



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 26, 2016

SUBJECT: Extension of Time for Modification No. 3 to Special Use Permit No. 106-74

APPLICANT: Nader Qoborsi
Foresight Engineering, Inc.
17621 Irvine Blvd.
Tustin, CA 92780

REQUEST: A one-year time extension for permitting an additional 21 mobile home spaces to the 404-unit Colony Cove Mobile Estates

PROPERTY INVOLVED: 17700 S. Avalon Boulevard

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Pimentel
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			

Item No. 10A

I. Introduction

The applicant, Nader Qoborsi, is requesting a one-year time extension for Modification No. 3 to Special Use Permit No. 106-74 to permit an additional 21 mobile home spaces to the 404-unit Colony Cove Mobile Estates (Park). The property is located at 17700 S. Avalon Boulevard and is in the RM-8-D (Residential, Multifamily – 8 units per acre – Design Overlay) zoning district.

Project Site and Surrounding Land Uses

The following provides a summary of the site information:

Site Information	
General Plan Land Use	Low Density
Zone District	RM-8-D
Site Size	52.5 acres
Present Use and Development	Colony Cove Mobile Homes
Surrounding Uses/Zoning	North: Commercial/Office zoned CG-D South: CSU Dominguez Hills zoned SU-COL East: Harbor Village Mobile Homes zoned RM-8 West: Single-Family Residential Neighborhood zoned RS
Access	Ingress/Egress: Avalon Blvd., Albertoni St., and Victoria St.

II. Analysis

Background

On November 27, 2012, this project was approved by the Planning Commission at a public hearing. Modification No. 3 to Special Use Permit (SUP) No. 106-74 was approved to grant a one-year time extension for SUP No. 106-74, which was modified on March 25, 2008 to permit up to 21 additional mobile home spaces to the existing Park. The time extension proposal was granted to April 12, 2013.

During this hearing, in addition to the existing conditions, the Planning Commission approved Oil Well Conditions of Approval Nos. 69 through 75. These conditions were added to address the status of previously abandoned oil wells located within the Park. These Oil Well conditions were intended to ensure the abandoned oil wells were still in compliance with the Department of Oil, Gas and Geothermal Resources (DOGGR) agency standards and required leak testing of all of the oil wells. If leaks were detected, the conditions required re-abandonment of the oil wells. Initially ten (10) wells were identified to be leak-tested; however, upon further investigation, the City determined only nine (9) wells needed to be tested. Well Callendar No. 114 was removed from the list since it was located off-site.

On April 9, 2013, the Planning Commission approved the applicant's second extension request at a public hearing Modification No. 3 to SUP No. 106-74 extending it to April 12, 2014. This provided the applicant additional time to address all of the conditions particularly the Oil Well conditions. The Oil Well conditions ensured compliance with DOGGR's Development Review Program to protect public health and safety and reserve future access to the wells if warranted. (Exhibit No. 1)

Oil Well Testing, Results and Recommendations

An environmental consultant, Susan L. Mearns, Ph.D. of Mearns Consulting LLC, was hired by the City as an expert to ensure all leak tests were completed in accordance with industry's highest standards. Dr. Mearns prepared a report regarding the methane gas testing for Well Callendar Nos. 79, 117, 119, 120, 76, 96, 121, 71, and 103.

On September 27, 2013 and October 4, 2013, Dr. Mearns, observed two separate oil well tests conducted by the applicant's consultant ICS on behalf of ENVIRON:

- September 27, 2013: Five (5) oil wells (Callendar Nos. 103, 96, 121, 120, and 79) were tested resulting in no detection of methane gas leak.
- October 4, 2013: The remaining four (4) oil wells (Callendar Nos. 71, 76, 117, and 119) were tested. Well Callendar No. 117 failed the methane gas leak test and the other wells (Nos. 71, 76, and 119) tests resulted in no detection of methane gas leak.

Dr. Mearns recommended re-abandoning Well Callendar No. 117 to current DOGGR standards and specifications in her Methane Gas Leak Test Report dated October 24, 2013. (Exhibit No. 2)

Well Callendar No. 117 – Mitigation

In compliance with Condition No. 74, Well Callendar No. 117, A.P.I. No. 037-07087, was re-abandoned by the applicant in compliance DOGGR requirements on September 30, 2015. DOGGR certified its observation of the plugging and re-abandonment for this oil well in its Reports on Operations and Well Abandonment letters dated December 22, 2015 respectively. (Exhibit No. 3)

Proposed Mobile Home Units

The Planning Commission previously approved the applicant's extension requests to permit installation of up to 21 additional mobile home spaces to Colony Cove Mobile Estates. However, the implementation of the oil well conditions of approval has eliminated the possibility of developing five (5) units. If these five (5) units were to be placed on their designated spaces, the required clearances for "close proximity" as required by DOGGR will not be met. Therefore, the number of units approved for this project is sixteen (16), refer to Condition No. 70.b.

CMC Section 9172.21.H.2

A conditional use permit may be extended more than once for one year from the date of original expiration date with a public hearing. The applicant has filed previous extension of time requests and the Planning Commission's approval would extend the application to April 12, 2017. The extensions were necessary to allow the applicant to test the wells for methane gas leaks and re-abandon Well Callendar No. 117.

Covenants, Conditions and Restrictions (CC&Rs)

As required by the Conditions of Approval, the CC&Rs have been revised and agreed upon by the City Attorney and the applicant's attorney. (Exhibit No. 4)

III. Conclusion

The applicant has been diligently working on compliance with the oil well conditions. This compliance protects the health, safety, and general welfare of the future residents of the 16 units as well as the health and safety of the all existing residents.

IV. Public Notice

Public notice was posted to the project site on April 6, 2016. Notices were mailed to the property owners and occupants within 500 feet by April 14, 2016. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

V. Recommendation

That the Planning Commission:

- **APPROVE** Modification No. 3 to Special Use Permit No. 106-74; and

WAIVE further reading and ADOPT Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON GRANTING A ONE-YEAR EXTENSION OF TIME FOR MODIFICATION NO. 3 TO SPECIAL USE PERMIT NO. 106-74 ALLOWING THE ADDITION OF 16 MOBILEHOME SPACES TO AN EXISTING 404-UNIT MOBILEHOME PARK LOCATED AT 17700 SOUTH AVALON BOULEVARD, ASSESSOR PARCEL NO. 7319-017-086."

VI. Exhibits

1. Planning Commission Staff Report dated April 9, 2013 including Resolution No. 12-2454 and related Conditions of Approval
2. Mearns Consulting LLC Methane Gas Leak Test Report dated October 24, 2013
3. DOGGR Report of Well Abandonment and Report on Operations dated December 22, 2015
4. Copy of Revised CC&R's
5. Site Map
6. Development Plans, Key Plan and DOGGR Exhibit A "Close Proximity" are under separate cover

Prepared by: McKina Alexander, Associate Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 16-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON GRANTING A ONE-YEAR EXTENSION OF TIME FOR MODIFICATION NO. 3 TO SPECIAL USE PERMIT NO. 106-74 ALLOWING THE ADDITION OF 16 MOBILEHOME SPACES TO AN EXISTING 404-UNIT MOBILEHOME PARK LOCATED AT 17700 SOUTH AVALON BOULEVARD, ASSESSOR PARCEL NO. 7319-017-086

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

Section 1. An application was duly filed by the applicant, Nader Qoborsi of Foresight Engineering, Inc. on behalf of Colony Cove Properties, with respect to real property located at 17700 S. Avalon Boulevard, and described in Exhibit "A" attached hereto requesting the following:

- Grant a one-year time extension for Modification No. 3 to Special Use Permit No. 106-74 permit allowing an addition 16 mobilehome spaces to an existing 404-unit mobilehome park ("Colony Cove Mobile Estates") located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zoning district.

On March 25, 2008, the Planning Commission adopted Resolution No. 08-2196 approving Modification No. 1 to SUP No. 106-74 for the development of up to an additional 21 mobilehome spaces to the existing Colony Cove Mobile Home Estates, a 404-unit, renter-occupied mobilehome park. Modification No. 1 included a requirement for an affordable rental agreement for five (5) of the 21 units.

The applicant has submitted subsequent applications from 2008 through 2016 requesting extensions of time regarding this proposal:

- April 14, 2009, the Planning Commission approved a one-year extension of time for Modification No. 1 to SUP No. 106-74 to March 25, 2010.
- April 13, 2010, the Planning Commission adopted Resolution 10-2300 approving Modification No. 2 to SUP No. 106-74 reauthorizing the 21 mobilehome spaces that were approved by the Planning Commission in On March 25, 2008.
- April 12, 2011, the Planning Commission approved a one-year time extension for Modification No. 2 to SUP No. 106-74 to March 25, 2012.
- November 27, 2012, the Planning Commission approved a one-year time extension for Modification No. 2 to SUP No. 106-74 to April 12, 2013.
- April 9, 2013 the Planning Commission approved a one-year extension of time for Modification No. 3 to SUP No. 106-74 to April 12, 2014.



- February 13, 2014 the applicant submitted application requesting a one-year extension of time for Modification No. 3 to SUP No. 106-74. This provided the applicant additional time to address all of the conditions particularly the Oil Well conditions. The Oil Well conditions ensured compliance with DOGGR's Development Review Program to protect public health and safety and reserve future access to the wells if warranted.
- On September 1, 2015 the applicant submitted application requesting a one-year extension of time for Modification No. 3 to SUP No. 106-74 to provide nineteen (19) additional mobilehome units. The extension request provided the applicant additional time to address all of the conditions. Particularly the Oil Well conditions and the re-abandonment of Oil Well Calendar No. 117.
- April 11, 2016 the applicant submitted application requesting a one-year extension of time for Modification No. 3 to SUP No. 106-74 to provide sixteen (16) additional mobilehome units. The implementation of the oil well conditions of approval has eliminated the possibility of developing five (5) units. If these five (5) units were to be placed on their designated spaces, the required clearances for "close proximity" as required by DOGGR will not have been met. Therefore, the number of units approved for this project is sixteen (16)

A public hearing was duly held April 26, 2016, at 6:30 P.M. at City Hall, Helen Kawagoe Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission finds that:

- a) Colony Cove Properties, LLC, a Delaware limited liability company ("Applicant"), is the owner of that certain Property.
- b) On March 25, 2008, the Planning Commission approved Modification No. 1 to Special Use Permit No. 106-74 for the development of an additional 21 mobile home spaces to the Colony Cove Mobile Estates, subject to Applicant's satisfaction of certain conditions of approval. The City extended and reauthorized Applicant's rights under the Modification of SUP pursuant to various extensions and reauthorizations.
- c) Nine (9) previously abandoned oil wells are located on the Property. The Existing Wells are shown on the development plans and key plan under separate cover.
- d) The Division of Oil, Gas, and Geothermal Resources ("DOGGR") is the State of California agency that oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells and in the past, the City relied on DOGGR and its "Construction Site Plan Review Program" and "Well Review Letter Program" (collectively, "DOGGR Development Review Programs") for decisions related to oil wells.
- e) DOGGR has recently terminated its DOGGR Development Review Programs which involved DOGGR's certification of proposed developments of properties



containing oil wells based on compliance with DOGGR guidelines and compliance with DOGGR's abandonment and re-abandonment requirements.

