



CITY OF CARSON

Legislation Text

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Report to Mayor and City Council

Tuesday, June 01, 2021

Special Orders of the Day

SUBJECT:

**PUBLIC HEARING ON APPEAL OF CARSON PLANNING COMMISSION DECISION
ADOPTING PLANNING COMMISSION RESOLUTION NO. 21-2708, CONDITIONALLY
APPROVING RELOCATION IMPACT REPORT NO. 04-19 FOR MITIGATION OF
RELOCATION IMPACTS OF CLOSURE OF RANCHO DOMINGUEZ MOBILE ESTATES
(CITY COUNCIL)**

I. SUMMARY

This matter is an appeal by Mayor Pro Tem Jim Dear from a decision of the Planning Commission dated April 27, 2021, conditionally approving RIR No. 04-19 (the “RIR”) related to the determination of relocation impact mitigation measures required to be taken by Carter-Spencer Enterprises, LLC (“Park Owner”) in connection with closure of the Rancho Dominguez Mobile Estates mobilehome park, an 81-space mobilehome park located at 425-435 E. Gardena Blvd (“Park”).

The operative appeal was filed by Mayor Pro Tem Jim Dear on April 28, 2021, and accepted as complete on May 5, 2021. One other appeal was also filed, by Ana Zuniga of Neighborhood Legal Services of Los Angeles on behalf of Park resident Leopoldo Guzman (the “Guzman Appeal”), but Mayor Pro Tem Dear’s appeal was accepted as complete before the Guzman appeal was filed on May 12, 2021. Although the Guzman appeal was incomplete/deficient due to non-payment of the required application fee, the filer of the appeal has the opportunity to be heard in connection with this appeal hearing. The contentions set forth in the Guzman appeal are addressed in Section 8.B of the background section (section IV) of this report.

The Park Owner has stated it anticipates redeveloping the Park property into “denser workforce housing and possible mixed use appropriate to the industrial location.” Attached to the RIR as Exhibit “I,” the Park Owner has provided a site/yield study demonstrating potential redevelopment of the property from its current 81 mobilehome spaces into 174

one, two and three-bedroom apartments. However, the Park Owner has not applied to the City for approval of any subsequent development project for the property, and has not indicated whether the anticipated future development would include affordable housing units.

This appeal relates solely to the determination of what relocation impact mitigation benefits the Park owner must pay to Park residents in closing the Park.

II. RECOMMENDATION

1. OPEN the public hearing.
2. TAKE public testimony.
3. CLOSE the public hearing.
4. ADOPT Resolution No. 21-070, 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. 21-2708 CONDITIONALLY APPROVING RELOCATION IMPACT REPORT NO. 04-19 FOR MITIGATION OF RELOCATION IMPACTS OF CLOSURE OF RANCHO DOMINGUEZ MOBILE ESTATES, BY IMPOSING ADDITIONAL RELOCATION IMPACT MITIGATION MEASURES AND ALTERING THE PROOF OF PURCHASE PRICE REQUIREMENTS, AND AFFIRMING THE DECISION IN ALL OTHER RESPECTS (Exhibit No. 13).

III. ALTERNATIVES

1. TAKE any other action the City Council deems appropriate, subject to the requirements of applicable law.

IV. BACKGROUND

1. Park Overview

The Park is located on a 5.74 acre site on the north side of East Gardena Blvd. between South Avalon Blvd. and Main St., and is comprised of two parcels, one located in the M-L zone and one located in the M-L-D (Manufacturing-Light, Design Overlay) zone. The parcels have a General Plan Land Use designation of light industrial. The Park is a nonconforming use in the ML zone. Land uses surrounding the Park are industrial. (See Exhibit 1, pp. 3-4).

57 of the mobilehomes in the Park are resident-owned, and the remaining 24 are Park-owned.

2. RIR Application Process; Disputes with Applicant

The filing and processing of the RIR application, and the disputes between the City and the applicant regarding, among other issues, the identity of the “person or entity proposing the change in use” responsible for payment of mitigation, are detailed in the Planning Commission Staff Report (Exhibit No. 1, including pp. 7-10 thereof), Planning Commission Resolution (Exhibit No. 2), Planning Commission Hearing Minutes (Exhibit No. 3) and the correspondence with the applicant that was presented to the Planning Commission (Exhibit No. 5), and will not be restated here.

