



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: March 13, 2007

SUBJECT: Tentative Parcel Map No. 27014  
Carson Harbor Village Mobile Home Park

APPLICANT: Carson Harbor Village, Ltd.  
10100 Santa Monica Boulevard Suite 2030  
Los Angeles, CA 90067

REQUEST: To approve Tentative Parcel Map No. 27014 to allow the conversion of Carson Harbor Village Mobile Home Park from a rental park to a resident owned park

PROPERTY INVOLVED: 17701 Avalon Boulevard

### **COMMISSION ACTION**

Concurred with staff

Did not concur with staff

Other

### **COMMISSIONERS' VOTE**

AYE	NO		AYE	NO	
		<b>Cottrell – Chairperson</b>			<b>Saenz</b>
		<b>Pulido – Vice-Chair</b>			<b>Tyus</b>
		<b>Faletogo</b>			<b>Verrett</b>
		<b>Graber</b>			<b>Wilson</b>
		<b>Hudson</b>			

## **I. Introduction**

The applicant is proposing Tentative Parcel Map No. 27014 to allow Carson Harbor Village Mobile Home Park to be converted from a rental park to a resident owned park. Carson Harbor Village Mobile Home Park is a 420 space mobile home park located on the west side of Avalon Boulevard south of Albertoni Street and north of Victoria Boulevard (Exhibit No. 1)

## **II. Background**

The Planning Commission held a public hearing on this request on November 14, 2006. The public hearing was opened and testimony taken. The applicant requested that the case be continued to December 12, 2006 to allow the applicant time to discuss the conditions of approval with the staff and the Homeowners Association Board for Carson Harbor Village. The case was further continued until January 9, 2007 and January 23, 2007 at the request of the applicant to discuss the conditions of approval with staff.

The Planning Commission approved Special Use Permit No. 147-76 in February 1977, which allowed Carson Harbor Village Mobile Home Park to be constructed. Several modifications were made to Conditional Use Permit No. 147-76 to allow for eleven additional mobilehome spaces, authorizing removal of the bridge over the marsh and alterations to the number and location of entrances. The Park is subject to the City's Mobile Home Park Rent Control Ordinance. Under existing State law, the conversion of a mobile home park from a landlord-tenant arrangement to resident ownership is governed by Government Code Section 66427.5 (Exhibit No. 2). The city also has a Mobile Home Park Conversion Ordinance, Sections 9209.1 through 9209.6 of the Carson Municipal Code (Exhibit No. 3).

### **Park Conversion**

When a park is converted from a rental mobile home park to a resident owned mobile home park, the existing residents have the option to purchase a space in the park or remain as renters. If the households are determined to be lower income as defined in the State Health and Safety Code, and the residents choose to remain as renters, then their monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent but only by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increase by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

If a resident chooses to remain a renter and is not lower income as determined by the State, the monthly rent, including all applicable fees or charges for use of any pre-conversion amenities, may increase from pre-conversion rent to market levels, as defined in an appraisal conducted in the manner specified by law, in equal annual

increases over a four year period. The other option is to purchase a space, known as an air space condominium, in the park.

### III. Analysis

The applicant's representatives and staff met with the Carson Harbor Village Homeowner Association Board (Board) on November 22, 2006 and with the applicant on January 17, 2007. A number of issues and the conditions of approval were discussed.

#### Infrastructure

The Board was concerned with the condition of the infrastructure. They wanted to make sure that adequate reserves would be established to cover the cost of future repairs and replacements. Staff suggested that a consultant be hired to review the Department of Real Estate (DRE) proposed condominium budget to be submitted by the applicant. The consultant would evaluate the age of the infrastructure, repair history and projected reserves to see if the budget being submitted to DRE reflected a realistic reserve to cover major future infrastructure expenses.

The Carson Redevelopment Agency is considering providing resident purchase assistance to income eligible households. As such, the Carson Redevelopment Agency is anticipated to hire the appropriate consultant. Staff asked both the applicant and the Board to submit names of consultants that could complete the study. The study would be completed after the tentative map is approved.