- f) As a consequence of DOGGR's termination of DOGGR's Development Review Programs, the Planning Commission for the City requires, as a condition to the City's issuance of required approvals for the Project (collectively, "City Approvals"), that Applicant comply with conditions 69 through 75 (in addition to the rest of the conditions) of the Conditions of Approval set forth in Exhibit "C" attached hereto. These conditions mirror DOGGR's Development Review Programs and are mainly designed to protect public health and safety and to provide appropriate notices to the general public.
- g) Modification No. 3 to Special Use Permit No. 106-74 was scheduled to expire on April 12, 2014; however, the applicant has filed timely extensions and has requested times extensions. The Planning Commission finds that termination of the permit would constitute an undue hardship upon the Applicant and that the continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public.

Section 4. The Planning Commission based on the aforementioned finding resolves as follows:

- a) Amends Resolution Nos. 08-2196, 10-2300, and 12-2454 to grant Modification No. 3 to Special Use Permit No. 106-74 to extend the entitlement for additional years, with respect to the property described in Section 1 hereof, subject to the Conditions of Approval and amends Resolution Nos. 08-2196, 10-2300, and 12-2454 to include the addition of conditions of approval Nos. 69-75 set forth in Exhibit "B".

Section 5. Other than what is expressly amended herein related to resolution Nos. 08-2196, 10-2300, and 12-2454 those resolutions shall remain in full force and effect and no other part of the resolutions is modified as set forth in Exhibit "C".

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 26th DAY OF April, 2016.

CHAIRMAN

ATTEST:

SECRETARY



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.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION NO. 3 TO SPECIAL USE PERMIT NO. 106-74

GENERAL CONDITIONS

1. If a permit for new mobile homes is not obtained from the State Housing and Community Development Department, or if a building permit is not given for new construction on the project site within one year of the date of approval of Modification No. 3 to SUP No. 106-74, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the approved development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Should an affordable housing agreement between the applicant and the city not be finalized, as required by Condition No. 10, a modification to the site plan shall be reviewed and approved by the Planning Commission to authorize an alternative use for the five units.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.



6. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. Applicant 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 Modification No. 3 to Special Use Permit No. 106-74. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant 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 to settle or abandon the matter without the Applicant'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.

AFFORDABLE HOUSING

10. The applicant shall provide affordable rental housing for five new units at income levels and locations to be determined pursuant to an agreement with the city. The affordable rental rate shall be targeted to moderate (or below)-income households, unless otherwise approved by the city, and may be patterned after State Government Code 66427.5 at the discretion of the city. The affordable rental rate shall remain in effect for a period of not less than 30 years or until such time that the city approves an amendment to the agreement. The affordable housing costs shall consider space rent, principle and interest on the mobilehome, mortgage loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs and a reasonable allowance for utilities. The program must be approved by the city before the applicant gets occupancy of units. Notwithstanding the foregoing, the applicant shall have no obligation to comply with this condition in the event that the city and the applicant are unable to come to an agreement on applicable rental rates and the affordable housing agreement for the five affordable units (see Condition No. 3).



11. If a subdivision conversion to resident ownership is approved, the affordable rental housing covenant on the five units shall be converted to low-income home ownership opportunities for five units. The locations of such units will be subject to an agreement with the city. The agreement shall include a formula to provide a fair distribution between land value and unit value.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
15. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

16. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with preliminary landscape plans dated as received by the Planning Department on February 14, 2008. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
17. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. Trees, grass, and vine-like landscaping in the proposed park areas;
 - b. Perimeter landscaping near the new "dog-run" area;
 - c. Annual flowers wherever possible; and
 - d. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of final occupancy.

18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."



19. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
20. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
22. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

23. The specification of all colors and materials of new construction of trash enclosures, maintenance shed, and carport must be submitted and approved by the Planning Division prior to the issuance of any building permits.
24. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.)

FENCES/WALLS

25. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9126.3 (residential zones) of the Zoning Ordinance.

TRASH

26. Trash enclosures and recycling areas shall be located on four-inch concrete pads and in locations consistent with the approved site plan, subject to Planning Division review and approval. Painted metal, self-closing doors shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).

27. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

28. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden for all land shown on the map to be recorded.
29. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
30. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.
31. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
32. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
33. Submit fire flow information to this Los Angeles County Fire Department, Land Development Division office for approval.
34. At the discretion of the applicant, a 39-foot lot line adjustment shall be completed between the subject property and the adjacent Los Angeles County Fire Department property. The lot line adjustment shall be recorded with the Los Angeles County Recorder's Office prior to the occupancy of the new spaces.

PUBLIC SAFETY - CITY OF CARSON

35. Ensure compliance with current seismic mitigation codes.
36. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

37. Prior to issuance of Building Permit, a soils report, sewer area study, drainage concept, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept and stormwater information have been received and found satisfactory.
38. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.

39. Dedicate 6-ft of additional right-of-way along portions of Rainsbury Avenue. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Records Office.
40. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
41. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
42. Repair any broken or raised (one-inch or more) sidewalk, curb and gutter along Avalon Blvd, Albertoni Street, Victoria Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer, which is limited to \$10,000 or less in performance costs.
43. The Developer shall fill in missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
44. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
45. Where sidewalk meander around existing driveways and extending beyond the public right of way at any location, the required described sidewalk easements shall be submitted and approved prior to issuance of the building permit.
46. If any, remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
47. Install and/or modify (if necessary) existing wheelchair ramp along Avalon Boulevard at the entrance and exit to the subject site, and at the northwest corner of Rainsbury Avenue and Victoria Street per City of Carson Standard, in compliance with ADA requirements.
48. In the event that the applicant proposes future improvements allowing vehicular access entering or exiting onto Rainsbury Avenue (apart from the two existing "crash gates"), the applicant shall install streetlights on concrete poles with underground wiring Rainsbury Avenue to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
49. All new utility lines, along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue abutting the proposed development shall be underground to the satisfaction of the City Engineer.



50. Plant approved parkway trees on locations along Avalon Boulevard and Victoria Street where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134. All new trees must be kept adequately watered.
51. Paint Curbs Red along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development, to the satisfaction of the City Traffic Engineer.
52. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
53. The Developer shall submit a sewer area study to the Los Angeles. County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
54. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
55. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
56. Comply with mitigation measures recommended by the water purveyor.
57. The Developer shall submit a copy of approved plans on mylars (i.e. Grading, Sewer, Street, and Storm Drain Improvement Plans), to the City of Carson – Engineering Division, prior to issuance of construction permits.
58. A construction permit is required for any work to be done in the public right-of-way.
59. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
60. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
61. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the Engineer in the field. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)



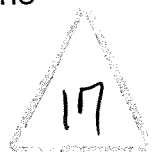
62. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.
63. Prior to issuance of Building Permit, the following must be on file:
64. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
65. Construction bond as required for all work to be done within the public right of way.
66. Proof of Worker's Compensation and Liability Insurance.
67. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

68. 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.

OIL WELLS

69. Prior to commencing construction of any of the additional 16 mobile home spaces, the applicant shall survey the precise location and leak test oil well numbers 120, 76, 96, 79, 71, and 103 and/or any other wells which will be within close proximity of any additional spaces. The results of the survey and leak tests shall be submitted to the City of Carson Planning Division ("Planning Division") for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned prior to commencement of construction of any additional spaces in the park in accordance with the requirements of Division of Oil, Gas & Geothermal Resources ("DOGGR") at the cost of the applicant. The term "close proximity" as used in this Condition No. 69 shall have the same meaning as described in Exhibit A of the Well Status Review Letter concerning the park dated June 21, 2012, as updated September 13, 2012 (collectively, "Well Status Review Letter").
- 70a. Prior to commencing construction of any of the additional 16 mobile home spaces, the applicant shall submit an updated plot plan to the Planning Division for review and approval showing that no new mobile home space will be constructed atop any oil wells, setbacks as specified by DOGGR and described in the Well Status Review Letter will be established with respect to the new mobile home spaces to be constructed from all oil wells, and methane mitigation measures pertaining to the oil wells are achieved in accordance with the



mitigation plan as described in Condition of Approval 71 below. If any new mobile home space cannot meet the requirements of Conditions of Approval 69, 70, 71, or 72 the updated plot plan shall eliminate such new space or spaces and such new space or spaces shall not be constructed. No new spaces shall be constructed until such updated plot plan is approved in writing by the Planning Division.

- 70b. As a result of complying with DOGGRs "close proximity" setback standards as described in Conditions of Approval 69 through 70a above, 16 units instead of 21 are approved to be added to the mobile home park. The unit numbers are numbered 1 through 16.
71. Prior to commencing construction of any of the additional 16 mobile home spaces, the applicant shall prepare and obtain approval from the Planning Division and the City of Carson Building and Safety Division of a plan identifying mitigation measures, including, but not limited to, venting systems for oil well numbers 120, 76, 96, 79, 71, 103, 114, 117, 119, and 121 venting systems for new parking lots, patios and other hardscape being constructed on or immediately adjacent to such oil wells, and methane detection systems and methane barriers for new building foundations, if any, being constructed on or immediately adjacent to such oil wells.
72. Prior to commencing construction of any of the additional 16 mobile home spaces, the applicant shall record in the County Recorder's Office covenants, conditions and restrictions to run with the land for the benefit of the City and its respective successors and assigns indemnifying the City for any claims arising or related to the City's approval of the additional 16 units and/or related to the oil wells on the subject property (the "CC&Rs"). The CC&Rs shall be substantially identical to the form of CC&Rs shown as Exhibit No. 4. The CC&Rs shall be approved by the City Attorney's Office prior to recordation and shall be furnished to owners and/or tenants prior to the sale and/or occupancy of the proposed new mobile home spaces.
73. No mitigation of leaking fluids or gas from abandoned oil wells, modifications to oil well casings, or any re-abandonment work on abandoned oil wells, nor any other work requiring a DOGGR permit, shall be performed without obtaining the prior written approval of DOGGR in the form of an appropriate permit.
74. Prior to commencing construction of any of the additional 16 mobile home spaces, the applicant shall survey the precise location and leak test oil well numbers 114, 117, 119, and 121 and/or any other oil wells not previously leak tested as described in Condition 69 and which are located on the subject property. The results of the survey and leak tests shall be submitted to the Planning Division for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned in accordance with the requirements of DOGGR at the cost of the applicant. If necessary, the applicant may have to temporarily move some units to access such oil wells that are in need of re-abandonment.

