



# City of Carson Report to Mayor and City Council

December 4, 2012  
New Business Consent

**SUBJECT: CONSIDER APPROVAL OF PARCEL MAP NO. 067049: CONVERSION OF THE COLONY COVE MOBILEHOME PARK TO RESIDENT OWNERSHIP FOR THE PROPERTY LOCATED AT 17700 AVALON BOULEVARD**

*Farrokh Abolfathi*

Submitted by Farrokh Abolfathi  
Acting Director of Public Works

*David C. Biggs*

Approved by David C. Biggs  
City Manager

## **I. SUMMARY**

Colony Cove Mobilehome Park is an existing rental park located at 17700 Avalon Boulevard (Exhibit No. 1). On October 20, 2009, the City Council approved Colony Cove Properties, LLC, ("Colony Cove") Tentative Parcel Map 067049, a proposed conversion of the Colony Cove Mobilehome Park from a rental park to resident ownership (Exhibit No. 2). The proposed conversion would allow each existing household the option to either purchase the condominium or subdivision unit, or to continue residency as a tenant. The City Council approved the Tentative Parcel Map 067049 application subject to the conditions of approval contained in Exhibit "B" of Resolution No. 09-108 adopted by the City Council (Exhibit No. 3).

The County of Los Angeles Department of Public Works (COLA/PW) and the City of Carson Engineering Services Division have reviewed Parcel Map 067049. On November 27, 2012, the COLA/PW recommended approval of the map (Exhibit No. 4). Staff requests that the City Council approve Parcel Map No. 067049 for a conversion of the Colony Cove Mobilehome Park to resident ownership.

## **II. RECOMMENDATION**

TAKE the following actions:

1. APPROVE Parcel Map No. 067049, located at 17700 S. Avalon Boulevard.
2. MAKE the findings listed in the body of this report.
3. ACCEPT the dedications as indicated on said map.
4. APPROVE and ACCEPT the subdivision work agreements and improvement bonds/securities listed in the body of this report, following approval as to form by the City Attorney.
5. INSTRUCT the City Clerk to endorse the certificate that embodies the approval of said map on the face of Parcel Map No. 067049.

6

6. AUTHORIZE to administratively approve the CC&R and Subdivision Agreement to the satisfaction of the Planning Officer and the City Attorney.

### **III. ALTERNATIVES**

None. The Subdivision Map Act requires that the City Council approve the final map once all conditions have been met.

### **IV. BACKGROUND**

Colony Cove is an existing mobilehome park containing 404 units with an additional 21 potential units permitted under a previously approved permit (Modification to Special Use Permit No. 106-74). The subject property is approximately 52 acres in size, and located at 17700 Avalon Boulevard.

On October 20, 2009, the City Council approved Colony Cove's Tentative Parcel Map 067049, a proposed conversion of the Colony Cove Mobilehome Park located at 17700 Avalon Boulevard, from a rental park to resident ownership. The proposed conversion would allow each existing household the option to either purchase the condominium or subdivision unit, or to continue residency as a tenant. The City Council approved the Tentative Parcel Map 067049 application subject to the conditions of approval contained in Exhibit "B" of Resolution No. 09-108 adopted by the City Council.

The map is determined to be consistent with the requirements set forth in the Carson Municipal Code. The project has been reviewed in accordance with the California Environmental Quality Act (CEQA). Planning Division staff has reviewed the potential environmental impacts of the proposed project and finds that pursuant to Section 15282(e) of the CEQA, a conversion of a rental mobilehome park to a condominium subdivision is deemed exempt from further environmental review as the proposed project will generate no significant environmental impacts.

At this time, Colony Cove has complied with a majority of the conditions of approval of Tentative Parcel Map. Certain conditions related to offsite improvements and the testing and re-abandonment of oil wells cannot be performed at this time. However Performance and Labor & Material Bonds for the required offsite improvements have been submitted to the City by the developer in order to ensure completion of the required public improvements according to City policy. In addition, a Subdivision Agreement, and appropriate CC&Rs have been executed, recorded against the property and submitted to the City in order to ensure compliance with the conditions of approval for the Parcel Map. These documents are available in the City Clerk's Office for review.

Prior to recordation, the following findings must be made that:

- a. The project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act.

- b. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any Specific Plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code.
- c. The development of the property, in the manner set forth on the subject division of land, would not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights-of-way and/or easements within the subject division of land, pursuant to Sections 66436 (a) 3A (I-VIII) of the Subdivision Map Act.

The final map has been reviewed, and on November 27, 2012, the City received a letter from COLA/PW recommending approval of the map. Staff concurs with the County's recommendation and requests that the City Council approve Parcel Map No. 067049 for the proposed conversion of the Colony Cove Mobilehome Park from a rental park to resident ownership.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

- 1. Location Map (pg. 5)
- 2. Excerpt of minutes, dated 10/20/09, City Council (pgs. 6-13)
- 3. Resolution No. 09-108 (pgs. 14-25)
- 4. Letter dated 11/27/12 from the COLA/PW (pg. 26)

\\CARSON\_NAS\DevSvrs\ENGINEERING DIVISION\Agenda\Tract - Parcel\PARCEL\PARCEL 067049\12-04-12 CC\_PARCEL MAP 67049\_APPROVAL\_FINAL.DOC

Prepared by: Gilbert M. Marquez, P.E.

