Did this then change it to a mobilehome park, and when was the use changed, and whether the year's notice was required and so forth. They had much litigation, and it is still going on, and I could give you the cites for your counsel if you'd like them.

The other case which relates to the problem I was just talking about, which was up in Santa Clara County, was on the change of use notice, the one year's notice. In this case the mobilehome park owner had been negotiating with the city for several years, actually had a purchaser in this instance for the park, and was negotiating with the tenants for relocation costs and so forth, and with the city, and was trying to work all this out. The negotiations went on for several years. He became very discouraged that he was never going to get all the permits from the city so then he gave an interesting notice. He noticed the tenants that if he did not receive all his permits from the city by, I think it was the date of December, 1983, that he was going to withdraw all of his applications from the city and give up on trying to work out anything and therefore this would be a one year's notice. He was not going to sell it; he wasn't going to require any permits; he was just going to discontinue use and go back to its original zoning, which I think was agricultural or commercial or whatever it was and give up his conditional use permit, which raised two legal questions which are still being litigated in Santa Clara County. One: is this a sufficient notice when you notice the tenants, while making

application to a city, that if by a certain date application is not granted by the city, we will then withdraw our application and therefore won't need to under that subsection. And, this is also notice that we are giving you the one year's notice there because we don't intend to do anything with the land. That's an interesting case and whether or not it is sufficient notice to the tenants.

Then the second legal issue which arises from the case was the conditional use permit. Does the owner of the land then have a right to give up his conditional use permit, go back to the original zoning on the property without any application back to the governmental agency, the City of Campbell in this instance. Can he do this? If it was agricultural before, can he go back to agricultural and is that not a change of use and he gives the one-year notice? As I say, this is under litigation presently. It hasn't been determined by the courts down in Santa Clara County, but it raises a very good change of use issue, and one which I think your committee ought to watch very carefully because I think this is going to be the area our Association is most concerned with - that's the issue of going back to the original use. I don't know the number, HCD probably has this information. I noticed their representatives are here, but the number of parks that are on conditional use permits - I don't know the number, but I know it's a very large percentage of our parks, most of the original ones were all granted conditional use permits - and each of those conditional use permits had a time period on

them, maybe for 10 or 15 years. I don't know if HCD has that information, but I think it would be interesting because as those years come to the end, we're going to see this problem maybe down the road three, four or five years from now as these conditional use permits expire and whether they go back to the original use or not. There may be some need for legislation in this area.

The primary concern that we have always had and have always indicated to your committee and to the other standing committees in the Legislature has been the whole question of getting the cities and counties to give us more zoning for more mobilehome parks, and I think this is what our Association really believes - the solution to the whole change of use problem is to somehow to get cities and counties to give us more zoning for mobilehome parks so you won't have the instance you had this morning in some testimony, and I'm sure you'll have some further testimony, where the tenant in a mobilehome park doesn't have a space to go to. We'd like to have more zoning so we can develop more mobilehome parks so there is a space that they can go to.

Many of our mobilehome parks, as you know, were originally placed in areas that have now become commercial all around and it really isn't proper use of that area. If we could get another similar area in the city or county to develop another mobilehome park for those tenants, that's what we want to do. But the cities and counties, as you know, Senator, from your service in

San Diego, just don't feel it is the best use they want to give us for the land and they just don't want to zone these except in pocket areas and so forth. That's what we really believe is the solution to the over-all change of use problem - is some way of forcing the cities and counties, without stepping on their toes, to give us more zoning for mobilehome parks.

MR. TENNYSON: Wasn't that what Senate Bill 1960 was attempting to do?

MR. BIDDLE: That was what we were trying to do with 1960 but I don't think it has really succeeded.

SENATOR CRAVEN: It hasn't worked that way.

MR. BIDDLE: That's what we tried to do. That was one of the things we - there were enough parks there on R-1 lots and we were trying to do it. I don't know how successful it has been. Does your resolution cover - I don't think it covers that area.

MR. TENNYSON: Senator Leroy Greene had a bill, SB 1802, which requires the Department of Housing and Community Development to do a survey of compliance by cities and counties.

MR. BIDDLE: On 1960? So we'd have some information. It has been our experience, and it's very limited, that cities and counties and developers haven't really been pushing that either.

MR. TENNYSON: Would you have any suggestions for us with regard to what measures the State Legislature might want to take to "persuade" local governments to zone. . .

MR. BIDDLE: Well, I think the key word there is "persuade."

MR. TENNYSON: You said "force" but I didn't want to use that.

MR. BIDDLE: Right, because you don't want to step on their toes. Really, zoning has always been a city and county function.

SENATOR CRAVEN: Right.

MR. BIDDLE: And you don't want to step on their toes or force them, but if you can persuade them or something like that, it's a very sensitive area. . .

SENATOR CRAVEN: You have a delicate shading between direct and domineer, I think.

MR. BIDDLE: I like that. But that's what you have to do and it's a very tough thing.

SENATOR CRAVEN: Thank you, Craig, very much. We appreciate it. We welcome Senator Ray Johnson this morning. As I mentioned, he would be here and lo and behold, there he is. Ray, we've heard from some witnesses and the next lady is Marie Malone, the Vice President of the GSMOL organization statewide. Good morning, Marie.

MARIE MALONE: Good morning, Senators, and members of the staff. I'm Marie Malone from the City of Vista, and I'd like to very briefly just touch on the change of use you've been talking about, and then the main topic I'd like to talk about is to answer some of the questions that were raised in the background paper on the conversion of parks. The change of use, I frankly believe, will become one very, very important

problem, perhaps equaling rents, in the not too distant future. Many of our old parks are reaching a point where the land has become more valuable to be sold or to be used for another use than it is for a mobilehome park. The homes in those parks are of such age there is no other park that will accept them. There is some solution being found to the problem, and it hasn't been mentioned here yet this morning. That's why I wanted to bring it up.

San Diego County, the City of Carson, the City of Escondido, did I say the City of San Diego and the County of San Diego, have reached the conclusion that one of the solutions to these problems - and there is one in existence in the City of San Diego that took care of those evictees from parks in 1979 that Craig mentioned, and it's called Relocation Park. We have so far been fortunate to either find city land which has been utilized as the land in keeping the costs down or grant lands, and what we're working on now, and I would hope perhaps the legislative field could help us, is surplus state lands or federal lands. It keeps the cost down for the people moving in, and what it has done so far is that the cities have hired private developers to develop these parks and continue to operate them within the confines of low-income rents. The city has paid their lease money, the developer has made a profit. He really does not get rich off this type of thing, but so far the one in the City of San Diego is a shining example. It's known as Linda Vista. It came in as a mixture of brand new homes from evicted parks down to eight wides. Today you would never recognize the eight wides.

It is one of the loviest parks in the area. It was done by design and the desire and stability that it brought to the people who moved there.

SENATOR CRAVEN: Where is that park - in Linda Vista?

MS. MALONE: Yes, up on the heights.

SENATOR CRAVEN: I see.

MS. MALONE: It was moved into a very low income neighborhood. It's one of the first times - it is a shining example of where a mobilehome park upgraded the neighborhood and it has had a very good influence on the people around there, the houses around the park have come up.

SENATOR CRAVEN: That's a very interesting area. It's in the 38th Senatorial District, as you may know. John?

MR. TENNYSON: Marie, I'm not clear. Is this a municipally owned park that is franchised to a developer? Is that what you are telling us?

MS. MALONE: Yes, it is. And the lease is paid to the City of San Diego, and they just adjusted the rent about a little over a year ago in the park. I was there about six months ago, but if there is any way that we can bring land which is, of course, the great expense in developing a mobilehome park, it would help.

SENATOR CRAVEN: Very good, Marie. Ray?

SENATOR RAY JOHNSON: What about, we are constantly talking about low rent housing for people with very limited income. Does that in any way apply to a mobilehome park?

MS. MALONE: Only in this type of instance. No, it has not other than that. And we do have - not in existence - but relocation parks have been looking at them as low-income mobilehome parks for the very old, elderly people who have the older homes.

SENATOR JOHNSON: And, so, here we are subsidizing low rent housing in many areas, but we have not included the people we really ought to be concerned with.

MS. MALONE: That is correct.

SENATOR JOHNSON: So our job now is to find out how we can correct an inequity, in my opinion, because people who have lived in that place and they have everything invested there and suddenly they are caught and out they go, which is not the way we ought to do business. There ought to be a way to work it out and also I think the mobilehome park owner has some very definite responsibilities because with this inflation of values, suddenly he stands to make a considerable amount of money at the expense of those he throws out. I think maybe we'd better take everybody under the tent and be fair. We don't want to hurt a mobilehome park owner, but still if he is going to really profit from this thing because of no fault of his own, that the property has become a lot more valuable, he's got a windfall at the expense of those people who have been supporting him for years.

MS. MALONE: Now, if I may, I noticed that you addressed the conversion of mobilehome parks in here under the change of use and that questions were brought out what happens in a mobilehome park that is converted to resident ownership, and I

firmly believe that we should follow the same rules that any other owner or any other person purchasing these mobilehome parks should follow under the Map Act, under the Displacement Act, under all of that. But I don't think we should be asked to do more than the individual owner or purchaser of a park should be asked to do.

What I'm saying is this: if the residents purchase a mobilehome park and they subdivide that park, then I think they should come under all the rules and regulations of the subdivision, and they should have to put the new streets in and the gutters and the lights, the same as though somebody else independently came in and bought that mobilehome park as one person and changed it.

But what we are finding today, because government - because there are no laws basically that fit into this type of conversion - when we go in as residents and buy a parcel of land as one piece for a cooperative, if we were a single individual purchaser coming in to buy that park, we wouldn't have to do a thing for it. We wouldn't have to go through planning; we wouldn't have to go through the Board of Supervisors; we would buy that park. Period. It happens every day, all over the State of California. But if we are residents and we buy that park as one parcel, and it doesn't seem to matter whether it is a limited partnership, whether it is a co-op, whether it's a non-profit mutual benefit association, whatever form we take, because the residents have purchased it, we must go through planning, the supervisors, and we come under a completely different setup, and they even want

the streets and the lights and all of this. My question is: I don't believe we should be making that difference between residents and any other purchaser. On the other hand, if a group within a park or all the members of a park, say, or 90% of them purchased the park and did not take into consideration the remainder of that park and offer them the opportunity to rent from the association to protect their housing and their investment, if we said, "No, you are not a member and you must leave," then I think that we should have to pay everything that an individual owner would have to pay if he had the change of use and he evicted the people from the park. And I think that is fair equity. We should come under the same laws.

Now six parks have been converted in just the last three months, down around the San Diego-San Juan Capistrano-Los Angeles area. Not a single person has been evicted from one of those parks who wanted to stay. We were either able to find funds to subsidize them for the down payment or they are renting from the association. We have not lost a single person, and our intent is not to lose anybody. Our intent is to keep everybody in those parks that are purchased by residents.

SENATOR JOHNSON: May I ask you a question?

MS. MALONE: Yes, sir.

SENATOR JOHNSON: In the conversion there, do you have to go through all that that you just described?

MS. MALONE: Yes, sir.

SENATOR JOHNSON: And do all those things that if I had

bought that park I would not have to do?

MS. MALONE: You would not have had to do it.

SENATOR JOHNSON: Well, that's got to be pretty ridiculous, doesn't it?

MS. MALONE: Well, Senator, if I may - I have a planner here from San Diego sitting in the back of the room so I'm going to be very polite and say this. . .

SENATOR JOHNSON: He doesn't vote in my district, so it's all right.

MS. MALONE: No, it is not intentional. I must say this. It is the fact there are no laws. They are trying to protect us. For example, if you trying to convert - they are trying to fit us into the apartment thing again where you convert to condominium from the apartment - it's not the same thing. But, you see, there are no rules, regulations or laws that are made to fit the present thing we are in. So therefore they are relying on the apartment conversion in trying to adopt them to mobilehome parks, and we're having to jump through loops. . .

SENATOR JOHNSON: Do you have the chairman of this committee with a bill ready like SB 1 or something?

MS. MALONE: No, I don't think so.

SENATOR JOHNSON: Well, if he turns you down, come and talk to me.

MS. MALONE: Are there any questions?

SENATOR CRAVEN: No, Marie, I have none. Ray, do you have anything further?

SENATOR JOHNSON: No, thank you.