75. Prior to obtaining any permits or approvals from HCD to construct any of the additional 16 mobile homes spaces and prior to commencement of construction of any of them, the applicant shall provide a compliance report to the City subject to the Planning Division's approval demonstrating compliance with Conditions of Approval 69 through 74. The applicant shall provide the compliance report at least 30 days prior to commencement of construction to allow the Planning Division to review and determine that the aforementioned conditions have been satisfied. If the Planning Division determines that further clarification is needed or additional steps are necessary to achieve compliance, the applicant shall delay construction until a final determination and approval is obtained. If the applicant proceeds with construction and knowingly fails to submit the compliance report and obtain compliance approval, this condition shall cause the permit to become null and void immediately.



EXHIBIT C

RESO NO. 12-2454

**AGREEMENT ACCEPTING CONDITIONS
CITY OF CARSON PLANNING COMMISSION**

The Carson Planning Commission, at its meeting of November 27, 2012, approved your request for Modification No. 3 to Special Use Permit No. 106-74, subject to the conditions of approval in Resolution No. 12-2454. For and in consideration of the grant by the city of Carson Planning Commission, I (we), the undersigned do(es) hereby agree to all conditions set forth in the Resolution. The Resolution and Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 17700 South Avalon Boulevard.

Description: A one-year time extension for 21 additional mobilehome spaces at the Colony Cove Mobile Estates mobilehome park and adding conditions of approval to address the existing abandoned oil wells on the property.

Applicant: Foresight Engineering, Inc., Attn: Nader Qoborsi, 17621 Irvine, CA 92780.

Property Owner(s): Colony Cove Properties, Attn: Duane Montgomery, 1299 Ocean Avenue, Suite 900, Santa Monica, CA 90041-1000.

This agreement shall run with the land and shall bind upon property owner, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

By: Denise Bothe
Title: Denise Bothe, Planning Secretary
Date: December 5, 2012

Dated this 20th day of December, 2012

By: Colony Cove Properties, LLC,
~~Applicant (Type or Print)~~
a Delaware limited liability company
By: El Dorado Palm Springs, Ltd.,

~~Applicant (Signature)~~
Its Manager
By: Goldstein Properties, Inc.
Its General Partner
By: James Goldstein
James Goldstein, President

Dated this ____ day of _____, 2012

By: _____
Property Owner (Type or Print)

Property Owner (Signature)

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-2454

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 3 TO SPECIAL USE PERMIT NO. 106-74 AND AMENDING RESOLUTIONS NO. 08-2196 AND 10-2300 TO INCLUDE THE ADDITION OF CONDITION NOS. 69-75 AND TO GRANT A ONE-YEAR TIME EXTENSION FOR THE ADDITION OF 21 MOBILEHOME SPACES TO AN EXISTING 404-UNIT MOBILEHOME PARK LOCATED AT 17700 SOUTH AVALON BOULEVARD, ASSESSOR PARCEL NO. 7319-017-086

THE PLANNING COMMISSION 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, with respect to real property located at 17700 S. Avalon Boulevard, and described in Exhibit "A" attached hereto (the "Property"), requesting authorization of Modification No. 3 to Special Use Permit No. 106-74 to grant a one-year time extension to permit an additional 21 mobilehome spaces to an existing 404-unit mobilehome park ("Colony Cove Mobile Estates") located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zone district.

On March 25, 2008, the Planning Commission adopted Resolution No. 08-2196 approving Modification No. 1 to SUP No. 106-74 for the development of up to an additional 21 mobilehome spaces to the existing Colony Cove Mobile Home Estates, a 404-unit, renter-occupied mobilehome park. Modification No. 1 included a requirement for an affordable rental agreement for five (5) of the 21 units.

On April 13, 2010, the Planning Commission adopted Resolution 10-2300 approving Modification No. 2 to SUP No. 106-74 reauthorizing the 21 mobilehome spaces that were approved by the Planning Commission in On March 25, 2008.

A public hearing was duly held June 12, 2012, 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 was duly given. This hearing was subsequently continued to June 26th, July 10th, September 11th, October 9th, October 23rd, November 13, and November 27, 2012

On March 25, 2008, the Planning Commission adopted Resolution No. 08-2196 approving the development of an additional 21 mobilehome spaces to the existing Colony Cove Mobile Home Estates, a 404-unit, renter-occupied, mobilehome park located at 17700 S. Avalon Boulevard. On April 14, 2009, the Planning Commission approved a time extension to extend the proposal to March 25, 2010. On April 13, 2010, the Planning Commission approved a time extension to extend the proposal to March 25, 2011. On April 12, 2011, the Planning Commission approved a time extension to extend the proposal to March 25, 2012. In January 30, 2012, the applicant applied for Modification No. 3 to extend the entitlement approval for the project for one year until April 12, 2013.

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

Section 3. The Planning Commission finds that:

- a) Colony Cove Properties, LLC, a Delaware limited liability company ("Applicant"), is the owner of that certain Property.
- b) The Planning Commission for the City on March 25, 2008 approved Modification No. 1 to Special Use Permit No. 106-74 ("Modification of SUP") for the development of an additional 21 mobile home spaces ("Project") to the Colony Cove Mobile Estates, subject to Applicant's satisfaction of certain conditions of approval. The City extended and reauthorized Applicant's rights under the Modification of SUP pursuant to various extensions and reauthorizations.
- c) Ten (10) previously abandoned oil wells are located on the Property ("Existing Wells"). The Existing Wells are shown on Exhibit "B" and incorporated herein by reference.
- d) The Division of Oil, Gas, and Geothermal Resources ("DOGGR") is the State of California agency that oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells and in the past, the City relied on DOGGR and its "Construction Site Plan Review Program" and "Well Review Letter Program" (collectively, "DOGGR Development Review Programs") for decisions related to oil wells.
- e) DOGGR has recently terminated its DOGGR Development Review Programs which involved DOGGR's certification of proposed developments of properties containing oil wells based on compliance with DOGGR guidelines and compliance with DOGGR's abandonment and re-abandonment requirements.
- f) As a consequence of DOGGR's termination of DOGGR's Development Review Programs, the Planning Commission for the City requires, as a condition to the City's issuance of required approvals for the Project (collectively, "City Approvals"), that Applicant comply with conditions 69 through 75 (in addition to the rest of the conditions) of the Conditions of Approval set forth in Exhibit "C" attached hereto. These conditions mirror DOGGR's Development Review Programs and are mainly designed to protect public health and safety and to provide appropriate notices to the general public.
- g) SUP 106-74 was scheduled to expire April 12, 2012; however, the applicant has filed a timely extension and has requested a one year extension of time for SUP 106-74. The Planning Commission finds that termination of the permit would constitute an undue hardship upon the Applicant and that the continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public.

Section 4. The Planning Commission based on the aforementioned finding resolves as follows:

- a) Amends Resolution Nos. 08-2196 and 10-2300 to grant Modification No. 3 to Special Use Permit No. 106-74 to extend the entitlement for an additional year, with respect to the property described in Section 1 hereof, subject to the Conditions of Approval and amends Resolution Nos. 08-2196 and 10-2300 to include the addition of conditions of approval Nos. 69-75 set forth in Exhibit "C".

Section 5. Other than what is expressly amended herein related to resolution Nos. 08-2196 and 10-2300, those resolutions shall remain in full force and effect and no other part of the resolutions is modified.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 27th DAY OF NOVEMBER, 2012.


CHAIRMAN

ATTEST:


SECRETARY

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"

LEGAL DESCRIPTION

MODIFICATION NO. 2 TO SPECIAL USE PERMIT NO. 106-74

Property Address: 17700 Avalon Boulevard

The land referred to as parcel no. 7319-017-036 is described as follows:

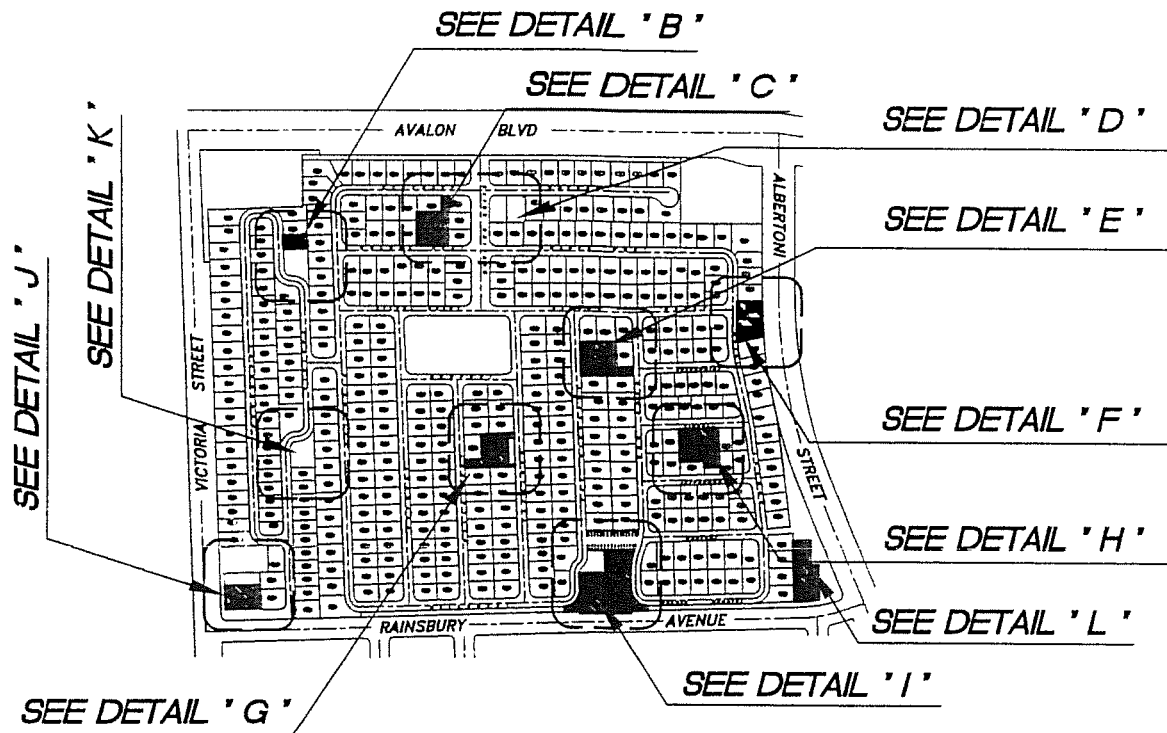
Parcel 1 in the City of Carson, County of Los Angeles, State of California, as shown on Parcel Map No. 6150 filed in Book 69, Pages 69, 70, and 71 of Parcel Maps, in the Office of the County Recorder of said County.

