

5828 El Dorado, LLC

AUDISS RECREATIONAL VEHICLE PARK

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Closure Analysis Report

Prepared  
3/24/2016



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## **Introduction**

5828 El Dorado, LLC (Developer) is proposing to acquire and redevelop 5828 El Dorado Ave, El Cerrito, CA 94530 (Subject Site or the Land).

The Developer is presently processing discretionary land use applications including a subdivision map through the City of El Cerrito (City) for the development of a new townhome project on the property. The Developer submitted its application for discretionary land use approvals on December 14, 2014. The application was deemed complete on September 28, 2015. However, the City and Developer agreed that a Planning Commission hearing on the application would not be scheduled until this report had been completed and submitted to the City after the City had an opportunity to comment on a draft. The Developer agreed to provide the draft and final reports to the City in sufficient time for City staff to incorporate the report's findings into the staff report for the Planning Commission hearing.

The Developer is hopeful that its application will go before the City's Planning Commission in early 2016 and that it will receive all required approvals shortly thereafter.

The City requested (as part of its discretionary land use application review process ) and the Developer has agreed to prepare a report analyzing the existing conditions of the Land and where tenants have moved (to the extent possible) as the Owner exercised its discretion to exit the RV business.

The Developer retained Overland, Pacific and Cutler Inc. (OPC) to prepare the required report. OPC is an experienced real estate services firm specializing in developing relocation assistance plans and programs including the analysis and execution of mobile home park closures. For over 35 years OPC has provided relocation analysis, planning and implementation services to public agencies and developers throughout California and the western United States. OPC has provided services on mobile home park closures recently in Mountain View and South San Francisco.

It should be expressly understood that the Land is not permitted by the State of California Housing and Community Development Department (HCD) as a mobile home park. The subject land is permitted as an RV Park and the operating permit number of the RV Park is 07.005-MP.

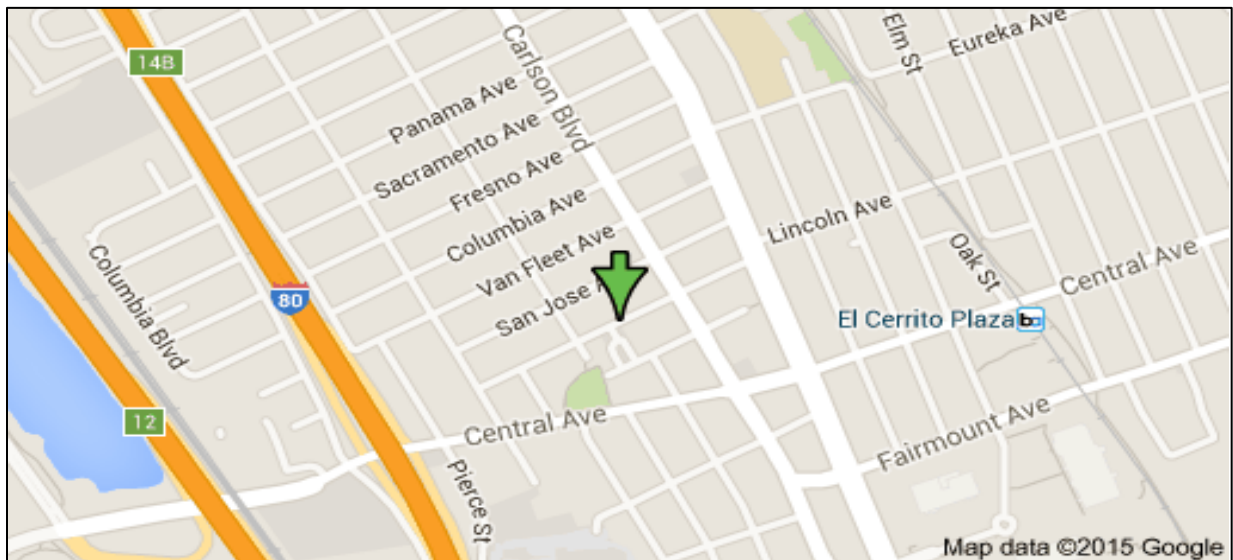
Therefore, this report is not intended to meet the requirements of a Closure Impact Report (CIR) as described under California Government Code 65863.7. Rather this report has been prepared to provide an analysis of the existing conditions of the land including known information regarding the current and former tenants and to describe the assistance provided to them by the Land Owner. This report present's OPC's professional, non-legal, opinions of the obligations the Developer has and does not have in connection with the election of the Land Owner to cease the operation of the its business on the Land. The Developer has no ownership interest in the Land.

