

## **RESOLUTION NO. 20-113**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, MODIFYING, PURSUANT TO CARSON MUNICIPAL CODE §9173.4(C)(2)(b), THE DECISION OF THE CARSON PLANNING COMMISSION ADOPTING PLANNING COMMISSION RESOLUTION NO. 20-2695 RELATED TO APPROVAL OF RIR NO. 05-20 FOR THE DETERMINATION OF RELOCATION IMPACT MITIGATION MEASURES REQUIRED TO BE TAKEN IN CONNECTION WITH THE CLOSURE OF IMPERIAL AVALON MOBILE ESTATES MOBILEHOME PARK, BY IMPOSING ADDITIONAL BENEFIT CONDITIONS OF RIR NO. 05-20, AND AFFIRMING THE DECISION IN ALL OTHER RESPECTS.**

**WHEREAS**, on May 13, 2020, the Carson Planning Commission adopted Planning Commission Resolution No. 20-2695, approving RIR No. 05-20, subject to specified conditions set forth in Exhibit “C” to the Resolution (the “Planning Commission Decision”), related to determination of the measures required to be taken by the applicant and property owner, Imperial Avalon, LLC (“Park Owner”), to mitigate the adverse impacts of its proposed closure of the Imperial Avalon Mobile Estates mobilehome park (the “Park”) on the ability of the residents to be displaced to find alternative housing; and

**WHEREAS**, the Planning Commission Decision was appealed by Mayor Albert Robles pursuant to Carson Municipal Code (“CMC”) Sections 9128.21(F) and 9173.4 on May 27, 2020 (the “Appeal”); and

**WHEREAS**, on July 7, 2020, pursuant to CMC Sections 9128.21(F) and 9173.4, the City Council conducted a duly noticed public hearing on the Appeal, at which written and oral public comments were received and considered.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

**SECTION 2.** The City Council finds that the appeal of the Planning Commission Decision, including any consideration of or action upon RIR No. 05-20, is not subject to review under the California Environmental Quality Act (“CEQA”) because neither RIR No. 05-20 nor the City’s action thereon constitutes a “project” within the meaning of CEQA. (Pub. Res. Code §21065; 14 CCR §15378). The City’s action on the RIR does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The City’s consideration of the RIR and this appeal relates only to the determination of the measures required to be taken by the applicant to mitigate the adverse impacts on Park

residents who will be displaced by the closure of the Park, as authorized and required by applicable law. Additionally, approval of the RIR does not constitute “approval” of any “project” for purposes of CEQA, because the RIR is not a project, and because approval of the RIR does not commit the City to a definite course of action or foreclose options or alternatives in regard to any project intended to be carried out by any person, including the applicant, and because it does not constitute a commitment to issue or the issuance of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of a project (14 CCR §15352).

**SECTION 3.** The City Council hereby modifies, pursuant to Carson Municipal Code Section 9173.4(C)(2)(b), the Planning Commission Decision by amending the Conditions of RIR No. 05-20 to read as shown in Exhibit “A”, attached hereto [EXHIBIT “A” WILL BE PROVIDED ON THE NIGHT OF THE COUNCIL MEETING AFTER DELIBERATIONS BY COUNCIL REGARDING ADDITIONAL BENEFITS, IF ANY]. A non-exhaustive list of the amendments is as follows [BLANKS TO BE FILLED OUT AT THE NIGHT OF THE HEARING AFTER COUNCIL DELIBERATIONS]:

- A. Condition No. 10(b) is amended to the effect that all Park residents who acquired their mobilehomes in the Park in XXXXXX shall be entitled to receive, as the lump sum payment pursuant to Option B, the higher of the following amounts: (1) the amount of the appraised on-site value of the mobile home, as appraised by James Netzer, MAI, and as adjusted pursuant to peer review by James Brabant, MAI (as set forth in his appraisal review report available at <https://tinyurl.com/ya33e149>, pp. 12-15, right-most column, entitled “Adjusted On-Site Value [Rounded]”); or (2) the full purchase price that the Park resident paid for his or her mobilehome. The higher of these amounts shall also be used for purposes of calculating the payment of the relevant percentage of this amount pursuant to Condition 10(c), for residents who acquired their mobilehome in the Park in XXXXXX and who select Option C. Documented proof of the purchase price that a resident claims to have paid for his or her mobilehome, to the satisfaction of the City’s Community Development Director or designee, will be required in order for a Park resident to be entitled to use of an asserted purchase price for purposes of calculation or payment of this benefit.
- B. Condition No. 10(b) is amended to add a provision to the effect that Park residents who acquired their mobilehomes in the Park prior to 2007 shall be entitled to receive, as the lump sum payment pursuant to Option B, payment of the amount that would have been calculated as the appraised on-site value of the mobile home, as appraised by James Netzer, MAI, and as adjusted pursuant to peer review by James Brabant, MAI, if the resident had acquired the mobilehome in the Park in the year 2007 (i.e., by placing a XXXXXX minimum hold on the “present value of leasehold advantage, adjusted for term of tenancy” component of the calculation). This amount shall also be used for purposes of calculating the payment of the relevant percentage of