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.

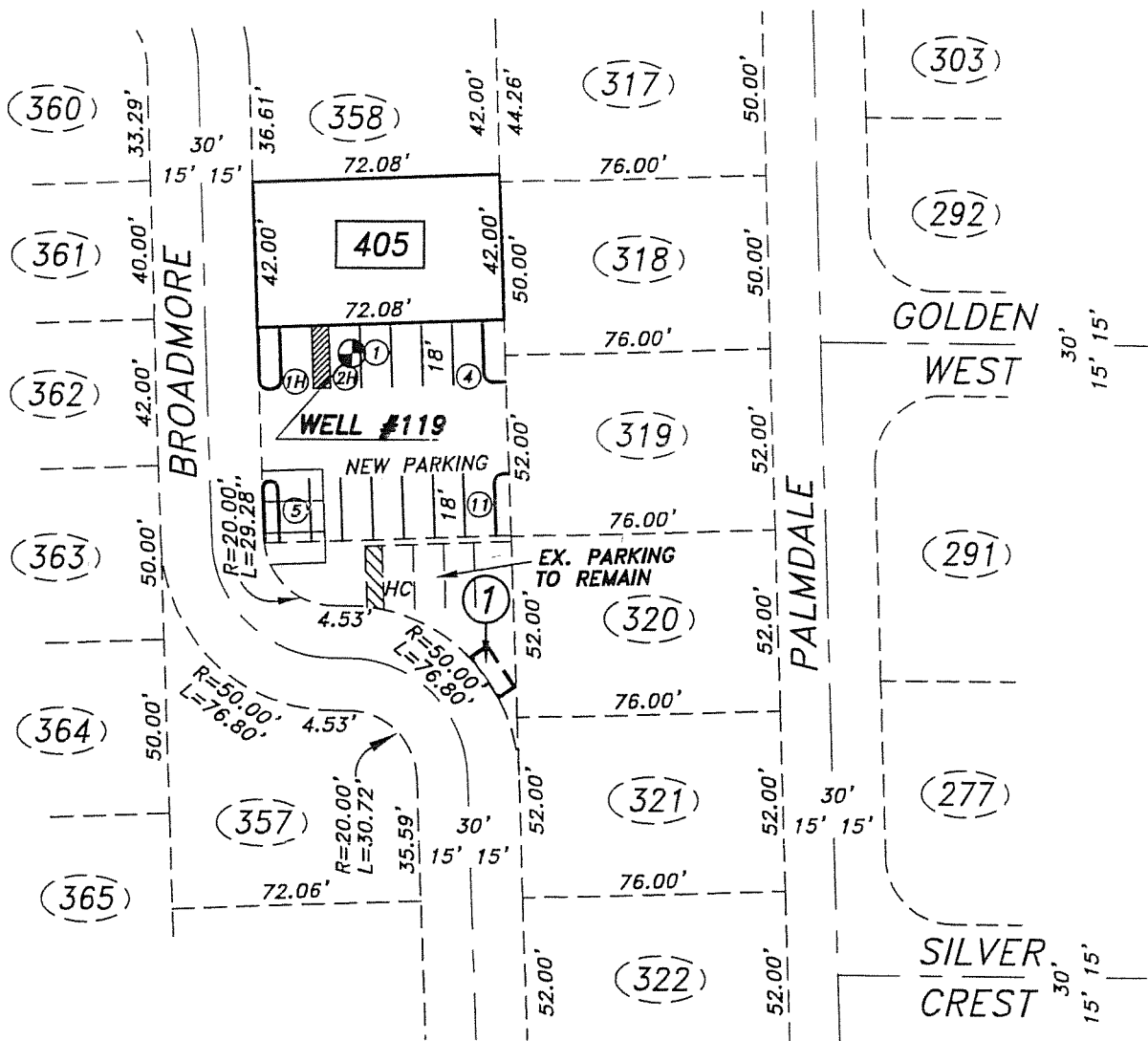
EXHIBIT B
EXISTING OIL WELLS

PRELIMINARY DRAFT SITE PLAN, SUBJECT TO CHANGES.
PROVIDED FOR INFORMATIONAL USE ONLY



KEY PLAN

NOT TO SCALE



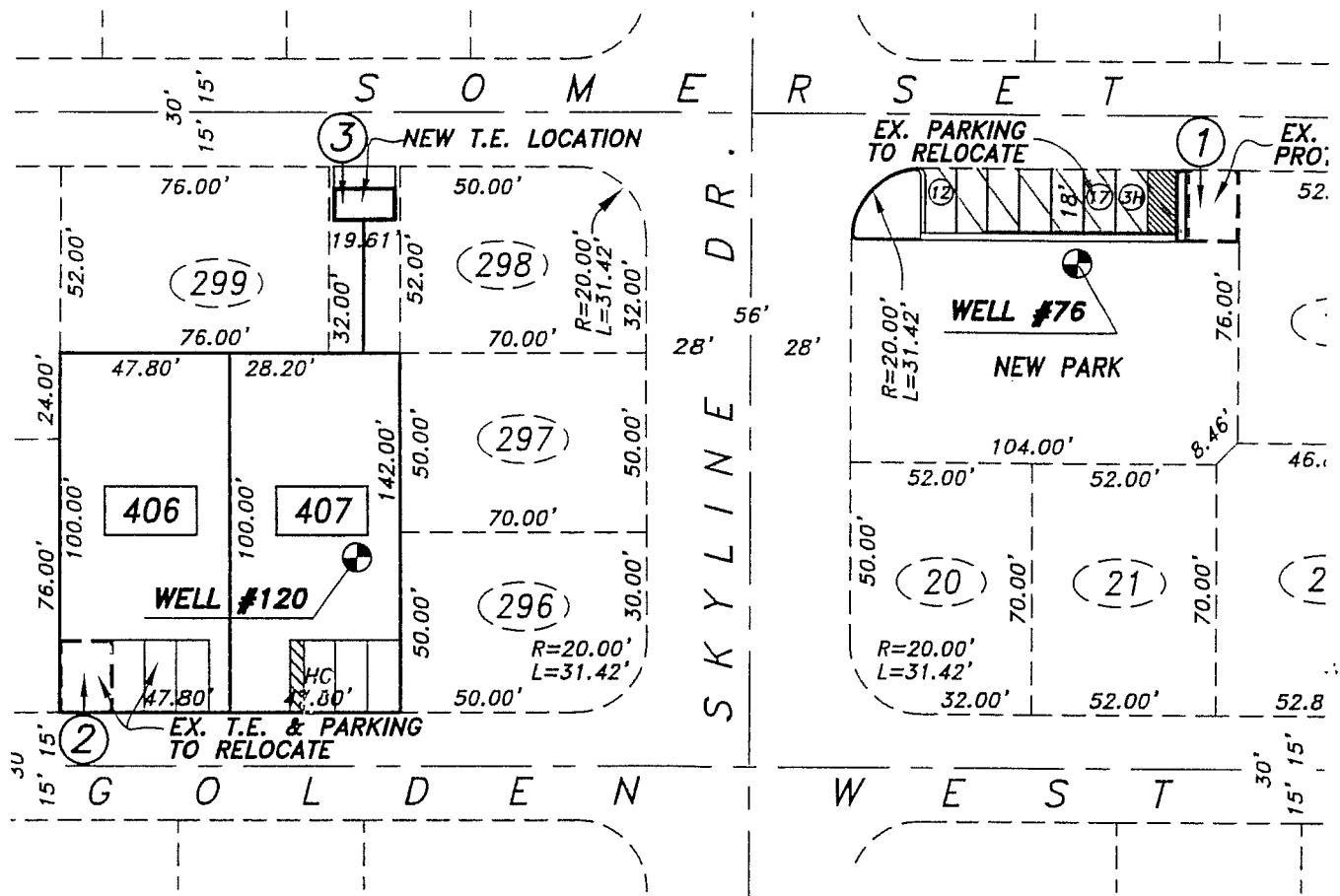
DETAIL "B"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACE NO. 405 - WELL NO. 119



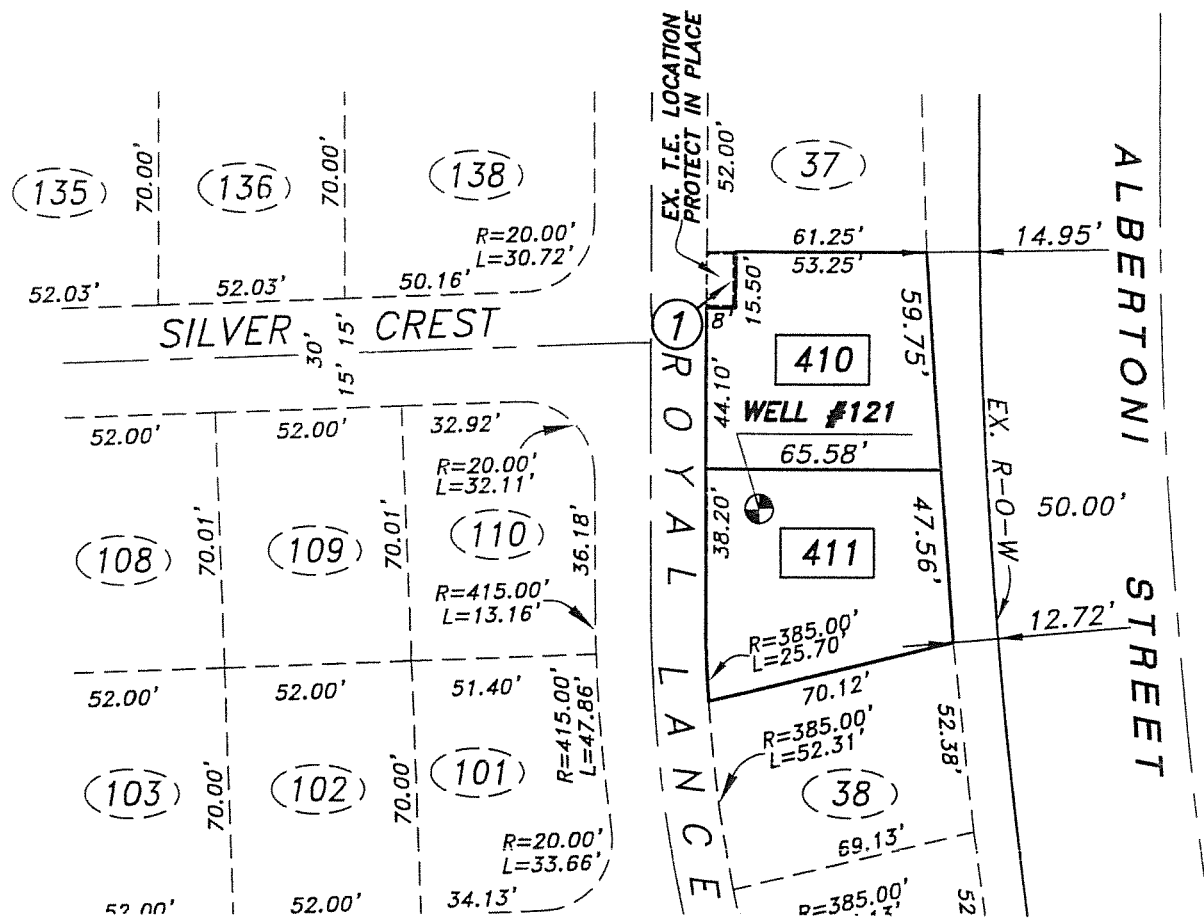
DETAILS "C" & "D"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACES 406 & 407 - WELL NO. 76 & 120



