



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: January 13, 2009
SUBJECT: Workshop to discuss the consideration and processing of mobilehome conversion applications
APPLICANT: City of Carson
REQUEST: To discuss current regulations and to determine additional measures as deemed necessary
PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brimmer			Graber
		Brown			Verrett

I. Introduction

On March 21, 2007, the City Council approved Ordinance No. 07-1373(U) prohibiting mobilehome park conversions to condominiums or any other types of resident ownership. On March 20, 2008, the City Council extended the interim moratorium ordinance for one year. During the period of the moratorium prohibiting mobilehome park conversions, there has been ongoing study and analysis to determine appropriate measures to address pertinent issues associated with the conversion process. The moratorium is due to expire on March 21, 2009 and the Planning Commission is requested to consider information submitted by staff that may be used to develop additional policy or procedures deemed necessary to properly regulate the conversion process.

II. Background

The California Legislature has enacted provisions to facilitate the conversion of rental mobilehome parks to resident ownership. The City has adopted provisions within the Carson Municipal Code Subdivision Ordinance (Section Nos. 9209.1 – 9209.6) related to mobilehome park conversions. Recent amendments, including the adoption of Ordinance No. 08-1401, provide the city with the regulatory authority to assure a bona fide conversion to resident ownership will, in fact, occur, and to assure that any discretionary land use application that would come before the city protects against “sham” conversions intended to exempt a mobilehome park from the Carson Mobilehome Space Rent Control Ordinance.

The purpose of this workshop is to provide information to the Planning Commission in preparation for a more detailed workshop on February 10, 2009. As will be discussed at the next workshop, there is considerable concern regarding the condition of certain mobilehome parks, displacement issues, loss of affordable housing and potential changes in state legislation, and potential threats to public safety.

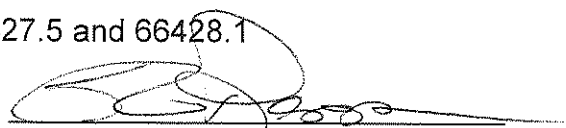
III. Recommendation

The Planning Commission is requested to review the attached reports and continue this workshop to February 10, 2009.

IV. Exhibits

1. Carson Municipal Code Sections 9209.1 – 9209.6
2. City Council Staff Report dated February 6, 2008
3. Status Report on Urgency Ordinance No. 07-1385 dated March 3, 2008
4. Interim Urgency Ordinance No. 08-1407(U)
5. Government Code Section Nos. 66427.5 and 66428.1

Approved by:


Sheri Repp, Planning Manager



PART 9. MOBILEHOME PARK RESIDENTIAL CONVERSIONS

Sections:

- § 9209.1 Purpose. «Unamended section»
- § 9209.2 Applicability. «Unamended section»
- § 9209.3 Application Requirements. «Unamended section»
- § 9209.4 Tenant Notification. «Unamended section»
- § 9209.5 Tentative Map and Preliminary Parcel Map Approval. «Unamended section»
- § 9209.6 Effective Date of Decision and Appeals. «Unamended section»

§ 9209.1 Purpose.

«Unamended section»

The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of conversion projects and correction of Building Code violations in such projects; to provide adequate off-street parking; to encourage construction of new rental units to replace units lost due to conversions; to protect the existing rental housing stock by reducing conversions; to ensure that conversions of mobilehome parks to resident ownership are bona fide resident conversions in accordance with state law; and to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare. (Ord. 06-1358, § 1; Ord. 08-1401, § 1)

§ 9209.2 Applicability.

«Unamended section»

The provisions of this Part shall apply to all mobilehome park conversions and all tentative maps and preliminary parcel maps submitted for consideration subsequent to the date upon which the ordinance codified in this Part becomes effective. (Ord. 06-1358, § 1)

§ 9209.3 Application Requirements.

«Unamended section»

A. Compliance with Law. A conversion project shall comply with the Division of Land regulations in Chapter 2 of Article IX of the Carson Municipal Code, the provisions of this Part, and local ordinances and other applicable State laws such as Government Code Sections 66427.5 and/or 66428.1.

B. Information Required. In addition to the information required by other applicable sections of this Code and other applicable law, the following information shall be submitted at the time of filing:

1. Building Plans. Building plans or other documents containing the following information pertaining to the project and certified as to its accuracy by a licensed engineer:

(a) A description of the features of the type of common area building and project, including age, type of construction, number of dwelling units, excluding manufactured housing units; and

(b) A site plan, including common area buildings, structures, open spaces, and accessory storage areas and buildings including trash storage areas, and the footprint of each manufactured housing unit and other dwelling unit (if applicable); and

(c) A parking plan, including the total number of spaces actually provided and the total number required at the time of the original entitlement of the mobilehome park if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; and total number of covered and uncovered parking spaces and location and number of guest parking spaces; and

(d) A phase I and, if indicated from the phase I report, a phase II environmental report; and

(e) A soils report, if that same is required by the County of Los Angeles or indicated from the phase I report; and

(f) A Department of Real Estate budget (Form No. 623, as the same may be modified from time to time), which includes, but is not limited to, information regarding: (i) the condition of park infrastructure and common facilities and the necessity for any replacements of infrastructure and common area facilities or major repairs estimated for the remaining useful life; (ii) building component reports indicating conditions and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect; (iii) a reserve study estimating the cost of replacing all these facilities over their useful life and a plan that provides adequate funding for same; and (iv) an estimate of the cost of all overhead and operating costs of maintaining the park, including, but not limited to, maintaining the park's open space areas over the next thirty (30) years; and

(g) Floor and elevation plans, including indications of common and private areas (excluding manufactured housing units) and required exits; and

(h) All existing building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City); and

(i) A structural pest control report, prepared by a licensed pest control contractor for all common areas; and

(j) A utility report, if the spaces within a park are not individually metered, confirming (i) the existence of adequate utility services, and (ii) indicating the feasibility of individual or submetering, prepared by qualified engineers; and

(k) All legal documents confirming the legal status of the park, including, but not limited to, documents (i) prepared for and defining the powers and duties of the proposed homeowners' association, including articles of incorporation, bylaws, and conditions, covenants and restrictions; and (ii) any notice(s) from the Department of Housing and Community Development of claimed violations; and (iii) a general title report.

2. Survey of Residential Support. A survey of residential support conducted in compliance with subdivision (d) of Government Code Section 66427.5. The subdivider shall demonstrate that the survey was conducted in accordance with an agreement between the subdivider and an independent resident homeowners' association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobilehome space had one (1) vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one (1) resident homeowners' association purports to represent residents in the park, the agreement shall be with the resident homeowners' association which represents the greatest number of resident homeowners in the park. For purposes of determining whether a proposed conversion is a bona fide resident conversion, the following criteria shall be used:

(a) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that more than fifty (50) percent of resident households support the conversion to resident ownership, the conversion shall be presumed to be a bona fide resident conversion.

(b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that at least thirty-five (35) percent but not more than fifty (50) percent of residents support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.

(c) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that less than thirty-five (35) percent of residents support the conversion ownership, the conversion shall be presumed not to be a bona fide resident conversion.

3. Tenant Impact Report. The tenant impact report shall include all information required by State law or by the provisions of this Part, including the following:

(a) Identify the anticipated timetable for compliance with Government Code Section 66427.5(a); and

(b) Identify the method and anticipated timetable for making rent determinations required by Government Code Section 66427.5(f)(1); and

(c) Identify the number of tenants likely to be determined to be subject to Government Code Section 66427.5(f)(1); and

(d) Upon conversion, identify the number of tenants likely to be determined to be subject to Government Code Section 66427.5(f)(1) during the period within five (5) years following conversion; and

(e) Upon conversion, identify the number of tenants likely to be determined to be subject to Government Code Section 66427.5(f)(2); and

(f) Upon conversion, and during the period within five (5) years following conversion, identify the number of tenants likely to be determined to be subject to Government Code Section 66427.5(f)(2); and

(g) Include an analysis of the then-feasible mitigation measures to mitigate adverse impacts of the conversion on the ability of the mobilehome park residents, if such residents so choose, to find adequate comparable replacement space in a mobilehome park. The mitigation measures shall include all measures appropriate to assure that residents: (i) are not displaced by being given a reasonable opportunity to purchase in the park; or (ii) if displaced, through relocation assistance services, are substantially likely to be relocated to a comparable mobilehome park; and

(h) Include a survey of resident support meeting the requirements of Government Code Section 66427.5; provided, that the agreement between the subdivider and a resident homeowners' association shall be subject to reasonable review by the City prior to approval by any resident homeowners' association; and

(i) Include an analysis of how the subdivider will avoid the displacement of nonpurchasing tenants by providing the phased increase to market rent as outlined in Government Code Section 66427.5, and include the same in its tenant notice; and

(j) Include a showing that any assistance being provided to tenants to assist with housing purchase and the extent to which such assistance will be likely to permit purchase by eligible tenants, including, as applicable, assistance from private and public sources, including Federal and State. The subdivider shall meet with the City's Redevelopment Agency staff and/or Housing Division staff to determine the resources in

any public housing funding which may be set aside to assist in purchase, including the conditions of such assistance and which tenants can qualify and include this information in the report.

4. Resident Information. The following information shall be requested, but cannot be required, for all existing residents:

- (a) Name and address of each resident; and
- (b) Household size and total number of project occupants; and
- (c) Consistent with Government Code Section 66427.5(f)(2), the subdivider shall provide a rent schedule for four (4) years preceding the application date and relocation assistance plan, if any, or if required by law; and
- (d) Information concerning the number of residents in the park who are moderate-income, low-income, and very low-income persons as defined by the U.S. Department of Housing and Urban Development; and
- (e) Information concerning the number of residents in the park who are disabled or handicapped; and
- (f) Information concerning the number of the residents in the park who are senior citizens as defined by law.

5. Required Submittals and Notices. No application for tentative map or preliminary parcel map approval of a residential conversion project or a residential-to-other-use conversion project shall be accepted until the filing of the tenant impact report as required in subsection (B)(2)(g) of this Section and without adequate evidence from the subdivider that each resident of the project has received notice of the application as of the date of application and notice of the relocation assistance provisions of CMC 9209.4. Any person who becomes a resident of a residential rental unit proposed for conversion project after the date of such application shall be given written notice by the subdivider of the pendency of such application prior to entering into any written or oral rental agreement. (Ord. 06-1358, § 1; Ord. 08-1401, § 2)

§ 9209.4 Tenant Notification.

«Unamended section»

A. Notice of Tenant Impact Report. The subdivider shall give existing residents a copy of the tenant impact report within fifteen (15) days of the completion of such report, but not later than fifteen (15) days before the first public hearing pursuant to CMC 9209.5, and shall also provide a copy to new or prospective residents prior to acquiring their interest after the initial distribution of such report.

B. Notification of Exclusive Right to Purchase. In addition to all notification requirements by other provisions of State law, and by other applicable law, the subdivider shall give each resident of any proposed residential conversion project written notice of an exclusive right to contract for the purchase of the dwelling unit occupied by the tenant or purchase of a share in the corporation entitling the shareholder to enjoy exclusive occupancy of the unit upon the same or more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. The right shall run for a period of not less than ninety (90) days from the issuance of the subdivision public report pursuant to California Business and Professions Code Section 11018.2, unless the subdivider receives prior written notice of the resident's intention not to exercise such right.

C. Residential Conversion Project – Notification of Right to Continue Residency as a Resident. In addition to all notification requirements by other provisions of this Code and by other applicable law, the subdivider shall give each resident of any proposed residential conversion project written notice of the right to continue residency as a tenant in the park as required by Government Code Section 66427.5(a). (Ord. 06-1358, § 1)



§ 9209.5 Tentative Map and Preliminary Parcel Map Approval.

«Unamended section»

A. Maps Subject to General and Specific Plans and City Ordinances and Applicable Law. All tentative maps and preliminary parcel maps filed in connection with residential conversion projects shall be subject to the Division of Land Regulations contained in Chapter 2 of Article IX of the Carson Municipal Code, except as herein otherwise provided, all City ordinances and other applicable law. All such maps shall be subject to the general plan and any applicable specific plan. Pursuant to Government Code Sections 66427.5(e) and 66474, the Planning Commission and/or City Council are authorized to approve, conditionally approve, or disapprove a map. The Planning Commission and/or City Council may impose such other conditions in excess of those provided in this Part as are reasonably necessary to protect the public health, safety and general welfare.

B. Inconsistent with General or Specific Plans. The Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project as required in the City's Division of Land Regulations contained in Chapter 2 of Article IX of the Carson Municipal Code and Government Code Section 66474.

C. Inconsistent with Zoning and Land Pattern. The Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project where the conversion would be inconsistent with either the existing zoning pattern or land use pattern, unless it finds that there are special circumstances which justify approval of the map. Such circumstances may exist only with respect to the following facts: (i) the prevailing pattern of residential and other land use in the vicinity of the project site; and (ii) the existing and anticipated need for other use development in the planning area in which the project is located.

D. Violations of Code. 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 there are uncorrected violations of this Code, or that the conversion plan will not protect the health and safety and general welfare of residents, and that an adequate plan to correct such violations or to correct the factors adversely affecting health and safety has not been developed or accomplished.

E. Inadequate Tenant Impact Report. 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 tenant impact report is inadequate under the terms of Government Code Section 66427.5 or the provisions of this Part. (Ord. 06-1358, § 1)







City of Carson Report to Mayor and City Council

February 6, 2008
New Business Discussion

**SUBJECT: CONSIDERATION OF ORDINANCE NO. 08-1401 CONCERNING MOBILEHOME
PARK RESIDENTIAL CONVERSIONS**


Submitted by William W. Wynder
City Attorney


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

On March 21, 2007, (Exhibit No. 1) the City Council adopted a moratorium (Ordinance No. 07-1373U) on *all* mobilehome park conversions in the city of Carson in order to study, among other things, pending state legislation on mobilehome park conversions, including both SB 900 (Corbett) and AB 1542 (Evans). The City Council also directed staff to consider how best to implement the provisions of AB 930, the so-called "survey of support provisions of state law," and to determine whether and how to amend the Municipal Code so as to ensure protection for park residents and to address the potential loss of affordable housing resulting from applications for mobilehome park conversions. On May 5, 2007, the City Council extended the moratorium (Ordinance No. 07-1385U - Exhibit No. 4) for an additional ten (10) months and fifteen (15) days or until March 27, 2008 (Exhibit No. 2).

During the pendency of the moratorium, in or about April, 2007, staff and the City Attorney's Office developed and circulated for public comment a "Resident Survey of Support," and received and considered comments and suggestions to the same (Exhibit No. 5). In addition, the City Council engaged the services of a professional lobbyist, and directed staff and the City Attorney's Office to be actively involved in drafting, amending, and urging passage of AB 1542 as well as SB 900.

Staff and the City Attorney's Office have now carefully considered possible revisions to the Municipal Code warranted by AB 930 and have determined that changes are both necessary and appropriate. Presented for consideration is Ordinance No. 08-1401 (Exhibit No. 3) that would amend the Municipal Code to implement the provisions of AB 930 related to mobilehome park conversions (Exhibit No. 3).