this amount pursuant to Condition 10(c), for residents who acquired their mobilehome in the Park prior to 2007 and who select Option C.

- C. Condition No. 10(c) is amended to the effect that all Park residents shall be eligible to select Option C regardless of income level. Residents whose households qualify as extremely low (30% of Area Median Income ["AMI"]), very low (50% AMI), or low (80% AMI), will be entitled to rental rates affordable to their respective income levels, as stated in the Planning Commission Decision. Residents whose households are above low income (80% AMI) and who select Option C will be entitled to rental rates affordable to ?????????, according to the rates published by HUD for the County of Los Angeles.
- D. Condition No. 10(c) is amended to increase, from thirty percent (30%) to \_\_\_\_\_ percent (\_\_\_%), the percentage of the lump sum payment based upon the appraised on-site value of the mobile home, as appraised by James Netzer, MAI, and as adjusted pursuant to peer review by James Brabant, MAI (as set forth in his appraisal review report available at <https://tinyurl.com/ya33e149>, pp. 12-15, right-most column, entitled "Adjusted On-Site Value [Rounded]") to be paid by the Park Owner to Park residents who select Option C.
- E. Condition No. 10(c) is amended to increase the term of the guaranteed right to tenancy pursuant to Option C from 10 years to 20 years.
- F. Condition No. 10(c) is amended to require the Park Owner to record a covenant, on the property that is the subject of the guaranteed right of tenancy of Park residents who select Option C, sufficient to protect such residents' guaranteed rights of tenancy notwithstanding any possible transfer of the property or bankruptcy of the Park Owner or a subsequent owner, and which has priority status over any and all debt security instruments.
- G. Condition No. 10(c) is amended to provide that: (i) where a Park resident selects Option C and passes away prior to taking possession of his or her unit pursuant to his or her guaranteed right of tenancy in a Park Owner-affiliated development located on or nearby the subject property on which the Park is currently located (the "Future Housing"), his or her Option C rights shall automatically revert to Option B for the benefit of his or her heirs or beneficiaries; and (ii) where a Park resident selects Option C and passes away during his or her guaranteed term of tenancy in the Future Housing, his or her heirs or beneficiaries shall be entitled to payment of the difference, if any, between the amount the decedent paid to acquire his or her mobile home in the Park and the value of the Option C benefits realized by the decedent prior to his or her passing (including the \_\_\_\_\_% lump sum payment and the total value of rent subsidy he or she received during his or her tenancy in the Future Housing).

Additionally, the Planning Commission Decision is modified to correct an error in the computation of the appraised and adjusted appraised on-site value of Space 173. The adjusted appraised on-site value specified in the Planning Commission Decision of \$94,480 was based on an erroneously reported purchase price of \$65,500. The purchase price has since been confirmed as \$162,000, with the sale taking place in June of 2018. The benefits and payment amounts to which the registered owner(s) of said mobile home shall be entitled pursuant to Options B and/or C (whichever is selected) shall be deemed adjusted as necessary to correct this error.

**SECTION 4.** Except as set forth in Section 3 of this Resolution, the Planning Commission Decision is affirmed in all respects.

**SECTION 5.** This Resolution shall be effective immediately upon its adoption.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on the following page]

**PASSED, APPROVED and ADOPTED** this 7th day of July, 2020.

---

Mayor Albert Robles

**ATTEST:**

---

Donesia Gause-Aldana, City Clerk

**APPROVED AS TO FORM:**

---

Sunny K. Soltani, City Attorney

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

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 20-113 was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 7<sup>th</sup> day of July 2020, and that the same was passed and adopted by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

By: \_\_\_\_\_  
City Clerk

**EXHIBIT “A”**

**AMENDED CONDITIONS OF RIR NO. 05-20**

[to be attached]