SENATOR CRAVEN: Thank you very much, Marie. We appreciate it. Next is Mike Fagan, who is the Planning Director of the County of San Diego.

MIKE FAGAN: Good morning, Senators, and members of the committee. My name is Mike Fagan. I'm with the County of San Diego, but we are not here this morning to make a presentation, Senator. We are here to listen and to learn. This is a very perplexing subject. Also I would like, for the record, to demote myself. I'm not Director of Planning.

This is a very weighty subject and we think that by listening to the testimony that is offered here today, in comparison to some of the subjects that are taking place in our county, that we can become better informed and more helpful. Thank you kindly for listening to me, but we do not have a prepared presentation.

SENATOR CRAVEN: Very good, Mike.

MR. FAGAN: We'll be more than happy to help the chair or the committee at any time.

SENATOR CRAVEN: Mike, I have a question. I was going to mention this to Marie. Over a period of time I have tried to importune the City of San Diego to utilize some of the land that they have in the general Kearny Mesa area for the relocation type parks, Marie, and I'm wondering, Mike, if the county used to have quite a lot of land holdings? I don't know how they are today. They may have gotten rid of them since my day, but is there any thought they may be able to move in the direction of having a park to take care of displaced persons who really

have no opportunity to move into a newer, more conventional park?

MR. FAGAN: Let me respond, Senator, - first, I'm not speaking officially for the county - but from my own knowledge, I believe the answer is yes. I believe that there are suitable vacant properties held by public entities throughout the State of California that would be suitable for residential occupancy. I think the San Diego example that Marie mentioned is a very good example, but not the only example that I can offer. In the past I have assisted the City of Long Beach Planning Department staff, going through the same exercise, wherein the City of Long Beach had two dozen older parks. They thought there was no land available to relocate, and I prevailed upon them to think what about other lands? What about other publicly owned lands?

I think the root of the problem is lack of understanding. Frequently, and in our experience a couple of years ago when the county was looking at land, you could go to your land repository staff and you lay off to them the question, "Is there land suitable for development?", they traditionally gave you the bottom of the barrel stuff - the freeway remnant parcels, the small irregularly shaped pieces of property located in the high-intensity development areas. And I don't think those are suitable for a low density mobilehome park, but there are parcels that are available and the County of San Diego has a special projects section of the CAO's office that is looking at the income potential from a dozen or so pieces of property owned by the County of San Diego. The administrative center is one of the most widely known sites

because it is getting a lot of press because of its proximity to the downtown redevelopment program as a whole. But there are other parcels large enough to accommodate residential development that may be considered. I think the same is true in other jurisdictions.

SENATOR CRAVEN: I see. Thank you. Do you, Ray, have anything? John has a question, Mike.

MR. TENNYSON: Mr. Biddle alluded to the fact that a great deal of the problem has to do with local government zoning for mobilehome uses. Can you tell us what your county has done in this regard, at least since the passage of SB 1960?

MR. FAGAN: I can, off the top of my head, tell you several things we've done. SB 1960, in my opinion, was an opportunity to put single mobilehomes on single pieces of property. I don't believe it was envisioned then that 1960 was going to see the relocation or the creation of brand new parks. Anyway, it is not viewed in that light in our county. We've had a - our county supported 1960 during its procedure through the State Legislature and prior to its creation we were the only jurisdiction, to my knowledge, that had a mechanism in place to approve single mobilehomes going on to single lots, using a public hearing forum of the approval device. It was a conditional use permit.

We believe that we are responsible for the portion of the bill that provided for some architectural considerations. We have seen several homes go on private property. There has been a benefit, but I don't think there has been the large number

that people thought would occur, particularly not as large as the critics thought would occur. I think the issue of relocation parks requires a different zoning issue to be addressed, and I think that is the sort of thing that will come out of the two bills you report in your paper that are the root of the study that is going to occur over the next several months. I think it's that kind of additional zoning effort that is needed.

In our county we have adopted a density bonus mechanism. Without the inputting of public dollars, the county has said that if we increase density, isn't that a sufficient motivation for the private sector to build a new park? We thought that it was in the beginning. We've had at least 23 applicants come in to make use of that policy. We've had 9 approved, about half of those, say another ten, are sitting in the pending category and this Friday in San Diego I am presenting a staff report to the planning commission on the outcome of that whole density program. Suffice it to say that it has been very controversial. The local decision makers have been very frustrated in trying to solve the housing demand by the residents of mobilehome parks whereas, on the other hand, they are confronted with people who are satisfied with the density of the neighborhood, arguing that it is not compatible with the neighborhood to have a more intensive mobilehome park located there. So there has been serious neighborhood problems that have surfaced. I don't think we anticipated them. Anyway, there has been no new phase built today because of the density program in San Diego County.

There are several that are nearing the end of that process and are ready to go, and we expect them to come on line. But in the four years that density bonus program has been on the books, there hasn't been a new space built.

MR. TENNYSON: Are you zoning for mobilehome parks in San Diego County, or are they still mostly on conditional use permits?

MR. FAGAN: We are not zoning for new mobilehome parks. They are permitted any place where residences are permitted. Any group of houses requires the use permit. It is not a device set aside especially for mobilehome parks.

MR. TENNYSON: So it's like a conditional use permit on another residential zone.

MR. FAGAN: Yes.

SENATOR CRAVEN: Very good. Thank you, Mike, very much. Next, Jane Franz, mobilehome owner from San Marcos. (pause). She apparently is not with us today. Next then is Marvin Brown of the Fall-Stop Corporation, Newport Beach.

MARVIN BROWN: Thank you, Senator. In light of the problem of the cost factor that is involved in moving the homes for these people, I think that we shouldn't lose sight also of another factor. In many areas the mobilehomes are required to be set on a permanent or a fixed rigid foundation at a very great expense to the people generally. I think that, particularly in park situations, if we can put some attention to allowing these people to set the coach up in the usual mode, they can take care of the seismic activity which seems to be what is being addressed by

requiring a fixed foundation. Also, I think the aesthetic aspect is a consideration here as well. We have an opportunity now to allow these people in a very cost-effective way to protect themselves against an earthquake and not have to spend the tremendous amount of money required to set up the mobilehome with a device such as ours. I don't want this to be a sales pitch type of presentation. It's an engineering presentation, if I may. I have material, thousands of sheets and photographs, that prove that a fixed foundation structure is very open to extreme damage. However, the new base-isolation concept of setting homes can be utilized here to the advantage of the mobilehome owner. This may seem aside from what we are approaching here. I don't want to take a lot of time, but there are nuclear plants that were allowed to be constructed in the standard mode of construction because of a base-isolation concept which the mobilehome, because of the type of structure it is, is already a very strong unitized construction and can utilize this type of set, so I would like to ask you to please consider some attention to that and perhaps allow them to be set that way.

SENATOR CRAVEN: If you have some material you would care to leave with us, I think it is important that we have it for our file. I was going to ask you if you had anything in mind to address the general subject area of the conversion situation.

MR. BROWN: Only that - no, I don't. You mean the actual move? The cost factor is the only thing I'm addressing here and the safety factor, which is being addressed at this time by the

Department of Housing, Division of Codes and Standards. May I point out that the hospitals, the hospital structure in the San Fernando Valley, was - maybe I can quote this - the only - speaking of the building, only the first floor was destroyed so they had to destroy the building just because of the first floor, using a column and beam support. This is precisely the support mode of the mobilehome. I'd be very pleased - I don't want to take a lot of time here - to leave materials with you for your consideration. I think that would suffice because what you are considering here is very different.

SENATOR CRAVEN: All right. Thank you very much, sir.

MR. BROWN: Thank you.

SENATOR CRAVEN: Next is Maurice Priest, Executive Director of GSMOL, from Sacramento.

MAURICE PRIEST: Senator Craven, Senator Johnson, and committee staff. As an advocate for mobilehome consumers, I have often been accused of being unsympathetic to park owners so I want to start today by stating something that I've never said in the State Capitol. I want to compliment a park owner for the way I think they have properly handled a conversion and closure of a park. It's public record in Sacramento County with regard to the way a park owner, KCS Development Company, it's also a division of Camray Construction locally, handled a park closure in Sacramento County this last year. They started by conducting at their own expense a written survey of all parks in the Sacramento area - they included everything up to a 50-mile radius -

to determine which of those parks would accept displaced mobile-home owners from their own park if their conversion permits were approved. From that survey, which they distributed to the residents of their park, they determined in advance what the requirements were of those parks, which ones would accept older mobilehomes, what the rent structures were in those parks, whether they would be required to install new patios, awnings, skirts, and that type of thing that would be an additional cost. They also agreed as part of the written offer to the residents to pay all relocation expenses within a 100-mile radius - that's teardown, setup, transportation. They also agreed to include money for utility hookups and deposits so that in the event utility companies charged hookups at the new location, they would also include money for that. I believe it was a \$350.00 allowance for that one aspect. They also included additional compensation to each resident based on the number of years of occupancy in the park. This might be the same as what Mr. Brey referred to as trauma compensation so that it did not have to be applied to any of the actual moving expense, but was compensation payable to the displaced resident.

If suitable accommodation and new site could not be found, the final part of their proposal included a neutral appraisal of the mobilehome and an outright buyout of the mobilehome owner's interest based on the neutral appraisal, and I believe they each got a neutral appraiser and finally arrived at an arrangement. It was not subject to the park's own appraiser making the determination. This written offer was submitted

not only to the residents of the park, but also presented to Sacramento County when the owner went for their conversion, and I think this is a good illustration not only of how a conversion or this type of thing should be properly handled, but also as an example it points out some of the loopholes in existing state law which I would like to suggest some solutions for this morning.

One of the loopholes that I see is in the Mobilehome Residency Law, Civil Code Section 798.56 and (f) deals with the conversion or change of use of parks. Subsection (f)(1) deals with the 15-day notice before public hearings. That's already in the state law. Sub (f)(2) says that "after all required permits have been approved by local government, the park owner must give at least six months' notice to all residents before he can require them to move out." The problem comes with the second paragraph of (f)(2) which says, "if the change of use requires no local government permits, then notice shall be given of twelve months." It doesn't specify in this section what type of changes do not require the local permit, and I think it would close a loophole in the state law if we were to add in this section or in the Mobilehome Residency Law what specific circumstances that state law will require a park owner to go to the local government. Based on the absence of a clear direction or legal obligation, some of them are simply using the 12-month closure notice, and it is causing problems for the mobilehome owners, and they say, "Well, I don't believe I need one because there is a paragraph in the state law that says if it is not required, I can just

give the 12-month notice." And many of them do that.

When we changed the law two years ago regarding notice following the approval of permits, it was to prevent the anxiety that was resulting in many parks because, up until two years ago, the state law provided that the park owner could give a 12-month eviction notice even though there remained a possibility that local government could deny of the permits. So for 12 months, as those months ticked away, the residents were of the opinion and anxiety that they may have to relocate when in fact local government could have denied the permit and they could have remained indefinitely. So we changed the wording in 798.56 (f) two years ago so that the six-month notice would not be given until local government had approved those permits, and then at least people knew that local government had spoken and they were going to have to relocate.

SENATOR CRAVEN: When you referred to the permits that the ownership side would have to obtain, what permits are you referring to?

MR. PRIEST: Well, if a park owner says that he wants to develop a commercial building, and say that conflicts with the type of zoning that he has for the park, that is going to clearly require him to go for rezoning and he's going to have to apply for a change. Many park owners are simply using the 12-month termination notice and stating in their notice that they are just going to close the park. In that case some have waited until all the people have vacated and then there was no one left to protest. Then at that point in time decide what they wanted

to do, and maybe it would be a commercial development or they could go in and apply for complete change of zoning, and there was no one left really to protest. So that's one example.

I see as the critical problem here the change to no use. If we go back and look at what the park owner is in the type of investor, I think that can help us see the need for this type of law. Park owners basically control a unique investment property, not just their own investment, but they control millions of dollars that are invested by the mobilehome owners within that park, and they also control the lives of those hundreds of mobilehome owners living in that park. If we were talking about an investor whose decisions could be made in a vacuum, who didn't affect human lives and financial investment of other people, then I would say give him a free rein. This is based on the history of our nation and everything, capital, and that's the nature of our system. But when an investment and a decision by a single investor can adversely or positively affect millions of dollars held by other people, then the government has a right to reasonably determine what steps that investor is going to have to follow before he makes that decision.