3. Legal Standard.

The City Council's decision is subject to AB 2782, a bill that was signed by the Governor on August 31, 2020, and that took effect as law on January 1, 2021. AB 2782 amended several statutory provisions of state law applicable to mobilehome park closures including, most notably, Government Code Section 65863.7. AB 2782 (without limitation) made the following key changes to Government Code §65863.7:

- Added a requirement that a relocation impact report, rather than “address[ing] the availability of adequate replacement housing in mobilehome parks and relocation costs,” include “a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park.” (Gov’t Code §65863.7(a)(1)).
- Added a requirement that “if a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident’s mobilehome.” (Gov’t Code §65863.7(a)(2)).
- To facilitate this requirement, provides that “in-place market value shall be determined by a state-certified appraiser with experience establishing the value of mobilehomes. The appraisal shall be based upon the current in-place location of the mobilehome and shall assume the continuation of the mobilehome park.”
- Added a requirement that a city legislative or advisory body, before approving any closure/change of use, “make a finding as to whether or not approval of the park closure and the park’s conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local

jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction.” (Gov’t Code §65863.7(e)(1)(B).

- Removed the limitation from prior Gov’t Code §65863.7(e) that “the steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.” With removal of this limitation, Gov’t Code §65863.7(e)(2) now provides in full, “The legislative body, or its delegated advisory agency, may require, as a condition of the change, the person or entity proposing the change in use to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park.”

The City’s mobilehome park closure ordinance, CMC §9128.21, also applies to the Council’s decision on this appeal, except to the extent of any conflict with AB 2782. Subsection (E) of that section provides, in part, as follows:

“In approving an RIR, the Commission may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate adverse impacts created by the conversion, which may include, but not be limited to, any of the following:

1. Provision for payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports and porches.
2. Payment of a lump sum to compensate for payment of the first and last month’s rent and any security deposit at the new mobile home park.
3. Payment of a lump sum to compensate for any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.
4. For those mobile home residents who move to apartments or other rental housing alternatives, provision for the first and last month’s rent, plus security deposit, cleaning fees, not to exceed the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be

compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) room apartment, etc.

5. For those mobile home residents who move to apartments or other rental housing alternatives, a lump sum payment to compensate for any differential between rental rates at the closing mobile home park and the rental housing alternative during the first year of tenancy. Mobile home households may be compensated based on the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) bedroom apartment, etc.

6. Provision of a replacement space within a reasonable distance of the mobile home park or trailer park.

7. A requirement that a resident whose mobile home cannot be relocated within a reasonable distance to a comparable park be compensated by a lump sum payment based upon consideration of the fair market value of the mobile home on-site, including resident improvements (i.e., landscaping, porches, carports, etc.), any mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.

8. A provision for setting aside a certain number of units for the residents of the park if the park is to be converted to another residential use.”

CMC §9128.21 (E) also provides that the Commission (or Council on appeal) “shall approve the RIR if it is able to make an affirmative finding that reasonable measures have been provided in an effort to mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find alternative housing.” Conversely, if the Commission (or Council on appeal) “does not make this finding and is unable to impose reasonable measures to mitigate the adverse impact, [it] may disapprove the RIR. No other permit or approval shall be granted in furtherance of the proposed conversion and no change of use shall occur until and unless an RIR has been approved.” (CMC §9128.21 (E)).

Pursuant to CMC §9173.4(C)(2), the Council, as the appellate body acting on the appeal from the Planning Commission’s decision, may either: (a) affirm the decision; (b) modify the decision; (c) refer the matter back to the Commission, with instructions; or (d) reverse the

decision. Unless referred back to the Commission, the appellate decision shall be supported by written findings. (CMC §9173.4(C)(3)).

Pursuant to CMC §9128.21(F), “the Council shall, by resolution, render its findings and decision thereon within forty-five (45) days after the date first set for hearing on the appeal.”

4. Park Owner-Proposed Relocation Benefits in RIR

In the RIR, the Park Owner proposed one of two benefit packages for resident-homeowners, depending on whether it is feasible for the resident’s mobilehome to be relocated to another mobilehome park. Note: the following is an overview of the relocation impact mitigation measures as proposed by the Park Owner in the RIR; the Planning Commission Decision modified and increased the required mitigation measures as discussed in Section 7, below.

