

**ORDINANCE NO. 2983-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO CONVERSIONS OF MOBILE HOME PARKS TO OTHER USES.**

SECTION 1. SECTION 19.12.020 AMENDED. Section 19.12.020 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.020. "A"**

- (1) – (4) [Text unchanged.]
- (5) [Text deleted.]
- (6) – (19) [Renumber (5) – (18) consecutively. Text unchanged.]

SECTION 2. SECTION 19.12.040 AMENDED. Section 19.12.040 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.040. "C"**

- (1) "Cardroom" means any establishment where any card game is played for currency, check, credit or any other thing of value.
- (3) – (8) [Renumber (2) – (7) consecutively. Text unchanged.]
- (10) – (18) [Renumber (8) – (16) consecutively. Text unchanged.]

SECTION 3. SECTION 19.12.050 AMENDED. Section 19.12.050 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.050. "D"**

- (1) "Day care center" means a building or portion thereof in which individuals receive care and supervision for less than a twenty-four-hour period for compensation or profit. "Day care center" does not include "family day care home."
- (3) – (15) [Renumber (2) – (14) consecutively. Text unchanged.]

SECTION 4. SECTION 19.12.140 AMENDED. Section 19.12.140 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.140. "M"**

- (1) – (3) [Text unchanged.]
- (4) "Mobile home." For definition, see Chapter 19.72 (Mobile Home Park Conversions).
- (5) "Mobile home park." For definition, see Chapter 19.72 (Mobile Home Park Conversions).
- (5) – (7) [Renumber (6) – (8) consecutively. Text unchanged.]

SECTION 5. CHAPTER 19.72 AMENDED. Chapter 19.72 (Conversions of Mobile Home Parks to Other Uses) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Chapter 19.72**  
**Mobile Home Park Conversions**

- 19.72.010. Findings and Purpose.**
- 19.72.020. Definitions.**
- 19.72.030. Applicability.**
- 19.72.040. Notice of Intention to Convert.**
- 19.72.045. Right of Negotiated Purchase.**
- 19.72.050. Conversion Impact Report (CIR) Required Before Conversion.**
- 19.72.060. Relocation Specialists.**
- 19.72.070. Conversion Due to Reduced Occupancy.**
- 19.72.080. Relocation Assistance.**
- 19.72.090. Content of CIR.**
- 19.72.100. CIR Notice and Informational Meetings.**
- 19.72.110. Notice to Prospective Residents.**
- 19.72.120. Waiver from Relocation Assistance Obligations.**
- 19.72.130. Findings and Decisions.**
- 19.72.140. Obligations after Approval of CIR.**

**19.72.010. Findings and Purpose.**

(a) **Findings.** The city council finds that:

(1) Mobile homes are an important form of affordable housing in the City, particularly for seniors and persons with moderate or lower incomes;

(2) Many mobile home owners have made a large financial investment in their mobile home and loss of this investment would limit their ability to find replacement housing;

(3) Vacant mobile home spaces in comparable mobile home parks are scarce in the City and in surrounding communities, and acceptance criteria often exclude older mobile homes; and

(4) Due to the reasons stated above, the conversion, closure or cessation of use of a mobile home park could have an adverse impact on the ability of displaced residents to find adequate replacement housing. The mitigation measures required by this chapter are found to be necessary and reasonable, consistent with state law, while recognizing the rights of park owners to pursue changes in land use.

(b) **Purpose.** This chapter establishes requirements to ensure that the adverse social and economic impacts of any mobile home park conversion on displaced residents are identified and mitigated through adequate notice, reasonable relocation and other assistance. These requirements are established under the authority granted by California Constitution, and Government Code Sections 65863.7 and 66427.4, and Civil Code Section 798.56.

**19.72.020. Definitions.**

When used in this chapter, these terms mean the following:

(1) **“Applicant”** means any person or entity seeking approval of a mobile home park conversion. Applicant can also mean a park owner whose park has been determined to be undergoing conversion due to reduced occupancy.

(2) **“Comparable housing”** means housing that meets the minimum standards of the Uniform Housing Code, and is similar to the subject home in terms of rent, size, number of bedrooms and bathrooms, and other relevant factors such as location and proximity to the resident’s place of employment, amenities, schools, and public transportation.

(3) **“Comparable mobile home park”** means any other park similar to the subject park in terms of amenities, rent, and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is employed, and proximity to schools if the resident has school age children.