Because of the loophole in state law, some counties have addressed the problem, and I will provide to the committee copies of two county ordinances, one which was adopted by Mono County in 1982. Amongst other things, they removed the equivocal statement in the Government Code which says that at time of conversion of a park, local government may consider what steps the park owner has done to mitigate relocation costs. They

changed that and made it to "shall" in the Mono County ordinance. They also stated that closure of a park, in Mono County, would be considered a change of use. They said that obviously if you have a full mobilehome park and the park owner says, "OK, everybody out in twelve months," that's certainly a change of use. And they closed the loophole in the state law by stating that.

Also I will provide the committee with copies of the Santa Barbara County ordinance, which was just adopted about three or four months ago. It was adopted in 1984, and that also made similar closure of that loophole.

SENATOR CRAVEN: I don't know that I'm particularly clear on the change of use. I understand what you said, but if the park owner decides to strike the park, they have interpreted that as in fact being a change of use. Is that correct?

MR. PRIEST: Those two counties have, yes.

SENATOR CRAVEN: Obviously, if a use ceases and becomes a non-use, that is I suppose ipso facto a change. But isn't the condition use permit, and I'm presuming that it is on land that would require a conditional use permit, isn't that something that really governs?

MR. PRIEST: I would say yes to your question, but I'm not aware of a park owner who has ever at the time of expiration of that permit and who is operating a park and there are hundreds of people there, I'm not aware of a situation where a county has said they are not going to renew the conditional use permit. I'm not saying they don't exist, but I'm not aware of any of those. So if the permit is not renewed because the park owner - he's

certainly going to be notified or is going to be aware that his permit is going to expire - and if it ultimately expires just because he decides he is not going to make any attempt to renew it, he has made an affirmative business decision that is going to affect them. And I would state that if he intends not to renew it, that should also be part of a public hearing process or brought to the attention of local government. But I'm simply not aware of a local government, given the hundreds of people who are going to be affected, refusing to renew one of those conditional use permits. There may be an example, but I'm not aware of it.

SENATOR CRAVEN: Is your hypothesis based on the presumption that he's going to carry the use permit to its expiration date? In any other words, when you grant a conditional or a special use permit, it's for a period of time - 10 years, 15 years, back in the old days mobilehome parks usually went in on 25 years special use permit, at least in my city. Say he gets to the 24th year and he advises the tenants, "I'm just going to let this thing trail, and I'm not going to renew, and therefore we're going out of business." Presuming he is the owner of the property. In a situation where he no longer would have an existing special or conditional use permit to enable him to operate a mobilehome park, and the land then presumably would revert to the underlying zone. If it is something of days of yore, there were no such things as mobilehome zones in those days so perhaps it was manufacturing zone or agriculture zone or any number of things. So then, he is faced, if he wants to re-utilize the property, with either doing what the zone would allow - and presumably he would

have no problem doing that, would he?

MR. PRIEST: The only problem I'm raising is the displacement of those people who are affected. There is a difference - I'm trying to draw the distinction between the park owner who knows his permit is going to expire and he makes a conscious decision to not ask for renewal. OK? Well, in that case, I'm trying to say he has an obligation to renew it. There's a difference there between a person who consciously makes a decision not to renew the permit and one who makes an effort to renew it and the county, for some reason, says we are not going to allow you to continue to do business any more.

SENATOR CRAVEN: Well, let me just step in on one statement you made. I don't know that legally he has any conscious requirement to renew. Is that not a decision that he should be free to make?

MR. PRIEST: I know there is no law right now that requires them to come in. There is no law that says a park owner must come in for renewal, but I also know of cities that have, at the request of park residents, granted permanent mobilehome zoning to certain sites. So that. . .

SENATOR CRAVEN: . . . have a permanent mobilehome zoning, if he wanted to sever that mobilehome relationship, in my judgment, he would then have to go back through the process to convert to a different zone. But suppose I own an apartment house, and it was an old apartment house, in the downtown area. And I said I was just going to tear that thing down and use it for a parking lot. You know, I'm just displacing some people there too presumably. But do we run into a situation where they are required to do

anything there?

MR. PRIEST: Basically, it's going to come down to the decision of local government on whether they feel in that circumstance you should do anything and whether they impose an obligation, but I'm glad you brought up that example because there is a big difference we're all familiar with because. . .

SENATOR CRAVEN: Oh, I know that. We all realize that.

MR. PRIEST: . . . because a mobilehome investment is so - where an apartment renter is displaced, it's an inconvenience, but it can be done relatively inexpensively. Where the mobilehome owner. . .

SENATOR CRAVEN: There's no real property involved. I understand that.

MR. PRIEST: Right.

SENATOR CRAVEN: Fine, Maury. I didn't mean to interrupt you. Do you have something further?

MR. PRIEST: Just the loophole that I'm bringing to the attention of the committee is the one that enables - first of all, does not specify which circumstances requires an application to the local government. There is a loophole in the section I specified. We haven't really clearly defined for park owners in which instances they are going to have to go to the local government for permit, and also I think we need to add to the state law that closure of a park is a change of use requiring action and consideration by the local government.

SENATOR CRAVEN: All right. Ray?

SENATOR JOHNSON: I concur with you because

as you explained, and that was what I was going to say about apartment dwellers, these people have money invested and they certainly have some built-in rights. Now, I'm sure that when the average person goes to some mobilehome park and requests a space that the owner doesn't tell him he only has a permit that runs for another four years, or six years, and if you move in here, we might decide that we are going to give it up. I don't think that's ever told to anybody. I suspect that if you go in there with the idea that you are going to be here; this is a park; that's what we're doing business with and we want to stay here. I think somewhere along the line that before he can terminate this, you know, you have a temporary permits, but I mean these permits just put a 25-year, 10-year or 50 years but I don't think that was the intent to just say to the property owner, "All you have to do is live this way for a few years, then you can do what you want." Because you have some partners in this thing now; they've got their own money in there, and I think we've got to be very careful that we don't treat these people differently and let a park owner just walk away and say, "Well, I've got a hot deal now and I'm going to let you guys fall by the wayside. My permit runs out in another year and it's too bad, Joe." I don't buy that. I think that he has an obligation - one time I went to court on a situation and when the judge ruled, he said that I was morally right in everything and you did it right, but the law gave you the bad deal out of it. And we don't want laws that give anybody a bad deal.

I think there's a way to work this out, and if you have some suggestions there, I'd certainly be amenable to listening to them. I think we owe it to the people who live in these parks because this partnership existed when the people go into that park. They go in there and they move everything in, and you get a good example of how it was solved right here. Maybe we ought to take some pages out of that solution and the way that was handled - because I guess we are going to have to - as much as I don't like to have government stick their nose into everything that goes on, it just seems like the more people we get, the more problems we have, the more we have to become King Solomons to try to keep everybody from cutting one another's throats. I've always remembered that down the line somebody said that when the second person came on this earth, the first person lost half his rights. So we have to somehow protect people, particularly these people in circumstances where they just can't pick up and move.

SENATOR CRAVEN: Thank you.

MR. PRIEST: I want to thank the committee for the time and also that GSMOL is willing to work with you in any way we can to try to resolve this problem.

SENATOR CRAVEN: Thank you, Maury. John has a question, I believe.

MR. TENNYSON: Maury, your one suggestion with regard to specifying changes in the code with regard to circumstances under which permits would be required by local government, there would be a rather large number of circumstances where a permit might be required. Perhaps Mike Fagan of San Diego County could

help us on that - help the committee. But it would seem to me that you would have a list that was two pages long. Would that really be wise to try to insert all that detail in the code?

MR. PRIEST: If we were only to give one example - for example, closure of the park to no use - that would solve our problem.

MR. TENNYSON: I understood that to be a separate suggestion. That was your second suggestion. Your first one was that all the circumstances under which a permit would be required should be specified.

MR. PRIEST: I think it does become dangerous when you try to think of every possible conversion and try to include all the reasons, but as we do frequently in the Mobilehome Residency Law, we do refer to certain Health and Safety Code sections or Government Code sections that are already set up for that purpose. Particularly with regard to the conversion of parks, there are Government Code sections that provide somewhat more detail with regard to what local government should consider for mitigation relocation, and that might be a more convenient place to list some of the reasons. But I can see the potential danger when you get into making a list - woops, you leave something off and that's the one that creates a problem. But this is such a problem and loophole and creates such a financial burden for mobilehome owners right now that I think we have to take some steps to identify when those applications are required so that there is no misunderstanding between the residents and park owner.

SENATOR CRAVEN: Thank you, Maury. Thank you very much. Ladies and gentlemen, we have gone through the list of witnesses who had expressed a desire to testify. If there is anyone in the audience who may wish to add some comment, please come forward.

SOL BECKER: Thanks for the opportunity of speaking to you folks. My name is Sol Becker. I'm a mobilehome resident and Alternate Director of Region #2 in the City of Novato. Some of the things that were said today, I thought, requires a little remark.

Relative to relocation of sites, I recently had occasion to - in the City of Novato there are two five-star parks, several four-star you might say, but I recently had occasion to check with our local planners relative to possible zoning for mobilehomes. Our general plan does not have any mobilehome classification, and of course the reason is possibly self-evident. Our land values are just booming, far too valuable for mobilehomes as of today, and we are full of fear that the current landlord or possibly his successor may attempt to convert to some other use. In questioning the planner about possible mobilehome zoning, he passed the remark, speaking of my park which has approximately 315 sites, he said, "There is absolutely no place to put you people so how can we even think of moving you?"

But that's only one man's opinion. It still doesn't satisfy the residents of that park. They are still there worrying that perhaps there may be a conversion and we'd have no place to go. So much for that.

Relative to something that Mr. Priest just recently mentioned, a limited use permit. We have a situation, it's in the county just north of the City of Novato, that the park has been going on 7-year permits. It's now possibly over 20 years old. But the current owner, and he's the second owner, uses this situation to calm the complaints of his homeowners, and there are many complaints, with the threat of not renewing his permit unless they keep calm. In other words, if they complain, he says he won't renew his permit and the people will have to move. That's his attitude.

Now, if you'll allow me, not as a member of GSMOL but as a private citizen, I want to throw something at you that's far out. I must put my thoughts into words. I believe that thoughts are living things. In order to retain the label of affordable housing, which we are rapidly losing, and since our lifestyle is so much like a utility, a God-given necessity, would it be feasible to exercise some type of eminent domain and have the state take over all mobilehome parks and sell them back to the homeowners? Basically, we, as tenants, are supporting each and every mobile-home park, and I think the mechanics might be available on how to finance. But the question is could we even consider such a possibility some day to remove all this problem? I retired back in 1970 and since living in a mobilehome park, I haven't had one day of peace, and I am one who can take a lot of stress. What about the thousands of people in our state who can't and who haven't had one day of peace since they moved into a mobilehome park? With the exception that this is a delightful lifestyle

and we don't want to lose it, but we are rapidly losing it.
Thank you for your time.

SENATOR CRAVEN: Those are very interesting and intriguing comments. Do you think we ought to carry that bill, John? - I think we'd better get Craig and Maury and a few other outstanding advocates to lobby that a little before we introduce it, but it's a very interesting comment, Sol. For a fellow who hasn't had one day of peace to say that it's a delightful lifestyle, I find that to be somewhat dichotomous but, however, I think I know what you mean.

Now is there anyone else who would like to speak? Well, there appears none. Loyd, do you want to say a few words or give us the benediction or whatever? This is Loyd Zimmerman, who is the President of GSMOL.

LOYD ZIMMERMAN: Thank you, Senator Craven, and your staff. Yes, I always have a few words to say it seems. Living in a mobilehome is a wonderful lifestyle. The only problem is there that are problems, and our main purpose is to try to solve them so they are equitable both to the owner and to the homeowner who lives in that park. I think that one thing we've lost track of is that the original days of trailer parks which came before mobilehome parks, is that someone purchased the land that wasn't bringing in any income, and they put on travel trailers (that's all there were at that time) to bring in an income. But at that time the unit was easily moved - after all, they were travel trailers - but in those particular parks, they have become permanent residents. They've moved out the trailers; they've

put in mobilehomes which are an individual's home. That's the important thing we have. They had no thought that tomorrow or the next day the unit would not be suitable for that particular land. So when we come to the time today that where that land value has gone up terrifically, but the person who has put in his mobilehome and who has invested a great deal of money, it seems to me that it should be the same as if you went in with eminent domain or whatever to move out a bunch of houses. You don't go in and see a man who owns a home on a foundation and say, "Move out; we won't give you any moving expenses or anything; we just say move." Now you know where we have put in the freeways, we've paid for the houses or the homes that were in the path of that particular freeway. I feel that we should have to, the owner should have to pay those people a fair market price for that mobilehome unless he can furnish another place at no expense to the resident or the homeowner to move. After all, he has made a great deal of money over a period of years, or most of them have, and that income has come from those people. In other words, from the day one on that particular place it would have been a terrific liability to him in paying his taxes, but instead he has had a nice income and has been able to hold on to a valuable piece of property. So some way I think we must get through some kind of a bill that people who are permanently set in a mobilehome park should be completely reimbursed for the value of the mobilehome. OK? Thank you.