Exhibit 2

24.

8

II. RECOMMENDATION

WAIVE further reading and INTRODUCE Ordinance No. 08-1401 "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, CONCERNING MOBILEHOME PARK RESIDENTIAL CONVERSIONS."

III. ALTERNATIVES

1. DIRECT further revisions to the attached draft ordinance, with directions to bring the same back to a future meeting for consideration and possible action.
2. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

During the 1970s, many mobilehome park residents began to feel the effects of sharp increases in the rents charged for the spaces where their manufactured homes were located. Unable to relocate their homes, notwithstanding the reference to such homes as "mobilehomes" in the popular nomenclature, many faced some form of economic eviction due to ever-rising space rents. Local governments, including the city of Carson, concerned about the need to preserve affordable housing in their communities, passed local mobilehome park rent control ordinances. Statewide, 102 local jurisdictions have some form of local mobilehome park rent control.

Many park residents feel rent control is the only protection they have from the potential for economic eviction, while many park owners believe it inhibits the profitability of their investment and resale of their parks. There have been a number of legislative and legal battles over the years. As park rents climb in non-rent control jurisdictions, the rent control controversy continues.

The city of Carson rent control ordinance provides a mechanism to allow for rent increases to assure a park owner a "fair return" on its investment while at the same time protecting mobilehome space renters from "excessive rent increases." Carson's ordinance has been expressly held to be constitutional by the Court of Appeals. The Carson ordinance also includes a vacancy control feature, which means that the spaces remain under rent control even if there is a vacancy or a change of tenancy.

In the mid-1980s, as an alternative to problems of ever-increasing space rents and the closure of some parks altogether, the concept of resident-owned parks (ROPs) gained popularity in the California legislature. State laws were passed that provided for a streamlined approval process for resident-initiated conversions with at least 2/3 support of the park residents, including a waiver from mapping requirements in most cases. These state laws also adopted a CEQA exemption for resident-initiated conversions to ROPs, and initiated the Mobilehome Park Resident Ownership Program (MPROP) to provide a limited loan program to assist homeowners associations and low-income residents in purchasing their own parks.

Within the last few years, however, a growing number of mobilehome park *owners* have been proposing to convert their parks to resident-owned condominiums or subdivisions under Government Code §66427.5. Upon completion of the conversion and sale of a single lot, the park becomes exempt from local mobilehome space rent control. Many of these proposals have been met with resident opposition, particularly given the dearth of information provided to park residents in the subdivision map applications.

In Carson, mobilehome parks provide significant affordable housing stock. There are 2,357 mobilehome spaces located in 23 parks within the current geographic boundaries of the city. According to a staff analysis conducted in 2005, approximately 80% of all park residents identified themselves as low or moderate income individuals within the meaning of applicable law. A significant number of park residents are age 55 or older and many park households have at least one retired member whose primary source of income is Social Security.

Based on information provided by park residents in a 2005 staff survey and analysis, staff is of the opinion that at least half of the households living in Carson mobilehome parks would qualify as low income, with the remainder likely falling into the moderate income category. Many mobilehome park residents may also have special needs such as chronic medical conditions, mobility issues or other qualifying disabilities.

In 1993, the park owner of the El Dorado Mobile Country Club, a 377-space mobilehome park in Palm Springs (and the owner of Carson Harbor Village and Colony Cove mobilehome parks), filed a tentative subdivision map with the city as a first step in converting his park to resident ownership. This was among the earliest known cases of a park converted to resident ownership by a park owner, as contrasted with previous resident-initiated park conversions, which had been initiated by resident homeowner associations.

The city of Palm Springs, concerned that the conversion was a "sham" driven by a park owner whose motive was to circumvent the city's rent control ordinance, imposed several conditions on the map, one of which would have delayed the "date of conversion" from local rent control to state partial rent de-control until a specified percentage of park spaces were sold to the park residents. The El Dorado park owner sued the city, claiming the effective date of conversion was when a single space or lot was sold.

Although the city won the first round before the trial court, the park owner appealed, and the Fourth District Court of Appeal reversed (*El Dorado Palm Springs, Ltd., v. City of Palm Springs, 2001*). The appellate court ruled, in part, that the city was limited by the state's Subdivision Map Act and opined that "the question of whether there should be more protections in the statute to prevent 'sham' resident conversions by park owners (is) a legislative, not legal, issue."

In response, AB 930 (Keeley, 2002) was introduced to permit local governments to impose additional requirements on the conversion of a mobilehome park to a nominal resident ownership. The bill was heavily lobbied and debated, with mobilehome owners, housing advocates, and local governments supporting the bill and park owners opposing it. As finally passed and signed by the Governor, AB 930 allows local governments to require park owners, as part of the subdivision process, to provide a "survey of resident support" for the proposed conversion.

In adopting AB 930, the legislature included an important statement of "legislative intent" as follows:

"SEC. 2. It is the intent of the Legislature to address the conversion of a mobilehome park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 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 mobilehome park to resident ownership could occur without the support of the 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.*" (Emphasis added.)

Neither the bill as enacted, nor the statement of legislative intent, defines the level of resident support that might indicate that a conversion to nominal resident ownership is truly "bona fide." However, given the context in which AB 930 was adopted, following as it did on the heels of the *El Dorado* litigation, a "bona fide resident conversion" can be defined as one which is initiated or supported by most of the resident households and is not undertaken merely to get out from under local rent control.

The attached draft ordinance (Exhibit No. 3) would establish that a conversion is deemed to be "bona fide" within the meaning of AB 930, if more than 50% of households in occupied spaces support the conversion. In accordance with state law, the ordinance would mandate that a "survey of resident support" be conducted according to an agreement between the subdivider and the residents' association. The proposed draft ordinance also recognizes that fears and emotions run high in proposed conversion projects, such that it may be difficult for a subdivider to obtain support greater than 50% even if the majority of residents would possibly support the conversion if they had additional information.

In such a circumstance, the proposed ordinance would require that the subdivider demonstrate that the conversion is "bona fide" by requiring the subdivider to show that:

- A significant percentage of the residents (at least 20%) support the conversion; and
- The conversion includes a plan designed to ensure that most of the lots are sold to existing residents within a reasonable period of time; and
- The conversion is not undertaken merely as a means of circumventing local rent control.

For non-purchasing tenants, this could mean measures such as extending existing rent control protections to senior households, disabled households, and moderate-income households. Finally, if less than 20% of residents support the conversion, the proposed ordinance establishes that the application will be presumed not to be a bona fide resident conversion and will be denied.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Minutes, March 21, 2007, Item No. 14. (pgs. 8-10)
2. Minutes and Report to Mayor and City Council dated May 5, 2007, Item No. 1. (pgs. 11-54)
3. Ordinance No. 08-1401. (pgs. 55-56)
4. Ordinance No. 07-1385U. (pgs. 57-60)
5. Draft "Survey of Resident Support" circulated in March, 2007. (pgs. 61-62)

6
13

Prepared by: William W. Wynder, City Attorney

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council	
Date _____	Action _____

7
14

Item No. 14 was heard at this time.

ITEM NO. (14) INTERIM URGENCY ORDINANCE NO. 07-1373U OF THE CITY OF CARSON, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, CONCERNING MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF (CITY MANAGER)

City Attorney Wynder summarized the staff report and reported that, as recently as that morning, the City Attorney's Office was working directly with Mayor Pro Tem Santarina to further modify and strengthen the text of the interim urgency ordinance, copies of which were delivered to all council members. Furthermore, additional copies were available on the dais for members of the audience to review. He referred to the comparison of Triangle Page 22 from the agenda packet to Page 4 of the draft ordinance provided this evening and discussed the addition of Section 5 so that the enacting portions of the ordinance would actually have Sections 1, 2, 3, 4, 5, 6, 7, and 8 provided instead of just 7, as in the past. He clarified that the issue before the Council was to make the findings necessary to an interim urgency ordinance and with the flurry of state legislation and the threat that mobilehome park conversions throughout the state were going to result in a great decrease in affordable housing in the community statewide and in particular the City of Carson. Additionally, that the interim urgency ordinance was initiated by Mayor Pro Tem Santarina as a measure to protect the mobilehome park residents within the City of Carson. The ordinance was in a form that was approved by the city attorney and supported for adoption by the city council. He reminded the Mayor and City Council that because it was an urgency ordinance, it would take a four-fifths vote of the council to adopt the ordinance and, if adopted, would go into effect immediately upon its adoption.

Public Comments

The following individuals offered comments in support of the interim urgency ordinance:

Bonnie M. Coombs, 17700 S. Avalon Blvd., #196, Carson, California 90746

Robert Lesley, P.O. Box 11634, Carson, California 90745

Sybil Brown, 17701 Avalon Blvd., #410, Carson, California 90746

Luris Bell, 17701 S. Avalon Boulevard, Carson, California 90746

Ronald Shimokaji, 1502 E. Carson St., #135, Carson, California 90745

Bill Smalley, 17700 Avalon Blvd., #111, Carson, California 90746, also suggested that the City Council consider the extension of the 45-day moratorium, to revisit the eminent domain issue, and to consider hiring a lobbyist.

Ricardo Pulido, 22106 Gulf Ave., Carson, California 90745

John Goolsby, 17700 Avalon Blvd., #321, Carson, California 90746

Grace Follette, 17700 Avalon Blvd., #294, Carson, California 90746



William Johnson, 350 S. Figueroa St., #190, Los Angeles, California 90071

City Attorney Wynder clarified that their efforts to work with Mayor Pro Tem Santarina were to provide the ordinance in its strongest form and credited him for the basic document and for working carefully and diligently. He added that, if adopted, he would defend it to the death.

Mayor Dear offered comments in support of the ordinance. He further stated that the legislation in Sacramento needed the City's support and that Council Member Gipson and he were strong advocates for having a lobbyist to represent the City in Sacramento and in Washington. He applauded Council Member Gipson on his efforts, as well.

Mayor Pro Tem Santarina thanked everyone involved and the accolades received and offered the following comments:

- Referred to the 45-day moratorium and assured everyone that any extensions would be made according to the law that he had researched.
- Read, in part, the proposed changes of the interim urgency ordinance provided this evening as follows, "SECTION 4. This interim prohibition shall not apply to internal staff processing of any conversion application where such application has been deemed substantially complete by City staff prior to the effective date of this urgency ordinance or where City staff has, prior to the effective date of this urgency ordinance, scheduled such completed application for consideration by the applicable legislative body of the City for public hearing and possible action. (*Building Industry Legal Defense Foundation v. Superior Court* (1999) 72 Cal.App.4th 1410.)"
- Read "SECTION 5. Nothing in Section 4, above, shall be construed as requiring the granting of approval for any application(s), and the City of Carson expressly reserves to itself the right, power, and authority to require that any application(s) comply with the statutory requirements of A.B. 930 (2002), Government Code Section 66427.5(d)(1) – (5)."
- Referred to Page 3, and read as follows, "WHEREAS, in light of the numerous concerns noted herein,.....this interim urgency ordinance in order to allow staff to among other related tasks undertake the following studies:... (3) proceed with a comprehensive study for the purpose of providing an enabling ordinance for the "Survey of Support" mandated by A.B. 930 (amending Government Code Section 66427.5(d)(1) – (5)) which study would, among other things, consider establishing the (a) required form, (b) content, (c) result, and (d) develop a bona fide means test to ensure that the application is genuine and not a "sham conversion application."

With respect to the 20-day survey period, City Attorney Wynder clarified that in order for the interim urgency ordinance to be lawful, it had to be a blanket ordinance that would apply throughout the city.

A discussion ensued regarding the 20-day survey period.

Council Member Gipson suggested that the city hire and seek a full-time lobbyist to represent the City in Sacramento.

Council Member Williams offered comments in support of the ordinance.

Council Member Davis-Holmes also offered comments in support of the ordinance.

City Attorney Wynder informed the City Council that the attorneys were listed on the list serve to be contacted electronically from Sacramento. He had received word, only today, that the next hearing was scheduled for April 10, 2007, and he planned on attending.

Council Member Gipson suggested that a transmittal be sent to state representatives: Senator Jenny Oropeza, Assemblywoman Laura Richardson, and the California Contract Cities.

City Attorney Wynder stated that he would also send the transmittal to the committees sitting to hear SB 900 or AB 1542.

Council Member Williams offered comments in support of the ordinance.

Mayor Pro Tem Santarina provided late breaking news that the City of Irvine was not in a moratorium, but had fought for a ban on all condo conversions invoking the state constitutional issue. He reported that he had initiated and authored the Older Americans Act, which was approved by his colleagues, and expressed his appreciation for their support.

RECOMMENDATION for the City Council:

1. CONSIDER and PROVIDE direction.

ACTION: WITH FURTHER READING WAIVED, it was moved to PASS, APPROVE, and ADOPT Urgency Ordinance No. 07-1373U, as presented by City Attorney Wynder, on motion of Santarina, seconded by Williams and unanimously carried by the following vote:

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



ITEM NO. (1) PUBLIC HEARING TO CONSIDER INTERIM ORDINANCE NO. 07-1385(U) EXTENDING ORDINANCE NO. 07-1373(U) CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY (DEVELOPMENT SERVICES)

Public Hearing

The Redevelopment Agency stood in Recess and Mayor Dear declared the Public Hearing open TO CONSIDER INTERIM ORDINANCE NO. 07-1385(U) EXTENDING ORDINANCE NO. 07-1373(U) CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY.

City Clerk's Report

City Clerk Kawagoe reported that notice of the Public Hearing had been given pursuant to applicable law, including but not limited to the timely postings as required by law; and other mailings as requested by individuals and organizations. The affidavits attesting to such notice were on file in the City Clerk's Office. No written communications were received.

Mayor Dear directed that all affidavits of notice be made part of the record.

Staff Report

Planning Manager Repp-Loadsman summarized the staff report and recommendation.

City Attorney Wynder distributed copies of a revised Interim Urgency Ordinance No. 07-1385U and reported that he was satisfied that the interim ordinance was in a form that could be acted upon by the City Council, consistent with State law, and urged approval of same.

Administration of Oath

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

Public Testimony

Harry W. Dew, 218 W. Carson Street, Sp. 11, Carson, California 90745, expressed his opposition to rent increases and felt that the proposed interim ordinance should be extended for an additional eighteen months and fifteen days.

18

Grace Follette, 17700 Avalon Boulevard, Carson, California 90746, expressed appreciation to the City Council for meeting today. She urged the City Council to approve the extension to the moratorium and offered the following comments: 1) she and other residents, have circulated petitions and, so far, have obtained 674 signatures in support of the extension to the moratorium; 2) her group had conducted their own survey and 321 surveys were returned, all of which expressed opposition to the conversion; and 3) discussed the need to keep rent control in place and retain mobilehome parks as affordable living.