(4) **“Development application”** means a filed request for approval of a general plan amendment, rezone, tentative map, use permit, special development permit, or any other permit related to a proposed mobile home park conversion. Development application does not include a request to initiate a general plan amendment.

(5) **“Disabled household”** means a household in which 1) the primary wage earner or spouse is a person with disabilities; 2) at least two members are persons with disabilities; or 3) one or more members are persons with disabilities with a live-in aide. A disability is a medical condition or physical or mental impairment that substantially limits at least one of the person’s major life activities, as defined in the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, or successor statutes.

(6) **“In-place value”** means the value of the mobile home in its current condition, without regard to the possible park closure.

(7) **“Mobile home”** means a structure designed and used for human habitation and for being moved on a street or highway under permit pursuant to California Vehicle Code Section 35790, a mobile home as defined in Section 18008 of the Health and Safety Code, or a manufactured home, as defined in Health and Safety Code Section 18007. A mobile home does not include a recreational vehicle as defined in Civil Code Section 799.24 and Health and Safety Code Section 18010, a commercial coach, or factory-built housing as defined in Health and Safety Code Section 19971.

(8) **“Mobile home owner”** means the registered owner of a mobile home, regardless of the number of such owners or the form of such ownership, and who has the right to use a mobile home space in a park.

(9) **“Mobile home park”** means an area of land where two or more mobile home spaces are held for rent, including areas of land zoned or otherwise approved for use as a mobile home park under this title. In this chapter, the term “park” is the same as “mobile home park”.

(10) **“Mobile home space”** is an area within a park designated for occupancy by one mobile home. In this chapter, the term “space” is the same as “mobile home space”.

(11) **“Park owner”** means any person or entity in possession of the title of the mobile home park and is responsible for paying its property taxes. “Park owner” does not include a mobile home owner who rents out or subleases their mobile home.

(12) **“Proof of service”** means written evidence that a required recipient has received a notice or other document. Proof of service includes any United States Postal Service delivery confirmations such as certified mail or signature confirmation. If delivered personally, proof of service includes a statement signed by the recipient.

(13) **“Resident”** means a mobile home owner who lives in the park or tenant.

(14) **“Senior household”** means a household in which 1) the primary wage earner or spouse is at least 62 years old; 2) two or more members are at least 62 years old; or 3) one or more members are at least 62 years old with a live-in aide.

(15) **“Tenant”** means a person who lives in a mobile home or other dwelling within a park under a bona fide lease or agreement and who is not a mobile home owner.

(16) **“Uninhabited”** means a mobile home space that is either unoccupied by a mobile home, or occupied by a mobile home in which no persons reside, and such situation was not caused by physical disaster or any other condition beyond the control of the park owner.

(17) **“Low income household”** means a household with annual income less than 80% of the area median income of households in Santa Clara County, as defined by the California Housing and Community Development Department.

#### **19.72.030. Applicability.**

(a) **Conversion.** This chapter applies to any conversion of a mobile home park, including:

- (1) A change of use;
- (2) A change of the park or any portion to a condominium, stock cooperative, or any other form of ownership where spaces within the park are sold individually; or
- (3) Cessation of use or closure of any portion of the park, whether immediate or gradual. This includes reduced occupancy of the park as determined in Section 19.72.070 (Conversion Due to Reduced Occupancy).

(b) **Bankruptcy Exemption.** This chapter does not apply if the closure or cessation of use of a mobile home park results from the entry of an order for relief in bankruptcy, as stated in California Government Code Section 65863.7.

#### **19.72.040. Notice of Intention to Convert.**

(a) **90 Days’ Notice of Intention.** The applicant shall give a written notice of the intention to convert a mobile home park at least 90 days before filing a request to initiate a general plan amendment or a development application, whichever is first. The notice shall be provided to all mobile home owners and residents with proof of service, and a copy provided to the City. The notice shall be posted at all entrances of the park. The same written notice shall be provided to prospective new residents prior to payment of any rent or deposit.

(b) **Notice Content.** The notice shall contain the following information:

- (1) That the applicant proposes a conversion of the mobile home park that requires City approval of a conversion impact report;
- (2) A description of the proposed development application, if applicable, and the required permit approvals; and

(3) A statement that the applicant will file an application for a final public report with the California Department of Real Estate, if applicable.