### **Existing and Previous Conditions, Tenant and Trailer Information**

#### **Subject Site Location**

The Subject Site is located in El Cerrito. El Cerrito is a city located in western Contra Costa County. The Land is generally located between I-80 and Carlson Boulevard on El Dorado Avenue in the central portion of El Cerrito.

**Figure 1: Park Location**



## Subject Site Description

The Subject Site consists of 28 travel trailer and RV spaces. The Subject Site's assessor parcel number is 510-037-028. The site consists of approximately 25,000 square feet (0.57 acres) of land. The site has residential duplex and related improvements for this type of structure and for the RV/travel trailer spaces. Improvements include asphalt paving and drains for the RV spots. Presently only 8 spaces are occupied and have trailers located on them.

**Figure 2: Parcel Map**



## Current and Former Tenants

Based on a review of information provided by the Owner's (or Owner) representatives including legal counsel and the former Manager, there were approximately 27 spaces occupied on or around December 14, 2014. Of these 27, two were occupied by overnight users and 25 by longer term occupants. The spaces were occupied by an estimated 33 persons. Information pertaining to the age, race/ethnicity, income, language requirements or special needs of the residents has not been obtained on a per occupied trailer (i.e. RV) basis.

The Owner's Representatives were able to ascertain during meetings with the tenants that some are likely over the age of 62 and have disabilities. No persons under the age of 18 are or were believed to be occupying the Land. Based on review of the tenant

information provided by the Owner's Representative there are and/or were persons occupying the Land presumed to be of Hispanic origin.

### **Remaining RV Characteristics and Space Rent**

In general the primary difference between a mobile and an RV is that mobile homes are described in Section 18008 of the California Health and Safety Code as a structure constructed prior to 1976, can be transported in one or more sections, and are 8 feet wide or wider and 40 feet long or longer. RV's (including trailers) generally are 400 square feet or less are self-propelled, truck mounted, or haulable. The park contains(ed) no mobile homes. Only travel trailers and other types of RVs were or are present on the Land.

According to the Owner's representative, space rents are in a range of \$575 - \$795 per month (Attachment A provides the rent by space).

OPC conducted a "windshield" assessment of the vehicles in December of 2015. OPC obtained model information. The model years were not determined. The trailers are believed to mostly 1980's and 1990's vintage, with one vehicle possibly being of 2000's vintage. Estimated values cannot be determined with the limited information.

OPC has assessed all vehicles to be in at least fair condition. All trailers appear to clean, well kept, and moveable. Table 1 below includes the information OPC was able to gather.

**Table 1: Existing Coach Information**

Space	Model or Description	RV Type	Condition
10	Dodge country square (sportsman)	Motor Home/Truck camper	Fair-Presume Moveable
11	Loyton Celebrity	Travel Trailer	Good-Presume Moveable
12	Nomad	Travel Trailer	Good-Presume Moveable
21	Lakota by Mukarazi	Travel Trailer	Good-Presume Moveable
24	Wilderness Yukon (Fleetwood)	Travel Trailer	Good-Presume Moveable
25	Resort by Fleetwood	Travel Trailer	Fair-Presume Moveable
36	Montana (newest one onsite)	Travel Trailer	Good-Presume Moveable
37	Executive	Travel Trailer	Good-Presume Moveable

**Remaining Tenant Relocation Information**

On March 15<sup>th</sup> and 21<sup>st</sup>, 2016 OPC made contact with the eight remaining tenants. OPC queried these tenants on their relocation plans including whether they had located a new RV space or other type of housing, the rent and location, their timeline to vacate the Park, whether they have received funds for relocation, and what challenges they may be encountering in relocating.