TO: Rev09-04-2012

Reviewed by:

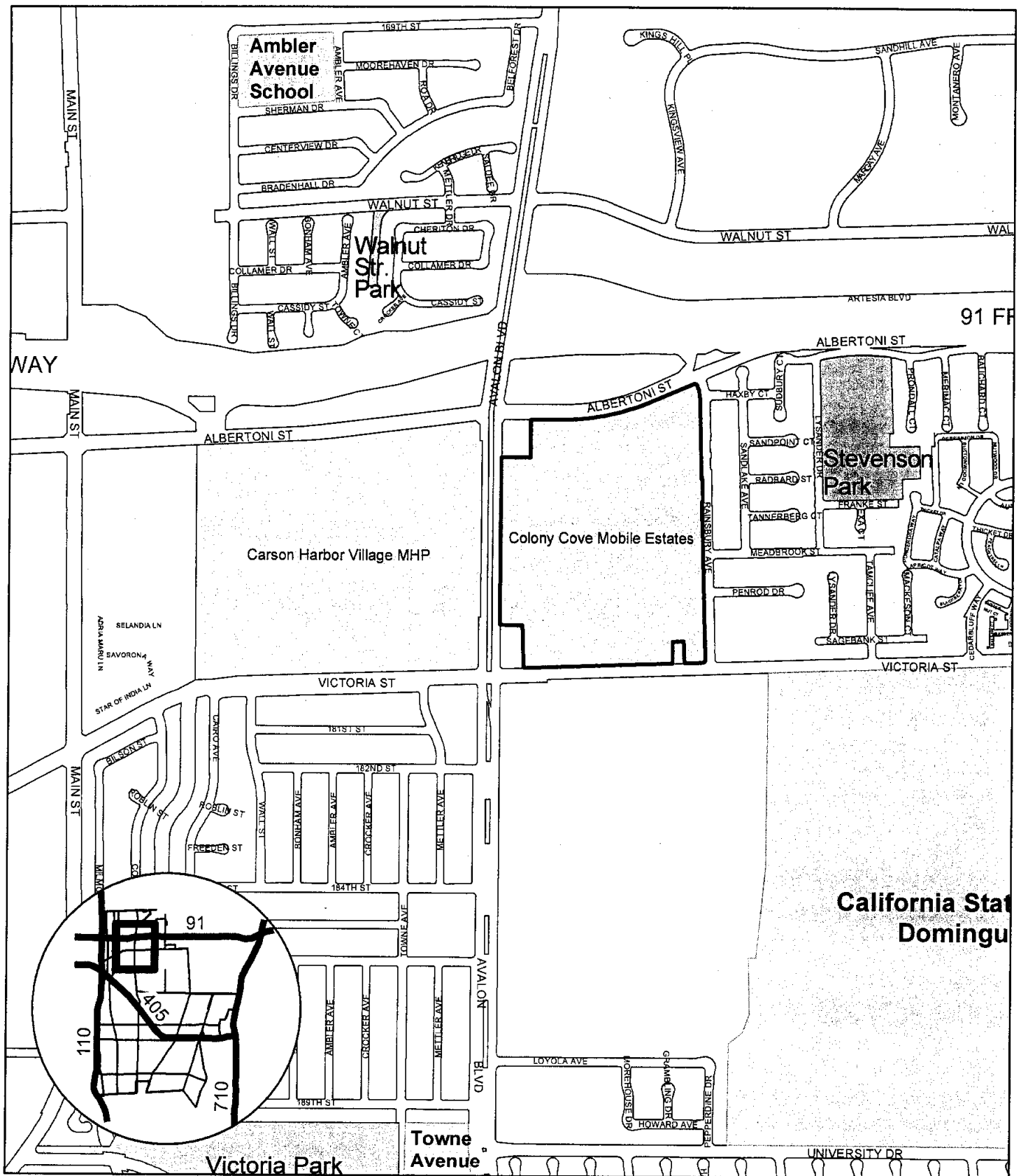
City Clerk	City Treasurer
Administrative Services	Public Works

Community Development	Community Services
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**Action taken by City Council**

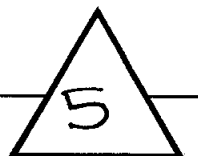
Date\_\_\_\_\_ Action\_\_\_\_\_

\_\_\_\_\_



**Location Map**  
**Parcel Map 067049**  
**Colony Cove Mobile Home Park**  
**17700 Avalon Blvd**

**EXHIBIT NO. 1**



Ayes: Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Santarina, Council Member Gipson, and Council Member Ruiz-Raber  
Noes: None  
Abstain: None  
Absent: None

**SPECIAL ORDERS OF THE DAY (Item 17)**

Any person wishing to testify is requested to complete a speaker card, available on the podium in the Council Chambers. **TESTIMONY WILL BE LIMITED TO THREE MINUTES PER PERSON.** Any subject of controversy will be limited to a total of fifteen minutes of testimony per side; those wishing to address the Council are requested to select three speakers to represent your opinion.

**ITEM NO. (17) CONTINUED PUBLIC HEARING TO CONSIDER A REVERSAL OF THE PLANNING COMMISSIONS'S DENIAL OF TENTATIVE PARCEL MAP NO. 067049 AND ADOPTION OF RESOLUTION NO. 09-108 TO APPROVE A CONVERSION OF THE COLONY COVE MOBILEHOME PARK TO RESIDENT OWNERSHIP FOR THE PROPERTY LOCATED AT 17700 AVALON BOULEVARD**

This item was heard at 7:56 P.M., after No. 21.