**19.72.045. Right of Negotiated Purchase.**

(a) **Exercise of Right within 90 Days.** A designated resident organization may exercise the right to negotiate purchase of the mobile home park if a written notice of interest is provided to the park owner within 90 days of the postmark date of the notice of intention to convert, or issuance of a notice of determination of conversion due to reduced occupancy. The notice shall include a statement of interest to negotiate purchase of the park and the name and contact information of the organization and of a representative. The right of negotiated purchase is deemed expired if a notice is not provided in accordance with this section.

(b) **Negotiation for Purchase within 180 Days.** If a written notice is provided to the park owner within the specified time limit, the applicant must meet with the designated resident organization within 15 days of receipt of the notice to explore the possibility of acquisition of the park. The right of negotiated purchase is deemed expired if the applicant and the designated resident organization do not reach an agreement on the terms of sale within 180 days of the postmark date of the notice of intention to convert, or issuance of a notice of determination of conversion due to reduced occupancy.

(c) **Conversion Applications during Negotiations.** The applicant may file any application related to conversion of a mobile home park during negotiations with a designated resident organization provided the application is submitted 90 days after the postmark date of the notice of intention to convert. The city council may approve or deny an applicant's request to initiate a general plan amendment during negotiations. The City shall suspend any action authorizing conversion of the park until the right of negotiated purchase is deemed expired in accordance with this section.

(d) **Modification of Time Limits.** The designated resident organization and the applicant may mutually agree to shorten or extend the time limits described in this section.

**19.72.050. Conversion Impact Report (CIR) Required Before Conversion.**

The applicant shall file a CIR for review and approval by the city council before any park conversion can be approved. The CIR shall contain the information required in Section 19.72.090 (Content of CIR) and shall adequately define and address the social and economic impacts of the proposed conversion on displaced residents and mobile home owners, as required by the city council. The required timing of filing is as follows:

(1) **Conversion with a Development Application.** The CIR shall be filed before or at the same time as the development application. If a proposed conversion requires an amendment to the general plan, the CIR may be filed after initiation of the general plan amendment.

(2) **Conversion Due to Reduced Occupancy.** If a mobile home park is undergoing conversion due to reduced occupancy, the CIR shall be filed within a period of time established by the director of community development under Section 19.72.070 (Conversion due to Reduced Occupancy).

**19.72.060. Relocation Specialists.**

(a) **List of Relocation Specialists.** The director shall maintain a list of qualified persons or firms with proven expertise in housing, relocation of displaced persons, and who are familiar with the region's housing market.

(b) **Relocation Specialist Services.** The City shall hire a relocation specialist from the director's list at the applicant's expense to prepare the CIR and provide residents the services described in this chapter. The relocation specialist is responsible for meeting with residents and helping them evaluate, select, and secure comparable housing. Such services include technical assistance related to leasing or purchasing replacement housing, explanation of the relocation assistance alternatives available, referral to any available affordable housing resources, assistance in making arrangements to move personal property and belongings, and transportation of residents who are unable to drive to housing alternatives.

**19.72.070. Conversion Due to Reduced Occupancy.**

(a) **Reduced Occupancy Conversion.** A park is deemed to be undergoing conversion by closure or cessation of use when 25% or more of the spaces is uninhabited. At the time of 25% vacancy, the park owner shall file a statement explaining any known reasons for the reduced occupancy and any intention to change the use. A resident may also file a statement of reduced occupancy and shall indicate the spaces the resident believes to be uninhabited.

(1) **Statement Filed by Park Owner.** If a park owner files a statement of reduced occupancy, the director determines the correctness of the statement and issues a notice of determination of conversion. No public hearing is required.

(2) **Statement Filed by Resident.** If a resident files a statement of reduced occupancy, the director shall determine the correctness of the statement at a noticed public hearing.

(3) The director's determination may be appealed directly to the city council by the park owner, mobile home owner, or any resident following the procedures in Section 19.98.070 (Appeals). Notice of the time and place of any public hearing described in this subsection shall be given to the park owner, mobile home owners and residents and posted at all entrances of the park at least 30 days before the hearing.

(b) **Notice of Determination and CIR.** Written notice of conversion due to reduced occupancy shall be issued to the park owner, mobile home owners, and residents with proof of service. The notice of determination shall include a reasonable period of time during which the park owner shall file a CIR.