#### Conditions of Approval

The applicant has requested that a number of conditions be modified or deleted. These conditions were discussed at the November 22, 2006 meeting with the applicant and Board. Staff agreed to some of the changes but not all. Subsequent letters, dated December 1, 2006 and December 21, 2006, were received from the law firm of Gilchrist & Rutter, representing the applicant, (Exhibit 4) commenting on the conditions of approval. The following summarizes the major agreed upon changes made in the conditions of approval:

Condition 9. Prior to the sale of any unit/lot in the subdivision, the subdivider shall obtain a written maintenance inspection report for compliance with Title 25 of the California Code of Regulations (simply "Title 25") for the common areas and facilities, including, without limitation, such other Title 25 requirements that apply to the subdivider such as marking of lot lines. Prior to the sale of any unit/lot in the subdivision, the subdivider shall remediate any and, all violations of Title 25 noted in such written maintenance inspection report. Proof of remediation shall be confirmation in writing by the California Department of Housing and Community Development (HCD)).

Discussion: Title 25 is the Code by which HCD regulates mobile home parks. It is similar to a building code. The change in wording in this condition gives more assurances to future buyers that the park meets all regulations and is not in need of major repairs.

Condition 19. A geology/soils report shall be submitted to the County of Los Angeles for review and approval prior to the recordation of the final map. The geology/soils report will be used as a disclosure document for purchasers of spaces and for future construction in the mobile home park.

Condition 20. For future construction or intensification of use within the Carson Harbor Village Mobile Home Park, the soils report required in condition no. 18 may be used as a lawful basis to impose conditions on such future construction. The soils report required in condition no. 18 shall be disclosed to each and all the Residents/Homeowners of Carson Harbor Village Mobile Home Park prior to the execution of any agreement to purchase a subdivided interest in Carson Harbor Village Mobile Home Park

Discussion: Condition 19 satisfies the Subdivision Map Act requirement for all subdivisions to submit a soils report. Condition 20 satisfies the requirement that additional conditions cannot be placed on the mobile home park that are not related to public health and safety. If any additional development occurs in the park, it is subject to all the requirements of zoning and the Subdivision Map Act, therefore any conditions which result from the soils report will apply to future development. The soils report is also being used as a disclosure document for the future purchasers. The applicant has submitted a soils report.

Condition 23. The subdivider shall comply with the following street lighting requirements:

- a. Provide streetlights on concrete poles with underground wiring along the property frontage on Albertoni Street and Avalon Boulevard to the satisfaction of the City Engineer. Submit street lighting plans as soon as possible for review and approval to the Street Lighting Section of the Traffic and Lighting Division of the County of Los Angeles Department of Public Works. For additional information contact the Street Lighting Section at (626) 300-4726.
- b. The areas within the proposed map, or portions thereof, are not within an existing lighting district. Annexation and assessment balloting are required. Upon tentative map approval, the subdivider shall comply with conditions listed below in order for the lighting district to pay for the future operation and

maintenance of the streetlights. The Board of Supervisors must approve the annexation and levy assessment (should the assessment balloting favor levy of assessment) prior to the filing of the final subdivision maps for each area within the Register-Recorder/County Clerk office.

1. The subdivider shall request the Street Lighting Section to commence annexation and levy of assessment proceedings.
  2. The subdivider shall provide business/property owner's name(s), mailing address(es), site address, Assessor parcel number (s), and parcel boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
  3. The subdivider shall submit a map of the proposed development including any roadway conditioned for streetlights that are outside the proposed project area to the Street Lighting Section. Contact the Street Lighting Section for map requirements and with any questions at (626) 300-4726.
- c. The annexation and assessment balloting process takes approximately ten to twelve months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans or in filing the final subdivision map for recordation. Filing of the final map shall be contingent upon either the Board of Supervisors approval of the annexation or the approval of an agreement binding upon the subdivider that such approval by the Board of Supervisors shall occur prior to the sale or transfer of 30% or more of the condominium units. Information on the annexation and the assessment balloting can be obtained by contacting Street Lighting Section at (626) 300-4726.
- d. For acceptance of street light transfer of billing, the area must be annexed into the lighting district and all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans. Provided the above conditions are met, all street lights in the development, or the current phase of the development, have been energized, and the developer has requested a transfer of billing at least by January 1 of the previous year, the lighting district can assume responsibility for the operation and maintenance of the street

lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.