Plans for Relocating RV: Of the 8 tenants spoken with, five plan to move their RV’s to other parks, one has sold their RV, and two have arranged to leave their RV in the Park for the Owner to dispose of.

Plans for Relocating to Other RV Park: Of the five that will move their RVs, two have leased space at a new RV park; one at Trade Winds in Vallejo and the other at an undisclosed RV park near El Cerrito. New rents for them range from \$650-\$800 plus utilities.

The other three tenants who plan to move their RVs are still looking for a new space. One is considering parks in San Leandro and San Pablo, one is looking for space in

Concord, Pittsburgh, and Vallejo, and the other is looking for space anywhere in the Bay Area. These tenants provided that rents range from \$700-\$800 per month based on their searches for new space.

Two tenants stated they would move by the deadline, two tenants plan to vacate by the end of March, and the other tenant plans to vacate by the end of April. All have received financial assistance under agreement with the Owner. The terms of these agreements are explained later in this report.

*Plans for Relocating to Other Types of Housing:* Of the three tenants not planning to move their RVs, one tenant has acquired replacement housing in Emeryville, one is seeking senior housing between the Bay Area and Southern California, and the other is seeking housing in Alameda and Contra Costa Counties. The tenants seeking housing indicated they would like more assistance locating housing; one tenant has applied but for housing but has been placed on waitlists that have 1 to 2 year backlogs.

Two tenants plan to vacate by the end of April and the other will vacate once they have secured replacement housing. All have received financial assistance under agreement with the Owner. The terms of these agreements are explained later in this report.

### **Former Tenant Relocation Information**

Of the 28 total spaces, 20 have been vacated. All 20 former tenants removed their own vehicles from the Land at their own expense and either moved them to another facility or disposed of the trailer. As previously stated there are 8 spaces remaining occupied.

Utilizing phone numbers provided by the Owner's Representative OPC placed phone calls to the former occupants not represented by legal counsel. OPC made three attempts of contact former occupants the weeks of February 15 and 22<sup>nd</sup> of 2016.

The results of OPC's contact attempts are provided below in Table 2. Details regarding the current and former tenants are provided in Attachment A.

OPC attempted to contact 12 of the 20 former tenants. Only three persons were responsive to OPC's outreach. Of these three, two declined to participate. Eight were



not reached due to wrong numbers or un-returned calls. Phone numbers were not available and could not be further obtained by OPC through reverse search attempts for six former tenants, one former tenant vacated prior to December 14 and 2014 and one had been evicted since December 14, 2014.

**Table 2: OPC Contact Results**

Contacts Available	12
Contact Not Available	8
Represented by Counsel	8
<b>Total</b>	<b>28</b>

No affirmative information was collected with the exception of the former park manager who purchased a home and moved to West Sacramento, CA and one former tenant who moved to San Pablo initially and now resides in Needles, CA. It was reported by the Owner’s Representatives that 8 of the former tenants relocated their RV’s to other parks in Castro Valley, Concord, and Petaluma. One tenant relocated to an apartment or house in El Sobrante. Lastly, one was reported to have moved to the eastern United States. The tenants new rent and relocation cost was not available to OPC.

**RV Park Closure Requirements**

**California Mobile Home Park Residency Law versus RV Park Residency Law**

California Civil Code Division 1, Part 2, Title 2 commencing with Section 798 (Mobile Park Residency Law) is not applicable to RV parks. California Civil Code Division 1, Part 2, Title 2.6 commencing with Section 799.2 (Recreational Park Residency Law) is applicable to RV parks.