(c) **Waiver Request from Relocation Assistance.** The park owner may request a total or partial exemption from relocation assistance obligations under Section 19.72.120 (Waiver from Relocation Assistance Obligations). The request shall be filed by the date established by the director in the notice of determination under subsection (b).

(d) **Failure to Prepare a CIR.** Failure of the park owner to submit a CIR within the required time frame is declared a public nuisance. This nuisance is due to the potential for severe adverse social and economic impacts on residents and mobile home owners by delaying the necessary analysis and provision of necessary relocation assistance. At that time, the director shall prepare the CIR and bill the cost to the park owner. The park owner shall reimburse the City for

the cost within 30 days of receipt of the bill. If the park owner fails to reimburse the City, abatement and collection procedures may begin as provided in Sections 8.20.060 through 8.20.090 of the Sunnyvale Municipal Code.

**19.72.080. Relocation Assistance.**

(a) **Relocation Assistance Required.** Under Government Code Sections 65863.7 and 66426.4, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

(b) **Eligibility for Relocation Assistance.** Mobile home owners and residents are entitled to relocation assistance if they have not given notice to terminate their lease as of the date of the following, whichever occurs first:

- (1) Initiation of a general plan amendment;
- (2) CIR filing; or
- (3) Determination that the park is undergoing conversion due to reduced occupancy.

(c) **Waiver Agreements.** Any agreement made with a mobile home owner to waive rights under this chapter is invalid and ineffective for any purpose. A waiver of relocation assistance rights is only valid if it is between a park owner and a tenant of a home owned by the park owner. The waiver shall contain the text of this section and a written acknowledgment by the tenant understanding the relocation assistance rights under this chapter and agreeing to waive them.

(d) **Reasonable Cost of Relocation.** Reasonable cost of relocation includes a moving allowance and other applicable types of relocation assistance as defined in this section, and based on the CIR and housing and human services commission recommendations.

(1) **Moving Allowance for Eligible Residents.** For all eligible residents, relocation assistance shall include a moving allowance to move to another park or other replacement housing up to a distance of 100 miles. The resident is responsible for additional costs to move to a location farther than 100 miles. Moving allowance includes:

- (A) The cost to move furniture and personal belongings;
- (B) Rent for first and last month at the new location;
- (C) Required security deposit at the new location;
- (D) Temporary lodging, if applicable:

(2) **Other Relocation Assistance.** For eligible residents and mobile home owners, relocation assistance may also include one or more of the following:

(A) **Accessibility Improvements for Mobile Home Owners.** For eligible mobile home owners, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the mobile home such as wheelchair ramps lifts, and grab bars.

(B) **Rent Subsidy for Senior, Disabled or Low Income Households.** For eligible senior, disabled or low income households, relocation assistance may include payment of a rent subsidy of up to 24 months if needed to offset increased housing costs and secure comparable housing. The rent subsidy is

the difference of rent paid by the resident in the park and any higher rent for either a space at another park if the mobile home is relocated, or rent for comparable housing if the resident moves to other rental housing. Mobile home owners who are eligible to sell their mobile home to the applicant at its in-place value may only receive the rent subsidy if the selling price is inadequate to secure comparable replacement housing for at least 24 months.

(C) **Mobile Home Relocation Costs for Mobile Home Owners.** For any eligible mobile home owner whose mobile home can be relocated, relocation assistance may include the lowest of three estimates obtained by the relocation specialist from licensed mobile home movers to physically relocate the mobile home to up to a maximum distance of 100 miles. The mobile home owner is responsible for additional costs to move the mobile home to a location farther than 100 miles. The estimates shall include the cost of disassembly of the mobile home, transportation to the new site, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups.

(D) **Sale at 100% In-Place Value for Mobile Home Owners.** For any eligible mobile home owner whose home cannot be relocated to a comparable park within 20 miles or another park chosen by the mobile home owner, the city council may require the applicant to purchase the mobile home at 100% of its in-place value. The applicant shall hire a mobile home appraiser from a list provided by the director to determine the in-place value of the mobile home. If the mobile home owner disputes the appraised value of their mobile home, the mobile home owner may hire an appraiser from the director's list to obtain an appraisal. To be considered, the mobile home owner shall obtain the appraisal within 180 days of the approval date of the CIR. If a second appraisal is obtained, the mobile home owner is entitled to the average of the appraisals obtained by the applicant and the mobile home owner.