**Continued Public Hearing**

Mayor Dear declared the Continued Public Hearing open regarding **TO CONSIDER A REVERSAL OF THE PLANNING COMMISSIONS'S DENIAL OF TENTATIVE PARCEL MAP NO. 067049 AND ADOPTION OF RESOLUTION NO. 09-108 TO APPROVE A CONVERSION OF THE COLONY COVE MOBILEHOME PARK TO RESIDENT OWNERSHIP FOR THE PROPERTY LOCATED AT 17700 AVALON BOULEVARD**

**City Clerk's Report**

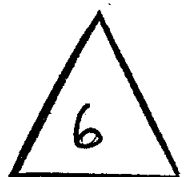
City Clerk Kawagoe reported that no additional notices were required and one (1) new written communication was received via electronic mail from Christine Gaunder, 17700 Avalon Boulevard, No. 28, Carson, California 90746, requesting that the City Council continue to support the residents and do the right thing by denying the conversion, based on unfulfilled promises.

Mayor Dear directed that the written communication from Ms. Gaunder be made part of the record.

**Staff Report**

Planning Officer Repp-Loadsman summarized the staff report and recommendation and provided a status report regarding settlement discussions.

(Mayor Pro Tem Davis-Holmes exited the meeting at 7:59 P.M.)



City Attorney Wynder apprised the City Council that action on the item before the City Council must be taken this evening.

(Mayor Pro Tem Davis-Holmes reentered the meeting at 8:01 P.M.)

Planning Officer Repp-Loadsman encouraged the residents at Colony Cove to contact staff should they have any questions regarding the conversion laws.

### **Administration of Oath**

Mayor Dear requested that all persons wishing to testify to stand and take the Oath, which was administered by City Clerk Kawagoe.

### **Public Testimony**

Shirley Holte, 17700 S. Avalon Boulevard, No. 200, Carson, California 90746, representing H.A.T. Colony Cove Homeowners Association, informed the City Council that a Unity Team was established at the request of the City of Carson to negotiate in good faith with the attorney's of Mr. Goldstein; however, no response was received. The residents want Colony Cove to remain as it is, and they are not happy.

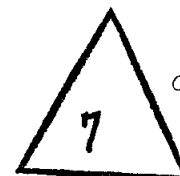
Bonnie Coombs, 17700 S. Avalon Boulevard, No. 196, Carson, California 90746, offered the following comments: 1) that she was angry and did not want the conversion; 2) that she was part of the Unity Team, who did not want the conversion; 3) that Mr. Goldstein had applied for a rent increase and that residents were already paying what they could; 4) that amenities were taken away, such as, a locked clubhouse and that reservations were required. Consequently, a lady who likes to play the piano daily will be unable to do so; 5) that there was a trash problem; 6) that their rights were being taken away; and 5) that she objected to closed discussion regarding Colony Cove.

At the request of Mayor Dear, City Attorney Wynder and Mr. Casparian discussed the comments offered by Ms. Coombs and the agreement for confidentiality.

Bill Smalley, 17700 S. Avalon Boulevard, No. 111, Carson, California 90746, acknowledged the diligence of the City Council, City Attorney, and staff to arrive at a reasonable conclusion to this matter. He offered general comments regarding the settlement negotiations and voiced his displeasure with the treatment of the residents by Mr. Goldstein. He urged the City Council to take the necessary action this evening to avoid further lawsuits.

Mayor Dear reported that Paul Emerson felt that Ms. Coombs had expressed his sentiments.

Terri Forsythe, 17700 S. Avalon Boulevard, No. 282, Carson, California 90746, offered the following comments: 1) that the conversion would cause the residents to lose the equity in their homes and that equity would have paid for their assisted living when their time came' 2) that the clubhouse was locked without notification or approval and caused her to use another entrance for



her electric scooter and that she had injured her hand; 3) that the woman who played the piano daily was no longer able to enter the clubhouse; 4) that Colony Cove was being raped by a greedy man who does not negotiate with the City of Carson; 5) requested that the City Council pursue this matter up to the Supreme Court to stop this matter from having a domino effect in California and the country; 6) that seniors were not receiving information and were scared about their future; 7) acknowledged that the City of Carson was forced to approve the conversion, but litigation should continue; 8) that the rental increase application was wrong and would take more money from residents living on fixed incomes; 9) that it was disconcerting to learn that four staff members had gone to the home of Mr. Goldstein to meet with him and should not have happened; 10) that there were no on-site managers at Carson Harbor Village or Colony Cove; 11) there were racing cars in the park with no one to stop them; 12) that the jeep vehicles were eliminated and, now, trash trucks were cracking the streets in the park; and 12) requested that the City Council help the residents.

Robert Lesley, P. O. Box 11164, Carson, California 90749, expressed his sympathies to the residents who expressed their concerns this evening. He inquired whether this item would impact all of the seniors living there or was there a provision in State Law to protect the welfare of the low-income residents.

