



Legislation Text

File #: 2023-0162, Version: 1

Report to Mayor and City Council

Tuesday, March 07, 2023

Consent

SUBJECT:

CONSIDER ADOPTING A RESOLUTION TO SET ASIDE THE 2021 CITY RESOLUTIONS CONDITIONALLY APPROVING RELOCATION IMPACT REPORT NO. 04-19 FOR THE CLOSURE OF RANCHO DOMINGUEZ MOBILE ESTATES (CITY COUNCIL)

I. SUMMARY

In 2021, in response to an application for approval of Relocation Impact Report (RIR) No. 04-19 submitted by the owner of Rancho Dominguez Mobile Estates, an 81-space mobilehome park located at 425-435 E. Gardena Blvd. (the “Park”), the Planning Commission and City Council adopted resolutions conditionally approving the RIR (Planning Commission Resolution No. 21-2708 and City Council Resolution No. 21-070, Exhibit No. 3; collectively, the “RIR Resolutions”).

A lawsuit was by the Park owner (Carter-Spencer, LLC v. City of Carson, et al., Los Angeles Superior Court Case No. 21STCP02987), on the basis that the City, and not the Park owner, should be considered the entity proposing the Park closure (which is the party responsible for paying the relocation impact mitigation measures) based on prior City zoning actions rendering the Park a nonconforming use, even though the City did not prepare an RIR or initiate any Park closure or code enforcement proceedings. In 2022, the Council adopted a resolution formally stating its intent that the Park is not required to close despite the nonconforming status.

The City Attorney’s office successfully argued to the Court that if the City is considered the entity that proposed the Park closure based on the prior zoning actions, the appropriate remedy is for the City to set aside the RIR Resolutions, and the City will then have the option to either (i) prepare its own RIR, or (ii) take zoning action or extend the legal nonconforming use of the Park such that the Park may continue to operate legally. The Court agreed and issued a writ of mandate (Exhibit No. 1), served on the City on February 24, 2023, asking the City and the City Council to immediately set aside the RIR Resolutions.

The proposed resolution (Exhibit No. 2) would set aside the RIR Resolutions pursuant to

the writ of mandate. As a result, the RIR Resolutions will no longer have any force or effect, and the City's 2021 approval for the Park's closure will be rescinded. City will then report back to the Court and proceed with one of the options delineated above for the future of the Park.

II. RECOMMENDATION

ADOPT Resolution No. 23-050, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING ASIDE AND VACATING RESOLUTION NO. 21-070, AND REVERSING THE DECISION OF THE CARSON PLANNING COMMISSION ADOPTING PLANNING COMMISSION RESOLUTION NO. 21-2708" (Exhibit No. 2).

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate that is consistent with the requirements of the law.

IV. BACKGROUND

See Summary, above.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Writ of Mandate (pgs. 3 - 6)
2. Proposed Resolution No. 23-050 (pgs. 7 - 9)
3. RIR Resolutions (pgs. 10 - 56)

Prepared by: Sunny K. Soltani, City Attorney