If the appraiser identifies lack of maintenance, deferred maintenance or deterioration of the subject park that negatively affects the value of a mobile home, the appraiser shall determine the value of the home with an upward adjustment in value if necessary to eliminate the negative effect in value caused by the lack of maintenance, deferred maintenance or deterioration, normal wear and tear excepted.

(E) **Right of First Refusal for Residents.** For all eligible residents, relocation assistance shall include the right of first refusal to purchase or rent new homes or apartments to be constructed on the park site. Income-eligible residents may have first priority to purchase or rent any below market rate (BMR) units which may be constructed on the park site, if they meet all eligibility requirements for the BMR housing program. In order to receive priority for BMR units, interested residents shall file a request with the housing division before vacating the park.

**19.72.090. Content of CIR.**

The CIR shall contain all of the following information to adequately define and address the social and economic impacts of a proposed conversion or park closure on displaced residents and mobile home owners; unless the director

determines that any of the following information would not be useful for a particular park.

(a) **Resident and Home Characteristics.** A description of the characteristics of the following:

(1) **Homes.** Date of manufacture, type, width, size, number of bedrooms of each mobile home or other dwelling, and any accessibility improvements, such as wheelchair ramps, lifts, and grab bars, listed by space number;

(2) **Residents.** Number of occupants in each home, household type (senior, disabled, low income, individual, family with minor children, or other), and type of occupancy (mobile home owner, tenant, or other); and

(3) **Eligibility.** Identification of those persons entitled to relocation assistance per Section 19.72.080 (Relocation Assistance).

(b) **Confidential Resident Information.** A list containing additional information shall be submitted separately from the CIR. Because of the confidential content of this list, the director shall maintain the list as a confidential public record which shall not be disclosed to the public except under the judgment, order or decree of a court of competent jurisdiction issued pursuant to the California Public Records Act (Government Code Sections 6250 et seq.). The list shall contain the following:

(1) **Personal Information.** Names, addresses, and contact information of mobile home owners and residents;

(2) **Occupancy.** Length of occupancy, current monthly rent and lease terms, and whether each person is a mobile home owner that does not live in the park, a tenant, or person living in housing other than a mobile home; and

(3) **Relocated Residents.** New addresses for residents who have already relocated, if available.

(c) **Vacant Spaces in Desired Locations.** A list of vacant spaces in parks within 20 miles of the park, and in any other locations within California desired by mobile home owners. The list shall include the park name, address, number of vacancies, lease rates, the terms, policies and restrictions on the type of mobile homes and residents accepted, amenities offered, and proximity to services such as public transportation, schools, medical services, social and religious services, and grocery stores.

(d) **Housing Alternatives.** Availability and cost of renting or purchasing comparable housing in the City or any other locations desired by residents who cannot be relocated to a comparable park within 20 miles.

(e) **Potential Relocation of Mobile Homes.** A determination based on the information provided under subsections (a), (b), and (c) of the total number of mobile homes that could be relocated to a comparable park within 20 miles or other locations desired by mobile home owners.

(f) **Relocation Plan.** A relocation plan that specifies:

(1) **Minimum Relocation Assistance.** The minimum amount of relocation assistance the applicant agrees to pay each eligible resident and mobile home park owner under Section 19.72.090 (Relocation Assistance) and a description of how the amount was determined;

(2) **Replacement Housing.** The type of replacement housing proposed for each resident (relocation to a comparable park, or rental or purchase of other housing); and

(3) **Timetable.** A timetable for implementing the physical relocation of mobile homes, implementation of relocation assistance, and conversion of the park.

(g) **Contact Information for Services.** Names and contact information shall be provided for the following:

(1) **Relocation Specialist.** The relocation specialist from the director's list with an explanation of the services available;

(2) **Moving Companies.** Names, contact information and fee schedules of moving companies selected by the relocation specialist and approved by the director, along with estimates for moving the mobile home, furniture and personal belongings; and

(3) **Appraisers.** Names, contact information and fee schedules of qualified mobile home appraisers from the director's list.

(h) **Additional Information.** Any additional information necessary to address the specific needs of residents and mobile home owners relevant to the park conversion, as determined by the director.