SENATOR CRAVEN: Thank you very much, Loyd. It's always a very pleasurable experience to have you with us, as well as

all of those of you who are interested in mobilehomes and the many problems surrounding the aspect of mobilehome living.

Despite the fact, I suppose, that there is an unending list of things that we could solve, I do believe over the last several years we've made considerable gain. The one thing I think we have done is establish the fact that you are a very vibrant force in your respective communities and throughout the state and that you must be reckoned with. It is nothing you are doing necessarily from a political standpoint; it is just a question of equity. What is right and appropriate? There is no reason that you should have a situation where you feel or are made to feel that you are second-class in any respect because that, of course, is not the case.

Sometimes we find a situation where existing law, economics, social situations run in juxtaposition to what you would like to do or have done, but we have approached each of these items, and I think the leadership of GSMOL would attest to that fact, as you bring this information to us, and we have tried very diligently to correct the situations. It's that sort of one little step at a time and I think we are certainly way beyond the stage of having a toe in the door. I think we are way beyond that. We are well into the vestibule and, hopefully, very soon we will be happily ensconced in the living room.

Thank you very much. (applause).

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CONCLUSION

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CONCLUSION

Summary of Arguments

Mobilehome owners argue that hardships caused to park residents by the conversion of their park are manifold.

They contend that they are property owners, owners of their homes, who, in good faith, have moved into a mobilehome park, often with the expectation they will remain there the rest of their lives. When the park is converted and the residents, with their mobilehomes, face relocation, there may often be no place to situate the mobilehomes because there are no alternative mobilehome park spaces available, and parks which have spaces will not usually accept older mobilehomes.

Additionally, the cost of moving a mobilehome can average anywhere from \$3,000 to \$5,000 or more, depending upon its size and the location to which it is to be moved.

The result of conversion, mobilehome owners say, is that they are not only forced to move but are virtually dispossessed of their mobilehomes. The mobilehome becomes virtually worthless (junk value) without a site on which to place it.

The argument advanced by mobilehome park owners, on the other hand, is that mobilehome parks in California have traditionally been considered a temporary use in most cases. Many older mobilehome parks exist on a special or conditional use permit because local government has generally not considered

mobilehome parks to be a permanent use. Thus, many mobilehome parks occupy land only to "warehouse" it for a future higher and better use.

Many of these parks were not designed or constructed to last more than an interim, 20 or 30 year, period of time, nor were they intended or built as a permanent land use. After 20 or 30 years, the cost of making improvements to bring the park up to current standards is often greater than the park is worth, and the raw value of the land itself may be worth more than the value of the mobilehome park as an operating business. Hence, park owners say, the conversion of a mobilehome park, or the closure of the park, when the land can be used in the long run for more productive purposes, should not be frustrated. Otherwise the long-term land use plans of local government, as well as local government's ability to improve the community and its tax base, will be damaged.

Review of the Problems

Testimony heard by the committee barely scratched the surface of many of these problems. We still do not know how many mobilehome parks are permanently zoned and how many are on some form of use permit subject to expiration. We don't know how many parks have been converted or attempted to be converted in recent years or the extent of the problem state-wide. Hopefully, Senate Bills 1835 and 1802 of the 1984 session will serve to provide us with a better statistical base on

which to evaluate the extent of these and other mobilehome park land use problems.

In the meantime we are faced with a number of difficult problems affecting mobilehome tenants or homeowners in parks which are converted to other uses.

The committee heard testimony concerning the need for the state to be more specific in what it requires of local government, in terms of mitigation measures, upon the approval of the conversion of a mobilehome park to another use.

Some witnesses touched upon the problem of the conversion of RV parks in which mobilehomes exist and where there may be no hearing or impact report on a conversion.

Several addressed the issue of mobilehome parks simply going out of business to avoid the necessity of going through an impact report or review process by local government. Mono County, for example, has developed an ordinance which requires a park owner to obtain a use permit for closure of the park as would be required for a land use conversion of that park.

Attention was focused on surplus state or public lands which could be used for the development of publicly owned or subsidized mobilehome rental parks, as a sort of reservoir of spaces to which displaced tenants could be moved. Such a project exists in Linda Vista, San Diego County.

Problems involving the conversion of rental mobilehome parks to resident ownership parks, whether in the form of a condominium or co-op, were only briefly touched upon at this

hearing. The major concern involved requirements by local government that a whole host of improvements be made to the park upon its change of legal status from a rental park to a resident ownership park, even though such improvements may not be required upon the sale of the park by one park owner to another, where it remains as rental park.

Discussion and Recommendations

1) State-imposed relocation and mitigation requirements.

Some mobilehome owners would like the state to require local governments to impose at least minimum relocation allowances or mitigation measures on owners or developers who convert a mobilehome park. However, circumstances differ from community to community, and to impose such requirements on local government would anticipate the problem before an impact report of the problem can be rendered. Local government has traditionally held the authority to review such matters and lacking information concerning the extent of mobilehome park dislocation statewide, such authority should remain at the local level.

2) Closure versus conversion of mobilehome parks.

Many mobilehome owners are concerned about the closure of a park as a ruse to circumvent state requirements for an impact report and hearing on the conversion as well as any local ordinances which may require the developer to pay relocation fees. If the park is to be converted, the state and local requirements for an impact report, notice and hearing

fall into place. If the park is simply to be closed and the park goes out of business, there are no such requirements.

Of course, park owners are concerned about their unilateral right to simply go out of business without having to submit to a variety of hearings and possible payment of relocation expenses to mobilehome owners. Yet, a mobilehome is virtually worthless without a place to put it. As this committee has noted before, it's a two-way street. Park owners are dependent upon the resident mobilehome owners for their business, and mobilehome owners are dependent upon the park owner to provide a space in which to put the mobilehome.

To say that the mobilehome park owner could be sued, if he closed the park as a deception, and later attempted to convert it, does not address the problem. From their standpoint, by that time mobilehome owners will already have been forced to move or junk their mobilehomes and the damage already done.

Hence, considering the unique relationship between the park owner and park residents, the closure of a park, or letting the conditional use permit lapse, should not be simply ignored without some form of review. Perhaps, state law should require local government, at a minimum, to have a hearing on the closure. Alternatively, to discourage subterfuge upon closure, the park land might be prohibited from being converted for, say, a 5-year period, somewhat like a land owner's contractual obligation under the William Open Space Act, unless the owner is willing to submit to conversion proceedings.

3) Recreational vehicle parks with mobilehomes.

A number of recreational vehicle parks have permitted mobilehome owners to move their mobilehomes into the park, where they have remained for a number of years. However, an RV park may continue to exist on a permit which local government recognizes only as an RV park, an important distinction in any potential conversion. Or the RV park may continue, but be converted to a time-share RV park, necessitating removal of the mobilehomes. In any case, when the RV park is converted, mobilehome owners do not have the same rights that mobilehome owners in a mobilehome park being converted to another land use have with regard to notice, hearing, and impact reports. There may be no hearing whatsoever.

Consistent with other provisions of law, state law should be amended to provide that RV parks, with two or more mobilehomes which have been located there for nine consecutive months or more, should fall under the same requirements as a mobilehome park, when said mobilehome park is being converted to another use, including conversion to an RV time-share or another type of RV use which involves displacement of the mobilehomes.

4) Surplus lands.

The concept of Linda Vista park and other projects, which have provided alternatives for displaced mobilehome owners, should be further explored. The Department of Housing and Community Development should be encouraged to survey local and state governments, and other public entities, to catalog suitable surplus public properties which could be used for the

establishment of mobilehome parks financed through various existing public funding mechanisms.

Additionally, the Department could catalog funding which would be available both at the federal and state levels to assist local government in using such monies to establish mobilehome parks on surplus lands for displaced mobilehome owners in their communities.

5) Conversion of rental parks to resident ownership parks.

This hearing did not bring to light sufficient information upon which to analyze problems concerning the conversion of rental mobilehome parks to resident ownership parks. Committee members may wish to consider holding yet another hearing on this specific aspect of conversion.

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APPENDIX

COPY

GOLDEN
STATE

*Owners
League
Inc.*

June 13, 1984

Pat Kelley
Acting Director, Region #1
621 Bounty Drive
Pittsburg, CA 94565-2953

City of Fremont California
Planning Commission and
City Council

Members of the Planning Commission, ladies and gentlemen.

At the beginning, I would like to make two points clear. I am not an Attorney at Law, but over the last several years of working with Mobile Home Law I have learned a great deal as a layman on that subject.

I also want to make it clear that as a State Officer of the Golden State MobileHome Owners League, I do not generally appear before a body such as this. Under usual situations, there are members in a mobile home park that are qualified to speak on their behalf. However, in this case we are speaking of a park with only 10 homes, therefore I request that you listen to and give the same attention that you would to a resident of that park.

The basis of this hearing is to decide if the property at 41040 Lincoln Street will be granted a change of use permit from a mobile home park to the development of a residential care facility for the elderly.

I believe we all agree that the stated property is run down and that the property and the neighborhood would be greatly improved by the change of use.

The main question to be answered here is, Should those persons who own homes in this mobile park have to lose not only their homes but the substantial financial investment that these homes represent?

Questionnaires completed by 9 of the 10 homeowners in the park show that the original investment of the present home owners of the nine (9) homes was a total of \$84,950.00. Is this body prepared to tell them that they are not to be reimbursed for at least a portion of their loss?

page 2

I would like to take a few minutes to reply to the "Impact Report" filed in this action.

Page 2 (B) No monthly rental raise for 1 full year.

This sounds very generous until you consider that presuming all 10 spaces remained occupied for the full year, the owner would receive an income of \$26,100.00. The last purchase price of the two newest homes purchased in the park was a total of \$32,000.00. The property owner stands to lose little, while the homeowners stand to lose their entire investment plus the homes they have lived in for several years.

Page 2 (C) Home Owners will be give 1 year to find alternative accomodations.

What accomodations? In 1981 the San Jose City Council did a survey of all parks within the City of San Jose and County of Santa Clara while considering a rent ordanace. At that time there were a total of eight (8) vacant spaces in mobile home parks out of the approximately 7500 spaces. NONE were available to a home over 5 years of age. Even in Contra Costa County were many parks exceed 20 years of age, it is nearly impossible to find a vacant space. When one does occur the only way they will take a home which is 10 years of age or older is where the park was built with utilities systems which are incapable of servicing a newer model home. The only alternative housing available would be an apartment. To find an apartment with comparable rents in a near impossibility. In most cases, it costs a much to share an apartment as the present payment in space rental.

Page 2 (E) Each home owner will be offered UP TO \$600. cash (trailer transport & \$500.00 pocket cash).

I would like to quote to you some of the actual figures as to cost of moving a 8x40 home from one park to another If you were to be able to find a park that would accept the home.

(1) Bella Vista Mobile Home Moving

Teardown - removing skirting and carport and disconnect utilities.....Approximately \$250.00

Transportation - If still on wheels \$100.00 for first and \$2.00 per mile extra

If moved on trailer \$150.00 for first 50 miles and \$3.00 per mile extra

Set Up - Skirting, carport, connect utilities etc. \$600.00 minimum. \$300.00 extra if park rules require awning.

(2) Don's Mobile Home Service

Package deal only (all of above) \$1200.00 to \$1500.00 depending on park rules on set up.

Towing only - \$100 per 50 miles and 2.50 per extra mile.