John C. Goolsby, 17700 Avalon Boulevard, Carson, California 90746, expressed appreciation to the City Council for meeting today. He offered comments in support of proposed Interim Urgency Ordinance No. 07-1385U.

Dr. Rita Boggs, 21328 Island, Carson, California 90745, offered comments in support of proposed Interim Urgency Ordinance No. 07-1385U.

Anthony Gomez, 21900 Martin Street, Sp. A-13, Carson, California 90745, felt confident that the City Council would make a good decision.

Rose Banuelos, 218 W. Carson Street, Sp. 21, Carson, California 90745, asked that the City Council consider the best interests of single mothers with single incomes, too.

Louis Ravcci, 21207 Avalon Boulevard, Sp. 133, Carson, California 90745, offered comments in support of proposed Interim Urgency Ordinance No. 07-1385U.

Ronald Shimokaji, 1502 E. Carson Street, No. 135, Carson, California 90745, offered comments in support of proposed Interim Urgency Ordinance No. 07-1385U.

Frank Correa, 750 E. Carson Street, No. 2, stated that he was happy living in his mobilehome park and that soon he would be retired.

City Clerk's Report Restated

City Clerk Kawagoe restated that notice of the Public Hearing had been given pursuant to applicable law, including but not limited to the timely publication and such proof received by the City Clerk; postings as required by law; and other mailings as requested by individuals and organizations, 281 notices were mailed as follows: 170 notices to interested persons and organizations who have expressed an interest in being notified of such matters; 92 notices to City of Carson Commission/Committee/Board Members; 3 notices to subscribers of City Council and Redevelopment Agency Agenda faces; and 16 notices to Mobilehome Park Managers.

Mayor Dear reiterated his direction that all affidavits of notice be made part of the record.

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

Deliberation



Mayor Dear reported that Mayor Pro Tem Santarina supported the extension of the moratorium.

RECOMMENDATION for the City Council / Carson Redevelopment Agency:

TAKE the following actions:

1. OPEN the public hearing, TAKE public testimony, and CLOSE the public hearing.
2. WAIVE further reading and ADOPT Ordinance No. 07-1385(U), "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING ORDINANCE NO. 07-1373U CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY."

ACTION: WITH FURTHER READING WAIVED, it was moved to PASS, APPROVE and ADOPT Ordinance No. 07-1385U, as read by title only, on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

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





City of Carson Report to Mayor and City Council

May 5, 2007
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER INTERIM ORDINANCE NO. 07-1385(U) EXTENDING ORDINANCE NO. 07-1373(U) CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY.

Submitted by Jerome G. Croomes
City Manager

Approved by Jerome G. Croomes
City Manager

I. SUMMARY

On March 21, 2007, the City Council approved Ordinance No. 07-1373(U) prohibiting mobilehome park conversions to condominiums or other types of resident ownership. The Ordinance established a 45-day moratorium period, which expires on May 5, 2007, unless extended by a four-fifths vote of the City Council at a public hearing noticed pursuant to California Government Code Section 65090.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the public hearing, TAKE public testimony, and CLOSE the public hearing.
2. WAIVE further reading and ADOPT Ordinance No. 07-1385(U), "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING ORDINANCE NO. 07-1373U CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY."

III. ALTERNATIVES

The City Council could decide not to adopt an interim ordinance at this time or determine a time period less than 10 months and 15 days.

21 1

IV. BACKGROUND

March 21, 2007, the City Council approved Ordinance No. 07-1373(U) (Exhibit Nos. 1 and 2) creating a 45-day moratorium on all mobilehome park conversions. Staff and the office of the City Attorney were directed to analyze issues related to the "survey of support" and pending state legislation during the moratorium and to further study proposed changes to the city planning and zoning regulations and general plan consistency issues. On April 24, 2007, a status report on Ordinance No.-1373(U) was prepared pursuant to Government Code Section 65858(d). A copy of the report and Government Code Section 65858(d) is attached as Exhibit No. 3.

After noticing a public hearing, the City Council may extend the urgency ordinance for 10 months and 15 days. If necessary, the City Council may extend the urgency ordinance one last time for one year. Any extension requires at least a four-fifths vote of the City Council. The City Council shall not adopt or extend any urgency ordinance unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of a building permit would result in a threat to public health, safety or welfare. The proposed City Council ordinance contains the necessary legislative findings to extend the urgency ordinance.

The proposed interim ordinance prohibits mobilehome park conversions until such time as the permanent zoning regulations are reviewed and adopted by the City Council.

Government Code Section 65858(d) details the requirements and the procedure for the adoption of an urgency ordinance. The following is a brief summary of the applicable requirements:

- No public noticing requirements apply to the initial adoption of an urgency ordinance;
- The City Council, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan or zoning proposal which the City Council, Planning Commission, or the planning division is considering or studying or intends to study within a reasonable time;
- An urgency ordinance must be approved by at least a four-fifths vote;
- The urgency ordinance shall be of no further force and effect 45 days from its date of adoption;



- After noticing a public hearing, the City Council may extend the urgency ordinance for 10 months and 15 days and, subsequently, extend the urgency ordinance for one year. Any extension also requires at least a four-fifths vote;
- The City Council shall not adopt or extend any urgency ordinance unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of a building permit for driving skill courses in the industrial zoned districts would result in that threat to public health, safety, or welfare; and
- Ten days prior to the expiration of an urgency ordinance or any extension, the City Council shall issue a written report describing the measures taken to alleviate the condition, which led to the adoption of the ordinance.

It is staff's opinion that all the necessary criteria pursuant to Government Code Section 65858 cited above have been met. Adoption of Ordinance No. 07-1385(U) (Exhibit No. 4) extending the moratorium related to mobilehome park conversions is requested in order to allow staff to evaluate the form and content of a "survey of support," to continue monitoring pending state legislation and to study the adequacy of current ordinance regulations for the conversion of mobilehome parks. Additional analysis is also needed regarding general plan consistency issues and impacts on affordable housing.

The moratorium will be effective for a period of 10 months and 15 days unless extended by the City Council.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Ordinance No. 07-1373(U) (pgs. 5-9)
2. Council Staff Report and Disposition dated March 21, 2007 (pgs. 10-32)
3. Status Report on Ordinance No. 07-1373(U) pursuant to Government Code Section 65858(d) (pgs. 33-38)
4. Draft Ordinance No. 07-1385(U) (pgs. 39-41)

Prepared by: Sheri Repp-Loadsman



Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council

Date _____ Action _____

INTERIM URGENCY ORDINANCE NO. 07-1373U

AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, AND ADOPTING A MORATORIUM ON CONSIDERATION OR PROCESSING OF MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF

WHEREAS, mobilehome park residents comprise approximately 9% of the City of Carson's ("City") total housing population with 2,405 senior and family households located in 23 mobilehome parks citywide; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 79% of the mobilehome 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

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 14% of the mobilehome park residents within the City are moderate income households as defined by United States Department of Housing and Urban Development; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 39% of the mobilehome park residents within the City are senior citizens; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 49% of the mobilehome park households within the City have a disabled member; and

WHEREAS, approximately 80% of the City's affordable housing units are located within the mobilehome parks; and

WHEREAS, mobilehome 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; and

WHEREAS, state law permits a mobilehome park to be subdivided into separate lots such that residents may not only own the mobilehome itself but also the space above and beneath each mobilehome. These subdivisions are commonly referred to as "*conversions to resident ownership*." Upon a conversion to resident ownership, local rent control provisions are, by state law, no longer applicable and are supplanted by a form of state law which allows for rent de-control; and

WHEREAS, when initiated by the residents themselves, the conversion of a mobilehome park to resident ownership may provide the residents with certain advantages of mobilehome park ownership. Such resident-initiated conversions, however, are generally infeasible in the

City, where resident initiated purchase of a mobilehome park is beyond the financial circumstances of the largely low and moderate income residents of the City's mobilehome parks; and

WHEREAS, in the recent years there has been a growing and alarming trend of mobilehome park owner initiated conversions in which mobilehome park owners use state law as a means of trying to escape local rent control and as a means to convert a mobilehome park over the objections of the residents of such park; and

WHEREAS, numerous cases all across the state reveal and demonstrate that when local rent control is removed, rents within a mobilehome park can be increased dramatically, except for residents who qualify as "lower income households" under Section 50079.5 of the California Health and Safety Code, including many seniors and other residents on fixed incomes and/or with special needs. Additionally, the state rent control protections do not apply to new tenancies created after the date of conversion; and

WHEREAS, the City is aware of at least four (4) mobilehome parks which the City is informed and believes to be substandard, under Title 25 of the State Mobilehome Residency Law, and other applicable codes and regulations; and

WHEREAS, in 2007 the state legislature commenced consideration of a comprehensive approach to defining the scope and extent of municipal oversight of the mobilehome conversion process. AB 1542 and SB 900 are pioneering initiatives which, if enacted into law, would vest oversight of mobilehome park conversions in local municipalities or legislative bodies. These proposed bills, among other things, seek to address and prevent "sham conversions" of mobilehome parks utilized to escape compliance with municipal rent control regulations, the charging of abusive rent increases, and the depletion of affordable housing as a consequence of resident-opposed mobilehome park conversions; and

WHEREAS, even the court of appeals, in the so-called *El Dorado* opinion, acknowledged that additional local oversight of mobilehome park conversions would be warranted by the state legislature to protect residents of the affordable housing provided by mobilehome parks from a "sham conversion" intended to use state law as a vehicle to escape local municipal rent control; and

WHEREAS, it is in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff to undertake a comprehensive study to explore potentially revising the City's zoning and municipal code to create a mobilehome park zone and to conduct a comprehensive study on the appropriate way to deal with conversion issues related to parks which are located in industrial zone areas and/or are contaminated and/or are substandard; and

WHEREAS, it is further in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff to undertake a comprehensive study to consider regulations to protect affordable and senior housing within



mobilehome parks while providing opportunities for resident ownership wherever feasible and appropriate; and

WHEREAS, in light of the numerous concerns noted herein, including but not limited to, the City's concerns about possible effort to convert contaminated mobilehome parks, the potential for numerous additional owner-initiated mobilehome park conversion applications and the adverse impacts that would result from the potential for a substantial decrease of affordable and senior housing within the City, the City Council determines it is in the interest of the public health, safety, and general welfare to adopt this interim urgency ordinance in order to allow staff to among other related tasks undertake the following studies:

(1) proceed with a comprehensive study of the City's planning and zoning laws and to explore the feasibility or desirability of a "mobilehome park zone" and to consider the unique health and safety issues related to mobilehome parks and the conversion of the same; and

(2) proceed with a comprehensive study of pending state legislation and its impacts on the scope and extent of municipal oversight of mobilehome parks and the conversion process and the same as it relates to the possible creation of a "mobilehome park zone"; and

(3) proceed with a comprehensive study for the purpose of providing an enabling ordinance for the "Survey of Support" mandated by A.B. 930 (amending Government Code § 66427.5(d)(1) - (5)) which study would, among other things, consider establishing the (a) required form, (b) content, (c) result, and (d) develop a bona fide means test to ensure that the application is genuine and not a "sham conversion application." This shall be then submitted to the Council for consideration in its regular Council Session; and

(4) proceed with a comprehensive study of the impact of the mobilehome park conversions on the City's ability to conform to its General Plan obligations to provide for very low, low, and moderate income and senior housing; and

WHEREAS, the California Government Code Section 65850 reads, in relevant part: "The Legislative Body of any county or city may, pursuant to this chapter, adopt ordinances that ... (a) Regulate the use of building, structures and land as between industry, business, residences, open space, including agriculture, recreation; enjoyment of scenic beauty, use of natural resource and other purposes; (c)(4) The intensity of land use"; and

WHEREAS, Government Code Sections 65858, 36934 and 36937 expressly authorize the City Council to adopt an urgency ordinance prohibiting any uses which may be in conflict with the contemplated zoning ordinance which the legislative body of the City or the planning commission or the planning department is considering or studying or intends to study within a reasonable time; and



WHEREAS, Civil Code Section 798.10 specifically provides that "change of use" in a mobilehome park includes, a change of the park or any portion thereof to a condominium or any form of ownership wherein spaces within the park are to be sold.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Carson finds that the above recitals are true and correct.

SECTION 2. From and after the effective date of this interim urgency ordinance, neither the City Council, the Planning Commission, nor the Planning Department shall consider or approve any discretionary land use entitlements, zoning variances, general plan amendments, specific plan amendments, or other discretionary land use permits to allow for, approve, or otherwise sanction the conversion of any mobilehome park from a landlord-tenant form of ownership to a nominal resident form of ownership.

SECTION 3. From and after the effective date of this interim urgency ordinance, there is a preliminary 45-day moratorium on all mobilehome park conversions.

SECTION 4. This interim prohibition shall not apply to internal staff processing of any conversion application where such application has been deemed substantially complete by City staff prior to the effective date of this urgency ordinance or where City staff has, prior to the effective date of this urgency ordinance, scheduled such completed application for consideration by the applicable legislative body of the City for public hearing and possible action. (*Building Industry Legal Defense Foundation v. Superior Court* (1999) 72 Cal.App.4th 1410.)

SECTION 5. Nothing in Section 4, above, shall be construed as requiring the granting of approval for any application(s), and the City of Carson expressly reserves to itself the right, power, and authority to require that any application(s) comply with the statutory requirements of A.B. 930 (2002), Government Code Section 66427.5(d)(1) - (5).

SECTION 6. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if and to the same extent that such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 7. This interim urgency ordinance shall be of no further force or effect forty-five (45) days from and after the date of its adoption, unless the same is extended pursuant to the authority conferred upon the City Council by Government Code Section 65858(a). Not later than ten (10) days prior to the expiration of this urgency ordinance, the City Council shall issue a written report describing the measures taken to alleviate the condition which has led to the adoption of this urgency interim ordinance.



SECTION 8. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.


PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this 21st day of March, 2007.


MAYOR JIM DEAR

ATTEST:


CITY CLERK HELEN S. KAWAGOE

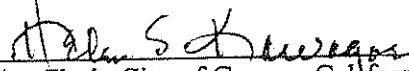
APPROVED AS TO FORM:

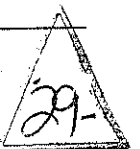

CITY ATTORNEY

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

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 07-1373(U) was duly and regularly adopted by the City Council of said City on an urgency basis at an adjourned regular meeting of said Council, duly and regularly held on the 21st day of March, 2007, and that the same was passed and adopted by the following roll call vote:

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


City Clerk, City of Carson, California



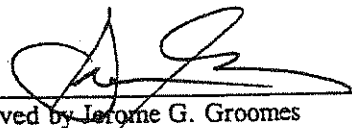


City of Carson Report to Mayor and City Council

March 21, 2007
New Business Discussion

SUBJECT: INTERIM URGENCY ORDINANCE NO.07-1373U OF THE CITY OF CARSON, CALIFORNIA ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, CONCERNING MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF

Submitted by Jerome G. Groomes
City Manager


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

The placement of this item was initially requested by Councilmember Santarina and a subsequent request for Council consideration by Mayor Dear.