At the request of Mayor Dear, City Attorney Wynder reported that upon close of the first escrow, the entire park converts and comes out from under the provisions of Carson's rent control ordinance and becomes subject to State Law. With respect to State Law, for low and very low-income residents, regardless of age, the law provides that the residents of those spaces who elect not to purchase their space, the rent paid will be the prevailing rate or the adjustment in the average rent increase which have occurred in the park over the past four years. The vast majority of people who will likely need an adjustment based on changes in the Consumer Price Index. Low and very low-income residents were defined in State Law, depending on the number of persons in a household. Residents who live there and never purchase their spaces will pay rent based upon that formula. For residents in moderate income categories or above, the prevailing rent on the date of conversion will be the then prevailing rent in place and that rent will be adjusted according to a State Law formula in five equal increments up to an appraised fair market rent. At that point, then rents will be set by the prevailing fair market rents and those are largely defined by what a willing landlord and a willing tenant will agree to pay. There is no requirement that a space be purchased. There is no penalty for choosing to remain as a tenant.

Miriam Vazquez, 21413 Martin Street, No. C, Carson, California 90745, stated that she was saddened to hear about the treatment of mobilehome residents. She felt that something could be done to help the residents, briefly discussed the senior housing development being constructed, and requested that the City Council consider her comments.

Frances Mooney, 17700 S. Avalon Boulevard, No. 170, Carson, California 90746, reiterated her request for the 90-day period for Right of First Refusal be changed to 180 days and the response of Sue Loftin agreeing to the change. This matter was documented in the Planning Commission minutes of August 11, 2009, included in this evening's staff report on Triangle Page No. 65, Page





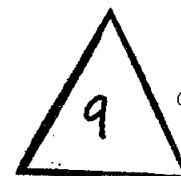
Nos. 8 and 9 of the minutes. She requested that the change be incorporated into the settlement agreement.

At the request of Mayor Dear, City Attorney Wynder reported that subject change was an item under negotiation and could not be decided this evening.

Thomas Casparian, 1299 Ocean Avenue, Santa Monica, California 90401, representing Colony Cove, Ltd., stated that he had testified at the opening of the hearing and offered the following comments:

- Expressed his concurrence with the staff's report and recommendation for approval.
- Raised a question as to the conditions of approval, several of which were listed in the staff report. He referred to discussions between his office and the Planning Department over the removal of some of the conditions and was not sure how the conditions were reflected in this evening's resolution and public hearing. Whereupon, Planning Officer Repp-Loadsman reported that a memorandum and a revised resolution and conditions of approval were provided this evening to the City Council and made part of the record and that the applicant had received a copy of the resolution and revised conditions of approval. Mr. Casparian noted for the record that there was a disagreement as to one of the conditions which required a Geology and Soils Report prior to recordation of the final map. The condition was inapplicable because there was no construction being done at the park, and it was not a legal condition in light of the exclusive jurisdiction of the state agency and the narrow ability of the City's ability to condition in light of Section 66427.5 of the Government Code.
- Acknowledged that a lot of fear was expressed this evening and with fear comes anger and that the fear expressed was unwarranted; not based on fact; and not based on experience. It was based purely on misinformation and misunderstanding.
- Noted that as a result of the recent Federal Ninth Circuit court decision in the case of *Guggenheim v. City of Goleta* which finds cities liable for property taking in the context of mobilehome park rent control where there is no vacancy decontrol, as to the situation in Carson, this conversion represented the most reliable form of mobilehome park rent control for the future, as explained by the City Attorney, for low-income residents in the future and for as long as they live in the park their rent will not increase any faster than it has under the last four years of Carson rent control or any faster than the CPI increase, whichever is less. They were protected from high rent increases. As for those residents above low income and have greater ability of affordability, as was explained before, that rent will step up slowly to fair market value; no more, no less.
- That approval this evening would allow the applicant and the City to move forward in a more productive and positive manner and would be in the best interests of all parties.

Dr. Rita Boggs, 21328 Island, Carson, California 90745, encouraged the resident to have hope and to not give up.



Wilma M. Wilson, 19306 Harlan Avenue, Carson, California 90746, offered her support to the mobilehome park resident and acknowledged the generosity of the mobilehome park residents to the Peace and Joy Care Center.

Paul Emerson, Colony Cove Mobilehome Park, Carson, California 90746, commented that Mr. Casparian had failed to mention that when the conversion takes place, neither the residents nor their heirs would be able to sell the mobilehome because no one would willing to pay the price.

Upon inquiry by Mayor Dear, Ms. Coombs clarified that she was unable to discuss the current situation with the park management, including the clubhouse and trash situations since she was recently out of town and had just returned home.

At the request of Mayor Dear, City Attorney Wynder explained the following: 1) that the rents set under State Rent Control go into effect as of the date of conversion; 2) pending rent increase applications will be considered and acted upon prior to the date of conversion; and 3) the date of conversion is the date that first coach home sale is consummated and that would be several months out. He further indicated that pending rent increase applications -- unless a global settlement was reached to include the rent increase applications -- and must be considered in due course and will be added to base rents as of the date of conversion. Whereupon, Mayor Dear requested that City Attorney Wynder discuss this matter further with Ms. Coombs.

There being no further testimony to be provided, Mayor Dear declared the Continued Public Hearing closed.

### **Deliberation**

Council Member Gipson commended the residents from both parks who have worked diligently and made sacrifices and thanked City Attorney Wynder, staff, and his colleagues.

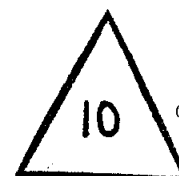
Council Member Ruiz-Raber felt that the report pained her to read. She thanked City Attorney Wynder and staff. She was happy that negotiations were continuing and urged the residents to never give up hope.