Thus the grand offer of \$600.00 makes no sense at all and was only inserted to make the appearance of a "reasonable offer".

page 3

Page 2 - Options for Mobile Home owner

1. Mobile home may relocate to another park.

The Impact Report states that there are hundreds of mobile home parks in the 4 counties listed where a mobile home can locate. This is completely false. It is almost totally impossible to find any park which has a space available. If a space becomes available, the park want as new as possible a home placed on it. Parks are a business and they want newer homes to be moved in to upgrade the park thus allowing a larger rental charge. There are members of our organization who have been on waiting lists for over two years trying to find a park where they could move their mobile home. They are still waiting. There are a few parks in the Merced and Modesto areas that willingly accept older homes. Would you be willing to move to those areas and try to find a new job or start your life over again away from all your family or friends? I doubt it.

Does the new owner of this park or any member of the Planning Commission really believe that a park which offers swimming pools, spas, cabanas, etc. is going to lower the value of their park by admitting a 10 to 15 year old mobile home to be moved in next to a home selling for \$35,000 to \$60,000.

Page 3, paragraph 2

Mobile home owners may sell or trade.

It is true that on rare occassions a 10 or 15 year old mobile home may be sold to be moved to a new location (usually farm land where zoneing problems are not encountered). The chance of getting a buyer who will pay more than \$3,000 for a home you paid \$7,000 to \$15,000 is very, very limited when the home has to be moved off of the space it presently occupies.

I have telephoned the following dealers in used mobile homes with the results listed:

Oak Hill, San Jose (listed in Impact Report)

Will not consider buying. May accept on consignment but do not expect a sales return of over \$2,000.

Mobile Home Mart

Will not but or accept on consignment

Garden Mobile Homes

Will not buy but might consider consignment if home is in exceptionally good condition.

The continual reference to a \$100.00 transport fee is not even a joke. It is a cruel hoax. You do not just move a mobile home into a park. It must have skirting, a car port, (sometimes an awning) etc. In addition to the costs of these items is the costs of the permits required to erect such items and have them inspected by the State to see that they conform with the law.

Page 4, paragraph 3

Rent alternative housing

In 98% of the mobile home parks, a home owner may NOT rent out his home. While it is true that a few park owners won homes in the park and rent them, the least expensive I have seen was \$400.00 per month.

Page 4

As for renting an apartment, I am sure you are all aware of the cost of this item. In most cases, a homeowner would be luck to obtain a "share rental" for the approximate price he is now paying.

Page 4, paragraph 4
Retirement home

There are only 4 persons in the park that might possibly qualify for admission to a State licensed care facility even if they wanted to resort to that type of life. The monthly rate quoted is in excess of the total monthly income of some of those who might qualify.

Page 5, last paragraph

It appears that the new owners are willing to "work with the tenants" so long as only the homeowners have to make any sacrafice and take all the financial losses involved.

The homeowners are not asking a great deal. They ask only that they be allowed not to sustain a total or nearly total loss on their investment and more important that they not be forced out of their homes without consideration of what they are to do or where they are to go.

WHAT ARE THE OPTIONS AVAILABLE?

1. The land owner could negotiate for the immediate purchase of each home in the park. In this way he could avoid the time and expense of waiting for the legal process of a change of use.
2. The Planning Commission could recommend or the City Council could require a reasonable settlement between the land owner and the home owner.
3. The City could use its power to condem under the redevelopment act. Of course the City would then become liable for all relocation costs etc.
4. The property owners and the City must also remember that they are not only dealing with the registered owners of the homes but, in some cases the banks and finance companies who hold the mortgages on the homes. I imagine that these institutions are not going to be anxious to just write off the loans as a favor to either the developer or the City.

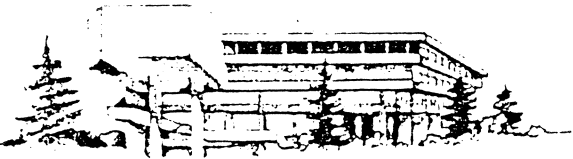
PROBABLE PROBLEM AREAS.

1. I have not been able to reach the property owner and so do not know if he is knowledgeable in the special laws covering mobile homes.
2. The member of the planning commission to whom I spoke after the April action seemed very surprised that there were special laws covering mobile homes. I gave him a copy of some of the laws to read and this hearing was rescheduled.

Page 5

3. Even though the Planning Commission and City Attorney may have read what I gave them it is quite evident that they did not read them carefully or research any of the other laws pertaining to mobile homes as there was little effort to conform to either the wording or the spirit of the laws which I presented them.

City of Fremont



COPY

City of Fremont

39700 Civic Center Drive
Fremont, California 94538

8 days

April 18, 1984

Dear Resident:

This notice is to inform you that on Thursday, April 26, 1984 the Planning Commission will consider a conditional use permit application for a residential care/nursing home proposed to be located at 41040 Lincoln Street (John and Hans Bretschneider, U-84-11). The meeting will be held in the City Council Chambers in the City Government Building, 39700 Civic Center Drive and will begin at 7:30 p.m. You may attend to ask questions and make comments regarding the proposed project.

Sincerely,

JERRY ISERSON
Assistant Planner
(415) 791-4178

Jl:pw

COPY



Handwritten signature or initials

City of Fremont

39700 Civic Center Drive
Fremont, California 94538

MAY 29, 1984

DEAR RESIDENT:

This notice is to inform you that on June 14, 1984, the Fremont Planning Commission will consider U-84-11, a conditional use permit application by John and Hans Bretschneider, for a residential care/nursing home to be located at 41041 Lincoln Street. Since this proposal would involve a change of use of an existing mobile home park, you are being notified of the hearing as required by Section 798.57(f)(1) of the California Civil Code.

The Planning Commission hearing will be held at 7:30 P.M. in the City Council Chambers, City Government Building, 39700 Civic Center Drive, Fremont. You may attend and speak on the proposal at that time.

If you have any questions, please contact Jerry Iserson, Assistant Planner, at 791-4178.

Sincerely,

Handwritten signature of Robert M. Carlson

ROBERT M. CARLSON
Senior Planner

Jl:mtf

U-84-11

REPORT: IMPACT OF CONVERSION ON DISPLACED PERSONS

COPY

Property:

41040 Lincoln Street, Fremont California

The property is located in the Irvington District of the City of Fremont in Southern Alameda County. Much of the Irvington District was an older neighborhood in the County before being annexed into Fremont and being included into a redevelopment plan. The redevelopment plan has designated most of the residential uses to medium to high densities.

Public improvements and investment in the area have improved the image of the area and the future of the area. However, this particular property is unimproved and not developed to its fullest potential.

Present Use:

Presently, the City of Fremont considers that there are 10 mobile homes in the park (above property). The legal definition of a mobile home is a unit that has greater dimensions than 8' by 40'. Anything 8' by 40' or under is considered an RV/CCH. On the Lincoln Avenue property, nine meet the criterion described by law. These conform and are legitimate mobile homes. (One measures 8' X 35')

Reason For Sale:

Present owners are facing a substantial balloon payment which is shortly due, and feel financial pressure to sell the property. Relocation for the mobile home tenants is inevitable.

Proposed Future Use:

Mr. John Bretschneider and Rev. Hans Bretschneider are interested in developing a residential care facility which will serve the el-

derly of Fremont. Approximately 76 men and women aged 60+ may have the opportunity to find comfort and quality care (average age is usually 89 years and older), in a friendly, congenial atmosphere. It is the intention of the Bretschneider's to help the present mobile home owners (MHO) make a smooth transition to new locations by providing the following:

- A) All MHO will be notified of the Public Hearing 15 days prior to the meeting (as required by State law).
- B) All MHO will not have an increase in their monthly rental rate for one-full year.
- C) All MHO will be given one full year to find alternative accommodations.
- D) The property will be maintained as it is presently, comfortable and habitable.
- E) Each MHO will be offered up to \$600.00 cash to help with moving expenses (i.e. trailer transport \$100., \$500 for the pocket or as deposit/first/last months rent for apt/house).

OPTIONS to Mobile Home Owners

Mobile home owners have several options available to them as follows: (based on research through phone conversations and personal visits, appointments, appraisals, etc).

1: MHO may RELOCATE

- a) MHO may relocate within Alameda County, or neighboring Santa Clara County, San Mateo County, Contra Costa County. There are hundreds of mobile home parks in these areas and are within a comfortable radius for relocation.

- * Some of these parks do not accept mobile homes which are more than 2 years of age, but others do and will accept tenants based on occupancy
- * There are few spaces immediately available in the Bay Area, but given a one-year period to relocate, the chances of openings increase greatly
- * Other counties, such as Stanislaus, offers more than 100 mobile home parks with superior amenities (i.e. swimming pool, spa, cabana, clubhouse, etc.) and have immediate vacancies at rental rates ranging from \$135 to \$225 monthly.
- * Transportation fees average a flat rate of \$100 within a 50-mile radius, and some companies charge an additional \$2.50 per mile. (NONE have heard of the \$1100 rate given at the previous planning commission meeting).
- * Companies surveyed said that in their respective years of experience in transporting mobile homes, very few have been immoveable.

2: MHO may TRADE or SELL

- a) MHO may sell their mobile homes to private individuals. Presently, two of the tenants have firm offers, hence, demonstrating the sale is possible.
- b) Another option available to MHO is selling or trading their homes to companies which buy/sell new/used mobile/RV units. The yellow pages is filled with dozens of such companies and in general, they offer to come and give those interested a free appraisal as to the worth and possible trade value.

One such company is the well-respected OAK HILL of San Jose. Contact Dean Kapsalis, or Jack LeFevre 408 288-9466. They buy mobile homes of any age, and presently are reselling one that is from the 1950's. Age is not the question in resale, condition counts. They, as the other companies, are interested in the mobile home being in average condition, and that parts are functioning in usable order, (i.e. the furnace works). If a deal which satisfies a mobile home owner and themselves is reached, most likely in a sale, there would not be a transportation charge (removal of the mobile home from Lincoln to their lot). If a trade is made, again there wouldn't be a charge to move the old mobile home, and the new purchase one would be moved with a flat \$100. fee. Other companies surveyed are quite similar in their terms and conditions. Each MHO would have to contact and deal with these companies individually.

3: MHO may RENT alternative housing

- a) Don Bergeron of Century 21, a reputable, and widely diversified REALTY company has offered to be of assistance to MHO who want to find mobile home occupancy. In addition, Mr. Bergeron will offer rental assistance to those interested in apt/condo/room/home etc. Rental rates vary but he has put together a selection for the MHO which is available upon request.

4: MHO may move into the RETIREMENT HOME upon completion

- a) Those who meet the criteria for admission into a State-licensed residential care facility will be given a special rate of \$600 per month (no additional charges) which includes 24-hour supervision, 3 well-balanced meals a day, daily maid service

laundry and linen service, activity program, etc. This rate is only \$100 over welfare rates to the elderly.

The Bretschneider's wish to work with the tenants of the mobile home park so that no undue stress and anxiety is necessary on anybody's part.

COPY

REPORT - PLANNING COMMISSION REGULAR MEETING
June 14, 1984

Public Hearing: Yes X No _____

Variance Notices Mailed to Property Owners within 300 feet June 4, 1984

Mailed to Argus on May 24, 1984 to be published by June 4, 1984

ITEM: JOHN AND HANS BRETSCHNEIDER (U-84-11)

RECOMMENDATION: Approve, subject to conditions.

LOCATION: 41040 Lincoln Street

ACREAGE/SQ. FT.: 1.26+ acres (gross)

PROPOSAL: Conditional use permit approval for a 76-bed residential care/nursing home

OWNER: James and Hazel Allen; Elvira and Edward Byers

AGENT: N/A

PREVIOUS ACTION: See text of report.

EIR: EIR-84-21, initial study and draft negative declaration; EIR approved on April 26, 1984 by the Planning Commission.

GENERAL PLAN: Residential 15-18 dwelling units/acre

ZONING: R-G-29, Garden Apartment Residence District

LAND USE: Trailer park and cottage rental

UNION SANITARY DISTRICT: Annexed

ALAMEDA COUNTY WATER DISTRICT: Annexed

COMMUNITY PARK BENEFIT AREA: Central Park

CONSIDERATIONS:

Background: On April 26, 1984, the Planning Commission adopted a motion (4-2-0-1) approving U-84-11 for a residential care/nursing home subject to conditions. A description of the project is included in the April 26, 1984 Planning Commission report, which is enclosed in Commissioners' packets.

New Information: Subsequent to Planning Commission approval of U-84-11, it came to staff's attention that mobile home park conversions are subject to the provisions of two sections of state law: California Government Code Section 65863.7 and California Civil Code Section 798.56(f). While the applicant complied with City ordinances and procedures, he was not aware of the existence of the state statutes. In order to fully comply with all applicable laws, the applicant is relinquishing his use permit approval and requesting new Planning Commission approval in conformance with state procedural requirements.