Discussion: Condition No. 23 currently requires streetlights to be provided on Albertoni Street and Avalon Boulevard. The condition previously required streetlights to be provided on Victoria Boulevard. Victoria Boulevard has streetlights in the median which provide sufficient light on the north side of the street adjacent to the mobile home park. Section 9206.7 of the Carson Municipal Code gives the authority to the Planning Commission to require lights and other street improvements for existing streets that are adjacent to the subject property when considering a subdivision application. Whenever there is an application for a subdivision, LA County Public Works provides recommendations for the needed public improvements adjacent to the subdivision. Both Los Angeles County Public Works and the Carson Engineering Division recommend that streetlights be provided on Albertoni Street and Avalon Boulevard to improve public safety. There is no lighting on Albertoni Street and lighting on Avalon Boulevard does not meet city standards. A condition has been included to require the applicant to install lights meeting city standards to provide safety for pedestrians and automobiles. A letter from Sheriff's Department is attached as Exhibit 5 which discusses the need for lighting in this area. The Sheriff's Department reports that, over the past three years, there have been 103 reported crimes directly related to Carson Harbor Village. Maximum lighting is recommended to deter criminal and nuisance activity in the area. Residents indicate that without the lights on Albertoni Street it is easier for intruders to climb the fence to get into the mobile home park without being seen. There was also an incident where a car ran into the block wall surrounding the mobile home park on Albertoni Avenue.

Condition 24. The subdivider shall provide a sewer area study which studies the area sewer capacity only and shall submit such study for review and approval prior to recordation of a final map. The sewer area capacity study shall be used as a disclosure document for purchasers of spaces and for future construction in the mobile home park.

Condition 25. For future construction in Carson Harbor Village Mobile Home Park, the sewer area study required in Condition 24 may be used to impose conditions only on future construction. The sewer area study required in Condition 24 shall be disclosed to each and all Residents/Homeowners of Carson Harbor Village Mobile Home Park (CHV) prior to the execution of any agreement to purchase a subdivided interest in CHV

Discussion: The Area Sewer Capacity Study was required by the Los Angeles County Public Works Department. The current owners will not be required to upgrade the capacity of the sewers. However, the County needs the information for future planning needs especially since there may be more people in each unit, however any capacity upgrades will only be mandated on future construction or additional mobile homes.

The applicant has requested that Conditions 40, 42, 43, 45, 47, 48 and 50 be revised or deleted. All of these conditions concern Los Angeles County Fire Department regulations. Staff added Condition No. 54 allowing the Fire Department to modify conditions associated with fire safety if a determination is made that existing or alternate improvements meet applicable fire code requirements. This allows the conditions to be modified if the Fire Departments agrees to the changes requested by the applicant. The applicant is attempting best efforts to achieve full compliance recognizing that the age and design of the mobilehome park may present practical difficulties with one of more conditions. The Fire Department will make final determinations upon submittal of improvement plans by the applicant.

The Engineering Division also recommends that the sidewalks be modified at entrances to the mobilehome park and at street intersections to provide handicapped access using the current standards. The City has agreed to provide the necessary upgraded wheelchair ramps at the public street intersections and the applicant will modify the three existing entrances to meet current ADA requirements.

### General Plan

The General Plan Land Use Map designates this area for low density residential development. There are 420 mobile homes located on the 71.2 acre parcel which brings the density to approximately 5.1 dwelling units per acre. Dwelling units per acre is determined by dividing the number of dwelling units by the net lot area. The net lot area excludes public right-of-way, streets and public and private easements where the owner does not have the right to use the property in any manner. The marsh area has restrictions on its use but it is not an easement, and it is a passive open space area, therefore it is included in the density calculations. The mobile home park is in conformance with the General Plan Land Use Map. (Exhibit 6)

The General Plan Housing Element Goal H-1 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..." The 1999-2005 Action Plan 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.

The City has a goal to preserve low and moderate-income housing. The conversion of this park into residential ownership would provide home ownership opportunities at much lower costs than other forms of housing. Low-income rental households would continue to be protected through the State's rent control regulations. The Redevelopment Agency is considering assistance to moderate income residents to facilitate home ownership opportunities for existing residents. The details of the program will be determined once the purchase price and other details are available.

### Zoning District

The property is zoned RM-8-D (Residential, multi-family-8 dwelling units per acre-Design Overlay Review) (Exhibit No. 7). Carson Harbor Village Mobile Home Park is in conformance with the applicable zoning standards and with Special Use Permit No. 147-76.