**Closure Impact Report**

In accordance with California Government Code 65863.7 when a mobile home park is closed or its use is changed a CIR is required and local public agency has the

responsibility to directly impose this requirement. A CIR assesses the impacts of the closure on the parks tenants and describes the manner in which the tenants will be assisted in the closure process including potential relocation assistance. The Subject Site is an RV park not a mobile home park. A CIR is not required for RV park closures. RV Park Residency Law does not provide any requirement to assess the closure impacts of an RV park on the tenants, or provide mitigation measures similar to what is required by California Government Code 65863.7.

Based on OPC's analysis there are no provisions in California Civil, Government Code, Health Code, applicable Contra Costa County Codes, or El Cerrito City Ordinances that impose a CIR requirement and mitigation measures applicable to RV parks. There are no requirements under applicable law that suggest or require that long-term tenants of an RV park or persons who may be low-income or disabled any special rights in connection with a Land Owner's election to close down its RV park business.

### **Termination of Tenancy Notification**

The advanced notice required for termination of tenancy is 60 days under California Civil Code 799.70 (g). The noticing requirements provided under California Civil Code 798.56 (g) (2) are not applicable to RV parks.

### **Impact Mitigations and Relocation Assistance**

There are no public funds being used in the Developer's project. The closure of the Subject Site is not subject to California Government Code Section 7260 (California Relocation Assistance Law).

The Developer has no legal obligation to assess relocation impacts or provide any relocation assistance to the Park's tenants. The Park is required to be completely vacated prior to the close of escrow of the property, which will transfer ownership to the Developer.

## **Relocation Assistance Process and Program Provided**

The Owner (with no obligation to do so under any State of California, County of Contra Costa or City of El Cerrito law, statute or regulation) has and is providing assistance to the former and current tenants of the Land.

### **Outreach and Notification Process**

In February of 2015 the Owner and his representatives conducted a tenant meeting to explain the forthcoming closure, the noticing procedures and expectations to the tenants.

On April 22, 2015, the Owner distributed the 60-day Notice of Termination of Tenancy as required under 799.70(g). Under Recreational Park Occupancy Law this is the notice required along with notification of the closure of the Owner's business to the State of California (State). The Owner has submitted notification of the closure to the State.

A second meeting was conducted with the remaining tenants on July 20, 2015. No additional group meetings to discuss the closure process have been conducted since this date with the exception of a meeting between the remaining tenants, their legal counsel and the counsel of the current Owner in October of 2015. During the October 2015 meeting the Owner agreed to enter into assistance agreements with the remaining 8 tenants.

In November of 2015 legal counsel for the remaining tenants requested additional time in light of the fact that development of the site would not commence for two to three months. The Owner agreed to extend the date for vacating the land.

### **Tenant Relocation Assistance Provided by Current Owner**

During the summer of 2015 the Owner provided the following assistance to the remaining tenants.

- Referrals to available RV spaces in nearby cities including Rodeo and Vallejo. Referrals included the location, rent and contact information for the property.

- Referrals to senior housing properties in Contra Costa County. Referrals included the location, rent and contact information for the property.

The Owner has agreed to an extension of time for the remaining 8 tenants to relocate. Under previous agreement the tenants were to vacate the park by January 31, 2016. The remaining tenants are now expected to have until April 30, 2016 to vacate. Final agreements have been negotiated and signed with all of the 8 remaining tenants.