Section 65863.7 of the California Government Code requires that a person proposing a change in use of a mobile home park prepare a report on the impact of the conversion upon the displaced residents of the mobile home park. This report must be made available to the residents of the mobile home park at least 15 days prior to the Planning Commission hearing. The applicant has prepared such a report, addressing options available to the mobile homeowners and stating measures to be provided for a

COPY

memorandum



TO	Board of Supervisors	FROM	Supervisor Lofgren <i>Loe</i>
SUBJECT	MOBILE HOME PRESERVATION PROGRAM		Feb. 29, 1984

RECOMMENDED ACTION:

It is recommended that the Board of Supervisors take the following action:

- (1) Consider the proposed MOBILE HOME PRESERVATION PROGRAM allowing for the creation of new relocation spaces for displaced mobile homes; and,
- (2) Refer the proposed program to the Santa Clara County Planning Commission for their review and recommendation with a report back to the Board within sixty (60) days.

REASONS FOR RECOMMENDATION:

It's clear that an acute shortage of mobile home spaces - particularly for relocation purposes - exists within Santa Clara County. At the same time, rising housing costs and existing provisions in State Law with regard to discontinuance (closure) of mobile home parks provide an especially difficult situation for younger working couples, single-heads of households, and a large elderly population who essentially rely on this housing stock for shelter and homeownership. Currently, there are no viable alternatives with respect to creation of new mobile home parks for which relocation of older coaches/units is possible. Moreover, the historical trend of utilization of lands zoned for light manufacturing and/or industrial uses for mobile home park usage is rapidly approaching a point - especially for older parks - where alternative development proposals and higher land values are threatening a large segment of our community with displacement from what have historically been viewed as stable living environments. This proposal is intended, within land use regulations and processes already in use, to more effectively integrate mobile homes into the general housing stock in this area. More specifically, by addressing the issue of land acquisition costs, it seeks to substantially increase the viability of new mobile home park developments for individuals of lower and moderate incomes.

BACKGROUND:

It's well-settled that a large segment of our local community depend on mobile homes as their only housing alternative for homeownership. The Mobile Home Preservation Program provides some figures in this regard. Equally clear, is the fact that local government is restricted in many ways with respect to its ability to effectively address issues of displacement and park closures over which the state has specifically maintained jurisdiction.

At best, local efforts have been centered, understandably, on enhancing procedural protections within the requirements found in re-zoning provisions of the Zoning Code; San Jose's redesignation of a large number of mobile home parks during the last few years from M-1 and M-4 to T-M is an example of these kinds of increased, procedural protections. Significant costs associated with land acquisition, site and public improvements, and processing and financing of projects has generally resulted in new park developments being within the higher spectrum of the housing market. As a consequence, new parks have effectively been precluded from any serious consideration of older mobile homes units being integrated into new developments. Both the County of Santa Clara and the City of San Jose have responded to recent changes in state housing laws, most notably Senate Bill 1960 adopted by the State Legislature in 1980, requiring local government to allow mobile homes in zones which allow single-family dwellings. There is not, however, an effort now being undertaken, by either the public or private sector, to ensure much higher integration of larger numbers of older mobile home units into the general housing stock of this area. This proposal is at least one attempt at this important and worthwhile goal.

CONSEQUENCES OF NEGATIVE ACTION:

The Board would miss an opportunity to, at minimum, attempt to forge a potentially viable and mutually beneficial partnership between the development/building community and those interested in development of new mobile home park projects.

STEPS FOLLOWING APPROVAL:

The Mobile Home Preservation Program will be forwarded to interested groups and the County Planning Commission for their comments and recommendations with a report back to the board within a reasonable period of time.

ZL/mjs

MOBILE HOME PRESERVATION PROGRAM

PURPOSE

This program is intended to create and preserve areas for mobile home residential uses, to soften the economic and social impacts of dislocation resulting from park closures, and to minimize the loss or reduction of homeownership(s) within existing mobile home communities due to conversion of mobile home parks to other uses. More specifically, it is intended to accomplish a more effective integration of mobile homes within the larger residential housing community and to create a more permanent mobile home residential environment for this segment of our community.

SCOPE OF PROGRAM

As of January 1984, there were approximately seventy-one (71) mobile home parks in the County of Santa Clara, including sixty-one (61) parks within the jurisdiction of the City of San Jose. Of these, ten (10) parks were within the unincorporated areas of the county. As a whole, an estimated fourteen thousand (14,000) residential units are available and provide housing for over twenty-five thousand (25,000) of our local residents. A nationwide survey conducted by National Family Opinion, Inc., in 1979, determined that the average age of the head of household living in a mobile home was forty-seven (47) years, although roughly forty-three (43) percent of those living in mobile homes were older than fifty (50) years of age. This study further concluded that thirty-one (31) percent were blue collar workers. Most households, sixty-five (65) percent, were headed by husband and wife, while nineteen (19) percent were headed by a female, single-head of household. On the main, therefore, a relocation program of this nature can be said to have the greatest potential impact on both working couples, single parents and the elderly.

PROGRAM ELEMENTS

Within the generally already established land use procedures and regulations, this program would forge a partnership between a private developer of residential dwelling units, displaced mobile home owners, and an identified non-profit housing developer and/or advocacy and services organization interested in promoting the development of new relocation opportunities. The participation of local government is relatively limited, being restricted more to facilitating the development of relocation spaces and opportunities than in acting as an active partner.

PRIVATE DEVELOPER PARTICIPATION

Currently, new mobile home parks are being developed, if at all, by a very select group of park owners. Understandably, these projects are intended to provide new park spaces for newer, usually double-wide, mobile homes. As a rule, there is no private sector participation or interest in development of new spaces for purposes of relocation of older, displaced mobile homes.

Most new multi-family housing units are provided by residential developers within a local jurisdiction's urban services area and at densities which take appropriate advantage of the higher densities provided as part of infill policies. This program would take advantage of the thrust of these policies; that is, the construction of new housing within areas generally already serviced by basic, protective and other city and county services. Specifically, existing policies and processes would be modified to allow - at the option of the private sector - the designation of an identified parcel of land, within such infill projects, for mobile home relocation purposes as a matter of right, and granting as an incentive for such dedication a transfer and "bonus" density for dwelling units planned on the remaining portion of the multi-family project area.

The basic steps involved in this program from the standpoint of the private developer are as follows:

(A) Developer identifies parcel for multi-family construction - most averaging ten (10) acres - and initiates either a re-zoning or Planned Development (PD) application as provided under existing provisions.

(B) Developer dedicates, for example, two (2) acres for mobile home relocation purposes and "transfers" that density applicable to the parcel under the general plan and proposed zoning to the non-dedicated portion of the development.

(C) Appropriate jurisdiction and the developer negotiate an appropriate density "bonus" which is then allowed to be incorporated into the non-dedicated project area, taking into consideration parking, circulation, neighborhood integration, etc, and any relevant problems and concerns.

(D) The two (2) acre portion of the dedicated parcel is conditioned through appropriate deed restrictions, etc., for permanent mobile home park uses.

MOBILE HOME PARK

Under the City of San Jose's land use policies, most patio and townhouse developments are processed under the Medium High (8-16 du'acre) Residential designation. Mobile home parks are within the Medium Density (8 du'acre) Residential designation. This project proposes to integrate the development of the smaller park project, at the 8 du'acre, within the context of a medium high density residential housing project. The catalyst which most facilitates its construction is the elimination of land acquisition costs which are effectively granted by the private developer in exchange for the density transfer and bonus derived for the remainder of the project. Taking, for example, the eight dwelling units per acre designation and the building community's current estimation of ten thousand (10,000) dollars per unit costs for land acquisition for multi-family projects, the two acre mobile home park is saved an estimated one hundred and sixty (\$160,000) dollars in residential land and project development costs.

Theoretically, under a program of this nature, a mobile home park at this scale could either be developed as a "for rent" park for mobile home relocation spaces needed to facilitate impacts on other parks in the county, or, alternatively, be coupled with a financial package which allows development or conversion to homeowner status, much like a condominium project, under various financing programs including, but not limited to, the City of San Jose and County of Santa Clara Mortgage Revenue Bond Programs.

PARK INTEGRATION INTO NEIGHBORHOODS

Among the problems encountered in the processing of a multi-family project under Medium High Density are interface with surrounding single-family residential developments and compatibility, generally, with existing and planned commercial or residential areas. Specifically, for example, one common issue with respect to single-family areas in particular is the construction of two or two and one-half story housing structures in a manner which results in a visual intrusion into the privacy of a single-family home. Ordinarily, much of these "conflict" areas are then utilized by the housing project, as an attempt to buffer or "soften" this conflict, for parking or setback areas for landscape and vegetation. In the case of parking, however, there is then the secondary impact of headlight(s) intrusion into bedrooms located toward the rear of the single-family homes. In it's application, this project could conceivable take advantage of the much smaller scale, both in mass and density, of mobile home units and provide the necessary "buffer" with the single-family neighborhoods in a manner which successfully integrates a small number of mobile homes within the larger residential project. In specific terms, mobile homes tend to require less parking and circulation mitigations due to the generally older population and more restricted travel needs of park residents. More-

page -4-

over, the park would not offer some of the more socially oriented aspects of most parks, i.e. swimming pools, etc., but none-the-less afford similar security and close-knit aspects of many of the larger parks already in existence.

Parks should be considered under this program if the following conditions can be met:

(A) The appropriate General Plan and zoning designations are in place, or approved, as part of a rezoning request. Mobile home-designated parcels would be developed at the present eight (8) du'acre;

(B) The site is located within the City's urban services area or, if in the county's jurisdiction, located within the surrounding jurisdiction's urban services area;

(C) The site is physically suitable for development as a mobile home park;

(D) Public facilities and services needed to support the mobile home park are available, or can be provided with minimal costs upon completion or development of the park;

(E) All existing land use regulations and policies can be met with respect to drainage, setbacks, public safety, etc;

(F) Such developments shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project area;

(G) Site planning shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences and impacts within the project area:

(H) The development shall relate harmoniously to the topography of the site and be "developable" in a manner which integrates with the multi-family housing project AND is capable of development as in independant project.

(I) Complys with any other reasonable concerns identified during the application and processing of the subject project by residents, planning staff, or affected jursidictions.

RELOCATION ADVANTAGES

Under current state law, discontinuance of a mobile home park can be accomplished with relatively limited opportunity for existing mobile home owners to either remain within a comparable park or a similar homeownership situation. In an Environ-

mental Impact Report, dated December of 1981, the City of San Jose addressed the question of relocation of the Santa Clara Mobile Home Park located at 2995 Lafayette Street, in Santa Clara. This park closure was necessitate as a result of noise impact and mitigation measures identified in the E.I.R. conducted as part of the proposed expansion of San Jose Municipal Airport. To determine the availability of spaces for relocation purposes, the city surveyed a total of seventy nine (79) parks; fifty six (56) in San Jose and twenty three (23) in Santa Clara County. These parks had a total of 13,948 spaces; 10,047 in San Jose, and 3,901 in Santa Clara County. In this analysis, it was determined that a total of sixty (60) spaces, or pads, were vacant - fifty eight (58) in San Jose and two (2) in Santa Clara County.

While the relocation plan found sufficient space for displaced residents - including comparable dwellings, the supply in the price range required was shown to be insufficient. In large part, the problem of "coach value" versus "replacement value" results from the state provision that a developer - private or public - address mobile home dislocation in a case where acquisition is necessitate due to the age or size of the unit, through use of a Fair Market Value Approach. This system of valuation results in the legal determination of a tenant's "required" compensation for acquisition of their mobile home falling drastically short of the realistic replacement costs to that homeowner in any reasonable consideration of their personal investment and equity, interests and investment in their neighborhood, etc.

Mitigation measures now provided under state law and addressed in the above-referenced E.I.R. require that a relocation plan "...assure that reasonable and fair relocation payments and services will be provided to all displaced persons, and to determine that comparable replacement dwellings (and/or spaces) will be available before any individual or family is displaced." While the general subject remains within the jurisdiction of State Law, it is necessary for local government to understand the ability of present regulations and housing alternatives to, in fact, meet the INTENT of this particular provision. In general, questions of displacement have been considered both in an effort to provide alternative and comparable housing to mobile home owners as "as group" and on an individual basis. Neither approach, in their present form, is particularly effective in this county.