Mayor Pro Tem Davis-Holmes referred to and briefly discussed the comments offered by Mr. Smalley. She stated that she was pleased that negotiations were continuing. She commended City Attorney Wynder and staff. She felt that the information highway needed to be open to the residents and that the City Council needed to work on assisting the residents and that it was time to deal with reality.

Upon inquiry by Mayor Dear, City Attorney Wynder believed that the punitive measures against the residents could be worked out.

RECOMMENDATION for the City Council:

TAKE the following actions:



1. OPEN the continued Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. APPROVE Tentative Parcel Map No. 067049, subject to the Conditions of Approval contained in Exhibit "B" of the attached Resolution.
3. WAIVE further reading and ADOPT Resolution No. 09-108, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 067049 FOR A MOBILEHOME RESIDENT OWNERSHIP CONVERSION OF COLONY COVE, AN EXISTING MOBILEHOME PARK CONTAINING 404 UNITS WITH AN ADDITIONAL 21 POTENTIAL UNITS PERMITTED UNDER A PREVIOUSLY APPROVED PERMIT (MODIFICATION TO SPECIAL USE PERMIT NO. 106-74) LOCATED AT 17700 AVALON BOULEVARD."

**ACTION:** It was moved to approve staff recommendation Nos. 2 and 3 on motion of Davis-Holmes and seconded by Gipson and failed to carry by the following roll call vote:

**Ayes:** Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Santarina, Council Member Gipson, and Council Member Ruiz-Raber  
**Noes:** Mayor Dear, Council Member Santarina, and Council Member Ruiz-Raber  
**Abstain:** None  
**Absent:** None

City Attorney Wynder requested that the City Council reconsider the vote and requested a Closed Session with the City Council.

**RECESS:** The City Council was Recessed at 9:20 P.M. by Mayor Dear to a Closed Session to discuss Item No. 1, which was described on this evening's agenda, at the request of City Attorney Wynder.

**RECONVENE:** The City Council was Reconvened at 9:41 P.M. by Mayor Dear with all members previously noted present.

## **REPORT ON CLOSED SESSION**

City/Agency Attorney Wynder provided the Closed Session report as follows:

### Council Item No. 17

The City Council continued its Closed Session regarding Item No. 1. There was a privileged and confidential legal briefing of the City Council. Questions were asked and answered and no reportable action was taken.

It was moved to reconsider Item No. 17 on motion of Dear, seconded by Gipson and carried by the following vote:



Ayes: Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Gipson, and Council Member Ruiz-Raber  
Noes: None  
Abstain: Council Member Santarina  
Absent: None

It was moved to approve staff recommendation Nos. 2 and 3 on motion of Dear and seconded by Gipson.

Council Member Santarina stated that his decision was based upon his conviction to be consistent with the time when he authorized the moratorium and the extension.

The motion was carried by the following roll call vote:

Ayes: Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Gipson, and Council Member Ruiz-Raber  
Noes: None  
Abstain: Council Member Santarina  
Absent: None

#### **New Business Consent Calendar**

City Manager Groomes reported that there were a number of staff in attendance for the New Business Consent Calendar.

(Council Member Ruiz-Raber exited the meeting at 9:51 P.M. and reentered the meeting at 9:52 P.M.)

The New Business Consent Calendar was heard at 9:51 P.M., after Item No. 17.

#### **UNFINISHED BUSINESS (Items 18-22)**

#### **ITEM NO. (18) CONSIDER AMENDMENTS TO STANDARD MANAGEMENT PROCEDURE NO. 1.45 TO ADD TOWN HALL AND COMMUNITY MEETINGS HELD BY LESS THAN A QUORUM OF THE CITY COUNCIL (CITY MANAGER)**

RECOMMENDATION for the City Council:

1. CONSIDER the draft language of amended SMP No. 1.45 and ADOPT the same if consistent with the Council's action of October 6, 2009.

ACTION: This item was previously continued to November 17, 2009, by Mayor Dear, at the request of City Attorney Wynder.

#### **ITEM NO. (19) CONSIDER AND APPROVE SPONSORS FOR THE CITY'S PARTICIPATION IN THE MILLENNIUM MOMENTUM FOUNDATION'S 6<sup>TH</sup> ANNUAL SCHOLARSHIP AWARDS CEREMONY (CITY MANAGER)**



**UNFINISHED/CONTINUED CLOSED SESSION ITEMS (None)**

**REPORT ON CLOSED SESSION (None)**

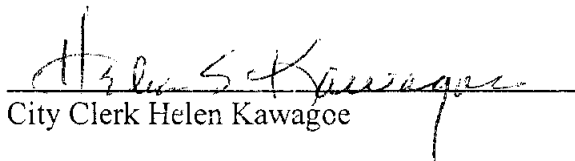
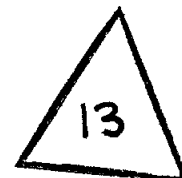
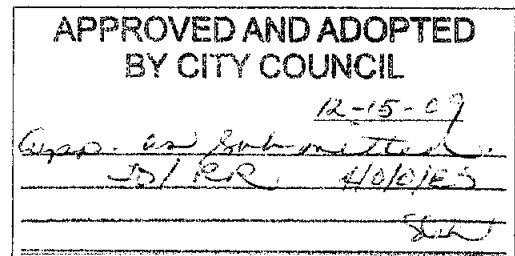
**ADJOURNMENT**

The meeting was Adjourned at 12:41 A.M., on October 21, 2009, by Mayor/Chairman Dear in memory of the individuals previously requested.



