

**CITY OF CARSON**

**PLANNING COMMISSION**

**RESOLUTION NO. 07-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON DENYING TENTATIVE PARCEL MAP NO. 27014 FOR THE RESIDENTIAL CONVERSION OF CARSON HARBOR VILLAGE MOBILE HOME PARK LOCATED AT 17701 AVALON BOULEVARD AND MAKING FINDING IN CONNECTION THEREWITH**

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

**Section 1.** An application was duly filed by the applicant, Carson Harbor Village, Ltd., (the "applicant") with respect to the real property located at 17701 Avalon Boulevard, Carson, California. The area is shown in Exhibit "A" attached hereto. The application requests approval of Tentative Parcel Map No. 27014. The property is currently developed with a 420 unit mobile home park, Carson Harbor Village Mobile Home Park (the "park"). The applicant is requesting approval of a parcel map for condominium purposes in order to convert the rental park to a nominal residential ownership park.

**Section 2.** Said application was submitted to appropriate agencies as required by the Subdivision Regulations of the City of Carson, with the request for their review, comments and requirements.

**Section 3.** A Subdivision Meeting was held on October 18, 2006, when the applicant, staff and representatives of agencies were present.

**Section 4.** Duly noticed public hearings were held on November 14, 2006, and December 12, 2006, January 9, 2007, January 23, 2006, March 13, 2007, April 22, 2007, May 8, 2007, May 22, 2007 and June 12, 2007 at 6:30 P.M. at the City Hall Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place and purpose of the aforesaid meetings was duly given in the manner required by law.

**Section 5.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 6.** Based upon substantial evidence, taken from the record as a whole, including all submittals to the Planning Division, the Staff Report and all attachments thereto, the testimony of the interested witnesses, before the Planning Commission, and matters of which the Planning Commission can take notice from the files and records of the City of Carson, the Planning Commission finds as follows:

1. Mobile home park units comprise approximately 9% of the City of Carson's ("City") total households with 2,405 senior and family households located in 23 mobilehome parks citywide.

2. Based on a survey conducted by the City in or about October of 2005, approximately 79% of the mobile home park residents within the City are low-income or very low-income households as defined by United States Department of Housing and Urban Development; and

3. Based on a survey conducted by the City in or about October of 2005, approximately 14% of the mobile home park residents within the City are moderate income households as defined by United States Department of Housing and Urban Development.

4. Based on a survey conducted by the City in or about October of 2005, approximately 39% of the mobile home park residents within the City are senior citizens.

5. Based on a survey conducted by the City in or about October of 2005, approximately 49% of the mobile home park households within the City have a disabled member.

6. Approximately 80% of the City's affordable housing units are located within the mobile home parks.

7. Mobile home parks provide a significant pool of affordable housing for very low, low, and moderate income families, senior citizens, and the disabled residents in the City.

8. Approximately 60% of the Carson Harbor Village's residents are low-income or very low-income households as defined by United States Department of Housing and Urban Development.

9. Approximately 20% of the Carson Harbor Village's residents are moderate income households as defined by United States Department of Housing and Urban Development.

10. Approximately 33% of the Carson Harbor Village's households are senior citizens.

11. Approximately 55% of the Carson Harbor Village's households have a disabled member.

12. The General Plan Housing Element Goal H-4 is "Protection of the supply of affordable housing." Policy No. H-4.4 states "The City should limit the conversion of affordable rental units to ownership units." Implementation Measure No. H-IM-4.2 states in part, "Protection of mobile home park tenants. ...Mobile home parks constitute a significant portion of the low- and moderate-income housing in the City. The City has rent control for mobile home spaces only..."

13. The 1999-2005 Action Plan from the Housing Element includes:

- Continue to require rent control for the City's mobile home parks.
- Assist with mobile home park rehabilitation or conversion to ownership housing if appropriate and/or feasible.

- Assess the reasons for mobile home park closures and assist mobile home park owners in finding a solution to resist closure.

14. The City's overall goal is to preserve low and moderate-income housing throughout the City. The proposed subdivision will not advance that goal, in general, and, in particular, the proposed subdivision will not maintain the existing supply of affordable mobilehome spaces because, under state law, upon the vacancy of any rental condominium unit, rents to future residents will not be regulated to assure the same remain affordable to low and moderate-income renters, and upon the date of conversion, rents for non-purchasing non-low income renting residents will rise to market rates not affordable to moderate or low-income residents. Purchasing residents will not be required to maintain their condominium unit as affordable.