(A) Relocation of mobile home park residents as a group is not a viable alternative. During consideration of the Santa Clara relocation program, six (6) sites ranging in size from nine to nineteen acres were considered by the City. Based on an economic analysis, including purchase price, improvement costs, rental subsidies, etc., this analysis indicated that this approach would not work.

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(B) Consideration of individual mobile home replacement costs indicated, during deliberations on that E.I.R., that a spectrum of coach value(s) and costs for comparable replacement units were needed - ranging from zero to twenty thousand dollars. This single-unit analysis showed:

1. Within the 0-10,000 range, 18 one bedroom and 6 two bedroom units were required; none were available;

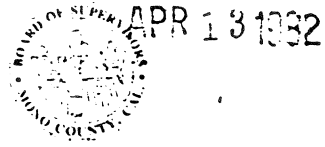
2. Within the \$10,000-\$20,000 range, 14 one bedroom units were need; 8 were available;

3. Within the \$10,000-\$20,000 range, 29 two bedroom units were needed; with 7 being available.

In short, then, the number of total units needed to allow for a fair mitigation response by way of comparable replacement units were sixty-one (61) units, compared to the fifteen (15) units which were available to meet this need.

PUBLIC COSTS

Under the proposed concept, the role and cost to local government is very little. Within the existing application costs for processing of residential projects, staff review and time would be essentially addressed. The project, if adopted as proposed, would have the private sector act as the catalyst and would essentially employ the type of "dedication" and "density bonus" process now utilized for purposes of securing open space and public park opportunities. In effect, the Board of Supervisors and any participating cities would simply attempt to integrate project concerns and available incentives with the public policy of creating additional housing opportunities for the mobile homeowners in this county. Moreover, the potential exists - without any additional and perhaps even a reduction in costs to local government - to effectively integrate the positive elements of scale, mass, density, etc., inherent in a mobile home park into a larger residential project.



ORDINANCE NO. 82-499-A

BOARD OF SUPERVISORS, COUNTY OF MONO

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF MONO, STATE OF CALIFORNIA, AMENDING ORDINANCE 81-499, TITLE 17, SECTION 17.13.030, AND AMENDING TITLE 19, SECTION 19.43.020, TO THE MONO COUNTY CODE, REGULATING CONVERSION OF EXISTING RESIDENTIAL FACILITIES TO OTHER USES

The Board of Supervisors of the County of Mono, State of California, does ordain as follows:

SECTION 1 AUTHORITY

This Ordinance is enacted pursuant to the authority of Government Code, Sections 66411 et seq. and 65863.7, and Civil Code Section 798.56 of the State of California.

SECTION 2 TITLE 17

Section 17.13.030 is amended to include Subparagraphs 4 and 5 as follows:

- 4. In addition to all applicable notices required by State law and Mono County Ordinances the management or owner, after all required permits requesting a change of use have been approved by the County, shall give the tenants six (6) months or more written notice of termination of tenancy.
- 5. All required permits and/or map act proceedings requesting a change of use shall in addition to other County approvals require final approval by the Board of Supervisors.

SECTION 3 TITLE 19

Section 19.43.020 is amended to include to read as follows:

Section 19.43.020 Requirements Generally

No existing residential facilities, or mobilehome spaces in a mobilehome park, shall be converted to any other use, including no use or cessation of existing use, without first having secured a Use Permit. All such Use Permits shall in addition to all other approvals require final approval by the Board of Supervisors and shall be subject to the notice requirements of Section 17.13.030 (4) of the Mono County Code.

SECTION 4 URGENCY

This Ordinance is determined to be an urgency measure for

ORDINANCE NO. 82- 499-A

1 the following reasons:

- 2 1. Conversion of existing residential facilities are cur-
- 3 rently under moratorium to protect a very limited
- 4 supply of rental units and mobilehome spaces.
- 5 2. The Ordinance preserves existing residential rental
- 6 facilities necessary to house certain segments of the
- 7 population which cannot be otherwise accommodated.
- 8 3. For the protection of the public peace, health, safety
- 9 and welfare.

SECTION 7 PUBLICATION

10 This Ordinance shall become effective and in full force and

11 effect upon the adoption thereof, and prior to fifteen (15) days

12 from the passage hereof shall be published once in a newspaper

13 of general circulation, published and printed in the County of

14 Mono, State of California, together with the names of the members

15 of the Board of Supervisors voting for and against same.

16 PASSED AND ADOPTED this 6th day of April, 1982, by

17 the Board of Supervisors, County of Mono, State of California, by

18 the following vote:

- 19 AYES: Supervisors Jencks, Johnson, Maner, Reid, Stanford
- 20 NOES: None
- 21 ABSENT: None
- 22 ABSTAIN: None

23 ATTEST: Marjorie E. Peigne
Clerk to the Board

24 By Nancy Wells
Nancy Wells
Deputy Board Clerk

E. L. Maner
E. L. MANER, CHAIRMAN
BOARD OF SUPERVISORS
COUNTY OF MONO

APPROVED AS TO FORM:

Neil B. Van Winkle
NEIL B. VAN WINKLE
COUNTY COUNSEL/ADMIN. ASST.

DATED: April 1, 1982

Flannery

Revised 11/24/81



ORDINANCE NO. 81-499

BOARD OF SUPERVISORS, COUNTY OF MONO

AN ORDINANCE OF THE BOARD OF SUPERVISORS, OF THE COUNTY OF MONO, STATE OF CALIFORNIA, AMENDING TITLE 17, ADDING CHAPTER 17.13 AND AMENDING TITLE 19, ADDING CHAPTER 19.43 TO THE MONO COUNTY CODE, REGULATING CONVERSION OF EXISTING RESIDENTIAL FACILITIES TO OTHER USES.

The Board of Supervisors of the County of Mono, State of California, does ordain as follows:

SECTION 1. AUTHORITY

This Ordinance is enacted pursuant to the Authority of Sections 66411 et. seq. and Section 65863.7, Government Code of the State of California.

SECTION 2. PURPOSE

It is the purpose of this Ordinance to amend Title 17, Mono County Code, adding Section 17.08.051 and Chapter 17.13 regulating the conversion of existing residential facilities by subdivision, and amending Title 19, Mono County Code, adding Section 19.04.231 and Chapter 19.04.231 and Chapter 19.56 regulating the conversion of existing residential facilities to other uses by methods other than subdivision. This Ordinance is deemed necessary to implement the Goals and Policies of the Housing Element of the Mono County General Plan, to protect existing housing stock and to protect the public Health, Safety and Welfare.

SECTION 3. Title 17 is Amended as Follows:

Section 17.08.051 is hereby added to Chapter 17.08, Title 17 Mono County Code to read:

17.08.051 Conversion of existing residential facilities by subdivison shall mean:

Apartments, mobilehome parks or other multi-family residential facilities which are converted to individual ownership by subdivision. Subdivision shall be as defined in Section 17.08.420 Mono County Code and Section 66424 et seq. of the Government Code.

///

Ordinance No. 81-499

1 Chapter 17.13 is hereby added to Mono County Code:

2 Chapter 17.13

3 Conversion of Existing Residential Facilities by Subdivision

4 Sections:

- 5 17.13.010 Intent
6 17.13.020 Requirements Generally
7 17.13.030 Standards for Conversion
8 17.13.040 Application for Conversion of Existing Residential Facilities

8 SECTION 17.13.010 INTENT

9 It is the intent of this Ordinance to protect a dwindling
10 rental housing and mobilehome space supply by regulating the con-
11 version of apartments and mobilehome spaces to individual owner-
12 ship by subdivision.

13 SECTION 17.13.020 REQUIREMENTS GENERALLY

14 Each subdivider converting existing residential facilities
15 by subdivision shall comply with all the requirements of Sections
16 17.16.020 through 17.16.140, Mono County Code.

17 SECTION 17.13.030 STANDARDS FOR CONVERSION

18 The standards for conversion of an existing residential
19 development which shall be required as conditions of approval of
20 a subdivision map for condominium or other forms of ownership
21 where title is conveyed for an individual unit or mobilehome
22 space are as follows:

- 23 1. Off street parking shall be provided as would be
24 required for new developments.
25 2. Snow storage areas shall be provided as would be
26 required for new developments.
27 3. Deficiencies in trash collection areas and land-
scaping in accordance with standards adopted pur-
suant to the Zoning Ordinance shall be corrected.

28 SECTION 17.13.040 APPLICATION FOR CONVERSION OF EXISTING
29 RESIDENTIAL FACILITIES

30 Application for a Use Permit shall be filed with the Plan-
31 ning Department pursuant to Title 19 of the Mono County Code.
32 Upon receipt of an application for use permit to convert residen-

Ordinance No. 81-499

1 tial facilities, the Department shall mark or stamp the applica-
2 tion as a conversion project, and prepare a report setting forth
3 findings of General Plan consistency, zoning and subdivision com-
4 pliance.

5 SECTION 4. Title 19 is Amended as Follows:

6 Section 19.04.231 is added to Title 19 Mono County Code to
7 read:

8 19.04.231 Conversion of Existing Residential Facilities to
9 other uses. Multi-family developments or apartments and
10 mobilehome parks which are converted to another use, includ-
11 ing no use or cessation of use as residential facilities.

12 Chapter 19.43 is added to Title 19, Mono County Code to
13 read:

14 Chapter 19.43

15 Conversion of Existing Residential Facilities to Other
16 Uses.

17 Sections:

18 19.43.010 Intent
19 19.43.020 Requirements Generally
20 19.43.030 Conversion Standards

21 SECTION 19.43.010 INTENT

22 It is the intent of this Chapter to protect the dwindling
23 rental housing and mobilehome space supply by regulating the
24 conversions of existing residential facilities and mobilehome
25 park spaces to other uses including the conversion to no use or
26 cessation of use as residential facilities.

27 SECTION 19.43.020 REQUIREMENTS GENERALLY

28 No existing residential facilities, or mobilehome spaces in
29 a mobilehome park, shall be converted to any other use, including
30 no use or cessation of existing use, without first having secured
31 a Use Permit.

32 SECTION 19.43.030 CONVERSION STANDARDS

Application for Use Permit to convert an existing residen-

Ordinance No. 81-499

1 tial facility or mobilehome park to another use shall be accom-
2 panied by a Conversion Impact Report setting forth the impacts
3 of the proposed conversion upon (1) displaced residents of the
4 residential facility or mobilehome park to be converted, (2)
5 preservation of affordable housing, and (3) recommendations of
6 measures to mitigate identified impacts. In determining the
7 impact of the conversion on displaced residents, the report shall
8 address the availability of adequate replacement of rental units
9 or spaces in mobilehome parks.

10 The applicant proposing such change shall make a copy of the
11 report available to each resident of the existing residential
12 facility or mobilehome park at least fifteen (15) days prior to
13 the hearing on the impact report and Use Permit by the Planning
14 Commission.

15 The Planning Commission may require, as a condition of such
16 change, the applicant to take steps to mitigate any adverse
17 impacts of the conversion on the ability of displaced residents
18 to find adequate housing or space in a mobilehome park.

19 Failure of the applicant to mitigate any adverse impacts of
20 the conversion on displaced residents shall be deemed grounds for
21 denial; if adequate mitigation measures are undertaken, the appli-
22 cation shall be approved.

23 SECTION 5. DENSITY

24 Request for increase in density for construction of residen-
25 tial units at the site of the conversion shall be granted in
26 proportion to the amount of mitigation reasonably required for
27 the benefit of residents displaced by the conversion in accor-
28 dance with and subject to Mono County affordable housing zoning
29 standards.

30 SECTION 6. URGENCY

31 This Ordinance is determined to be an urgency measure for
32 the following reasons:

Ordinance No. 81-499

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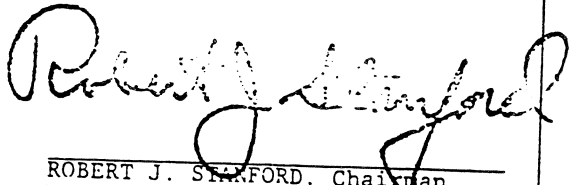
1. Conversion of existing residential facilities are currently under moratorium to protect a very limited supply of rental units and mobilehome spaces.
2. The Ordinance preserves existing residential rental facilities necessary to house certain segments of the population which cannot be otherwise accommodated.
3. For the protection of the public peace, health, safety and welfare.