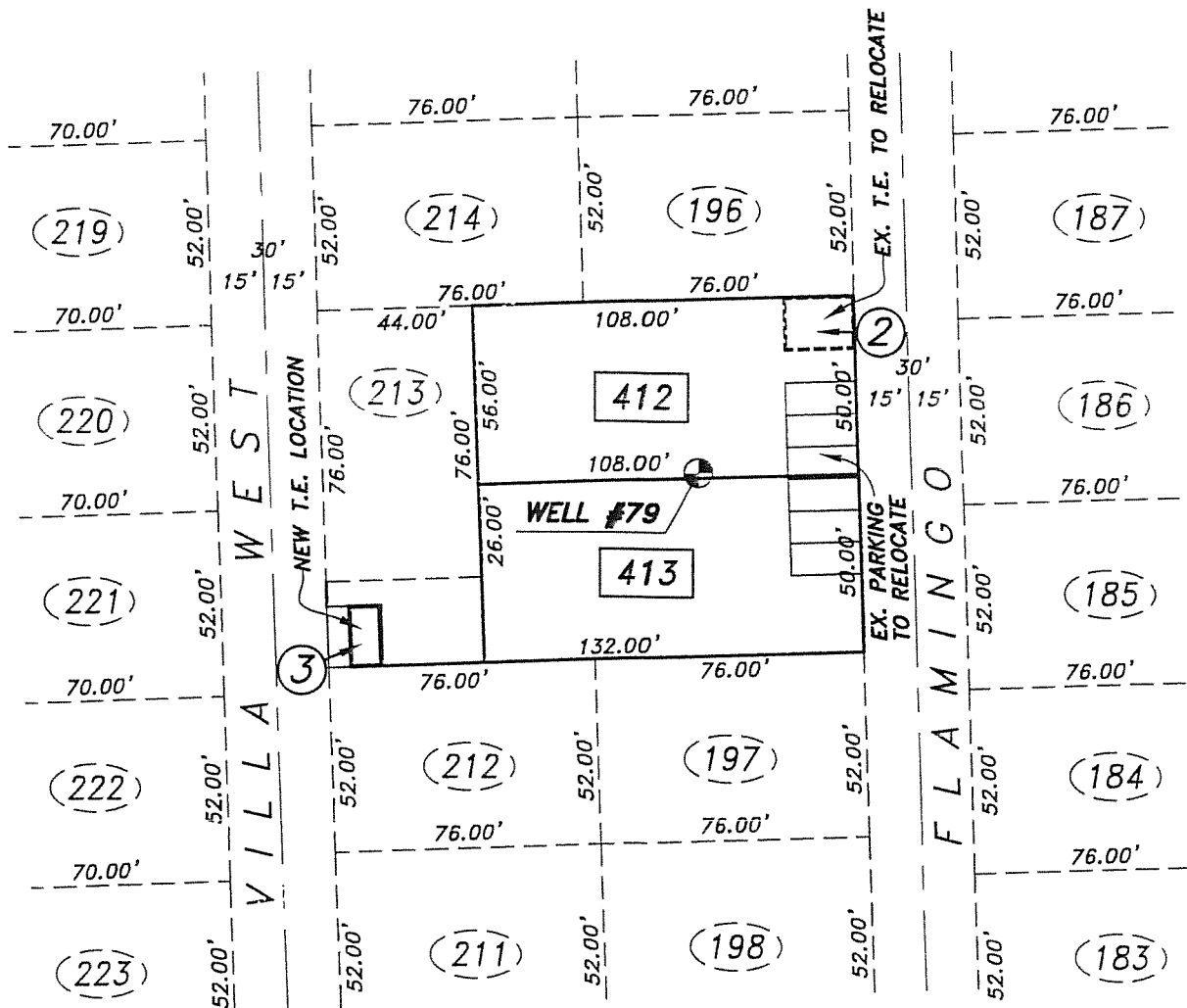
DETAIL "F"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACES 410 & 411 - WELL NO. 121



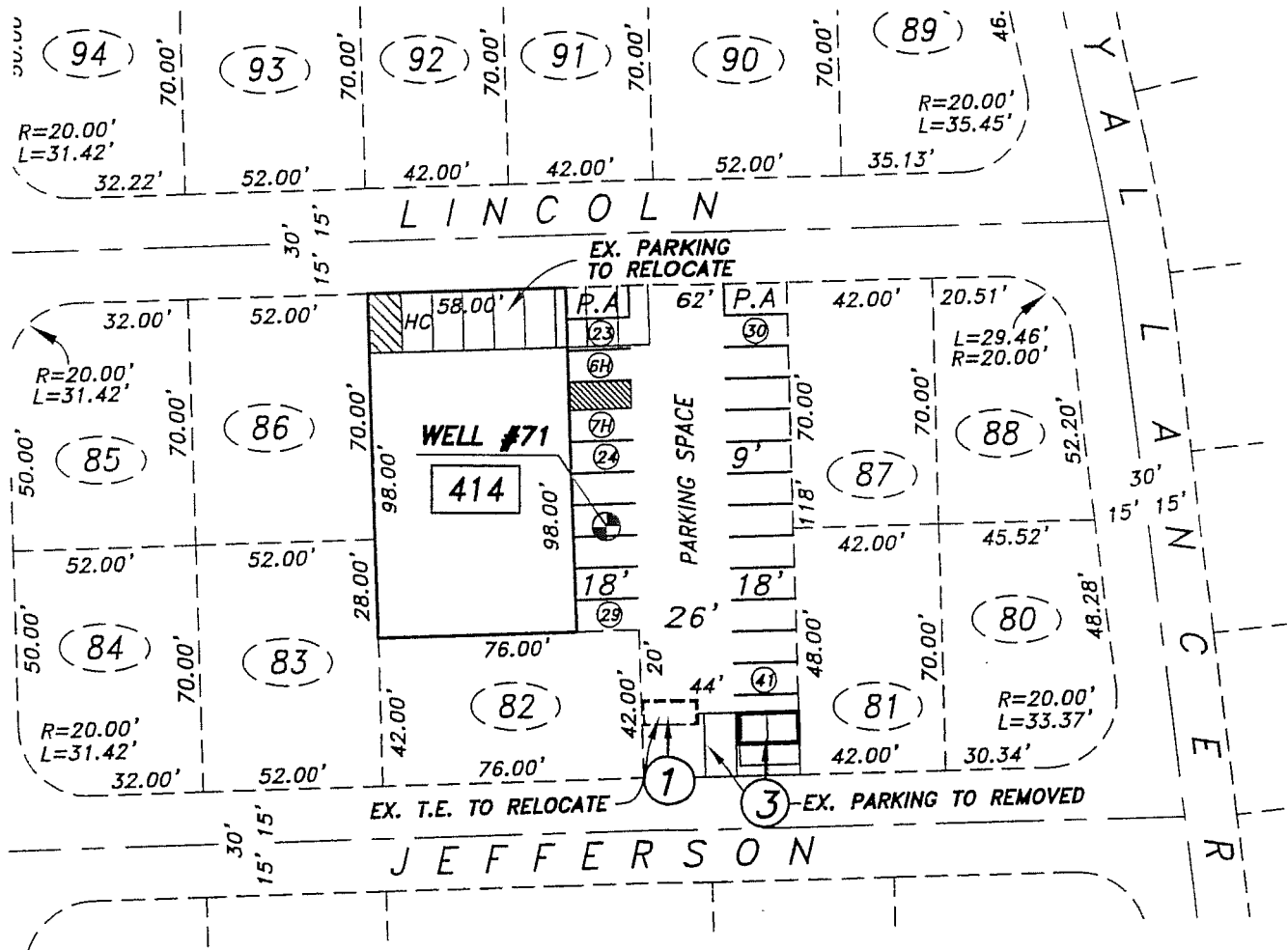
DETAIL "G"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACES 412 & 413 - WELL NO. 79