15. The General Plan's current Housing Goals and Policies, specifically goals H-3 and H-4 provide that the City shall seek to provide an adequate supply of housing for all economic segments of the City and the City shall protect and preserve the existing supply of affordable housing. H-4.3 specifically holds that the City's policy is to "[e]ncourage the preservation of affordable rental housing and H-4.4 states that the City shall "[l]imit the conversion of affordable rental units to ownership units." The proposed subdivision will not advance that goal, in general, and, in particular, the proposed subdivision will not maintain the existing supply of affordable mobilehome spaces for all economic segments of the City because, under state law, upon the vacancy of any rental condominium unit, rents to future residents will not be regulated to assure the same remain affordable to all economic segments of the City, and upon the date of conversion, rents for non-purchasing non-low income renting residents will rise to market rates not affordable to all income segments of the City. Purchasing residents will not be required to maintain their condominium unit as affordable. Nothing in the proposed subdivision either encourages the preservation of affordable rental housing or limits the conversion of affordable rental units to ownership units.

16. The General Plan's current Open Space Element identifies the wetland within Carson Harbor Village Mobilehome park as the only open space within the city identified by a local, regional or state open space plan pursuant to Government Code Section 65560. This wetland covering approximately 17 acres, provides habitat for a variety of plants and small animals. The California Department of Fish and Game regulates all maintenance and activities associated with the wetlands. Any request to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the stream bed of the unnamed drainage tributary to the Dominguez Channel requires approval of an agreement regarding proposed stream or lake alteration from the Department of Fish and Game.

17. During the review of rent increase applications pursuant to the Carson Rent Stabilization Control Ordinance and the subject application, the city has been routinely informed that compliance with the California Department of Fish and Game is complex and requires significant knowledge of applicable procedures. Park management is required to commit large amounts of time and resources to ensure compliance with applicable standards and procedures.

18. The testimony from residents at the public hearing indicated that residents, in general, are concerned that unreasonable maintenance

responsibilities and liability will be assumed upon conversion of the park to resident ownership.

19. The Carson Harbor Village wetland accepts drainage from areas located to the north and east of the park. Drainage is received from the Artesia Freeway, City of Carson, City of Compton and unincorporated areas of Los Angeles County. There has been prior litigation involving the wetland due to contamination caused by illegal dumping or drainage from outside of the wetland. There are insufficient protective measures to ensure that future contamination will not occur within the wetlands due to illegal dumping of materials into the storm drain or accidental spills that result in materials flowing into the storm drain and wetland area.

20. The proposed subdivision will impose unique and substantial burdens on the resulting mobilehome park homeowners' association for compliance with federal and/or state laws with respect to the open space marsh within the proposed subdivision that could result in an inability of such homeowners' association to meet the goals of the City's Open Space Element. Under either the applicable conditions, covenants, and restrictions, or the Davis-Sterling Common Interest Development Act, the resulting homeowners' association will lack the expertise, the financial resources (either in the form of reserves or insurance), or administrative oversight to address the maintenance, potential liability, or regulatory adherence of the open space marsh.

21. Pursuant to City of Carson's Municipal Code § 9209.5(B) the Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project, if it finds that the map is not substantially consistent with the provisions of the City's General Plan or any applicable specific plans.

22. Approving this application is, therefore, inconsistent with the General Plan housing goals and policies.

23. The legislature has adopted AB-930 (Stats 2002 Ch. 1143, § 1), adding the requirement that an applicant for a discretionary map "obtain a survey of support of residents of the mobile home park for the proposed conversions", and that the survey "be considered as part of the subdivision map hearing."

24. The legislature further declared: "It is the intent of the legislature to address the conversion of a mobile home park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in *El Dorado Palm Springs, Limited v. City of Palm Springs* (2002) 96 Cal. App. 4<sup>th</sup> 1153. The court in this case concluded that the subdivision map approval process specified in Section 66427.5 of the Government Code may not provide local agencies with the authority to prevent non-bona fide resident conversions. The court explained how a conversion of a mobile home park to resident ownership could occur without the support of residents and result in economic displacement. It is, therefore, the intent of the Legislature in enacting this act to ensure that conversions pursuant to Section 66427.5 of the Government Code are *bona fide* resident conversions."

25. The survey of support submitted by the applicant in the record before the Planning Commission established that, of the 420 spaces, there were 129 responses to the survey. Forty-nine of those responses indicated support for conversion; 44 of those responses indicated opposition to the conversion; 24 of those

responses declined to state a position on conversion and 12 gave no answer. The demonstrated level of resident support for conversion (at 11%) is insufficient to conclude, based upon substantial evidence from the record, that the Planning Commission can make a finding that approval of the application will result in *bona fide* resident conversion.