SECTION 7. PUBLICATION

This Ordinance shall become effective and in full force and effect upon the adoption thereof, and prior to fifteen (15) days from the passage hereof shall be published once in a newspaper of general circulation, published and printed in the County of Mono, State of California, together with the names of the members of the Board of Supervisors voting for and against same.

PASSED AND ADOPTED this 24th day of November, 1981 by the Board of Supervisors of the County of Mono, State of California by the following vote:

- AYES: Supervisors Jencks, Johnson, Maner, Stanford
 NOES: Supervisor Reid
 ABSENT: None
 ABSTAIN: None

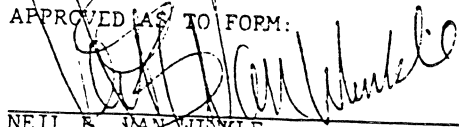


ROBERT J. STANFORD, Chairman
Mono County Board of Supervisors

ATTEST: Marjorie E. Peigne
Clerk to the Board

By COLLEEN STONE
Colleen Stone
Deputy Board Clerk

APPROVED AS TO FORM:



NEIL B. VAN WINKLE
County Counsel/Admin. Asst.

Dated: November 24, 1981

October 14, 1984

re: written testimony at the Senate
Select Committee on Mobile Homes
October 17, 1984

Henry J. Nello
Senator, Seventeenth District
Member, Senate Select Committee

Dear Senator Nello:

Our mobile home park, Clearview Court, 170 W. Cliff Dr., Santa Cruz, Ca., 95060, is in the beginning process of possible relocation by Senior Corp. which owns the Dream Inn Hotel across the street from our Court. It now wishes to expand its hotel to include our Park. We have two major concerns.

1. The Santa Cruz City Council has adopted a mobile home ordinance which on the whole is excellent, but which contains one section with which our Park unanimously disagrees. This section(see enclosure) discriminates between relocation rights for permanent tenants(local voters) and part-time tenants(owners of vacation or second homes). No relocation rights are given part-time tenants beyond a small monetary amount. Many of these tenants are seniors, have resided here 15 years or more, and of course have paid monthly rent whether or not they have been present.

Our question is, "Is such discrimination legal to distinguish between full time and part-time mobile home renters on the basis of voting?"

2. If for some reason Senior Corp. is not granted a permit, and decides to shut down the park, we understand that by law they may do so, wait a required period, and then reinitiate their plans. We fully recognize the rights of a landlord to make changes. However, you know how few mobile home spaces are available in our county, and most of us do not care to move to the valley or in effect lose our investment here. Too, we would not be able to purchase the Park, regardless of the favorable interest rates recently approved by state law, simply because this land across the street from the Bay is just too valuable and would be too costly for most of us.

Our question is, "If such a law exists, can it not be modified in some way so that our tenants, mostly senior citizens, could be moved out only as space becomes available in comparable parks in the Santa Cruz area?"

I regret this written notice is being sent this late, but I only received your notice yesterday. Had I gotten it earlier, I would have seen our Park would be represented in person.

Please have your office acknowledge your receipt of this letter, and ask your local secretary to set up a conference with our Park officers on your next visit to Santa Cruz. I feel our problems may become acute in a very short time.

Yours very truly,



Dr. William F. McClintock, president
GSMOL Chapter #1544
170 W. Cliff Dr. #72
Santa Cruz, Ca. 95060

SAC OCT 16 '84

Encl: 1

A. Chapter 24.30 - Relocation - Exhibit "A" Section 2d

Part-time tenant(s) assistance. Where the mobilehome is occupied by a part-time tenant(s), the tenant(s) shall be compensated by an amount sufficient to disassemble the mobile home and make it ready to remove. In no event shall the amount paid by the applicant to the part-time tenant(s) exceed \$500 for a single-width mobile home(coach) and \$1000 for a double-wide home(coach). A part-time tenant(s) shall be considered a person whose principal place of residence for voting and other legal purposes is not located in the mobile home park.

ATTENTION: SENATE SELECT COMMITTEE ON MOBILE HOME PARKS

A new industry was created about 12 to 15 years ago. This encompassed the Recreation Industry which has branched off from Trailer and Mobile Home Parks.

The idea was to provide a place away from the routines of everyday life and provide recreational facilities much like that of a Mobile Home Park but out away from the cities. This was a tremendous idea but through the years of developing, many pitfalls arose. In these early years of this development, terms RV (Recreational Vehicle Parks) were not heard of. They were known only as trailers or trailer Parks.

During these years of development, local governments have not had a category in which to place this new industry of RV Parks, so in most cases they were classified and licensed as Mobile Home Parks. As with any new development during these years the industry of RV Parks had some pretty lean years of marketing and developing. Many of the RV Parks were opened but the revenues were not as lucrative as we know it today.

During the past years many of the RV Parks were not able to survive the slow development of this Industry. Many of the RV Parks, to survive, were forced to become "Multiple Use Parks". To have some permanent residents to maintain the overhead on a more sound basis but also provide camping and recreational facilities, and to remain open to the public.

Many of these parks have housed as permanent residents some elderly retired people seeking solitude in nature, some families that wanted to have their children out of the cities in a more rural area, some people for financial reasons and then others for a multitude of reasons.

Now that the RV Industry has been developed and quite lucrative, the question arises "where will all these people be placed that have supported these parks, all these years?".

The RV Park Industry has become like a PAC-MAN....

...Eating up these parks.

...Changing their use.

...Closing them to the public.

...Not adhering to the legal notices of vacating (a mobile home park) and pushing the people out in a matter of a few days and not within the legal time limit.

...Destroying their personal belongings.

...Laying the ground work for expansion by bringing their heavy equipment and machines in and destroying the environment before the local governments has the time to react or follow the laws that our state has provided to properly manage the procedures of closing these parks and allowing a change of use.

We need our local government to educate these residents of their rights (by law) and to monitor and enforce wise land use with integrity. The codes and laws that regulate to be consistent with all corporations and companies alike in allowing this industry to continue to grow. The courts should not be plagued with these matters provided the local government does their part initially. The monies spent in lawsuits could be used to support our local government in a way that would provide the needs of all the people rather than just the needs of some large out of state corporations.

Research of these statements should not be difficult. Each day this problem is in the newspapers (See articles of only two similar cases in which local governments, have not reacted at first in favor of the people). We must get attention of local governments to consider the needs of our local people rather than being influenced and impressed by the romancing of out of state developers. We live here and suffer the deluge of their entourage.

We remain, for justice, protection of our environment and equality for the people.

Submitted by:

Mrs. Jane Franz

Post Office Box 1687

San Marcos, California 92069

(619) 744-1691



October 26, 1984

enclosures (2)

(621 words)

Permission granted for reproduction or publication.

December 23, 1981

Camp Project Is Disputed As Ruling Unclear

Opposition to a luxurious, 450-space recreation vehicle camping development adjacent to Cuyamaca Rancho State Park was registered yesterday as tenants of the property claimed victory over an effort to evict them.

While attorneys for the tenants and developers argued over the essence of a court ruling on a tenants suit to block a notice for their eviction, the Mountain Defense League announced it would oppose the development as it has been initially outlined.

Andy Travers, president of the newly organized Oakzanita Springs Residents Association, said the group understood an order rendered Monday by Superior Court Judge Carlos Cazares to be an "injunction" prohibiting their eviction until 14½ months after the vacation notice is first served.

Attorneys for both sides in the case, however, agreed that the precise intent of the judge's verbal ruling still was in dispute and that the ruling was in the process of being reduced to writing for his approval, later this week.

Meanwhile, the county Department of Planning and Land Use called for an environmental impact report (EIR) on the proposed development because of concerns over ground water, sewage disposal, increased traffic along State 79 and other impacts on the essentially wild area in the oak-covered hills east of Descanso.

(Continued on B-5, Col. 1)

Camp Project Stirs Dispute

(Continued from B-3)

Thousand Trails Inc., a Seattle-based firm operating a network of private camping parks in the West for members who pay annual dues and a \$5,700 initiation fee, proposes to build a new park on the property in question.

The 148-acre property purchased in October by the firm currently is known as Oakzanita Springs Park, a mobile home and recreational vehicle facility with 26 tenants still in residence in defiance of a 60-day eviction notice issued by the new owners on Oct. 20. The tenants say they hold leases extending into 1984.

Linda Bryson, a park resident and general store operator, said construction workers hired by Thousand Trails began grading, brush removal and dredging of a lake on the property over a week ago to the dismay of residents.

"The children here are particularly upset over how the backhoes are scooping big, beautiful trout up out of the pond onto the mud banks," Bryson said. "They wanted to rescue the fish but the workers would not allow them to come into the area."

"What was our softball field now is

ringed by a fence and used for storage of the construction equipment. They also have cut down a lot of manzanita. I don't think they realize how much erosion that will cause."

Bryson said she complained to the state Fish and Game Department on Monday about the destruction of fish in the artificial, two-acre lake along Descanso Creek, which crosses state park property up and down stream.

A spokeswoman for the department office in San Diego said Bryson's complaint had been referred to a fish and game warden who had already given permission for the lake dredging.

Steve Treanor, chief ranger of the state park, said he and other park officials "always are concerned about developments on our boundaries" but are withholding comment on the development plan until it is formally detailed.

"The plan is clearly unacceptable unless it is substantially modified," said Byron Lindsley, director of the Mountain Defense League. "It's too much. The impact would be substantial. There are a range of very significant problems."

Lindsley gave news media copies of a Dec. 7 letter from the league to the county Environmental Analysis Division formally requesting that the county seek an EIR from the developers.

Metro

aries/Movies/Theater/Television/Weather/Comics/Editorials

Bid to take camp raises protests

By Michael Richmond
Tribune Staff Writer

Plans by Thousand Trails Inc. to convert a popular East County commercial campground into a private, members-only resort have sparked opposition from tenants and others.

At issue are closure of the 311-campsite De Anza Springs campground to the public and an attempt to evict several dozen people who have resided in mobile homes, motor homes and campers at the 550-acre campground near Jacumba.

Thousand Trails has bought the property from Loyal Crownover and has begun grading and clearing. Crownover could not be reached for comment.

Jane Franz of San Marcos, who has kept a 23-foot trailer at the campground, said "it is an extremely important area" that should continue to be open to the public.

She said the area has been used for many years by numerous individuals as well as by groups for community campouts and picnics.

Many people have volunteered time and materials to keep the site clean, Franz said, and visitors have contributed to construction of a small chapel.

Last month, eviction notices were issued to about two dozen full-time and part-time tenants of the campground, giving them three days to move out, said Philip Lindsley, an El Cajon attorney representing tenants.

He said that De Anza Springs is licensed as a mobile-home park and that state regulations give tenants six to 12 months to move.

"We are defending them based on violations of their rights under the law and violation of the Mobile Home Residency Act," Lindsley said.

The campground, just north of Interstate 8, 65 miles east of San Diego, has also been used for more than 20 years by the Sierra Club's San Diego Chapter, which teaches mountaineering on nearby public lands.

Emily Durbin, chairwoman of the chapter, expressed concern about closure of the campground to the public and sent Thousand Trails a letter saying the club expects to continue to be allowed access to the training area and to use the campground.

Jim Mallahan, a spokesman for Thousand Trails, said Crownover issued the eviction notices.

"We were not involved in that at all," Mallahan said. "It was solely the seller's responsibility to deal with the tenants."

He said the company will take six months to analyze the site and formulate long-term plans for the property, which will cater to recreational vehicles and tent campers, but is preparing 70 to 80 campsites for use by members by the Fourth of July.

Lifetime membership fees in Thousand Trails, allowing use of any of the organization's resorts, range from \$6,500 to \$8,000.

Mallahan said the firm does allow some use of its resorts by certain groups.

"Right now, we are analyzing what the use of community groups has been in the past and what we can accommodate in the future," he said.

He said the Jacumba-Boulevard Kiwanis Club's "Reno Night" will take place Saturday as scheduled.

Thousand Trails operates 35 camping resorts throughout the nation. The new Anza Borrego Preserve would be the firm's 10th such resort in California and its third in the county. It operates Pio Pico Park near Jamul and Oakzanita Springs Park near Descanso.

The company's 1981 purchase of a privately owned Jamul mobile-home park for the new Oakzanita resort triggered a tenant revolt.

In that case, the residents won a 14-month court-ordered reprieve from eviction.

066-S

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