**19.72.100. CIR Notice and Informational Meetings.**

(a) **CIR Notice and Distribution 30 Days Before Hearing.** The applicant shall provide notice, with proof of service, of the availability of the CIR to each mobile home owner and resident. Notice is only required to be sent to the person whose name appears on any rental agreement. This notice shall be provided at least 30 days before the housing and human services commission public hearing on the CIR and after director approval of the notice. The notice shall include:

(1) A copy of the CIR;

(2) A copy of this chapter; and

(3) The date, time, and location of each scheduled informational meeting and public hearing on the CIR.

(b) **Verification 15 Days Before Hearing.** At least 15 days before the housing and human services commission public hearing on the CIR, the applicant shall submit verification to the director that the required notice and materials have been received by each required recipient.

(c) **Informational Meeting(s) 14 Days Before Hearing.** At least 14 days before the housing and human services commission public hearing on the CIR, the applicant shall hold at least one informational meeting for residents at the park. The meeting shall discuss the proposed timing of resident relocation, relocation assistance available, the contents of the CIR, and the status any development application. The relocation specialist and director's designee shall be present at the informational meeting(s).

**19.72.110. Notice to Prospective Residents.**

Before executing a rental agreement, the park owner shall advise, in writing, each prospective new resident that a development application for park conversion has been filed, or that the park has been determined to be undergoing conversion due to reduced occupancy, and that the new resident may not be entitled to any relocation assistance under Section 19.72.080 (Relocation Assistance).

**19.72.120. Waiver from Relocation Assistance Obligations.**

(a) **Waiver Request.** If the applicant believes that providing the required relocation assistance would impose an unreasonable financial hardship, the applicant may request total or partial exemption from relocation assistance obligations in accordance with this section. The request shall be filed with the CIR.

(b) **Disclosure to Residents.** The applicant shall notify residents of the request for a waiver from relocation assistance obligations by including such information in the notice required by Section 19.72.100 (CIR Notice and Informational Meetings).

(c) **Required Information.** To justify the basis for the request of a waiver from relocation assistance obligations, the applicant shall provide the following information with the CIR:

(1) **Financial Statements.** Statements of profit and loss from the operations of the park for the most recent 5-year period of the date of the application or request, verified by a certified public accountant;

(2) **Statement of Repairs and Improvements.** A statement made under penalty of perjury by a state-licensed general contractor that repairs and improvements are necessary to maintain the park in a decent, safe and sanitary condition and to continue the use of the property as a mobile home park. The statement shall include an itemized list of the necessary repairs and improvements, their costs, and the minimum period of time they shall be made. The applicant shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of mobile home spaces within the park within the next 5 years necessary to pay for such repairs or improvements. At the director's discretion, the applicant may be required to hire another licensed general contractor selected by the director to analyze the submitted information from another licensed general contractor selected by the director;

(3) **Estimated Relocation Costs.** The estimated total cost of relocation assistance based on the requirements of Section 19.72.080 (Relocation Assistance) and as determined by the relocation specialist;

(4) **Appraised Value Estimate.** A comparison by an appraiser from the director's list of the estimated values of the property if it were to continue as a mobile home park, and if the park were developed according to the proposed redevelopment of the park; and

(5) **Additional Information.** Other information the applicant believes to be pertinent, or which may be required by the director.

**19.72.130. Findings and Decisions.**

(a) **CIR Approval Required Before Approval of Development Application.** The City shall not take any action on a development application until the city council has approved the CIR. Public hearings on any development application for the park site shall not be held in conjunction with, or on the same night as any public hearing on the CIR.

(b) **Review of Waiver Request.** The request for a waiver from relocation assistance obligations shall be reviewed concurrently with the CIR. After receiving a recommendation from the housing and human services commission, the city council may grant or deny the waiver request if the required

documentation demonstrates that providing the required relocation assistance would impose an unreasonable financial hardship.

(c) **Findings and Decisions on CIR.** Following a public hearing, the housing and human services commission shall make a recommendation to the city council to approve or conditionally approve the CIR based on the required findings. After receiving a recommendation from the housing and human services commission and holding at least one public hearing, the city council may approve or conditionally approve a CIR based on the required findings:

(1) Preparation, noticing, and distribution of the CIR has been done in compliance with this chapter; and

(2) The CIR includes adequate information and options, and takes adequate measures to address the adverse social and economic impacts on displaced residents and mobile home owners of a mobile home park conversion.