Under the eight original agreements, the Owner provided the following assistance to the remaining tenants:

- Move vehicles up to 50 miles from the Subject Site. Vehicles must be operable and in good working order to be moved. Alternately the trailer can be abandoned and the owner will incur any costs associated with the disposal of the coach. Estimated value of this assistance is approximately \$1,500.
- Waiver of space rent for a period of up to two months. Value of this waiver would range from \$1,150 to \$1,590 if the tenant moved at the end of the two month period. In cases where back rent is owed to the owner; the rent waiver is used to recover the back rent.
- Lump sum payment of at least \$4,000 upon the tenant entering into the agreement with the owner. If the tenant moves out by the date indicated in the agreement they would receive an additional \$1,000 and the total relocation payment would be increased to \$5,000.

The proposed new agreement would provide all of the aforementioned assistance to each of the 8 remaining tenants and would increase the rent waiver from two months to up to six months. The increase of time would result in an additional cash benefit of \$2,500 to \$3,180 to each of the tenants. The rent waiver value is only reduced if the tenant moves prior to the end of the 6 month period between November 2015 and April 2016.

## **Relocation Cost Estimate**

OPC estimates that the owner could pay between \$64,730 and \$84,730 in total assistance to the 8 tenants which includes the estimated cost to move their vehicle, the rent waiver value (which could be reduced if the tenant moves earlier than April 30, 2016), and lump sum relocation payment (which may not be maximized if the tenant does not move by April 30, 2016). The median value of the relocation assistance to the tenants is between \$8,110 and \$10,610.

In comparison, a person displaced from a mobile home park who owns their unit would only receive the reasonable relocation cost to move the mobile home. Based on OPC's experience working on mobile home park closures in the San Francisco Bay Area, moving costs have ranged between \$2,500 and \$5,000 for a single wide mobile home. The costs to dismantle, transport and re-embed the coach in a new park are included in these ranges. In cases where the vehicle can't be moved, the trailer owner may only receive the salvage value of the coach, which can in some cases be just several hundred dollars.

In cases where a mobile home park parcel is being subdivided a jurisdiction has legislative authority to impose a higher level of assistance on the subdivider. There is no such legislative authority with respect to RV parks.

The Owner has already voluntarily imposed additional requirements upon itself beyond its obligation under RV Park Occupancy Law. The owner, at this stage in the process, could have simply evicted the remaining tenants who did not comply with the Termination of Tenancy Notice and no compensation would be owed.

The Developer has no obligation to provide any relocation assistance in OPC's opinion.

## **Replacement Housing Resources**

As previously noted, the current owner provided referrals to RV and mobile home parks that may accept RVs as well as senior housing. This was not a requirement imposed by

any regulation or code. The Developer is also under no legal or statutory requirement to provide referrals to replacement housing.

Per the request of the City, OPC has conducted a limited housing resource survey of available spaces that may accommodate an RV as well as affordable housing units within 25 Miles of Audiss RV Park. This is not intended to be a comprehensive search, is not based on any verified needs of the tenants, is subject to change, and the availability of resources cannot be guaranteed. The results of this search are located in Attachment B.

### **Conclusion**

As noted in this report, it is OPC's opinion that a CIR is not be required for the closure of this RV Park. Neither the City of El Cerrito, County of Contra Costa or the State of California have any substantive and prescribed or mandated requirements to either prepare a CIR or provide any mitigation measures to assist the tenants who's tenancy is being terminated by the closure and redevelopment of the park.

The prescribed procedures under California RV Park Occupancy law have been followed by the current owner, who voluntarily is providing reasonable assistance to help the current tenants relocate.

OPC has made reasonable attempts to ascertain information regarding the former tenants and no further contact is presumed to be beneficial or will attain any additional information needed.

The Developer has no obligations to provide assistance. OPC has no recommendations for any mitigation measures to be provided by the Developer in this matter given the lack of substantive requirements that mitigation measures should be proposed for this type of closure.