### Subdivision Map Act

The applicant's representative has stated that the Section 66428.1 of the Subdivision Map Act prohibits the city from requiring a bond for any required public safety improvements (i.e. street lighting). The City Attorney does not agree with the applicant's representative since Section 66428.1(a) of the Subdivision Map Act , by its express terms, applies only "when at least two-thirds of the owners of mobilehomes who are tenants in the mobilehome park sign a petition indicating their intent to purchase the mobilehome park for purposes of converting to resident ownership...". Because this park conversion application was submitted by the mobile home park owner, it is the opinion of the City Attorney that Section 66428.1(d) is not triggered or applicable. A copy of Section 66428.1 of the Subdivision Map Act is attached as Exhibit No.7.

### Tentative Parcel Map No. 20714

The City's only action in this case is the approval or denial of Tentative Parcel Map No. 27014. If the City can not make the findings for denial, it must approve the Parcel Map.

Pursuant to Section 66474 of the Subdivision Map Act, a city shall deny approval of a parcel map if it makes any of the findings listed below. The Planning Commission finds, that with the incorporation of those conditions attached in Exhibit B, the following:

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

Pursuant to the General Plan, the proposed subdivision map is consistent with the density, goals, policies and objectives for low density residential development applicable to the property in question.



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

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

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

The existing Carson Harbor Village Mobile Home Park was approved by the Planning Commission in 1977. The park was built in compliance with Special Use Permit No. 147-76 and the development standards in effect at the time for mobile home parks. With the recommended conditions of approval specified in the attached Resolution, the subdivision meets all applicable development criteria specified for Special Use Permit No. 147-76, the zoning criteria for mobile home parks and the RM-8-D (Residential, multi-family-8 dwelling units per acre-Design Overlay Review) zone.

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

The General Plan designates low density residential development as appropriate for the site and the property is zoned RM-8-D (Residential, multi-family-8 dwelling units per acre-Design Overlay Review). Both the General Plan and the zone district allow 8 dwelling units per acre. The mobile home park as currently developed has a density of approximately 5.1 dwelling units per acre which is in compliance with the density provisions of the General Plan.

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

The site of the proposed condominium conversion is already developed and the subdivision application does not contemplate any additional development on the property. A marsh is located on the property. The marsh is regulated by the Department of Fish and Game. There are restrictions on the property that assure that the wetlands will not be damaged.

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

With the conditions of approval in place, including the requirement for street lighting to be provided, the design of the subdivision or improvements is not likely to cause serious public health problems. Lighting and access for the disabled in the area immediately adjacent to the mobilehome park does not meet current standards. The existing condition is detrimental to the public safety of the residents of the park. If the conditions requiring improvement of the adjacent lighting and access for the disabled

are not met, then a condition will remain that could cause serious public health problems.

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

The project will not conflict with existing traffic flow adjacent to the property on Avalon Boulevard, Victoria Street or Albertoni Street. The easements for sewer and water run under the current mobile homes. This condition has existed since the park was developed and will not change as a result of this subdivision. It should be noted that if a sewer or other utility line needs to be repaired, it may require access under mobile homes.

#### **IV. Environmental Review**

An Initial Study was prepared and it was determined if there would not be any significant impacts from the Tentative Parcel Map. A Negative Declaration was prepared, noticed and sent to the County Recorder's office for posting. The property owners and tenants within the affected and those within 500 feet of the corridor were noticed 20 days prior to the hearing.

#### **V. Conclusion**

With the revised conditions adopted as part of the resolution, staff recommends that Tentative Parcel Map No. 20417 be approved pursuant to Government Code Section 66474.

#### **VI. Recommendation**

That the Planning Commission:

- OPEN the public hearing, and take public comments.

- WAIVE further reading and ADOPT Resolution No. adopting the Negative Declaration and approving Tentative Parcel Map No. 20714 subject to the Conditions of Approval attached as Exhibit B.

**VII. Exhibits**

1. Site Map
2. Government Code Section 66724.5
3. City of Carson Mobile Home Park Conversion Ordinance
4. Letters from Gilchrist and Rutter dated December 6, 2006 and December 21, 2007
5. Letter from Sheriff's Department dated February 28, 2007
6. General Plan Map
7. Zoning Map
8. Subdivision Map Act Section No. 66428.1
9. Draft Resolution

**Prepared by:** \_\_\_\_\_  
Chris Ketz, Planning Consultant

**Approved by:** \_\_\_\_\_  
Sheri Repp, Planning Manager