**19.72.140. Obligations after Approval of CIR.**

(a) **Applicant Responsibility.** The applicant is responsible for verifying that the actions required in this section have been performed after CIR approval. The city council may allow reasonable modifications to the specified time limits.

(b) **Selection of Relocation Assistance within 120 Days.** Within 120 days of CIR approval, eligible residents and mobile home owners shall select the type of relocation assistance available per the CIR and confirm the selection with the relocation specialist. If a selection is not submitted, the relocation specialist may determine the appropriate relocation assistance based on the CIR.

(c) **Complete Appraisals and Obtain Estimates within 180 Days.** Within 180 days of CIR approval, any mobile home appraisals shall be completed and any estimates for mobile home relocation shall be obtained. If any of these actions are not completed within the required time frame due to any act on the part of the applicant, the notice of termination of tenancy required in subsection (d) shall be extended by 90 days for the affected mobile home owner.

(d) **Termination of Tenancy 180 Days or More.** The applicant shall give residents and mobile home owners at least 180 days' written notice of termination of tenancy from development application approval, or CIR approval for park closures.

(e) **Payment 35 Days Before Termination of Tenancy.** The applicant shall pay all required monetary relocation assistance to eligible residents and mobile home owners at least 35 days before termination of tenancy. In the case where a mobile home owner has opted to sell the mobile home, the mobile home owner shall submit any documents necessary to transfer complete title and ownership of the mobile home to the applicant, free and clear of all security interests, liens, or other encumbrances, provided that the relocation assistance paid to the mobile home owner is adequate to remove any existing liens.

(f) **Verification Before Closure or Issuance of Building Permits.** At least 35 days before the last resident's termination of tenancy, the applicant shall submit a statement made under penalty of perjury that required relocation assistance payments have been paid to eligible residents and mobile home owners. The statement shall specify each eligible resident and mobile home owner, the amount paid, the date of payment, and the type of relocation assistance selected by the resident or mobile home owner. The applicant is encouraged to submit receipts of payment as further verification. This verification shall be submitted

before the park can be closed or before any building permits related to an approved development application can be issued.

SECTION 6. SECTION 19.98.070 AMENDED. Section 19.98.070 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.98.070. Appeals.**

(a) – (b) [Text unchanged.]

(c) Appeal of All Other Permits and Actions. Any person aggrieved, including a member of the planning commission or city council, by the decision of the director of community development, heritage preservation commission or planning commission may file an appeal after the date of such decision. The appeal shall be in writing stating the grounds therefor. All proceedings initiated by the decision of the director of community development or planning commission shall be suspended pending a determination on the merit of the appeal.

(1) Any decision by the director of community development may be appealed to the planning commission and city council, except:

(A) – (E) [Text unchanged.]

(F) A decision by the director that a mobile home park is undergoing a conversion due to reduced occupancy under Chapter 19.72 (Mobile Home Park Conversions), which is applicable only to the city council.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307, that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 8. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

SECTION 10. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within 15 days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on November 20, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on December 4, 2012, by the following vote:

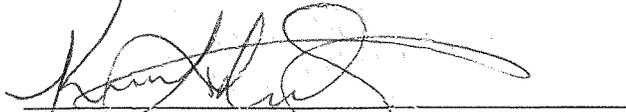
AYES: MEYERING, GRIFFITH, WHITTUM, SPITALERI, MOYLAN, MARTIN-  
MILIUS, DAVIS

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ATTEST:

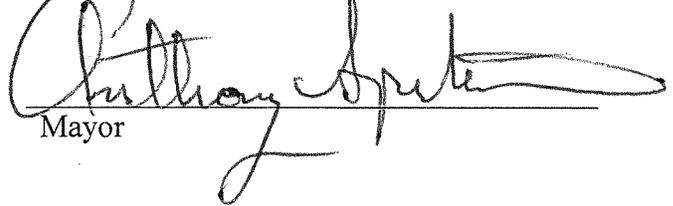


City Clerk

Date of Attestation: 2/25/2013

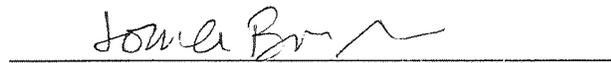
(SEAL)

APPROVED:



Mayor

APPROVED AS TO FORM:



Joan A. Borger, City Attorney