The City Council is asked to consider establishing a temporary moratorium on the conversion of mobilehome parks to condominium and/or other types of resident ownership.

II. RECOMMENDATION

CONSIDER and PROVIDE direction.

III. ALTERNATIVES

1. WAIVE further reading and INTRODUCE Ordinance No. 07-1373U, "INTERIM URGENCY ORDINANCE NO.07-1373U OF THE CITY OF CARSON, CALIFORNIA ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, CONCERNING MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF."
2. AMEND Ordinance No.07-1373U and ADOPT Ordinance No. 07-1373U as amended, "INTERIM URGENCY ORDINANCE NO.07-1373U OF THE CITY OF CARSON, CALIFORNIA ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, CONCERNING MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF."
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

- On September 19, 2006, the City Council introduced Ordinance No. 06-1358 (Exhibit No. 1) regarding mobilehome park residential conversions (Exhibit No. 2). On October 9, 2006, the City Council re-introduced Ordinance No. 06-1358

(Exhibit No. 3) and the second reading of Ordinance No. 06-1358 was approved by the City Council on October 17, 2006 (Exhibit No. 4).

The general interest in mobilehome park conversions has increased over the past six months causing concern that the supply and quality of affordable housing may be jeopardized. There was only one application for mobilehome park conversion pending when Ordinance 06-1358 was approved. Subsequently, an incomplete application has been received for another mobilehome park with several inquiries suggesting that at least two additional parks are considering conversion. These inquiries involve a mobilehome park that is legal, nonconforming and subject to amortization due to location in an industrial zone and another park that is located on a former landfill and highly contaminated grounds. Future mobilehome park conversions could also be requested for mobilehome parks that are believed to be substandard, under Title 25 of the State Mobilehome Residency laws, and other applicable codes and regulations. There is uncertainty regarding the ability of the city to control conversions on properties that may have significant issues associated with contamination and code compliance.

On March 7, 2007 the City Council adopted Resolution No. 07-027 (Exhibit No. 5) supporting Assembly Bill No. 1542 (Evans) and Senate Bill No. 900 (Corbett) to amend Section 44427.4 of, and to repeal Section 66427.5 of, the Government Code and to amend Section 50786 of the Health and Safety Code, relating to mobilehome parks. Should Assembly Bill No. 1542 and Senate Bill No. 900 be approved, the legal affect will largely be to return oversight of mobilehome park conversion applications to local jurisdictions. A determination related to pending legislation and litigation may clarify the city's authority to regulate mobilehome park conversions.

An urgency ordinance may be adopted if the City Council determines it is in the interest of the public health, safety and general welfare and there is a need to allow time for adequate studies to be undertaken. These studies among other related tasks would include study of the City's General Plan, planning and zoning laws, affordable housing obligations and pending legislation.

The City Council is asked to consider an ordinance that will establish a temporary moratorium setting a 45-day moratorium for all mobilehome park conversions in the city from the date the ordinance is adopted. During the term of the moratorium, there will not be consideration or approval of any discretionary land use entitlements, zoning variances, general plan amendments, specific plan amendments, or other discretionary land use permits to allow for, approve, or otherwise sanction the conversion of any mobilehome park from a landlord-tenant form of ownership to a nominal resident form of ownership. A draft of Ordinance No. 07-1373U is included as Exhibit No. 6.

V. FISCAL IMPACT

Unknown pending the City Council's action.

VI. EXHIBITS

1. Ordinance No. 06-1358. (pgs. 4-11)
2. September 19, 2006, Meeting Disposition, Item No. 25. (pgs.12-13)
3. October 9, 2006, Meeting Disposition, Item No. 32. (pg. 14)
4. October 17, 2006, Meeting Disposition, Item No. 24. (pgs. 15-16)
5. Resolution No. 07-027 (pending execution). (pgs. 17-18)
6. Draft Resolution No. 07-1373U. (pgs. 19-23)

Document2

Prepared by: Linda F. Mann, Senior Administrative Analyst
Sheri Repp, Planning Manager

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council

Date 3/21/07 Action WAS APPROVED BY ELITO SANTARINA
AND SECONDED BY HAROLD WILLIAMS. UNANIMOUS 5/0 VOTE.

Salman



ORDINANCE NO. 06-1358

**AN ORDINANCE OF THE CITY OF CARSON,
CALIFORNIA, CONCERNING MOBILEHOME PARK
RESIDENTIAL CONVERSIONS**

**THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Carson Municipal Code § 9201.7.3 is hereby repealed, in its entirety, and a new Article IX, Chapter 2, Part 9, is hereby added to the Municipal Code to provide, in its entirety, as follows:

"Section 9209.1 Purpose: The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of conversion projects and correction of Building Code violations in such projects; to provide adequate off-street parking; to encourage construction of new rental units to replace units lost due to conversions; to protect the existing rental housing stock by reducing conversions; and to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare.

Section 9209.2 Applicability: The provisions of this Chapter shall apply to all mobilehome park conversions and all tentative maps and preliminary parcel maps submitted for consideration subsequent to the date upon which this Chapter becomes effective.

Section 9209.3 Application Requirements:

A. Compliance with Law. A conversion project shall comply with the Division of Land regulations in Article IX, Chapter 2 of the Carson Municipal Code, the provisions of this Chapter, and local ordinances and other applicable state laws such as Government Code §§ 66427.5 and/or 66428.1.

B. Information Required. In addition to the information required by other applicable sections of this Code and other applicable law, the following information shall be submitted at the time of filing:

1. **Building Plans.** Building plans or other documents containing the following information pertaining to the project and certified as to its accuracy by a licensed engineer:

(a) a description of the features of the type of common area building and project, including age, type of construction, number of dwelling units, excluding manufactured housing units; and

(b) a site plan, including common area buildings, structures, open spaces, and accessory storage areas and buildings including trash storage areas; and the footprint of each manufactured housing unit and other dwelling unit (if applicable); and

(c) a parking plan, including the total number of spaces actually provided and the total number required at the time of the original entitlement of the mobilehome park if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces; and

(d) a phase I and, if indicated from the phase I report, a phase II environmental report; and

(e) a soils report, if that same is required by the County of Los Angeles or indicated from the phase I report; and

(f) a Department of Real Estate budget (Form No. 623, as the same may be modified from time-to-time), which includes, but is not limited to information regarding: (i) the condition of park infrastructure and common facilities and the necessity for any replacements of infrastructure and common area facilities or major repairs estimated for the remaining useful life; (ii) building component reports indicating conditions and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect; and (iii) a reserve study estimating the cost of replacing all these facilities over their useful life and a plan that provides adequate funding for same; (iv) an estimate of the cost of all overhead and operating costs of maintaining the park, including but not limited to, maintaining the park's open space areas over the next thirty (30) years; and

(g) floor and elevation plans, including indications of common and private areas (excluding manufactured housing units), and required exits; and

(h) all existing building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City); and

(i) a structural pest control report, prepared by a licensed pest control contractor for all common areas; and

(j) a utility report, if the spaces within a park are not individually metered, confirming (i) the existence of adequate utility services, and (ii) indicating the feasibility of individual or submetering, prepared by qualified engineers; and

(k) all legal documents confirming the legal status of the park, including but not limited to, documents (i) prepared for and defining the powers and duties of the proposed homeowners' association, including articles of incorporation, by-laws, and conditions, covenants and restrictions, and (ii) any notice(s) from Department of Housing and Community Development of claimed violations, and (iii) a general title report.

2. **Tenant Impact Report.** The Tenant Impact Report shall include all information required by state law or by the provisions of this Chapter, including the following:

(a) identify the anticipated time table for compliance with Government Code § 66427.5(a); and

(b) identify the method and anticipated time table for making rent determinations required by Government Code § 66427.5(f)(1); and

(c) identify the number of tenants likely to be determined to be subject to Government Code §66427.5(f)(1); and

(d) upon conversion, identify the number of tenants likely to be determined to be subject to Government Code §66427.5(f)(1) during the period within five (5) years following conversion; and

(e) upon conversion, identify the number of tenants likely to be determined to be subject to Government Code §66427.5(f)(2); and

(f) upon conversion, and during the period within five (5) years following conversion, identify the number of tenants likely to be determined to be subject to Government Code §66427.5(f)(2); and

(g) include an analysis of the then-feasible mitigation measures to mitigate adverse impacts of the conversion on the ability of the mobilehome park residents, if such residents so choose, to find adequate

comparable replacement space in a mobilehome park. The mitigation measures shall include all measures appropriate to assure that residents either (i) not displaced by being given a reasonable opportunity to purchase in the park or, (ii) if displaced, through relocation assistance services, are substantially likely to be relocated to a comparable mobilehome park; and

(h) include a survey of resident support meeting the requirements of Government Code § 66427.5, provided that the agreement between the subdivider and a resident homeowner association shall be subject to reasonable review by the City prior to approval by any resident homeowner association; and

(i) include an analysis of how the subdivider will avoid the displacement of non-purchasing tenants by providing the phased increase to market rent as outlined in Government Code § 66427.5, and include the same in its tenant notice; and

(j) include a showing that any assistance being provided to tenants to assist with housing purchase and the extent to which such assistance will be likely to permit purchase by eligible tenants, including as applicable, assistance from private and public sources, including federal and state. Subdivider shall meet with the City's redevelopment agency staff and/or housing division staff to determine the resources in any public housing funding which may be set aside to assist in purchase, including the conditions of such assistance and which tenants can qualify and include this information in the report.

3. **Resident Information:** The following information shall be requested, but cannot be required, for all existing residents:

(a) name and address of each resident; and

(b) household size and total number of project occupants; and

(c) consistent with Government Code § 66427.5(f)(2), the subdivider shall provide a rent schedule for four (4) years preceding the application date and relocation assistance plan, if any or if required by law; and

(d) information concerning the number of residents in the park who are moderate, low-income, and very low-income persons as defined by the U. S. Department of Housing and Urban Development; and

(e) information concerning the number of residents in the park who are disabled or handicapped; and



(f) information concerning the number of the residents in the park who are senior citizens as defined by law.

4. **Required Submittals and Notices.** No application for tentative map or preliminary parcel map approval of a residential conversion project or a residential to other use conversion project shall be accepted until the filing of the Tenant Impact Report as required in Section 9209.3(B)(2); and without adequate evidence from the subdivider that each resident of the project has received notice of the application as of the date of application and notice of the relocation assistance provisions of Section 9209.6 of this Chapter. Any person who becomes a resident of a residential rental unit proposed for conversion project after the date of such application shall be given written notice by the subdivider of the pendency of such application prior to entering into any written or oral rental agreement.

Section 9209.4 Tenant Notification:

A. Notice of Tenant Impact Report. The subdivider shall give existing residents a copy of the Tenant Impact Report within fifteen (15) days of the completion of such report, but not later than fifteen (15) days before the first public hearing pursuant to Section 9209.5, and shall also provide a copy to new or prospective residents prior to acquiring their interest after initial distribution of such report.

B. Notification of Exclusive Right to Purchase. In addition to all notification requirements by other provisions of state law, and by other applicable law, the subdivider shall give each resident of any proposed residential conversion project written notice of an exclusive right to contract for the purchase of the dwelling unit occupied by the tenant or purchase of a share in the corporation entitling the shareholder to enjoy exclusive occupancy of the unit upon the same or more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. The right shall run for a period of not less than ninety (90) days from the issuance of the subdivision public report pursuant to California Business and Professions Code § 11018.2, unless the subdivider receives prior written notice of the resident's intention not to exercise such right.

C. Residential Conversion Project – Notification of Right to Continue Residency as a Resident. In addition to all notification requirements by other provisions of Code and by other applicable law, the subdivider shall give each resident of any proposed residential conversion project written notice of right to continue residency as a tenant in the park as required by Government Code § 66427.5(a).



Section 9209.5 Tentative Map and Preliminary Parcel Map Approval:

A. Maps Subject to General and Specific Plans and City Ordinances and Applicable Law. All tentative maps and preliminary parcel maps filed in connection with residential conversion projects shall be subject to the Division of Land Regulations contained Article IX, Chapter 2 of the City's Municipal Code, except as herein otherwise provided, all City ordinances and other applicable law. All such maps shall be subject to the general plan and any applicable specific plan. Pursuant to Government Code Sections 66427.5(e) and 66474, the Planning Commission and/or City Council are authorized to approve, conditionally approve, or disapprove a map. The Planning Commission and/or City Council may impose such other conditions in excess of those provided in this Chapter as are reasonably necessary to protect the public health, safety and general welfare.

B. Inconsistent with General or Specific Plans. The Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project as required in the City's Division of Land Regulations contained Article IX, Chapter 2 of the Carson Municipal Code and Government Code Section 66474.

C. Inconsistent with Zoning and Land Pattern. The Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project where the conversion would be inconsistent with either the existing zoning pattern or land use pattern, unless it finds that there are special circumstances which justify approval of the map. Such circumstances may exist only with respect to the following facts: (i) the prevailing pattern of residential and other use land use in the vicinity of the project site; and (ii) the existing and anticipated need for other use development in the planning area in which the project is located.

D. Violations of Code. 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 there are uncorrected violations of the Municipal Code, or that the conversion plan will not protect the health and safety and general welfare of residents, and that an adequate plan to correct such violations or to correct the factors adversely affecting health and safety has not been developed or accomplished.

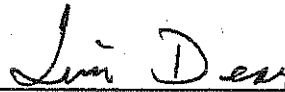
E. Inadequate Tenant Impact Report. The Planning Commission and/or City Council shall disapprove a tentative map or preliminary parcel map for a residential conversion project if it finds that the Tenant Impact Report is inadequate under the terms of Government Code § 66427.5 or the provisions of this Chapter.

Section 9209.6 Effective Date of Decision and Appeals

The decision of the Planning Commission shall become effective and final fifteen (15) days after the date of its decision unless an appeal is filed in accordance with Carson Municipal Code § 9173.4. An appeal shall be considered by the Council as provided in Carson Municipal Code § 9173.4."

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED on this 17th day of October, 2006.



Mayor Jim Dear

ATTEST:


City Clerk Helen Kawagoe

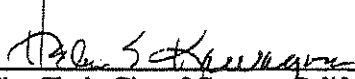
APPROVED AS TO FORM:


City Attorney William W. Wynder

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

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 06-1358 passed first reading on September 19, 2006, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 17th day of October, 2006, and that the same was passed and adopted by the following roll call vote:

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



City Clerk, City of Carson, California



ITEM NO. (25) INTRODUCTION OF ORDINANCE NO. 06-1358, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CONCERNING MOBILEHOME PARK RESIDENTIAL CONVERSIONS (DEVELOPMENT SERVICES)

This item was heard after Item No. 3.

City Attorney Wynder presented the staff report and discussed the information provided under the Background section of the staff report. He stated that the proposed ordinance not only includes proposed modifications intended to address concerns and questions raised by the owners of Carson Harbor Village Mobile Home Park and Colony Cove Mobile Home Park, but also was the most appropriate statutory scheme to ensure bona fide mobilehome park conversion applications.