## **Attachment A: Park Tenant Contact Details and Relocation Information**

<b>Audiss Space #</b>	<b>Rent</b>	<b>Phone Number Availability</b>	<b>Year Entered Park</b>	<b>Date/Time Frame Moved From Park</b>	<b>Contact Made</b>	<b>Relocation Outcome - Initial Notes</b>	<b>Relocation Assistance Provided</b>
11 - Former	\$750	Available	2008	Not Available	No Longer Residing at Property. Current whereabouts unknown.	Moved to apartment in El Sobrante. Property name unknown.	None.
11 - Current	\$750	Represented by Counsel	2013	Still Occupying.	Interviewed by Owners Rep.	Plans Pending.	Assistance provided under agreement.
12	\$575	Represented by Counsel	1998	Still Occupying.	Interviewed by Owners Rep.	Still Occupying. Plans Pending.	Assistance provided under agreement.
13	\$575	Over Night Occupant	Jan-14	Not Available	Not Attempted.	Over-nighter	None.
14	\$595	Available	2002	Not Available	Did Not Call. Was Evicted.	Tenant Evicted	None.
15	\$575	Available	2002	Not Available	Party answering claimed wrong number. No other contact available.	Unknown	None.
16	\$750	Represented by Counsel	2007	Still Occupying.	Interviewed by Owners Rep.	Plans Pending.	Assistance provided under agreement.
19	\$750	No Information Available	2012	Unknown	No Information Available – Could Not Contact.	Unknown	None.
20	\$595	No Information Available	2013	Aug-13	No Information Available – Could Not Contact.	Unknown	None.
21	\$595	Represented by Counsel	1989	Still Occupying.	Interviewed by Owners Rep.	Plans Pending.	Assistance provided under agreement.
22	\$750	Available	2009	Unknown	Contacted. Declined to participate.	Moved to Castro Valley. Property Information Not Made Available.	None.
23	\$750	Contact Provided	2007	Unknown	Number Disconnected. No Other Contact Available.	Unknown	None.



24	\$695	Represented by Counsel	2007	Still Occupying.	Interviewed by Owners Rep.	Plans Pending.	Assistance provided under agreement.
25	\$695	Represented by Counsel	2003	Still Occupying.	Interviewed by Owners Rep.	Plans Pending.	Assistance provided under agreement.
26	\$695	Over Night Occupant	Jan-14	Not Available	Not Attempted.	Over-nighter	None.
27	\$750	Available	2009	Unknown	Left Messages. No Response.	Unknown	None.
28	\$750	No Information Available	Unknown	Unknown	No Information Available – Could Not Contact.	Unknown	None.
29	\$750	No Information Available	Unknown	Unknown	No Information Available – Could Not Contact.	Unknown	None.
30	\$750	Available	2013	11/1/2013?	Party answering claimed wrong number. No other contact available.	Unknown	None.
31	\$750	No Information Available	Unknown	Unknown	No Information Available – Could Not Contact.	Unknown	None.
32	\$750	Available	Unknown	Unknown	Contacted. Declined to participate.	Possibly moved to Petaluma. No additional information available.	None.
33	\$750	Available	Unknown	Unknown	Busy number. No contact made.	Moved to San Pablo. No property information available.	None.
34	\$750	Available	Unknown	Feb. 2015	Responsive to contact.	Moved to San Pablo first. Currently in Needles, CA. No details provided.	None.
35	\$675	Available	Unknown	Oct-13	Not responsive to contact.	Moved to Concord	None.
36	\$795	Represented by Counsel	Still Occupying.	Plans Pending.	Interviewed by Owners Rep.	Unknown	Assistance provided under agreement.

37	\$675	Represented by Counsel	Still Occupying.	Plans Pending.	Interviewed by Owners Rep.	Unknown	Assistance provided under agreement.
Mgr Space	\$0	Available	Unknown	Unknown	Responsive to contact.	Purchased home and moved to West Sacramento.	None.
No Space # Provided	\$750	Not Available - Listing Search Not Conclusive	Unknown	Unknown	No listing	Returned to eastern U.S. to own home.	None.