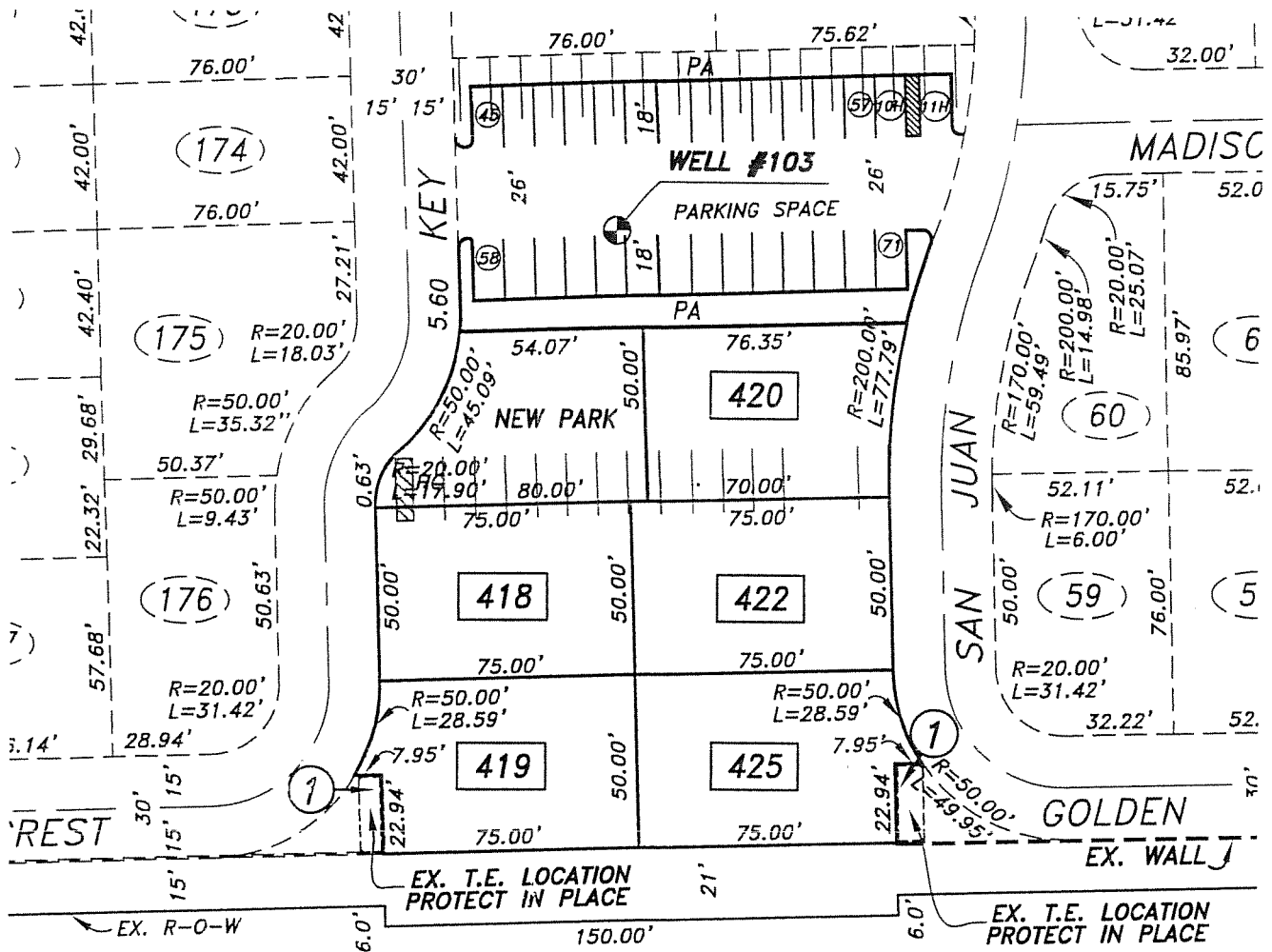
DETAIL "H"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACE 414 - WELL NO. 71



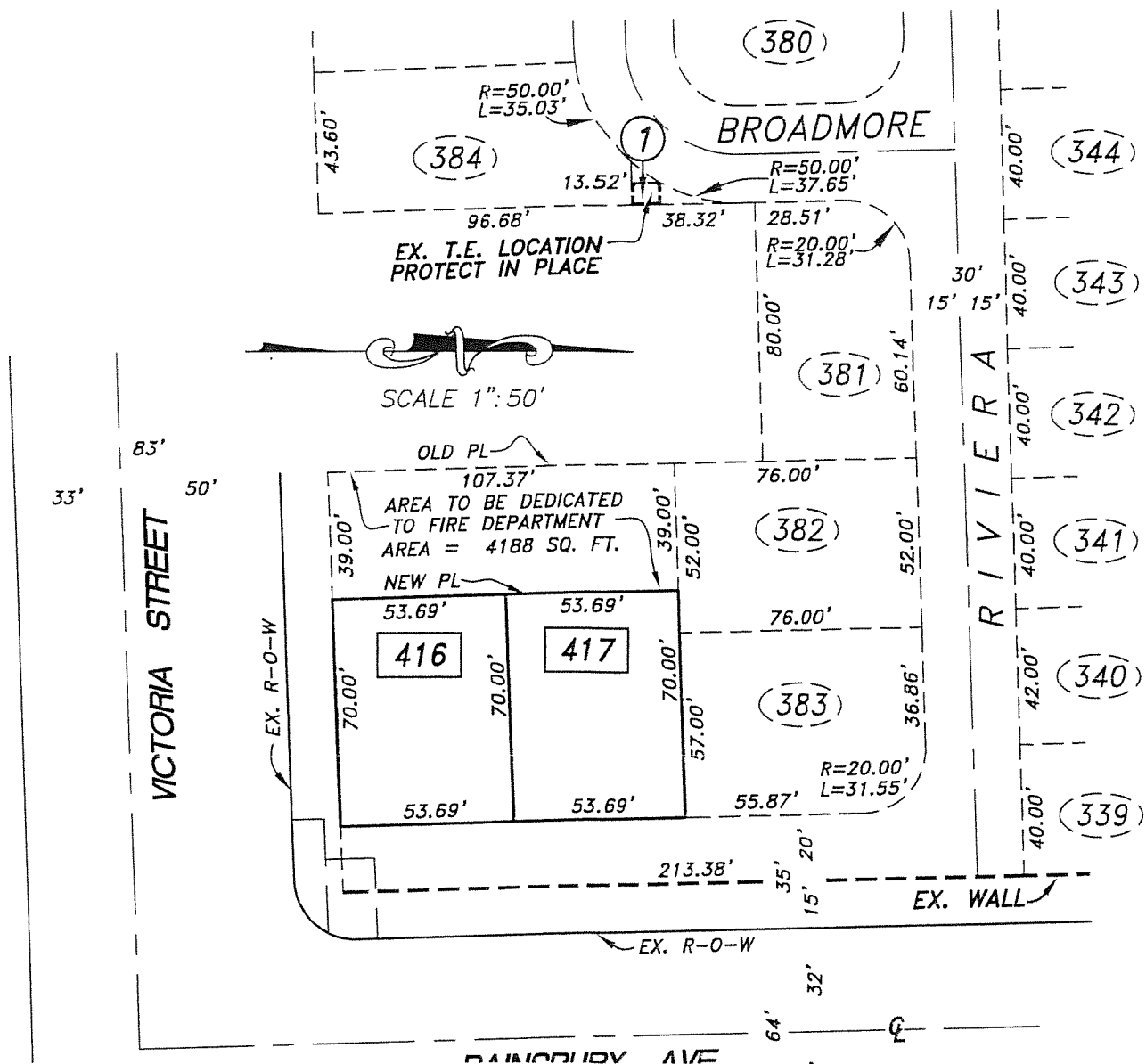
DETAIL "I"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACES 418, 419, 420, 422 & 425 - WELL NO. 103



DETAIL "J"

SCALE : 1" = 50'

CONSTRUCTION NOTES :

- ① EX. TRASH ENCLOSURE TO PROTECT IN PLACE
- ② EX. TRASH ENCLOSURE TO REMOVE/RELOCATE
- ③ CONSTRUCT TRASH ENCLOSURE

SPACES 416 & 417

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "C"
CONDITIONS OF APPROVAL
MODIFICATION NO. 3 TO SPECIAL USE PERMIT NO. 106-74

GENERAL CONDITIONS

1. If a permit for new mobile homes is not obtained from the State Housing and Community Development Department, or if a building permit is not given for new construction on the project site within one year of the date of approval of Modification No. 3 to SUP No. 106-74, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the approved development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Should an affordable housing agreement between the applicant and the city not be finalized, as required by Condition No. 10, a modification to the site plan shall be reviewed and approved by the Planning Commission to authorize an alternative use for the five units.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.

6. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. Applicant 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 Modification No. 3 to Special Use Permit No. 106-74. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant 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 to settle or abandon the matter without the Applicant'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.

AFFORDABLE HOUSING

10. The applicant shall provide affordable rental housing for five new units at income levels and locations to be determined pursuant to an agreement with the city. The affordable rental rate shall be targeted to moderate (or below)-income households, unless otherwise approved by the city, and may be patterned after State Government Code 66427.5 at the discretion of the city. The affordable rental rate shall remain in effect for a period of not less than 30 years or until such time that the city approves an amendment to the agreement. The affordable housing costs shall consider space rent, principle and interest on the mobilehome, mortgage loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs and a reasonable allowance for utilities. The program must be approved by the city before the applicant gets occupancy of units. Notwithstanding the foregoing, the applicant shall have no obligation to comply with this condition in the event that the city and the applicant are unable to come to an agreement on applicable rental rates and the affordable housing agreement for the five affordable units (see Condition No. 3).

11. If a subdivision conversion to resident ownership is approved, the affordable rental housing covenant on the five units shall be converted to low-income home ownership opportunities for five units. The locations of such units will be subject to an agreement with the city. The agreement shall include a formula to provide a fair distribution between land value and unit value.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
15. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

16. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with preliminary landscape plans dated as received by the Planning Department on February 14, 2008. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
17. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. Trees, grass, and vine-like landscaping in the proposed park areas;
 - b. Perimeter landscaping near the "dog-run" area, as described on the site plan marked "Exhibit D";
 - c. Annual flowers wherever possible; and
 - d. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of final occupancy.

18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."

19. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
20. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
22. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

23. The specification of all colors and materials of new construction of trash enclosures, maintenance shed, and carport must be submitted and approved by the Planning Division prior to the issuance of any building permits.
24. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.)

FENCES/WALLS

25. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9126.3 (residential zones) of the Zoning Ordinance.

TRASH

26. Trash enclosures and recycling areas shall be located on four-inch concrete pads and in locations consistent with the approved site plan, subject to Planning Division review and approval. Painted metal, self-closing doors shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).

27. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

28. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden for all land shown on the map to be recorded.
29. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
30. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.
31. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
32. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
33. Submit fire flow information to this Los Angeles County Fire Department, Land Development Division office for approval.
34. At the discretion of the applicant, a 39-foot lot line adjustment shall be completed between the subject property and the adjacent Los Angeles County Fire Department property. The lot line adjustment shall be recorded with the Los Angeles County Recorder's Office prior to the occupancy of the new spaces.

PUBLIC SAFETY - CITY OF CARSON

35. Ensure compliance with current seismic mitigation codes.
36. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

37. Prior to issuance of Building Permit, a soils report, sewer area study, drainage concept, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept and stormwater information have been received and found satisfactory.
38. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.

39. Dedicate 6-ft of additional right-of-way along portions of Rainsbury Avenue. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Records Office.
40. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
41. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
42. Repair any broken or raised (one-inch or more) sidewalk, curb and gutter along Avalon Blvd, Albertoni Street, Victoria Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer, which is limited to \$10,000 or less in performance costs.
43. The Developer shall fill in missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
44. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
45. Where sidewalk meander around existing driveways and extending beyond the public right of way at any location, the required described sidewalk easements shall be submitted and approved prior to issuance of the building permit.
46. If any, remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
47. Install and/or modify (if necessary) existing wheelchair ramp along Avalon Boulevard at the entrance and exit to the subject site, and at the northwest corner of Rainsbury Avenue and Victoria Street per City of Carson Standard, in compliance with ADA requirements.
48. In the event that the applicant proposes future improvements allowing vehicular access entering or exiting onto Rainsbury Avenue (apart from the two existing "crash gates"), the applicant shall install streetlights on concrete poles with underground wiring Rainsbury Avenue to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
49. All new utility lines, along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue abutting the proposed development shall be underground to the satisfaction of the City Engineer.