Council Member Santarina requested that City Attorney Wynder state that it was his intent to protect the best interests of the residents in the best way that the City could protect the residents, whereupon, he concurred with the request of Council Member Santarina.

Mayor Pro Tem Ruiz-Raber acknowledged that she had received letters from many of the residents from Colony Cove Mobile Home Park. She expressed her concern about their position and that many of the residents were on fixed incomes. She stated that although she was reluctant to vote for this item, it was the best thing to do for them to ensure that they were as protected as possible and that they would not be evicted if they did not purchase their home. She commented that she hoped that Proposition 90 would not pass.

Council Member Williams cautioned his colleagues and City Attorney Wynder not to comment regarding Proposition 90, as advised by the League of California Cities, because it would be a threat to them to speak about the proposition from the dais.

Whereupon, City Attorney Wynder expressed his appreciation to Council Member Williams and clarified that, speaking for himself and he alone, he urged a "No" vote on Proposition 90. He further stated that while they have not gotten down to the details, there was a willingness on the part of the Redevelopment Agency to use housing funds, if necessary, to facilitate the conversion and to ensure that it was a bona fide conversion to make it possible that the maximum number of resident who wish to do so would be able to purchase their spaces. He added that this was an issue independent of the ordinance, but were companion pieces that it was important to understand.

Upon inquiry by Council Member Santarina, Economic Development General Manager Winkler discussed the definitions for annual family incomes to qualify as low income for the purpose of the conversion process.

Mayor Dear reported that he, along with Council Member Williams, sit on the Mobilehome Rent Control Ordinance Sub-committee. At a meeting, they reached a conclusion and brought an idea to staff, the city attorney, and council colleagues, through staff, that any residents who live in mobilehome parks in Carson would be bombarded by park owners who look only at the bottom line

and do not consider that people's homes are involved. He stated that he was personally determined to do whatever he could to ensure support for the mobilehome park residents because they were an integral part of Carson and without them, the city would face a major problem relative to the issue of affordable housing.

Public Comments

Thomas Casparian, 1299 Ocean Avenue, Santa Monica, California 90401, representing Colony Cove Mobile Home Park and Carson Harbor Village Mobile Home Park, referred to a letter included with the staff report from his firm setting forth the illegality of the proposed ordinance and requested that it be part of the record. He urged the City Council to remove the provision with regards to the tenant impact report and to refer this item back to staff for further work because it was still illegal and unenforceable.

Dr. Rita Boggs, 21328 Island, Carson, California 90745, discussed Proposition 90 and its intent, as it was explained to her, if passed, for rent control in California to disappear. It seemed to her that the avenue of subsidized rent should be explored. She felt that the City Council should discuss another possibility in the event that Proposition 90 passes in November.

Sybil Brown, 17701 Avalon Boulevard, No. 410, Carson, California 90746, urged the City Council to protect the people who cannot speak for themselves and that the residents needed protection.

Upon inquiry by Council Member Gipson, Planning Manager Repp-Loadsman discussed the number of residents who would fall within the low-income bracket.

Council Member Gipson suggested that the City Council should consider changing state law so that residents would not be placed in such a precarious position.

RECOMMENDATION for the City Council:

1. WAIVE further reading and INTRODUCE Ordinance No. 06-1358, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, CONCERNING MOBILEHOME PARK RESIDENTIAL CONVERSIONS."

ACTION: WITH FURTHER READING WAIVED, it was moved to INTRODUCE Ordinance No. 06-1358, as read by title only, on motion of Dear, seconded by Williams and unanimously carried by the following vote:

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



ITEM NO. (32) RE-INTRODUCTION OF ORDINANCE NO. 06-1358, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CONCERNING MOBILEHOME PARK RESIDENTIAL CONVERSIONS (CITY ATTORNEY)

City Attorney Wynder summarized the staff report and recommendation. He stated that he received a letter dated October 9, 2006 addressed to the Mayor and Council Members from

Gilchrist and Rutter regarding their opposition to this item. He requested that this letter be made a part of the record. He provided copies to the Mayor, Council Members, City Clerk, and staff.

RECOMMENDATION for the City Council:

1. WAIVE further reading and RE-INTRODUCE Ordinance No. 06-1358, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, CONCERNING MOBILEHOME PARK RESIDENTIAL CONVERSIONS."

ACTION: WITH FURTHER READING WAIVED, it was moved to RE-INTRODUCE Ordinance No. 06-1358 on motion of Williams, seconded by Ruiz-Raber and unanimously carried by the following vote:

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



ORDINANCE SECOND READING: (Item 24)

**ITEM NO. (24) ORDINANCE NO. 06-1358 CONCERNING MOBILEHOME PARK
RESIDENTIAL CONVERSIONS (CITY ATTORNEY)**

Upon inquiry, City Attorney Wynder stated that there were provisions in the Carson Municipal Code that involved conversions of mobilehome parks to resident ownership from land to tenant ownership. There was concern that the current state of the ordinance in this city may result in requirements that were unenforceable of law given recent developments of the law. As a consequence with that, in working with the Planning Department, Ms. Repp, and the Mobilehome Park Rental Review Board staff, Mr. Freschauf, and the City Attorney's Office, we came up with a modified ordinance that we believe, 1) met the mandate of law, and 2) gave the city the maximum regulatory oversight consistent with that law over the conversion process and we brought this ordinance on for that purpose,

Council Member Gipson stated his concerns on the mobilehome residents regarding the mobilehome conversions in the city.

City Attorney Wynder appreciated Council Member Gipson's concerns and stated that they were trying to move on a simultaneous front, doing what we can do here, it is not ideal and not what they want to do, but have crafted some amendment to the statewide legislation which has to some extent hamstrung right now and have been waiting to identify who our new legislator would be after the November election and immediately after the next electoral cycle was completed and the new sessions of the state legislature convenes, we urge this representative, assemblyman or state senator to carry this piece of legislation for us because he absolutely agree what we're doing here is abandate. We have to amend state law to get some additional protection for the residents.

City Clerk Kawagoe stated that the new legislators were sworn in in December so the city could target that.

Mayor Dear asked that the City Attorney work in conjunction with the City Manager to address as soon as appropriate.

Council Member Gipson stated that he would love to see the City take the lead of being the lead city to grab legislation and hopefully get other cities that have mobilehome parks on their jurisdiction to follow the City's lead and possibly form some type of organization so that the city could really move some strong piece of legislation and protect our residents.

Upon inquiry, City Attorney Wynder stated that they want to ensure that the mobilehome conversions were not a sham and that they were not being undertaken for the purpose of running away from local rent control. We could do that through the tentative tract map process that goes before the Planning Commission and the Council. Another alternative that they had briefed the Agency on was that the Agency had conceptually responded to favorably was the potential for using housing money or partnering with a conversion applicant to seek prop funds to assist low and moderate income households to purchase their property. There was no one silver bullet that solved

the problem. The ultimate problem that we face was under the current state of state law, there was no way that a resident group could prevent a conversion from going forward. The state legislation that we had drafted simply said that if you don't have the support of the residents of the mobilehome parks 50% plus 1, you couldn't convert. That was not the current state of the law. The current state of the law said that you had to do a survey to measure resident support but the law didn't say what happened if you don't get that support. We had to amend that law and could do it in a fewer than a dozen words which was for lawyers a miracle to include some additional authority but consequence its load if you don't have resident's support. In representing another of their clients, the City of Palm Springs, tried that some years ago unsuccessfully.

Mayor Dear asked that the City Manager place this item on the agenda of the Mobilehome Space Rental Control City Council Subcommittee which the City would emphasize and had said in the past that it was very important that the City protect and defend residents of mobilehome parks in the City of Carson. It was appropriate that if we could get the legislators in Sacramento to change the current law so that the law would be much more friendly toward the residents of mobilehome parks than it was today and that we would move forward in a progressive front and that we would be doing the right thing.

ACTION: It was moved to WAIVE FURTHER READING and ADOPT Ordinance No. 06-1358, as read by title only, on motion of Dear, seconded by Williams and carried by the following vote:

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

RESOLUTION NO. 07-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING ASSEMBLY BILL (AB) NO. 1542 (EVANS) AND SENATE BILL (SB) NO. 900 (CORBETT) TO AMEND SECTION 66427.4 OF, AND TO REPEAL SECTION 66427.5 OF, THE GOVERNMENT CODE, AND TO AMEND SECTION 50786 OF THE HEALTH AND SAFETY CODE, RELATING TO MOBILEHOME PARKS

WHEREAS, AB No. 1542 and SB No. 900 are acts intended to amend Section 66427.4 of, and to repeal Section 66427.5 of, the Government Code, and to amend Section 50786 of the Health and Safety Code, relating to mobilehome parks; and

WHEREAS, the Subdivision Map Act requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, to also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted, including the availability of adequate replacement space in mobilehome parks. The Subdivision Map Act exempts from these requirements a subdivision that is created from the conversion of a rental mobilehome park to resident ownership. A violation of the act is a crime punishable as a felony or a misdemeanor; and

WHEREAS, AB No. 1542 and SB No. 900 would delete that exemption. Because the bill would expand the scope of an existing crime, it would impose a state-mandated local program; and

WHEREAS, the Subdivision Map Act requires the legislative body, or an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, to require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park; and

WHEREAS, one of the salient features of these initiatives is the elimination of the portions of the state subdivision laws regulating mobilehome park conversions; and

WHEREAS, the city of Carson is host to numerous mobilehome parks with residents comprised of seniors, disabled, retirees and median-income families; and

WHEREAS, if these initiatives are passed, regulation of mobilehome park conversions would be turned over to local jurisdictions for proper disposition; and



WHEREAS, municipalities are in a better position to assess the viability, necessity, community receptivity and socio-economic impact of these conversion projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the city of Carson, California, supports AB No. 1542 and SB No. 900 and requests that all members of the legislature approve and pass these initiatives as soon as possible.

PASSED, APPROVED and ADOPTED this 7th day of March, 2007.

MAYOR JIM DEAR

ATTEST:

CITY CLERK HELEN S. KAWAGOE

APPROVED AS TO FORM:

CITY ATTORNEY



DRAFT

INTERIM URGENCY ORDINANCE NO. 07-1373U

AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, AND ADOPTING A MORATORIUM ON CONSIDERATION OR PROCESSING OF MOBILEHOME PARK CONVERSIONS AND DECLARING THE URGENCY THEREOF

WHEREAS, mobilehome park residents comprise approximately 9% of the City of Carson's ("City") total housing population with 2,405 seniors and families located in 23 mobilehome parks citywide; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 79% of the mobilehome 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

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 14% of the mobilehome park residents within the City are moderate income households as defined by United States Department of Housing and Urban Development; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 39% of the mobilehome park residents within the City are senior citizens; and

WHEREAS, based on a survey conducted by the City in or about October of 2005, approximately 49% of the mobilehome park residents within the City are disabled; and

WHEREAS, approximately 80% of the City's affordable housing units are located within the mobilehome parks; and

WHEREAS, mobilehome parks provide a significant pool of affordable housing for very low, and low to moderate income families, senior citizens, and the disabled residents in the City; and

WHEREAS, state law permits a mobilehome park to be subdivided into separate lots such that residents may not only own the mobilehome itself but also the space above and beneath each mobilehome. These subdivisions are commonly referred to as "*conversions to resident ownership*." Upon a conversion to resident ownership, local rent control provisions are, by state law, no longer applicable and are supplanted by a form of state law rent de-control; and

WHEREAS, when initiated by the residents themselves, the conversion of a mobilehome park to resident ownership may provide the residents with certain advantages of mobilehome park ownership. Such resident-initiated conversions, however, are generally infeasible in the City, where resident initiated purchase of a mobilehome park is beyond the financial



DRAFT

circumstances of the largely low and moderate income residents of the City's mobilehome parks; and

WHEREAS, in the recent years there has been a growing and alarming trend of mobilehome park owner initiated conversions in which mobilehome park owners use state law as a means of trying to escape local rent control and as a means to convert a mobilehome park over the objections of the residents of such park; and

WHEREAS, numerous cases all across the state reveal and demonstrate that when local rent control is removed, rents within a mobilehome park can be increased dramatically, except for residents who do not qualify as "lower income households" under Section 50079.5 of the California Health and Safety Code, including many seniors and other residents on fixed incomes and/or with special needs. Additionally, the state rent control protections do not apply to new tenancies created after the date of conversion; and

WHEREAS, the City is aware of at least four (4) mobilehome parks which the City is informed and believes to be substandard, under Title 25 of the State Mobilehome Residency Law, and other applicable codes and regulations; and

WHEREAS, in 2007 the state legislature commenced consideration of a comprehensive approach to defining the scope and extent of municipal oversight of the mobilehome conversion process. AB 1542 and SB 900 are pioneering initiatives which, if enacted into law, would vest oversight of mobilehome park conversions in local municipalities or legislative bodies. These proposed bills, among other things, seek to address and prevent "sham conversions" of a mobilehome park utilized to escape compliance with municipal rent control regulations, the charging of abusive rent increases, and the depletion of affordable housing as a consequence of resident-opposed mobilehome park conversions; and

WHEREAS, even the court of appeals, in the so-called *El Dorado* opinion, acknowledged that additional local oversight of mobilehome park conversions would be warranted by the state legislature to protect residents of the affordable housing provided by mobilehome parks from a "sham conversion" intended to use state law as a vehicle to escape local municipal rent control; and

WHEREAS, it is in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff to undertake a comprehensive study to explore potentially revising the City's zoning and municipal code to create a mobilehome park zone and to conduct a comprehensive study on the appropriate way to deal with conversions issues related to parks which are located in industrial zone areas and/or are contaminated and/or are substandard; and

WHEREAS, it is further in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff to undertake a comprehensive study to consider regulations to protect affordable and senior housing within mobilehome parks while providing opportunities for resident ownership wherever feasible and appropriate; and



DRAFT

WHEREAS, in light of the numerous concerns noted herein, including but not limited to, the City's concerns about possible effort to convert contaminated mobilehome parks, the potential for numerous additional owner-initiated mobilehome park conversion application and the adverse impacts that would result from the potential for a substantial decrease of affordable and senior housing within the City, the City Council determines it is in the interest of the public health, safety, and general welfare to adopt this interim urgency ordinance in order to allow staff to among other related tasks undertake the following studies:

(1) proceed with a comprehensive study of the City's planning and zoning laws and to explore the feasibility or desirability of a "mobilehome park zone" and to consider the unique health and safety issues related to mobilehome parks and the conversion of the same; and

(2) proceed with a comprehensive study of pending state legislation and its impacts on the scope and extent of municipal oversight of mobilehome parks and the conversion process and the same as it relates to the possible creation of a "mobilehome park zone"; and

(3) proceed with a comprehensive study for the purpose of providing an enabling ordinance for the "Survey of Support" mandated by AB 930 (amending Government Code § 66427.5) which study would, among other things, consider establish the (a) required form, (b) content, (c) result, and (d) develop a bona fide means test to ensure that the application is genuine and not a "sham conversion application." This shall be then submitted to the Council for consideration in its regular Council Session; and

(4) proceed with a comprehensive study of the impact of the mobilehome park conversions on the City's ability to conform to its General Plan obligations to provide for very low, low, and moderate income and senior housing; and

WHEREAS, the California Government Code Section 65850 reads, in relevant part: "The Legislative Body of any county or city may, pursuant to this chapter, adopt ordinances that ... (a) Regulate the use of building, structures and land as between industry, business, residences, open space, including agriculture, recreation; enjoyment of scenic beauty, use of natural resource and other purposes; (c)(4) The intensity of land use"; and

WHEREAS, Government Code Sections 65858, 36934 and 36937 expressly authorize the City Council to adopt an urgency ordinance prohibiting any uses which may be in conflict with the contemplated zoning ordinance which the legislative body of the City or the planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, Civil Code Section 798.10 specifically provides that "change of use" in a mobilehome park includes, a change of the park or any portion thereof to a condominium or any form of ownership wherein spaces within the park are to be sold.