Mayor Jim Dear

ATTEST:

  
City Clerk Helen Kawagoe

## RESOLUTION NO. 09-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 067049 FOR A MOBILEHOME RESIDENT OWNERSHIP CONVERSION OF COLONY COVE, AN EXISTING MOBILEHOME PARK CONTAINING 404 UNITS WITH AN ADDITIONAL 21 POTENTIAL UNITS PERMITTED UNDER A PREVIOUSLY APPROVED PERMIT (MODIFICATION TO SPECIAL USE PERMIT NO. 106-74) LOCATED AT 17700 AVALON BOULEVARD

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Colony Cove Properties, LLC, with respect to real property located at 17700 Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting approval of Tentative Parcel Map No. 067049 for a mobile home resident ownership conversion of Colony Cove, an existing mobile home park containing 404 units with an additional 21 potential units permitted under a previously approved permit (Modification to Special Use Permit No. 106-74).

A public hearing was duly held by the Planning Commission of the City of Carson on August 11, 2009 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting were duly given. At the conclusion of that meeting, the Planning Commission adopted Resolution No. 09-2265 recommending denial of Tentative Parcel Map No. 067049 to the Carson City Council.

Public hearings were duly held by the Carson City Council on October 6, 2009 and October 20, 2009 at 6:00 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of aforesaid meetings were duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid meetings.

Section 3. The City Council finds that:

- a) The General Plan Land Use Map designates the area for low-density residential use. The zoning is RM-8-D (Residential, Multi-family-8 dwelling units per acre-Design-Overlay-Review. The existing and proposed use is in conformance with the General Plan and Zoning.
- b) Special Use Permit No. 106-74 was approved on February 23, 1977, Resolution No. 77-368, which allowed Colony Cove, a 404-unit mobile home park, to be constructed on the site. A modification to Special Use Permit No. 106-74 was approved March 25, 2008 pursuant to Planning Commission Resolution No. 08-2196 which allowed for an additional 21 spaces to be added.
- c) Section 66428.2 of the Subdivision Map Act does not apply to this application since the mobilehome park conversion to resident ownership is proposed by the park owner.

[MORE]

EXHIBIT NO. 03



Section 4 Pursuant to Government Code Section 66473.5, the City Council finds that the proposed subdivision and the provisions for its design are compatible with the objectives, policies and general land use and programs provided in the City's General Plan.

Section 5 Pursuant to Section 66474 of the Subdivision Map Act, a city shall deny approval of a parcel map if it makes any of the findings listed below. The City Council finds the following:

- a) *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

Pursuant to the General Plan, the proposed subdivision map is consistent with the density, goals, policies and objectives for low density residential development applicable to the property in question. The affordability of the units for low and moderate income residents are assured through the conditions of approval and the State requirements for rent control.

- b) *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design of the existing Carson Cove Mobile Home Park which will remain in its present configuration with the proposed subdivision, is consistent with the City of Carson General Plan for low density development.

- c) *That the site is not physically suitable for the type of development.*

The existing Colony Cove Mobile Home Park was approved by the Planning Commission in 1974. The park was built in compliance with Special Use Permit No. 106-74 and the development standards in effect at the time for mobile home parks. The subdivision meets all applicable development criteria specified for Special Use Permit No. 106-74, the criteria for mobile home parks and the RM-8-D (Residential, multi-family, 8 dwelling units per acre-Design Overlay Review) zone on the property.

- d) *That the site is not physically suitable for the proposed density or development.*

There is adequate space on the site to meet the goals and objectives related to residential density contained in the zoning ordinance and the General Plan Housing and Land Use Elements. The property is currently occupied by a mobile home park and the land was developed to accommodate such a use.

- e) *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*

[MORE]

The site of the proposed condominium conversion is already developed and the subdivision application does not contemplate any additional development on the property.

- f) *That the design of the subdivision or type of improvements are likely to cause serious public health problems.*

Conditions have been included to ensure that the design of the subdivision or improvements is not likely to cause serious public health problems.

- g) *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court or competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The project will not conflict with existing traffic flow adjacent to the property on Avalon Boulevard or Albertoni Street.

Section 6. Pursuant to California Subdivision Map Act Sections 66427, 66451, 66452 and the City of Carson Municipal Code Sections 9202.1 through 9209.6, the City Council has determined that the application was noticed in accordance with all applicable provisions and will also require:

- a) That each resident of the park has received all applicable notices and rights now or hereafter required by Section 66427 and in Chapter 3 of the California Subdivision Map Act (commencing with Section 66451);
- b) That each resident of the park shall receive a 10 day written notice that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such a report will be available upon request;
- c) That each resident of the park shall receive a written notification within 10 days of approval of a Final Map for the proposed subdivision conversion;
- d) Each resident of the park shall receive 180 days written notice of intention to convert prior to the termination of tenancy due to the conversion or proposed conversion; and
- e) Each tenant of the proposed condominium shall be given notice of an exclusive right to purchase his or her respective unit pursuant to Section

[MORE]





11018.2 of the Business and Professional Code, unless the tenant gives prior written notice of his or her intention not to exercise such right.

Section 7. Based on all evidence presented at the meetings and the aforementioned findings, the City Council hereby overturns the Planning Commission's action to deny Tentative Parcel Map No. 067049 and approves Tentative Parcel Map No. 067049, subject to the conditions set forth in attached Exhibit "B" attached hereto.