26. The testimony from residents at the public hearing indicated that residents, in general, do not support the conversion of the park or this application.

27. There is no evidence in the record that the survey of support was conducted in accordance with an agreement between the applicant and a resident homeowners association that is independent of the applicant or the mobilehome park owner as required by Government Code § 66427.5(d)(2).

28. The tenant impact report submitted by the applicant does not satisfy the requirements of Government Code § 66427.4 in that it fails to report on the impact of the conversion upon displaced residents of this park.

29. The tenant impact report submitted by the applicant does not satisfy the requirements of Government Code § 66427.4 in that it fails to address the availability of adequate replacement space in mobilehome parks.

30. The tenant impact report fails to properly disclose the extraordinary measures needed to meet the requirements of the California Department of Fish and Game and fails to acknowledge the unreasonable liability and maintenance responsibilities that will be borne by the resident owners following the date of conversion.

31. The tenant impact report fails to address the significant remediation costs should the park be determined responsible for contamination within the wetland and concludes, without evidentiary support, that there will be no displacement of residents due to potential increases in assessments to cover unusual and unexpected costs associated with the wetlands.

32. The tenant impact report concludes, without evidentiary support, that there will be no displacement of residents because the applicant will not exercise the right to terminate tenancies, and fails to acknowledge or consider the impact of rent increases on the continued financial viability of non-low income non-purchasing residents remaining as park renters following the date of conversion.

33. The tenant impact report fails to estimate the likely increase in rental rates on non-low income non-purchasing residents, or the impact of such rental adjustments on available disposable income, to determine if such rent increases as are allowed in Government Code § 66427.5 could or will result in short- or long-term resident displacement.

34. The tenant impact report concludes, without evidentiary support, that because the applicant has waived the right to terminate tenancies, there will be no non-low income non-purchasing resident displacement as a result of the conversion without considering whether the economic impact of annual rent increases may result in resident displacement.

35. The tenant impact report fails to address the availability of adequate replacement space in mobilehome parks because the report concludes, without evidentiary support, that because there will not be immediate terminations of tenancies by the applicant, there will be no displacement as a result of the application.

**Section 7.** Pursuant to Government Code Section 66473.5, the Planning Commission finds that the proposed conversion of the park to nominal resident ownership is incompatible with the objectives, policies, and general land use and programs provided in the City's General Plan.

**Section 8.** Pursuant to Government Code Section 66474, the city shall deny approval of a parcel map if it makes **any** of the findings listed below. The Planning Commission, therefore, finds as follows:

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

Pursuant to the General Plan, the proposed subdivision map is not consistent with the density, goals, policies and objectives for low density residential development applicable to the property in question.

**Section 9.** Pursuant to Government Code Sections 66427, 66427.4, 66427.5, 66451, 66452 and the City of Carson Municipal Code Sections 9202.1 through 9209.6, the Planning Commission further determines as follows:

- a) That each resident of the park has received all applicable notices and rights now or hereafter required by Section 66427 and in Chapter 3 of the California Subdivision Map Act (commencing with Section 66451);
- b) That the applicant has failed to demonstrate that a survey of support was conducted in conformance with Government Code § 66427.5;
- c) That the applicant has failed to demonstrate that there is sufficient resident support for this application sufficient to enable the Planning Commission to find and determine that approval of this application will result in a *bona fide* conversion to resident ownership in conformance with Government Code § 66427.5;
- d) That the applicant has failed to comply with Government Code § 66427.4 in that the Tenant Impact Report fails to adequately consider the impact of the proposed conversion upon the displaced residents of the park.
- e) The tenant impact report submitted by the applicant does not satisfy the requirements of Government Code § 66427.4 in that it fails to report on the impact of the conversion upon displaced residents of this park.
- f) The tenant impact report submitted by the applicant does not satisfy the requirements of Government Code § 66427.4 in that it fails to address the availability of adequate replacement space in mobilehome parks.
- g) The survey of support is insufficient to support a finding that approval of this application will result in a *bona fide* conversion to resident ownership as required by Government Code § 66427.5.

**Section 10.** Based on the foregoing, the Planning Commission hereby denies Tentative Parcel Map No. 27014.

**Section 11.** 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.

**Section 12.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**PASSED, APPROVED AND ADOPTED THIS 12th DAY OF JUNE, 2007.**

---

**PLANNING COMMISSION CHAIR**

**ATTEST:**

---

**SECRETARY**