DRAFT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Carson finds that the above recitals are true and correct.

SECTION 2. From and after the effective date of this interim urgency ordinance, neither the City Council, the Planning Commission, nor the Planning Department shall consider or approve any discretionary land use entitlements, zoning variances, general plan amendments, specific plan amendments, or other discretionary land use permits to allow for, approve, or otherwise sanction the conversion of any mobile-home park from a landlord-tenant form of ownership to a nominal resident form of ownership.

SECTION 3. From and after the effective date of this interim urgency ordinance, there is a preliminary 45-day moratorium on all mobilehome park conversions.

SECTION 4. This interim prohibition shall not apply to internal staff processing of any conversion application where such application has been deemed substantially complete by City staff prior to the effective date of this urgency ordinance or where City staff has, prior to the effective date of this urgency ordinance, scheduled such completed application for consideration by the applicable legislative body of the City for public hearing and possible action. (*Building Industry Legal Defense Foundation v. Superior Court* (1999) 72 Cal.App.4th 1410.)

SECTION 5. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if and to the same extent that such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 6. This interim urgency ordinance shall be of no further force or effect forty-five (45) days from and after the date of its adoption, unless the same is extended pursuant to the authority conferred upon the City Council by Government Code Section 65858(a). Not later than ten (10) days prior to the expiration of this urgency ordinance, the City Council shall issue a written report describing the measures taken to alleviate the condition which has led to the adoption of this urgency interim ordinance.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this ___ day of March, 2007.



DRAFT

Jim Dear, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Helen Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the foregoing ordinance No. _____ - was duly introduced at a regular meeting of the City Council held on the ___ day of _____, 2007, and was duly approved and adopted at a regular meeting of said Council held on the ___ day of _____, 2007, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED AS TO FORM:

City Attorney



STATUS REPORT ON URGENCY ORDINANCE NO. 07-1373(U)
April 24, 2007

Within the last few years, a growing number of mobilehome park owners have been utilizing a "loophole" in a provision of the state's Subdivision Map Act to convert their parks to so-called resident owned condominiums or subdivisions over the strenuous objections of their residents, which results in the exemption of the parks from local mobilehome rent control. In California, there are 4,822 mobilehome parks and manufactured housing communities listed on the California Department of Housing and Community Development's Mobilehome & RV Park website, not including parks owned by public entities.

It is conservatively estimated there are about 700,000 residents living in these parks. In the vast majority of parks, mobilehome residents own their homes but rent the spaces on which their homes are installed from the park on a month-to-month or long-term lease arrangement. Most of the 4,822 listed parks are owned by private investor groups, operators or owners.

A majority of these residents are very-low to low income households. In Carson alone, mobilehome park residents comprise approximately 9% of the City of Carson's ("City") total housing population with 2,405 senior and family households located in 23 mobilehome parks citywide.

Based on a survey conducted by the City in or about October of 2005:

1. approximately 79% of the mobilehome park residents within the City are low-income or very low-income households as defined by United States Department of Housing and Urban Development;
2. approximately 14% of the mobilehome park residents within the City are moderate income households as defined by United States Department of Housing and Urban Development;
3. approximately 39% of the mobilehome park residents within the City are senior citizens;
4. approximately 49% of the mobilehome park households within the City have a disabled member; and
5. approximately 80% of the City's affordable housing units are located within its mobilehome parks.

In 1993, the park owner of the El Dorado Mobile Country Club, a 377-space mobilehome park in Palm Springs, filed a tentative subdivision map with the city as a first step in converting the park to resident ownership. This was the first known case of a park converted to resident ownership by a park owner, as contrasted with most resident owned park (ROP) conversions, which had not been initiated by resident homeowner



associations and which was actively opposed by the vast majority of the residents of this park.

The City of Palm Springs, concerned about allegations that the conversion was a "sham" driven by a park owner whose motive, according to some park residents at the time, was to sell a few lots in the park to circumvent the city's rent control and other local regulations, imposed several conditions on the map. The El Dorado park owner sued the city, claiming the effective date of conversion was when one lot was sold and that the city had exceeded its authority under the state's Subdivision Map Act to impose more stringent requirements for a park conversion, as it might do for other kinds of conversions, such as conversion of an apartment to a condominium. Although the city won the first round, the park appealed, and the 4th District Court of Appeal reversed (*El Dorado Palm Springs, Ltd., v. City of Palm Springs, 2001*). The appellate court ruled that the city was limited by the state's Subdivision Map Act and opined that the question of whether there should be more protections in the statute to prevent "sham" resident conversions by park owners was a legislative, not legal, issue.

As a result, AB 930 (Keeley, 2002) was introduced to permit local governments to impose additional requirements on the conversion of a mobilehome park to a resident owned park subdivision or condominium. The bill was heavily lobbied and debated, with mobilehome owners, housing advocates and local governments supporting the bill and park owners opposing it. As finally passed and signed by the Governor, the Keeley bill allowed local governments to require park owners as part of the map act process to provide the city with "a survey of support" indicating resident support for a proposed resident owned park conversion and included un-codified language stating the bill was intended to assure such conversions were "bona fide" in accordance with the El Dorado case.

Within the last year and a half, a number of mobilehome parks have either notified their residents of the park's intent to convert or have actually applied to local governments for a map to convert their rental parks to a park condominium under Government Code Section 66427.5. The state legislature has been able to document 12 such parks to date statewide, although a newspaper article has quoted Sheila Dey, Executive Director of the Western Manufactured Housing Communities Association (WMA), a park owner industry association, as using the figure of 30 parks (WMA members) that are planning such conversions (*Daily Breeze*, [Torrance, CA], Sunday, January 28, 2007 article by Gene Maddus).

To date, park-owner initiated conversions appear to be taking place in Buellton, Carson, Ojai, Vallejo, Sonoma County, Santa Rosa, Healdsburg, Rohnert Park, and San Luis Obispo County.

One of the requirements in the City's consideration of an application for conversion of a mobilehome park to nominal resident ownership is the conducting of a "Survey of Support" for conversion by the affected residents. Government Code Section 66427.5 provides as follows:

"(d) (1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

(5) The results of the survey shall be submitted to the local agency upon filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e)."

The "Survey of Support" requirement was added to the state statutory scheme for the follow stated "statutory purpose:"

"It is the intent of the Legislature to address the conversion of a mobilehome park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 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 mobilehome park to resident ownership could occur without the support of the 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."

Unfortunately, the state legislature did not specify what the form of such a "Survey of Support" should look like or what items should be included in the content of the survey nor did it specify the required result.

Based on the information outlined above, it appears that there are several potential areas for local regulation of mobilehome park conversions, most notably related to the form, content, and use of the "survey of support." It may also be possible to establish standards to ensure that a conversion is a "bona fide resident conversion." Additionally, there may be potential for application of existing land use regulations, such as mobilehome park standards and consideration of other programs such as inclusionary housing requirements. Finally, the law may allow for local incentives for voluntary programs, such as phased maps and/or the voluntary extension of state rent control to seniors & disabled households.

Furthermore, currently there is pending state legislation regarding consideration of a comprehensive approach to defining the scope and extent of municipal oversight of the mobilehome conversion process. AB 1542 and SB 900 are pioneering initiatives which, if enacted into law, would vest oversight of mobilehome park conversions in local municipalities or legislative bodies. These proposed bills, among other things, seek to address and prevent "sham conversions" of mobilehome parks utilized to escape compliance with municipal rent control regulations, the charging of abusive rent



increases, and the depletion of affordable housing as a consequence of resident-opposed mobilehome park conversions.

On March 21, 2007, the City Council imposed a moratorium on all mobilehome park conversions in Carson and directed staff and the office of the City Attorney to include an analysis of all the above discussed issues related to the "survey of support" and pending state legislation during the moratorium and to further study proposed changes to City of Carson's planning and zoning regulations and general plan consistency issues.

Report of Measures Taken Since Adoption of Urgency Ordinance:

Since the adoption of the urgency ordinance imposing the moratorium, staff and the office of the City Attorney have:

- a. Held various meetings with interested parties regarding planning and zoning issues and "survey of support" form, content and required result.
- b. Collected ordinances that have been adopted or proposed from other jurisdictions.
- c. Conducted extensive legal research.
- d. Followed and studied in full the pending state legislation and have even attended committee meetings on same in Sacramento to better analyze the legislative intent behind the "survey of support" issue.
- e. Drafted and created a form for "survey of support" which was approved by City Council on April 17, 2007 and is currently being circulated to various mobilehome park homeowner associations and mobile home park owners in the City for comments.
- f. And, staff has conducted a full study of all the mobilehome parks with the City and has determined the zoning for each park and has identified to the best of its abilities given the time restrictions, the potential parks interested in either conversion or park closure. The following is a chart summarizing the staff's research and the pertinent information about Carson mobilehome parks:

Mobile Home Parks in Carson

Name	Spaces	Size (Acres)	General Plan	Zoning	Status
Bel Abbey 200 E. Gardena Blvd.	50	3.2	Industrial	ML	Legal Non-Conforming Expires 2007
Bel-Aire 21425 S. Avalon Blvd.	81	4.7	Commercial	CR	
Carson Gardens 437 W. Carson St.	97	4.4	Mixed Use/Residential	CG	



Carson Harbor Village 17701 S. Avalon Blvd.	420	71.7	Low Density Residential Residential	RM-8-D	Conversion Application Filed
Colony Cove 17700 S. Avalon Blvd.	404	52.5	Low Density Residential	RM-8-D	Incomplete Conversion Application Received -
Country Estates 1502 E. Carson St.	139	10.4	High Density Residential	RM-25	
Dominguez Trailer Park 2666 Dominguez St.	31	1.0	Low Density Residential	RS	Possible sub-standard conditions
E & L Trailer Park 807 Lincoln St.	10	0.2	Low Density Residential	RS	Possible sub-standard conditions
Flamingo Gardens 520 E. Carson St.	39	2.1	Mixed Use Residential	MU-CS	
Imperial Avalon 21207 S. Avalon Blvd.	225	24.8	Commercial/Single Family	CA, RM-8	
Imperial Carson 21111 Dolores St.	192	19.6	High Density Residential	RM-25-ORL	Landfill
Laco 22325 S. Main St.	94	6.0	High Density Residential	RM-25-D	
Nu-Way 401 W. Carson St.	39	3.6	Mixed Use Residential	MU-CS/RS	Resident-Owned
Ocean Villa 606 W. 228 th St.	21	0.8	Mixed Use Residential	RM-25-D	Possible sub-standard conditions
Paradise Trailer Park 21900 S. Martin St.	84	4.8	Mixed Use Residential	RM-25	
Park Avalon 750 E. Carson St.	133	9.5	Commercial	CR-D	
Park Granada 218 W. Carson St.	26	1.8	Mixed Use Residential	MU-CS	
Park Villa 21711 Vera St.	48	5.2	High Density Residential	RM-25	
Rancho Dominguez 425-435 E. Gardena Blvd.	81	5.7	Light Industrial	ML	Legal Non-conforming Expires 2011
Ray Mar Trailer Park 823 E. Realty St.	27	1.0	Low Density Residential	RS	Possible sub-standard conditions

Shangri Lodge 21834 S. Grace Ave.	46	2.4	High Density Residential	RM-25- D	
Vera Carson 21811 Vera St.	32	3.6	High Density Residential	RM-25	
Vista Del Loma 20600 S. Main St.	86	9.5	Low Density Residential	RM-8-D	

As indicated in the table above, some mobilehome parks are situated on property that does not have a residential General Plan Land Use Element designation. They are located in areas that were planned for future commercial and/or industrial purposes when the General Plan was adopted. The Carson Municipal Code permits mobilehome parks in residential and commercial zones subject to approval of a conditional use permit. Mobilehome parks established prior to the enactment of the conditional use permit requirement are currently under legal non-conforming use and are not required to obtain the conditional use permit. The mobilehome parks located in industrial zones are currently under legal non-conforming use with a termination date to discontinue to the use. Furthermore, there are currently at least four (4) parks which the City is informed and believes to be substandard, under Title 25 of the State Mobilehome Residency Law, and other applicable codes and regulations.

These mobilehome parks can be expected to come under increasing economic pressure to convert to other land uses. If the parks with a non-residential land use designation were discontinued, the change of use would result not only in a loss of mobilehome spaces, but also a loss of housing supply in general because the land is available for future commercial or industrial use.

Many mobilehome owners and residents would face displacement if parks were to transition to other uses in the future. Undertaking a study and analysis of the land use designations and zoning for mobilehome parks is consistent with the Housing Element of the City's General Plan. One of the Housing Element's goals is to preserve existing affordable housing opportunities in the City; one of the programs to achieve that goal is preservation of affordable housing opportunities through limiting the conversion of affordable rental units to ownership units.

If Council does extend the current moratorium on May 5, 2007, as recommended, then staff will begin the study process and develop a time frame for returning to Council with recommendations on land use and zoning of mobilehome parks to address this specific issue in addition to conducting further studies in connection with the pending state legislation and the "survey of support" issue. The staff will also have an opportunity to receive comments from mobilehome park associations on the proposed "survey of support" form and to finalize same and to present it to City Council for final approval.