50. Plant approved parkway trees on locations along Avalon Boulevard and Victoria Street where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134. All new trees must be kept adequately watered.
51. Paint Curbs Red along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development, to the satisfaction of the City Traffic Engineer.
52. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
53. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
54. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
55. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
56. Comply with mitigation measures recommended by the water purveyor.
57. The Developer shall submit a copy of approved plans on mylars (i.e. Grading, Sewer, Street, and Storm Drain Improvement Plans), to the City of Carson – Engineering Division, prior to issuance of construction permits.
58. A construction permit is required for any work to be done in the public right-of-way.
59. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
60. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
61. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the Engineer in the field. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)



62. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.
63. Prior to issuance of Building Permit, the following must be on file:
64. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
65. Construction bond as required for all work to be done within the public right of way.
66. Proof of Worker's Compensation and Liability Insurance.
67. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

68. 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.

OIL WELLS

69. Prior to commencing construction of any of the additional 21 mobile home spaces, the applicant shall survey the precise location and leak test oil well numbers 120, 76, 96, 79, 71, and 103 and/or any other wells which will be within close proximity of any additional spaces. The results of the survey and leak tests shall be submitted to the City of Carson Planning Division ("Planning Division") for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned prior to commencement of construction of any additional spaces in the park in accordance with the requirements of Division of Oil, Gas & Geothermal Resources ("DOGGR") at the cost of the applicant. The term "close proximity" as used in this Condition No. 69 shall have the same meaning as described in Exhibit A of the Well Status Review Letter concerning the park dated June 21, 2012, as updated September 13, 2012 (collectively, "Well Status Review Letter").
70. Prior to commencing construction of any of the additional 21 mobile home spaces, the applicant shall submit an updated plot plan to the Planning Division for review and approval showing that no new mobile home space will be constructed atop any oil wells, setbacks as specified by DOGGR and described in the Well Status Review Letter will be established with respect to the new mobile home spaces to be constructed from all oil wells, and methane mitigation measures pertaining to the oil wells are achieved in accordance with the

mitigation plan as described in Condition of Approval 71 below. If any new mobile home space cannot meet the requirements of Conditions of Approval 69, 70, 71, or 72 the updated plot plan shall eliminate such new space or spaces and such new space or spaces shall not be constructed. No new spaces shall be constructed until such updated plot plan is approved in writing by the Planning Division.

71. Prior to commencing construction of any of the additional 21 mobile home spaces, the applicant shall prepare and obtain approval from the Planning Division and the City of Carson Building and Safety Division of a plan identifying mitigation measures, including, but not limited to, venting systems for oil well numbers 120, 76, 96, 79, 71, 103, 114, 117, 119, and 121 venting systems for new parking lots, patios and other hardscape being constructed on or immediately adjacent to such oil wells, and methane detection systems and methane barriers for new building foundations, if any, being constructed on or immediately adjacent to such oil wells.
72. Prior to commencing construction of any of the additional 21 mobile home spaces, the applicant shall record in the County Recorder's Office covenants, conditions and restrictions to run with the land for the benefit of the City and its respective successors and assigns indemnifying the City for any claims arising or related to the City's approval of the additional 21 units and/or related to the oil wells on the subject property (the "CC&Rs"). The CC&Rs shall be substantially identical to the form of CC&Rs attached hereto as Schedule 1. The CC&Rs shall be approved by the City Attorney's Office prior to recordation and shall be furnished to owners and/or tenants prior to the sale and/or occupancy of the proposed new mobile home spaces.
73. No mitigation of leaking fluids or gas from abandoned oil wells, modifications to oil well casings, or any re-abandonment work on abandoned oil wells, nor any other work requiring a DOGGR permit, shall be performed without obtaining the prior written approval of DOGGR in the form of an appropriate permit.
74. Prior to commencing construction of any of the additional 21 mobile home spaces, the applicant shall survey the precise location and leak test oil well numbers 114, 117, 119, and 121 and/or any other oil wells not previously leak tested as described in Condition 69 and which are located on the subject property. The results of the survey and leak tests shall be submitted to the Planning Division for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned in accordance with the requirements of DOGGR at the cost of the applicant. If necessary, the applicant may have to temporarily move some units to access such oil wells that are in need of re-abandonment.
75. Prior to obtaining any permits or approvals from HCD to construct any of the additional 21 mobile homes spaces and prior to commencement of construction of any of them, the applicant shall provide a compliance report to the City subject to the Planning Division's approval demonstrating compliance with Conditions of Approval 69 through 74. The applicant shall provide the compliance report at least 30 days prior to commencement of construction to allow the Planning

Division to review and determine that the aforementioned conditions have been satisfied. If the Planning Division determines that further clarification is needed or additional steps are necessary to achieve compliance, the applicant shall delay construction until a final determination and approval is obtained. If the applicant proceeds with construction and knowingly fails to submit the compliance report and obtain compliance approval, this condition shall cause the permit to become null and void immediately.

EXHIBIT C

RESO NO. 10-2300

**AGREEMENT ACCEPTING CONDITIONS
CITY OF CARSON PLANNING COMMISSION**

For and in consideration of the grant by the city of Carson Planning Commission, at its meeting of April 13, 2010, approved your request for Modification No. 2 to Special Use Permit No. 106-74, subject to the conditions of approval in Resolution No. 10-2300. For and in consideration of the grant by the city of Carson Planning Commission, I (we), the undersigned do(es) hereby agree to all conditions set forth in the Resolution. The Resolution and Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 17700 South Avalon Boulevard.

Description: To reauthorize the development of an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-Family – 8 units per acre – Design Overlay) zoned district.

Applicant: Colony Cove Properties, LLC, 255 North El Cielo Road, Suite 140-285, Palm Springs, CA 92262.

Property Owner(s): Colony Cove Properties, LLC, 255 North El Cielo Road, Suite 140-285, Palm Springs, CA 92262.

This agreement shall run with the land and shall bind upon Declarant, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

By: Denise Bothe
Title: Denise Bothe, Planning Secretary
Date: April 13, 2010

Dated this 22ND day of June, 2010 Dated this 22ND day of June, 2010

By: COLONY COVE PROPERTIES, LLC,
a Delaware limited liability company
By: El Dorado Palm Springs, Ltd.,
a California limited partnership
Its Manager
By: Goldstein Properties, Inc.,
a California corporation
Its General Partner

By: James F. Goldstein
James F. Goldstein
President
(Applicant)

By: COLONY COVE PROPERTIES, LLC,
a Delaware limited liability company
By: El Dorado Palm Springs, Ltd.,
a California limited partnership
Its Manager
By: Goldstein Properties, Inc.,
a California corporation
Its General Partner

By: James F. Goldstein
James F. Goldstein
President
(Property Owner)

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-2300

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON APPROVING MODIFICATION NO. 2 TO SPECIAL USE
PERMIT NO. 106-74 FOR THE ADDITION OF 21 MOBILE HOME
SPACES TO AN EXISTING 404-UNIT MOBILE HOME PARK LOCATED
AT 17700 AVALON BOULEVARD**

**THE PLANNING COMMISSION 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, with respect to real property located at 17700 Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting authorization of Modification No. 2 to Special Use Permit No. 106-74 to permit an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zone district.

A public hearing was duly held April 13, 2010, 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 meetings were duly given.

On March 25, 2008, the Planning Commission approved Resolution No. 08-2196 authorizing the development of an additional 21 mobile home spaces to the existing Colony Cove Mobile Home Estates, a 404-unit, renter occupied, mobile home park located at 17700 Avalon Boulevard. On April 14, 2009, the Planning Commission approved a time extension to extend the proposal to March 25, 2010. The approved permit was declared null and void pursuant to Condition No. 1 of Resolution No. 08-2196 as no action was taken on the project prior to the expiration date. In March, 2010, the applicant applied for a new discretionary permit to reauthorize the project.

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

Section 3. The Planning Commission finds that:

- a) The General Plan Housing Element calls for the promotion of a variety of housing types, including mobile homes, and the development of quality affordable housing. The proposed 21 units exceeds the maximum density allowed in the zone of 8 units per acre. The applicant intends to provide additional mobile home spaces and affordable housing opportunities for five of the new spaces. The mobile home park is allowed to exceed the maximum density provided they provide affordable housing. In doing so, the development will facilitate achievement of goals and objectives of the General Plan.
- b) The project site is 52.54 acres in area, flat, and square-shaped. The location is suitable for the use, and there are adequate facilities to serve the subject property and intended use.
- c) Primary access to the subject property is via two driveways on the west side from Avalon Boulevard, which is a major thoroughfare running the length of the

city. Avalon Boulevard is considered sufficient in width and capacity to serve the anticipated cumulative traffic impact created by the proposed mobile home expansion. Emergency vehicle access is provided by crash gates in two locations along the east side of the subject property, facing Rainsbury Avenue.

- d) There are a sufficient number fire hydrants located throughout the subject property to facilitate the suppression of fire. There is adequate water supply for the hydrants and efficient means of access for fire department equipment and personnel in the event of an emergency.
- e) The zoning for the property calls for multi-family residential uses, with which the proposed use is compatible. The proposed spaces will occupy existing areas within the mobile home park, which is consistent with the intended character of the area.
- f) The proposed site plan is designed to mitigate park residents' concerns voiced in community meetings between staff, the applicant and park residents during the review process of this application, and has been revised in response to the salient issues raised by residents in these meetings.

Section 4. The Planning Commission further finds that the use permitted by the proposed Modification No. 2 to Special Use Permit No. 106-74 will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the character of the surrounding area and meets or exceeds all City standards for protection of the environment. The Planning Commission hereby adopts the Negative Declaration.

Section 5. Based on the aforementioned findings, the Commission hereby grants Modification No. 2 to Special Use Permit No. 106-74, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 13th DAY OF APRIL, 2010.


CHAIRMAN

ATTEST:


SECRETARY

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
MODIFICATION NO. 2 TO SPECIAL USE PERMIT NO. 106-74

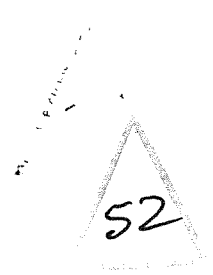
Property Address: 17700 Avalon Boulevard

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.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION NO. 2 TO SPECIAL USE PERMIT NO. 106-74

GENERAL CONDITIONS

1. If a permit for new mobile homes is not obtained from the State Housing and Community Development Department, or if a building permit is not given for new construction on the project site within one year of the date of approval of Modification No. 2 to SUP No. 106-74, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the approved development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Should an affordable housing agreement between the applicant and the city not be finalized, as required by Condition No. 10, a modification to the site plan shall be reviewed and approved by the Planning Commission to authorize an alternative use for the five units.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.

6. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. Applicant 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 Modification No. 2 to Special Use Permit No. 106-74. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant 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 to settle or abandon the matter without the Applicant'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.

AFFORDABLE HOUSING

10. The applicant shall provide affordable rental housing for five new units at income levels and locations to be determined pursuant to an agreement with the city. The affordable rental rate shall be targeted to moderate (or below)-income households, unless otherwise approved by the city, and may be patterned after State Government Code 66427.5 at the discretion of the city. The affordable rental rate shall remain in effect for a period of not less than 30 years or until such time that the city approves an amendment to the agreement. The affordable housing costs shall consider space rent, principle and interest on the mobilehome, mortgage loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs and a reasonable allowance for utilities. The program must be approved by the city before the applicant gets occupancy of units. Notwithstanding the foregoing, the applicant shall have no obligation to comply with this condition in the event that the city and the applicant are unable to come to an agreement on applicable rental rates and the affordable housing agreement for the five affordable units (see Condition No. 3).

11. If a subdivision conversion to resident ownership is approved, the affordable rental housing covenant on the five units shall be converted to low-income home ownership opportunities for five units. The locations of such units will be subject to an agreement with the city. The agreement shall include a formula to provide a fair distribution between land value and unit value.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
15. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

16. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with preliminary landscape plans dated as received by the Planning Department on February 14, 2008. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
17. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. Trees, grass, and vine-like landscaping in the proposed park areas;
 - b. Perimeter landscaping near the "dog-run" area, as described on the site plan marked "Exhibit D";
 - c. Annual flowers wherever possible; and
 - d. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of final occupancy.

18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."

19. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
20. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
22. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

23. The specification of all colors and materials of new construction of trash enclosures, maintenance shed, and carport must be submitted and approved by the Planning Division prior to the issuance of any building permits.
24. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.)

FENCES/WALLS

25. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9126.3 (residential zones) of the Zoning Ordinance.

TRASH

26. Trash enclosures and recycling areas shall be located on four-inch concrete pads and in locations consistent with the approved site plan, subject to Planning Division review and approval. Painted metal, self-closing doors shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).

27. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

28. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden for all land shown on the map to be recorded.
29. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
30. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.
31. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
32. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
33. Submit fire flow information to this Los Angeles County Fire Department, Land Development Division office for approval.
34. At the discretion of the applicant, a 39-foot lot line adjustment shall be completed between the subject property and the adjacent Los Angeles County Fire Department property. The lot line adjustment shall be recorded with the Los Angeles County Recorder's Office prior to the occupancy of the new spaces.

PUBLIC SAFETY - CITY OF CARSON

35. Ensure compliance with current seismic mitigation codes.
36. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

37. Prior to issuance of Building Permit, a soils report, sewer area study, drainage concept, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept and stormwater information have been received and found satisfactory.
38. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.

39. Dedicate 6-ft of additional right-of-way along portions of Rainsbury Avenue. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Records Office.
40. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
41. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
42. Repair any broken or raised (one-inch or more) sidewalk, curb and gutter along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer, which is limited to \$10,000 or less in performance costs.
43. The Developer shall fill in missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
44. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
45. Where sidewalk meander around existing driveways and extending beyond the public right of way at any location, the required described sidewalk easements shall be submitted and approved prior to issuance of the building permit.
46. If any, remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
47. Install and/or modify (if necessary) existing wheelchair ramp along Avalon Boulevard at the entrance and exit to the subject site, and at the northwest corner of Rainsbury Avenue and Victoria Street per City of Carson Standard, in compliance with ADA requirements.
48. In the event that the applicant proposes future improvements allowing vehicular access entering or exiting onto Rainsbury Avenue (apart from the two existing "crash gates"), the applicant shall install streetlights on concrete poles with underground wiring Rainsbury Avenue to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
49. All new utility lines, along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue abutting the proposed development shall be underground to the satisfaction of the City Engineer.

50. Plant approved parkway trees on locations along Avalon Boulevard and Victoria Street where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134. All new trees must be kept adequately watered.
51. Paint Curbs Red along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development, to the satisfaction of the City Traffic Engineer.
52. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
53. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
54. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
55. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
56. Comply with mitigation measures recommended by the water purveyor.
57. The Developer shall submit a copy of approved plans on mylars (i.e. Grading, Sewer, Street, and Storm Drain Improvement Plans), to the City of Carson – Engineering Division, prior to issuance of construction permits.
58. A construction permit is required for any work to be done in the public right-of-way.
59. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
60. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
61. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the Engineer in the field. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)

62. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.
63. Prior to issuance of Building Permit, the following must be on file:
64. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
65. Construction bond as required for all work to be done within the public right of way.
66. Proof of Worker's Compensation and Liability Insurance.
67. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

68. 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.



EXHIBIT C

RESO NO. 08-2196



**AGREEMENT ACCEPTING CONDITIONS
CITY OF CARSON PLANNING COMMISSION**

For and in consideration of the grant by the city of Carson Planning Commission, at its meeting of March 25, 2008, approved your request for Modification to Special Use Permit No. 106-74, subject to the conditions of approval in Resolution No. 08-2196. For and in consideration of the grant by the city of Carson Planning Commission, I (we), the undersigned do(es), hereby agree to all conditions set forth in the Resolution. The Resolution and Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 17700 Avalon Boulevard.

Description: To permit an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-Family – 8 units per acre – Design Overlay) zoned district.

Applicant: Colony Cove Properties, Attn: James Associates, 255 North El Cielo Road, Suite 140-285, Palm Springs, CA 92262.

Property Owner(s): Colony Cove Properties, Attn: James Associates, 255 North El Cielo Road, Suite 140-285, Palm Springs, CA 92262.

This agreement shall run with the land and shall bind upon Declarant, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

By: Denise Bothe
Title: Denise Bothe, Planning Secretary
Date: April 21, 2008

Dated this ____ day of _____, 2008 Dated this ____ day of _____, 2008
By: _____ By: _____
Applicant (Type or Print) Property Owner (Type or Print)

Applicant (Signature)

Colony Cove Properties, LLC, a Delaware LLC
By: El Dorado Palm Springs, Ltd.,
a Delaware LLC
Its Manager
By: Goldstein Properties, Inc., a Cal.
Corp.
Its General Partner
By: James F. Goldstein
James F. Goldstein, President

Property Owner (Signature)

Colony Cove Properties, LLC, a Delaware LLC
By: El Dorado Palm Springs, Ltd.,
a Delaware LLC
Its Manager
By: Goldstein Properties, Inc., a Cal.
Corp.
Its General Partner
By: James F. Goldstein
James F. Goldstein, President



CITY OF CARSON

Col. one
add space

April 21, 2008

Colony Cove Properties
Attn: James Associates
255 North El Cielo Road, Suite 140-285
Palm Springs, CA 92262

Subject: Modification to Special Use Permit No. 106-74

Dear Applicant:

The Planning Commission, at its meeting of March 25, 2008, approved your request for the above-mentioned item(s), subject to the Conditions of Approval in Resolution No. 08-2196. Please note that pursuant to Municipal Code Section 9173.4, any decision made by the Planning Commission may be appealed to City Council within 15 days of the date of the Commission action.

As indicated in the Resolution, you and the property owner are required to sign the enclosed "Agreement Accepting Conditions" form and return ONLY that form to your case planner within thirty (30) days of the receipt of this letter. Please retain the enclosed resolutions and a copy of the Agreement Accepting Conditions for your records.

If you have any questions concerning the City's procedures or any of the enclosed documents, please feel free to call your planner at (310) 952-1761.

Sincerely,

Denise Bothe

Denise Bothe, Planning Secretary
Development Services Group

APR 25 2008
5/1/08



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-2196

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON APPROVING MODIFICATION TO SPECIAL USE PERMIT NO.
106-74 FOR THE ADDITION OF 21 MOBILE HOME SPACES TO AN
EXISTING 404-UNIT MOBILE HOME PARK LOCATED AT 17700
AVALON BOULEVARD

THE PLANNING COMMISSION 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, with respect to real property located at 17700 Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting authorization of a Modification to Special Use Permit No. 106-74 to permit an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zone district.

Public hearings were duly held February 26, 2008 and March 25, 2008, 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 meetings were duly given.

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

Section 3. The Planning Commission finds that:

- a) The General Plan Housing Element calls for the promotion of a variety of housing types, including mobile homes, and the development of quality affordable housing. The proposed 21 units exceeds the maximum density allowed in the zone of 8 units per acre. The applicant intends to provide additional mobile home spaces and affordable housing opportunities for five of the new spaces. The mobile home park is allowed to exceed the maximum density provided they provide affordable housing. In doing so, the development will facilitate achievement of goals and objectives of the General Plan.
- b) The project site is 52.54 acres in area, flat, and square-shaped. The location is suitable for the use, and there are adequate facilities to serve the subject property and intended use.
- c) Primary access to the subject property is via two driveways on the west side from Avalon Boulevard, which is a major thoroughfare running the length of the city. Avalon Boulevard is considered sufficient in width and capacity to serve the anticipated cumulative traffic impact created by the proposed mobile home expansion. Emergency vehicle access is provided by crash gates in two locations along the east side of the subject property, facing Rainsbury Avenue.
- d) There are a sufficient number fire hydrants located throughout the subject property to facilitate the suppression of fire. There is adequate water supply for the hydrants and efficient means of access for fire department equipment and personnel in the event of an emergency.



- e) The zoning for the property calls for multi-family residential uses, with which the proposed use is compatible. The proposed spaces will occupy existing areas within the mobile home park, which is consistent with the intended character of the area.
- f) The proposed site plan is designed to mitigate park residents' concerns voiced in community meetings between staff, the applicant and park residents during the review process of this application, and has been revised in response to the salient issues raised by residents in these meetings.

Section 4. The Planning Commission further finds that the use permitted by the proposed Modification to Special Use Permit No. 106-74 will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the character of the surrounding area and meets or exceeds all City standards for protection of the environment. The Planning Commission hereby adopts the Negative Declaration.

Section 5. Based on the aforementioned findings, the Commission hereby grants a Modification to Special Use Permit No. 106-74, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 25th DAY OF MARCH, 2008.


CHAIRMAN

ATTEST:


SECRETARY

JS



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
MODIFICATION TO SPECIAL USE PERMIT NO. 106-74

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.