Section 8 City Council further finds that the use permitted by the proposed subdivision will not have a significant effect on the environment. The proposed facility will not alter the character of the surrounding area and meets or exceeds all City standards for protection of the environment.

Section 9. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 10. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF OCTOBER, 2009**

  
\_\_\_\_\_  
MAYOR JIM DEAR

**ATTEST:**

  
\_\_\_\_\_  
CITY CLERK HELEN KAWAGOE

**APPROVED AS TO FORM:**

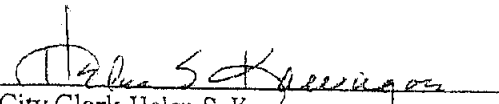
  
\_\_\_\_\_  
CITY ATTORNEY

[MORE]

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF CARSON               )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council is five; that the foregoing resolution, being Resolution No. 09-108 was duly and regularly adopted by said Council at a regular meeting duly and regularly held on the 20th day of October, 2009, and that the same was passed and adopted by the following vote:

AYES:       COUNCIL MEMBERS: Mayor Dear, Davis-Holmes, Gipson and Ruiz-Raber  
NOES:       COUNCIL MEMBERS: None  
ABSTAIN:   COUNCIL MEMBERS: Santarina  
ABSENT:    COUNCIL MEMBERS: None

  
City Clerk Helen S. Kawagoe

[MORE]



**EXHIBIT A  
LEGAL DESCRIPTION**

**Property Address:** 17700 Avalon Boulevard

The land referred to as parcel no. 7319-017-086 is described as follows:

Parcel 1 in the City of Carson, County of Los Angeles, State of California, as shown on Parcel Map No. 6150 filed in Book 69, Pages 69, 70, and 71 of Parcel Maps, in the Office of the County Recorder of said County.

Except from said land that portion lying below a depth of 500 feet, measured vertically from the surface of said land, as said surface existed on October 25, 1965.

Also except therefrom all mobile homes situated on said land.

[MORE]



**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**TENTATIVE PARCEL MAP NO. 067049**

**GENERAL CONDITIONS**

1. The subdivider shall comply with all city, county, state and federal regulations applicable to this project.
2. The proposed development is subject to all applicable provisions of the California Subdivision Map Act, including but not limited to, applicable provisions of Government Code Sections 66427.1, 66427.5, 66451 and 66452, and evidence of compliance therewith shall be submitted to the city Department of Development Services, as required by law.
3. The subdivider shall comply with Section 66427.5(f1 and f2) of the California Subdivision Map Act as follows:
  - a. Following the Map Act Rent Date, as to non-purchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rate to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period; and
  - b. Following the Map Act Rent Date, as to non-purchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

[MORE]

4. The subdivider shall comply with the findings and recommendations of the Tenant Impact Report prepared for the condominium conversion of the Colony Cove Mobile Home Park, including, but not limited to:
  - a. Each resident shall be given a right to purchase the air space condominium upon which the mobile home is situated or to continue the existing tenancy in the park pursuant to the provisions of the Tenant Impact Report;
  - b. The subdivider shall not terminate any existing tenancies or any existing leases or require that the residents vacate the property, after the Map Act Rent Date for failure to purchase an air space condominium upon which the mobile home is located.
5. Conditions not required to be fulfilled prior to, or shown on the final map, shall be stated on a separate document to be recorded with the final map.
6. The recorded map shall conform to the tentative map approved as Exhibit C and to the Conditions of Approval. Two copies of the final recorded map shall be submitted to the Planning Division.
7. The mobile home park must meet all the requirements of the City of Carson Planning Commission Resolution No. 08-2196 which approved Modification to Special Use Permit No. 106-74 for the 21-unit expansion of Colony Cove Mobile Home Park.
8. Prior to the sale of any unit/lot in the subdivision, the subdivider shall obtain a written maintenance inspection report for compliance with Title 25 of the California Code of Regulations (simply "Title 25") for the common areas and facilities, including, without limitation, such other Title 25 requirements that apply to the subdivider such as marking of lots. Prior to the sale of any unit/lot in the subdivision, the subdivider shall remediate any and all violations of Title 25 noted in such written maintenance inspection report. Proof of remediation shall be confirmation in writing by the California Department of Housing and Community Development (HCD).
9. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
10. Except with respect for claims, damages, actions or proceedings between the subdivider and the City that subdivider shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Tentative Parcel Map No. 067049. The City will promptly notify the subdivider of any such claim, action, or proceeding against the City and the subdivider will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right

[MORE]

to settle or abandon the matter without the subdivider's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

#### **ENGINEERING SERVICES DIVISION - CITY OF CARSON**

11. A construction permit is required for any work to be done in the public right of way.
12. Any improvements damaged during the construction shall be removed and reconstructed per City Standards plan and to the satisfaction of the City Engineer.
13. All infrastructure necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to recordation of the Final Map.

#### **COUNTY OF LOS ANGELES**

##### **Geology/Soils**

14. A geology/soils report shall be submitted to the County of Los Angeles for review and approval prior to the recordation of the Final Map.

##### **Road**

15. The subdivider shall dedicate the right to restrict vehicular access to the existing vehicular ingress/egress on Albertoni Street, Avalon Boulevard, and Victoria Street, if not already dedicated.
16. The subdivider shall label all interior access streets as private driveway and fire lane.