INTERIM URGENCY ORDINANCE NO. 07-1385U

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING ORDINANCE NO. 07-1373U CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY

WHEREAS, by a unanimous vote the City Council of the City of Carson ("City Council") adopted Ordinance No. 07-1373U on March 21, 2007; and

WHEREAS, Interim Urgency Ordinance No. 07-1373U imposes a moratorium on all mobile home park conversions in Carson and directs staff and the office of the City Attorney to include an analysis of all the issues related to the "survey of support" and pending state legislation during the moratorium and to further study proposed changes to City of Carson's planning and zoning regulations and general plan consistency issues; and

WHEREAS, Interim Urgency Ordinance No. 07-1373U is a temporary ordinance which will expire on May 5, 2007, 45 days after its adoption; and

WHEREAS, the California Government Code expressly authorizes the City Council to adopt and extend an urgency ordinance and provides that

"Cal. Gov. Code § 65858(a). Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted;" and

WHEREAS, the City staff have undertaken the Council directed studies and analysis regarding planning and zoning issues and "survey of support" form, content and required result, collected ordinances that have been adopted or proposed from other jurisdictions, conducted extensive legal research, followed and studied in full the pending state legislation and have even attended committee meetings on same in Sacramento to better analyze the legislative intent behind the "survey of support" issue, drafted and created a form for "survey of support" which was approved for public circulation and comment by the City Council on April 17, 2007 and is currently being circulated to various mobilehome park homeowners' association in the City for comments, and conducted a full study of all the mobilehome parks within the City; and



WHEREAS, the City staff have worked diligently to create a comprehensive and all-encompassing report on this matter but further factual information, studies and other important research is necessary in order to present the most feasible and intelligent course of action to be considered by the Council; and

WHEREAS, assessment of other mobilehome parks located in critical areas still need to be undertaken which would enable the City Council to get a broader understanding of the Affordable Housing requirements of the City and the overall safety of residents in these parks but will not complete its work before the interim ordinance expires on May 5, 2007; and

WHEREAS, the City staff is hereby directed to begin a comprehensive and unified study of the land use and zoning of mobilehome parks to address this specific issue in addition to conducting further studies in connection with the pending state legislation and the "survey of support" issue. The staff are further directed to solicit comments from mobilehome park associations on the proposed "survey of support" form and present their findings of such studies to City Council for final approval but will not complete its work before the interim ordinance expires on May 5, 2007; and

WHEREAS, the City Council determines that this ordinance is necessary as an urgency ordinance to address current and immediate threats to the public health, safety, and welfare. The City Council determines that the conversion of mobilehome parks to resident ownership without further study would result in further threats to the public health, safety, and welfare.

WHEREAS, after notice and a public hearing, Government Code §§ 65858, 36934 and 36937 permit the City Council to extend Interim Ordinance No. 937-04 for an additional ten months and fifteen days to allow the Planning Commission additional time to complete its analysis and recommendations; and

WHEREAS, at its public meeting of May 5, 2007, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed and studied said proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council of the City of Carson finds that the above recitals are true and correct and incorporated herein by this reference.

SECTION 3. Interim Urgency Ordinance No. 07-1373U establishing a Moratorium on all Mobile Home Park Conversions is hereby extended to ten months and fifteen days beyond its original expiration date, such that Interim Ordinance No. 07-1373U will now expire twelve months following its March 21, 2007 adoption date.

SECTION 4. A copy of this Ordinance is to be posted in all mobile-home parks and circulated to all stakeholders, residents, owners and homeowners associations, California State Legislators and the Governor of the State of California.



SECTION 5. In light of the City of Carson's adoption of a proforma Survey Of Support form for all proposals for Mobile Home Park conversions, the City Staff is directed to conduct this Survey on all Mobile Home Parks/Residents located in the City to get an advance pulse and feel of the current predicament and position of mobile home park residents in the City.

SECTION 6. Urgency Interim Ordinance No. 07-1373U is hereby extended pursuant to the authority conferred upon the City Council of the City of Carson by Government Code §§ 65858, 36934 and 36937, and shall remain in full force and effect immediately upon adoption of this extension by a four-fifths (4/5) vote of the City Council as if and to the same extent that such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 7. That, pursuant to Government Code § 65858(d), ten days prior to consideration of this ordinance, the City issued a written report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 07-1373U and this extension thereof.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this 5th day of May, 2007.

Jim Dear, Mayor

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:
Aleshire & Wynder, LLP

William W. Wynder, City Attorney



ORDINANCE NO. 08-1401

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA,
CONCERNING MOBILEHOME PARK RESIDENTIAL
CONVERSIONS

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES ORDAIN
AS FOLLOWS:

SECTION 1. Carson Municipal Code § 9209.1, is hereby amended, in its entirety, to read as follows (new text highlighted in red or underlined):

Section 9209.1 Purpose: The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of conversion projects and correction of Building Code violations in such projects; to provide adequate off-street parking; to encourage construction of new rental units to replace units lost due to conversions; to protect the existing rental housing stock by reducing conversions; to ensure that conversions of mobilehome parks to resident ownership are bona fide resident conversions in accordance with state law; and to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare.”

SECTION 2. Carson Municipal Code § 9209.3, is hereby amended, to add a new sub-section 2, entitled “Survey of Residential Support,” and to re-number the subsections there after in seriatim order, and to read as follows (new text highlighted in red or underlined):

“2. Survey of Residential Support. A survey of residential support conducted in compliance with subdivision (d) of Government Code § 66427.5. The subdivider shall demonstrate that the survey was conducted in accordance with an agreement between the subdivider and an independent resident homeowners association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobilehome space had one vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represents the greatest number of resident homeowners in the park. For purposes of determining whether a proposed conversion is a bona-fide resident conversion, the following criteria shall be used:

(a) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that more than 50% of resident households supports the conversion to resident ownership, the conversion shall be presumed to be a bona-fide resident conversion

(b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that at least 20% but not more than 50% of residents support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona-fide resident conversion.



In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.

(c) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that less than 20% of residents support the conversion ownership, the conversion shall be presumed not to be a bona-fide resident conversion."

SECTION 3. Carson Municipal Code § 9209.3, is hereby amended, to re-number existing sub-sections 2, 3, and 4 to follow sequentially after new sub-section 2, and to be re-numbers sub-sections 3, 4, and 5, respectively.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED. APPROVED, AND ADOPTED on, this ___ day of January, 2008.



INTERIM URGENCY ORDINANCE NO. 07-1385U

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING ORDINANCE NO. 07-1373U CONCERNING MOBILEHOME PARK CONVERSIONS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS TO COMPLETE STUDIES AND PREPARE COMPREHENSIVE ALTERNATIVES TO AUGMENT THE CITY'S AFFORDABLE HOUSING SUPPLY

WHEREAS, by a unanimous vote the City Council of the City of Carson ("City Council") adopted Ordinance No. 07-1373U on March 21, 2007; and

WHEREAS, Interim Urgency Ordinance No. 07-1373U imposes a moratorium on all mobile home park conversions in Carson and directs staff and the office of the City Attorney to include an analysis of all the issues related to the "survey of support" and pending state legislation during the moratorium and to further study proposed changes to City of Carson's planning and zoning regulations and general plan consistency issues; and

WHEREAS, Interim Urgency Ordinance No. 07-1373U is a temporary ordinance which will expire on May 5, 2007, 45 days after its adoption; and

WHEREAS, the California Government Code expressly authorizes the City Council to adopt and extend an urgency ordinance and provides that

"Cal. Gov. Code § 65858(a). Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted;" and

WHEREAS, the City staff have undertaken the Council directed studies and analysis regarding planning and zoning issues and "survey of support" form, content and required result, collected ordinances that have been adopted or proposed from other jurisdictions, conducted extensive legal research, followed and studied in full the pending state legislation and have even attended committee meetings on same in Sacramento to better analyze the legislative intent behind the "survey of support" issue, drafted and created a form for "survey of support" which was approved for public circulation and comment by the City Council on April 17, 2007 and is currently being circulated to various mobilehome park homeowners' association in the City for comments, and conducted a full study of all the mobilehome parks within the City; and



WHEREAS, the City staff have worked diligently to create a comprehensive and all-encompassing report on this matter but further factual information, studies and other important research is necessary in order to present the most feasible and intelligent course of action to be considered by the Council; and

WHEREAS, assessment of other mobilehome parks located in critical areas still need to be undertaken which would enable the City Council to get a broader understanding of the Affordable Housing requirements of the City and the overall safety of residents in these parks but will not complete its work before the interim ordinance expires on May 5, 2007; and

WHEREAS, the City staff is hereby directed to begin a comprehensive and unified study of the land use and zoning of mobilehome parks to address this specific issue in addition to conducting further studies in connection with the pending state legislation and the "survey of support" issue. The staff are further directed to solicit comments from mobilehome park associations on the proposed "survey of support" form and present their findings of such studies to City Council for final approval but will not complete its work before the interim ordinance expires on May 5, 2007; and

WHEREAS, the City Council determines that this ordinance is necessary as an urgency ordinance to address current and immediate threats to the public health, safety, and welfare. The City Council determines that the conversion of mobilehome parks to resident ownership without further study would result in further threats to the public health, safety, and welfare.

WHEREAS, after notice and a public hearing, Government Code §§ 65858, 36934 and 36937 permit the City Council to extend Interim Ordinance No. 937-04 for an additional ten months and fifteen days to allow the Planning Commission additional time to complete its analysis and recommendations; and

WHEREAS, at its public meeting of May 5, 2007, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed and studied said proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Carson finds that the above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Interim Urgency Ordinance No. 07-1373U establishing a Moratorium on all Mobile Home Park Conversions is hereby extended to ten months and fifteen days beyond its original expiration date, such that Interim Ordinance No. 07-1373U will now expire twelve months following its March 21, 2007 adoption date.

SECTION 3. A copy of this Ordinance is to be posted in all mobile-home parks and circulated to all stakeholders, residents, owners and homeowners associations, California State Legislators and the Governor of the State of California.



SECTION 4. In light of the City of Carson's adoption of a proforma Survey Of Support form for all proposals for Mobile Home Park conversions, the City Staff is directed to conduct this Survey on all Mobile Home Parks/Residents located in the City to get an advance pulse and feel of the current predicament and position of mobile home park residents in the City.

SECTION 5. Urgency Interim Ordinance No. 07-1373U is hereby extended pursuant to the authority conferred upon the City Council of the City of Carson by Government Code §§ 65858, 36934 and 36937, and shall remain in full force and effect immediately upon adoption of this extension by a four-fifths (4/5) vote of the City Council as if and to the same extent that such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 6. That, pursuant to Government Code § 65858(d), ten days prior to consideration of this ordinance, the City issued a written report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 07-1373U and this extension thereof.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this 5th day of May, 2007.



Jim Dear, Mayor

ATTEST:



City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:



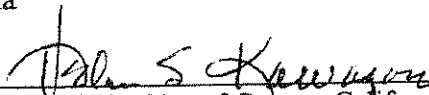
William W. Wynder, City Attorney



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

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 07-1385U) was duly and regularly adopted by the City Council of said City on an urgency basis at an special joint meeting of said Council, duly and regularly held on the 5th day of May, 2007, and that the same was passed and adopted by the following roll call vote:

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



City Clerk, City of Carson, California



RESIDENT "SURVEY OF SUPPORT"

This "survey of support" is conducted as required by state law. Its purpose is to determine whether you, the residents of [insert the name of the mobilehome park here] support *or* oppose conversion of [insert the name of the mobilehome park here] from a rental mobilehome park to a resident owned condominium park.

This survey must be conducted in accordance with Government Code § 66427.5(d). The Survey must be conducted in a manner reached by agreement between [insert the name of the mobilehome park here] homeowners' association which is independent of the park owner and the owner of your park (called the "subdivider").

Each household shall fill out only one survey and return the survey in the self-addressed envelope to [insert the location where the survey can be hand-delivered or provide a pre-paid postage envelope with the address to which the survey may be mailed].

This survey is for informational purposes only and does not obligate you to purchase or to rent the space on which your mobilehome is located. If there are section(s) of the survey for which you do not have information or do not wish to answer, skip such question(s).

1. TENANT INFORMATION

Space #: _____

Names of all household members: _____

2. SUPPORT SURVEY (Select One Response)

- I support the conversion of the Park to a resident owned mobilehome Park.
- I do not support the conversion of the Park to a resident owned mobilehome Park.
- I decline to state my position on this issue at this time.

3. DEMOGRAPHIC SURVEY

Please answer the following questions:

- 1. Is your home in _____ your primary residence?
 YES / NO
- 2. How many people [of all ages] live in your home? _____
 - a. Number of Adults: _____
 - [18 to 54]: _____
 - [55 and over]: _____
 - b. Number of Children [under 18]: _____



3. Is anyone in your household disabled or requires assistance with their daily routine?
 YES / NO
4. If your answer to Number 3 is yes, how many members? _____
5. Within which category does your household's total income, before taxes, fall?
 [check one box below]

HOUSEHOLD SIZE AND INCOME LEVELS
 [The Income levels would need to be changed each year]

Check One Box	Income Levels	1 Person Household	2 Person Household	3 person Household	4 person Household	5 person Household
	Very Low	\$26,100 or less	\$ 29,850 or less	\$ 33,550 or less	\$ 37,300 or less	\$ 40,300 or less
	Low	More than \$26,100 but less than \$40,600	More than \$29,850 but less than \$46,400	More than \$33,550 but less than \$52,200	More than \$37,300 but less than \$58,000	More than \$ 40,300 but less than \$62,650
	Median	More than \$40,600 but less than \$52,200	More than \$46,400 but less than \$59,700	More than \$52,200 but less than \$67,150	More than \$58,000 but less than \$74,600	More than \$ 62,650 but less than \$80,550
	Moderate	More than \$52,200 but less than \$62,650	More than \$59,700 but less than \$71,600	More than \$67,150 but less than \$80,550	More than \$74,600 but less than \$89,500	More than \$80,550 but less than \$96,650
	Other	More than \$62,650	More than \$71,600	More than \$80,550	More than \$89,500	More than \$96,650

OR

I have more than 5 persons in my household; I have _____ persons in my household, with a total income, before taxes, of \$_____.

Thank you for your time to responding to this important survey.

 Name

 Name

 Signature

 Signature

 Date

 Date



Status Report on Urgency Ordinance No. 07-1385

March 3, 2008

Pursuant to Section 65858, the legislative body must issue a report explaining the steps taken to alleviate the conditions that led to the adoption of the urgency ordinance. This report is set out below.

REPORT ON MEASURES TAKEN DURING MORATORIUM

Since the adoption of the urgency ordinance imposing the moratorium, staff and the office of the City Attorney have:

- a. Continued to hold various meetings with interested parties regarding planning and zoning issues and "survey of support" form, content and required result.
- b. Collected additional ordinances that have been adopted or proposed from other jurisdictions.
- c. Continued conducting extensive legal research.
- d. Continued to follow and study in full the pending state legislation and have even attended committee meetings on same in Sacramento to better analyze the legislative intent behind the "survey of support" issue.
- e. Amended the City's municipal code governing mobile home park conversions, with Ordinance 08-1401, to add a "Survey of Support" requirement which was approved by City Council on February 19, 2008 and will become effective Thursday March 20, 2008.
- f. Continued to follow and study the ongoing "Survey of Support" litigation in Sonoma County. The City first extended the urgency ordinance imposing the moratorium on March 5, 2007. Afterwards, the City became aware that the County of Sonoma's "Survey of Support" requirement, which was similar to that being considered and which has since been adopted by the City through Ordinance 08-1401, had been challenged in *Sequoia Parks Associates v. County of Sonoma*, SCV-240003. The County of Sonoma's "Survey of Support" requirement was upheld at trial on October 23, 2007. The matter is now pending in Division Two of the First Appellate District. The Appellant's opening brief was due at the end of February and in the best case scenario, the hearing on the appeal will take place no sooner than the summer of 2008. It is anticipated that the case will be appealed to Supreme Court of California.
- g. Followed and studied state legislation, including AB 1542 and SB 900, legislation which aimed to amend Cal. Gov. Code § 66427.4 and repeal § 66427.5 and to amend Cal. Health and Safety Code § 50786. AB 1542 was passed by both houses but was vetoed by Governor Schwarzenegger in 2007. SB 900, however,

has been passed by the Senate and is waiting review by the Assembly. The City is continuing to monitor the progress of SB 900.