## **Attachment B: Replacement Housing Resources**

**Affordable Housing Properties Accepting Applications for Lease or  
With Open Waitlists \***

<b>Property Name</b>	<b>Address</b>	<b>Location</b>	<b>Occupancy Requirements</b>	<b>Availability @ Time of Survey</b>	<b>Rent</b>	<b>Distance From Audiss</b>
Park Alameda	2428 Central Avenue	Alameda	Income Restricted	Waitlist Open	Based on 30% of household income	13 Miles
Caldera Place	2401 Bonifacio Street	Concord	Income Restricted	Units Available	Based on 30% of household income	25 Miles
Lakeside	1897 Oakmead Drive	Concord	Income Restricted	Units Available	Based on 30% of household income	25 Miles
Riley Court	2061 Riley Court	Concord	Income Restricted	Units Available	Based on 30% of household income	25 Miles
Virginia Lane	1121 & 1140 Virginia Lane	Concord	Income Restricted	Units Available	Based on 30% of household income	25 Miles
Idaho	10203 San Pablo Avenue	El Cerrito	Income Restricted	Waitlist Open	Based on 30% of household income	0.2 Miles
Bay Bridge	1034 36th Street	Emeryville	Income Restricted	Waitlist Open	Based on 30% of household income	7 Miles
EC Magnolia	22880 Watkins Street	Hayward	Income Restricted	Units Available	Based on 30% of household income	23 Miles
Berrellesa Palms	310 Berrellesa Street	Martinez	Income Restricted	Units Available	Based on 30% of household income	24 Miles
Emerson Arms	326 Ward Street	Martinez	Income Restricted	Units Available	Based on 30% of household income	23 Miles
River House Hotel	700 Alhambra Avenue	Martinez	Income Restricted	Units Available	Based on 30% of household income	22 Miles
East Mont Court	6850 Foothill Boulevard	Oakland	Income Restricted	Waitlist Open	Based on 30% of household income	14 Miles
The Altenheim	1720 MacArthur Boulevard	Oakland	Income Restricted	Waitlist Open	Based on 30% of household income	11 Miles
Fox Courts	555 19th Street	Oakland	Income Restricted	Waitlist Open	Based on 30% of household income	8 Miles

Monte Verde Senior Apartment	2 Irwin Way	Orinda	Income Restricted	Waitlist Open	Based on 30% of household income	14 Miles
Church Lane	2555 Church Lane	San Pablo	Income Restricted	Waitlist Open	Based on 30% of household income	5 Miles
Sereno Village	750 Sereno Drive	Vallejo	Income Restricted	Units Available	Based on 30% of household income	20 Miles
Villa Vasconcellos	1515 Geary Road	Walnut Creek	Income Restricted	Units Available	Based on 30% of household income	22 Miles

*\*At time of intial call all properties had either available units or open waitlist. Availability subject to change. Properties subject to no availability and closed waitlist without notice.*

### Parks Accepting RV's Within 25 Miles

Park Name	Distance from Audiss	Lots Available @ Time of Survey	Approximate Rent Range *
Marlins RV Park 381 Arthur Road Martinez, CA 94553	24 Miles	Yes	\$600-\$600
Rodeo Mobile Home and RV Park 339 Parker Avenue Rodeo, CA 94572	12 Miles	Yes	\$800-\$900
Trailer Haven Inc. 2399 East 14th Street San Leandro, CA 94577	19 Miles	Yes	\$900-\$1000
Lemon Tree Trailer Park 1750 Lemon Street Vallejo, CA 94590	17 Miles	Yes	\$500-\$600
Tradewinds Mobile Home Park 239 Lincoln Road West Vallejo, CA 94590	16 Miles	Yes	\$500-\$600
Vallejo Mobile Home Community & RV Park 1867 Broadway Street Vallejo, CA 94589	20 Miles	Yes	\$500-\$600

***\* Availability, rent ranges, and permission to emplace RV's are subject to change without notice.***