##### **Subdivision**

17. The subdivider shall place a note on the final map, to the satisfaction of the City Engineer, indicating that this map is approved as a mobile home park conversion project for 425 units.
18. The subdivider shall label driveways and multiple access strips as a private driveway, and fire lane and delineate on the final map to the satisfaction of the City Engineer.
19. The subdivider shall provide, if required, suitable turnaround and label the driveway private driveway and fire lane on the final map to the satisfaction of the City Engineer.
20. The subdivider shall provide reciprocal easements for adjoining properties for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., over the common driveway in the document to the satisfaction of the City Engineer.

[MORE]

21. The subdivider shall provide for the continual maintenance of the common areas. This can be achieved by the formation of a homeowner's association, comprised of the owners of the units, responsible for the maintenance of the common areas.
22. The subdivider shall relocate or quitclaim any easements interfering with building locations (except mobile homes and manufactured housing as defined by Section 18007 of the Health and Safety Code) to the satisfaction of the City Engineer.
23. The subdivider shall provide a numeric reference for all parcels to the satisfaction of the City Engineer.
24. The subdivider shall provide addressing information in Microsoft Excel format to the satisfaction of the City Engineer.
25. The subdivider shall not grant or record private easements within areas proposed to be granted, dedicated, or offered for dedication until after the final map is filed with the Registrar-Recorder/County Clerk's office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
26. A final guarantee will be required at the time of the filing of the final map with the Registrar-Recorder/County Clerk's office.
27. A final map prepared by, or under the direction of, a pre-1982 registered Civil Engineer or licensed Land Surveyor must be processed through the City Engineer prior to being to being filed with the Registrar-Recorder/County Clerk's office.

**FIRE DEPARTMENT - COUNTY OF LOS ANGELES**

28. The subdivider shall provide water mains, fire hydrants, and fire flows as required by County of Los Angeles Fire Department for all land shown on the map to be recorded.
26. The subdivider shall provide Los Angeles County Fire Department and City approved street signs and building address numbers prior to occupancy.
30. The subdivider shall provide the Los Angeles County Fire Department access to be extended to within 150 feet distance of any exterior portion of all structures.
31. Where driveways extend further than 150 feet and are of single access design, the subdivider shall provide turnarounds suitable for fire protection equipment use and such driveways shall be shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

[MORE]

32. The subdivider shall provide access consistent with Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.
33. The subdivider shall provide private driveways to be indicated on the final map as "Private Driveway and Fire Lane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code.
34. The subdivider shall provide and maintain serviceable vehicular access throughout Colony Cove Mobile Home Park to all required fire hydrants.
35. All hydrants shall measure 6" x 4" x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' from a structure or protected by a two hour fire wall.
36. The subdivider shall not be required to upgrade fire flows, if existing hydrant(s) meet(s) the fire flows noted above.
37. The subdivider shall provide evidence from the County of Los Angeles Fire Department on fire flow on Form 195, that the hydrants and available fire flow rate meets the current Fire Department requirements. Additional Fire Department requirements may be made once information on hydrant locations and fire flow availability is received and reviewed. Submit the required information prior to final map clearance.
38. The subdivider shall provide parking spaces for the disabled located such that they do not require users to pass behind vehicles other than their own, nor be required to cross vehicular traffic ways.
39. The County of Los Angeles Fire Department may modify applicable conditions in this resolution if a determination is made that existing or alternative improvements meet Fire Code requirements.

**BUSINESS LICENSE DIVISION - CITY OF CARSON**

40. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

**DEPARTMENT OF CONSERVATION - DIVISION OF OIL, GAS & GEOTHERMAL RESOURCES**

41. The subdivider shall locate and identify on the Final Parcel Map whichever plugged and abandoned wells that have been identified within and in proximity to the property boundaries (as identified on a Division Map).

[MORE]



42. Building over or in proximity of plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order reabandonment of previously plugged and abandoned wells when construction is over or in proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code).
43. If reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located.
44. If construction over an abandoned well is unavoidable, an adequate gas venting system should be placed over the well.
45. If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs the Division of Oil, Gas and Geothermal Resources's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

November 27, 2012

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: LD-2

Mr. Farrokh Abolfathi, P.E.  
Acting Director of Public Works/  
Acting City Engineer  
City of Carson  
P.O. Box 6234  
Carson, CA 90749

Dear Mr. Abolfathi:

### PARCEL MAP NO. 67049

Parcel Map No. 67049 (enclosed) has been reviewed and approved by Public Works for mathematical accuracy, survey analysis, title information, and for compliance with the Subdivision Map Act. It is ready for your examination and certification as to compliance with the conditions of approval and applicable City ordinances.

The City Council or Advisory Agency should make the findings required by the State Environmental Quality Act and the Subdivision Map Act.

After your approval and the approval of the City Council or Advisory Agency, the final map should be returned to the County of Los Angeles Department of Public Works' Land Development Division, Subdivision Mapping Section, for filing with the Registrar-Recorder/County Clerk's office.

If you have any questions, please contact Mr. Art Castro of Subdivision Mapping Section at (626) 458-4915 or [acastro@dpw.lacounty.gov](mailto:acastro@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Director of Public Works

*for* ANTHONY E. NYIVIH  
Assistant Deputy Director  
Land Development Division

AC:tb  
P:\LD PUB\SUBDIVSN\MAPPING\PARCEL.LTR67049

Enc.

EXHIBIT NO. 04