- h. And, staff is continuing to conduct a full study of all the mobilehome parks with the City and has determined the zoning for each park and has continued to identify to the best of its abilities given the time restrictions, the potential parks interested in either conversion or park closure. The following is a chart summarizing the staff's research and the pertinent information about Carson mobilehome parks:

Mobile Home Parks in Carson

Name	Spaces	Size (Acres)	General Plan	Zoning	Status
Bel Abbey 200 E. Gardena Blvd.	50	3.2	Industrial	ML	Legal Non-Conforming Expires 2007; Relocation Impact Report Application Filed
Bel-Aire 21425 S. Avalon Blvd.	81	4.7	Commercial	CR	
Carson Gardens 437 W. Carson St.	97	4.4	Mixed Use/Residential	CG	
Carson Harbor Village 17701 S. Avalon Blvd.	420	71.7	Low Density Residential	RM-8-D	Conversion Application Denied
Colony Cove 17700 S. Avalon Blvd.	404	52.5	Low Density Residential	RM-8-D	Conversion Application Filed Incomplete
Country Estates 1502 E. Carson St.	139	10.4	High Density Residential	RM-25	
Dominguez Trailer Park 2666 Dominguez St.	31	1.0	Low Density Residential	RS	Possible sub-standard conditions
E & L Trailer Park 807 Lincoln St.	10	0.2	Low Density Residential	RS	Possible sub-standard conditions
Flamingo Gardens 520 E. Carson St.	39	2.1	Mixed Use Residential	MU-CS	
Imperial Avalon 21207 S. Avalon Blvd.	225	24.8	Commercial/Single Family	CA, RM-8	



Imperial Carson 21111 Dolores St.	192	19.6	High Density Residential	RM-25- ORL	Landfill
Laco 22325 S. Main St.	94	6.0	High Density Residential	RM-25- D	
Nu-Way 401 W. Carson St.	39	3.6	Mixed Use Residential	MU- CS/RS	Resident- Owned
Ocean Villa 606 W. 228 th St.	21	0.8	Mixed Use Residential	RM-25- D	Possible sub- standard conditions
Paradise Trailer Park 21900 S. Martin St.	84	4.8	Mixed Use Residential	RM-25	
Park Avalon 750 E. Carson St.	133	9.5	Commercial	CR-D	
Park Granada 218 W. Carson St.	26	1.8	Mixed Use Residential	MU-CS	
Park Villa 21711 Vera St.	48	5.2	High Density Residential	RM-25	
Rancho Dominguez 425- 435 E. Gardena Blvd.	81	5.7	Light Industrial	ML	Legal Non- conforming Expires 2011
Ray Mar Trailer Park 823 E. Realty St.	27	1.0	Low Density Residential	RS	Possible sub- standard conditions
Shangri Lodge 21834 S. Grace Ave.	46	2.4	High Density Residential	RM-25- D	
Vera Carson 21811 Vera St.	32	3.6	High Density Residential	RM-25	
Vista Del Loma 20600 S. Main St.	86	9.5	Low Density Residential	RM-8-D	

As indicated in the table above, some mobilehome parks are situated on property that does not have a residential General Plan Land Use Element designation. They are located in areas that were planned for future commercial and/or industrial purposes when the General Plan was adopted. The Carson Municipal Code permits mobilehome parks in residential and commercial zones subject to approval of a conditional use permit. Mobilehome parks established prior to the enactment of the conditional use permit requirement are currently under legal non-conforming use and are not required to obtain the conditional use permit. The mobilehome parks located in industrial zones are currently under legal non-conforming use with a termination date to discontinue to the use. Furthermore, there are currently at least four (4) parks which the City is informed and believes to be substandard, under Title 25 of the State Mobilehome Residency Law, and other applicable codes and regulations. The City is currently reviewing the

inspection responsibilities under the California Department of Housing and Community Development. The City is determining the appropriateness of assuming the inspection responsibilities to provide for improved compliance by park owners and mobilehome residents.

These mobilehome parks can be expected to come under increasing economic pressure to convert to other land uses. If the parks with a non-residential land use designation were discontinued, the change of use would result not only in a loss of mobilehome spaces, but also a loss of housing supply in general because the land is available for future commercial or industrial use.

Many mobilehome owners and residents would face displacement if parks were to transition to other uses in the future. Undertaking a study and analysis of the land use designations and zoning for mobilehome parks is consistent with the Housing Element of the City's General Plan. One of the Housing Element's goals is to preserve existing affordable housing opportunities in the City; one of the programs to achieve that goal is preservation of affordable housing opportunities through limiting the conversion of affordable rental units to ownership units.

If Council does extend the current moratorium on March 18, 2008, as recommended, then staff will continue to study, process and develop a time frame for returning to Council with recommendations on land use and zoning of mobilehome parks to address this specific issue in addition to conducting further studies in connection with the pending state legislation and the "survey of support" issue.



INTERIM URGENCY ORDINANCE NO. 08-1407U

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON,
CALIFORNIA, EXTENDING THE MORATORIUM ESTABLISHED BY
ORDINANCE NOS. 07-1373U AND 07-1385U, ON THE CONSIDERATION AND
PROCESSING OF MOBILEHOME PARK CONVERSIONS AND DECLARING
THE URGENCY THEREOF**

WHEREAS, by a unanimous vote the City Council of the City of Carson ("City Council") adopted Ordinance No. 07-1373U on March 21, 2007, which imposed a moratorium on all mobile home park conversions in Carson and directed staff and the office of the City Attorney to include an analysis of all the issues related to the "survey of support" and pending state legislation during the moratorium and to further study proposed changes to City of Carson's planning and zoning regulations, and general plan consistency issues; and

WHEREAS, Ordinance No. 07-1373U contained a statement of facts and findings that it is in the interest of the public health, safety and general welfare to adopt a moratorium on the consideration or approvals of any discretionary land use entitlements, zoning variances, general plan amendments, special plan amendments, or other discretionary land use permits to allow for, approve or otherwise sanction the conversion of any mobilehome park from a landlord-tenant form of ownership to a nominal resident form of ownership; and

WHEREAS, pursuant to California Government Code section 65865, Interim Urgency Ordinance No. 07-1373U expired 45 days after March 21, 2007; and

WHEREAS, on April 24, 2007, a report was issued pursuant to Government Code Section 65858 describing the measures taken to address pertinent issues prior to the expiration of the moratorium; and

WHEREAS, forty-five days from the date of adoption of Ordinance No. 07-1373U was not sufficient to adequately complete adoption of an Amendment and to study the underlying land use and zoning of mobilehome parks so as to protect the public safety, health and welfare from potential park conversions/changes of uses and loss of affordable and senior housing; and

WHEREAS, the City Council at a meeting on May 5, 2007 adopted Ordinance No. 07-1385U to allow the interim moratorium ordinance to be extended ten (10) months and fifteen (15) days pursuant to California Government Code 65858.

WHEREAS, on March 4, 2008, a report was issued pursuant to Government Code Section 65858 describing the measures taken to address pertinent issues prior to the expiration of the moratorium; and



WHEREAS, the California Government Code expressly authorizes the City Council to adopt and extend an urgency ordinance and provides that

“Cal. Gov. Code § 65858(a). Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted;” and

WHEREAS, the City staff have undertaken the Council directed studies and analysis regarding planning and zoning issues and “survey of support” form, content and required result, collected ordinances that have been adopted or proposed from other jurisdictions, conducted extensive legal research, followed and studied in full the pending state legislation and have even attended committee meetings on same in Sacramento to better analyze the legislative intent behind the “survey of support” issue, amended the City’s municipal code governing mobile home park conversions, with Ordinance 08-1401, to add a “Survey of Support” requirement which was approved by City Council on February 19, 2008 and will become effective Thursday March 20, 2008; and

WHEREAS, the City staff have worked diligently to create a comprehensive and all-encompassing report on this matter but further factual information, studies and other important research is necessary in order to present the most feasible and intelligent course of action to be considered by the Council; and

WHEREAS, assessment of other mobilehome parks located in critical areas still need to be undertaken which would enable the City Council to get a broader understanding of the Affordable Housing requirements of the City and the overall safety of residents in these parks but will not complete its work before the interim ordinance expires on March 20, 2008; and

WHEREAS, an extension of ten months and fifteen days is insufficient to continue following and studying the ongoing “Survey of Support” litigation in Sonoma



County. After the City first extended the urgency ordinance imposing the moratorium on May 5, 2007, the City became aware that the County of Sonoma's "Survey of Support" requirement, which was similar to that being considered and which has since been adopted by the City through Ordinance 08-1401, had been challenged in *Sequoia Parks Associates v. County of Sonoma*, SCV-240003. The County of Sonoma's "Survey of Support" requirement was upheld at trial on October 23, 2007. The matter is now pending in Division Two of the First Appellate District. The Appellant's opening brief was due at the end of February and in the best case scenario, the hearing on the appeal will take place no sooner than the summer of 2008. It is anticipated that the case will be appealed to Supreme Court of California; and

WHEREAS, the City requires additional time to follow and study state legislation, including AB 1542 and SB 900, legislation which aimed to amend Cal. Gov. Code § 66427.4 and repeal § 66427.5 and to amend Cal. Health and Safety Code § 50786. AB 1542 was passed by both houses but was vetoed by Governor Schwarzenegger in 2007. SB 900, however, has been passed by the Senate and is waiting review by the Assembly. The City is continuing to monitor the progress of, and intends to actively support enactment of, SB 900; and

WHEREAS, the City Council determines that this ordinance is necessary as an urgency ordinance to address current and immediate threats to the public health, safety, and the general welfare of the residents of Carson and its 23 mobilehome park residents as well. The City Council determines that the conversion of mobilehome parks to resident ownership without further study would result in further threats to the public health, safety, and would constitute a clear and present threat to the general welfare of the residents of Carson and its 23 mobilehome park residents as well.

WHEREAS, after notice and a public hearing, Government Code §§ 65858, 36934 and 36937 permit the City Council to extend Interim Ordinance No. 07-1373U and Ordinance No. 07-1385U for an additional one year to allow City staff to complete necessary studies and study state legislation and allow the Planning Commission additional time to complete its analysis and provide recommendations; and

WHEREAS, at its public meeting of March 18, 2008, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed and studied said proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Carson finds that the above recitals are true and correct and incorporated herein by this reference.



SECTION 2. Interim Urgency Ordinance No. 07-1373U, imposing a moratorium on all Mobile Home Park Conversions, and extended by Interim Urgency Ordinance No. 07-1385U, is hereby extended for an additional one year, such that Interim Ordinance No. 07-1373U will now expire two years following its March 21, 2007 adoption date.

SECTION 3. Urgency Interim Ordinance No. 07-1373U is hereby extended pursuant to the authority conferred upon the City Council of the City of Carson by Government Code §§ 65858, 36934 and 36937, and shall remain in full force and effect immediately upon adoption of this extension by a four-fifths (4/5) vote of the City Council as if and to the same extent that such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove; and

SECTION 4. A copy of this Ordinance is to be posted in all mobile-home parks and circulated to all stakeholders, residents, owners and homeowners associations, California State Legislators and the Governor of the State of California; and

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.



PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this
18th day of March, 2008.

Jim Dear, Mayor

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:
Aleshire & Wynder, LLP

William W. Wynder, City Attorney



CALIFORNIA CODES
GOVERNMENT CODE
SECTION 66427.5
SECTION 66428.1

66427.5. At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

(a) The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant.

(b) The subdivider shall file a report on the impact of the conversion upon residents of the mobilehome park to be converted to resident owned subdivided interest.

(c) The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(d) (1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).

(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:

(1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.

(2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent 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 increased by an amount greater than the



average monthly percentage increase in the Consumer Price Index for the most recently reported period.

66428.1. (a) 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 it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following conditions exist:

(1) There are design or improvement requirements necessitated by significant health or safety concerns.

(2) The local agency determines that there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.

(3) The existing parcels which exist prior to the proposed conversion were not created by a recorded parcel or final map.

(4) The conversion would result in the creation of more condominium units or interests than the number of tenant lots or spaces that exist prior to conversion.

(b) The petition signed by owners of mobilehomes in a mobilehome park proposed for conversion to resident ownership pursuant to subdivision (a) shall read as follows:

MOBILEHOME PARK PETITION AND DISCLOSURE STATEMENT

SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS MOBILEHOME PARK TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS \$_____ TO \$_____, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP INTEREST IS \$_____ TO \$_____, EXCLUDING FINANCING COSTS. IF TWO-THIRDS OF THE RESIDENTS IN THIS PARK SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE MOBILEHOME PARK FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS WHICH ARE AVAILABLE TO YOU.

Buyer, unit #,
date

Petitioner,
date

(c) The local agency shall provide an application for waiver pursuant to this section. After the waiver application is deemed complete pursuant to Section 65943, the local agency shall approve or deny the application within 50 days. The applicant shall have the right to appeal that decision to the governing body of the local agency.

(d) If a tentative or parcel map is required, the local agency shall not impose any offsite design or improvement requirements unless these are necessary to mitigate an existing health or safety condition. No other dedications, improvements, or in-lieu fees shall be required by the local agency. In no case shall the mitigation of a health or safety condition have the effect of reducing the number,



or changing the location, of existing mobilehome spaces.

(e) If the local agency imposes requirements on an applicant to mitigate a health or safety condition, the applicant and the local agency shall enter into an unsecured improvement agreement. The local agency shall not require bonds or other security devices pursuant to Chapter 5 (commencing with Section 66499) for the performance of that agreement. The applicant shall have a period of one year from the date the agreement was executed to complete those improvements.

(f) If the waiver application provided for in this section is denied by the local agency pursuant to the provisions of subdivision (a), the applicant may proceed to convert the mobilehome park to a tenant-owned, condominium ownership interest, but shall file a parcel map or a tentative and final map. The local agency may not require the applicant to file and record a tentative and final map unless the conversion creates five or more parcels shown on the map. The number of condominium units or interests created by the conversion shall not determine whether the filing of a parcel or a tentative and final map shall be required.

(g) For the purposes of this section, the meaning of "resident ownership" shall be as defined in Section 50781 of the Health and Safety Code.