Relocation Assistance for Resident Homeowners who can Relocate their Coaches

In situations where it is feasible to relocate the mobilehome, the Park Owner proposes to: (i) reimburse actual costs of relocation, including costs to disassemble, transport, reassemble and level the mobile home and all permitted moveable accessory structures; (ii) arrange and provide for transportation of the mobile home and disconnection and reconnection of utilities; (iii) pay costs of moving all personal property, allowance to be determined based on the federal fixed move schedule for the State of California and the size of the displacement dwelling and/or professional mover bids; and (iv) pay up to \$1,500 for necessary modifications to the mobile home to accommodate a disabled person within the replacement park, if the current mobile home has already been modified. Also, all residents would have access to up to eight hours’ of services of a relocation specialist to help them with all aspects of the relocation process at no charge. (Exh. 2.B, pp. 15-16).

As stated in the RIR, a survey was conducted of (i) all mobilehome parks located within 30 miles of the Park, and (ii) comparable parks located between 30-50 miles from the Park, and only 37 available spaces were identified. Furthermore, generally accepted industry standards dictate that parks with available spaces will only allow mobile homes to be moved in if they are less than five years old, and will deny mobile homes that are more than 10 years old. None of the coaches in the Park meet the 10-year age criteria. Therefore, as stated in the RIR, “it is a reasonable assumption that none of the Park mobile homes may be relocated to a comparable park within the vicinity of the Park.” (Exh. 2.B, pp. 8-9).

Based on the foregoing, staff expects that this relocation benefit package would not apply to any Park residents.

Relocation Assistance for Resident Homeowners who cannot Relocate their Coaches

The RIR states that in situations where it is not feasible to relocate the mobilehome, and

the “Eligible Resident Owner” rents or buys a replacement dwelling, the Park Owner proposes to pay the homeowner a lump sum payment equal to the NADA *off-site* value as determined by Jim Brabant, MAI (discussed below), in addition to: (1) a lump sum payment in the amount of \$3,200 for a one-bedroom mobilehome, \$3,800 for a two-bedroom mobilehome, and \$4,800 for a three-bedroom mobilehome, as rental assistance in the form of first and last month’s rent for subsequent housing; (2) an extra \$1,000 to Eligible Resident Owners who are 62 years of age or older and/or disabled; (3) costs of moving all personal property; (4) payment of the costs of disposing of the existing mobilehome if the home owner chooses to transfer the mobilehome to the Park Owner; and (5) services of a relocation specialist as stated above. (Exh. 2.B, pp. 16-17).

As required by CMC §9128.21(C)(6), the on-site and off-site value of all resident-owned mobilehomes in the Park was appraised by state-certified MAI appraiser James Brabant. (Exh. 2.C).

The total appraised off-site value of the 57 resident-owned mobilehomes in the Park according to Mr. Brabant’s appraisal was \$775,700, representing an average of \$13,608.77 per space. As stated in the appraisal report, “For the opinions of off-site value we have used the NADA Appraisal Guides and have assumed that the homes are not located in a rental mobile home park. This is a hypothetical condition that is necessary for the analysis.” (Exh. 2.C, p.3).

The appraised off-site values were naturally far lower than the appraised on-site values, because the off-site values do not take into account the location of the coach, being sited in a rent-controlled mobilehome park in the City of Carson. The total appraised on-site value was \$1,599,000, representing an average of \$28,052.63 per space.

As noted above, the Park Owner proposes to pay each Eligible Resident Owner whose coach cannot feasibly be relocated to another park the appraised *off-site* value of his/her coach (plus the other small lump sum payments discussed above). This proposal is based on (i) Park Owner’s contentions referenced above including that the City is the “person or entity proposing the change in use” responsible for payment of the mitigation measures, and (ii) the City’s 2008 approval of a relocation impact report for closure of a nonconforming mobilehome park known as Bel Abbey with required relocation impact mitigation measures in the form of the appraised off-site values of the Bel Abbey homes, which ranged from \$2,650 to 11,500, as well as moving/relocation costs ranging from \$1,500-\$5,100. In the RIR, the Park Owner contends that the same standard should apply to Rancho Dominguez, and states that if the City seeks to impose mitigation measures beyond what is proposed by the Park Owner in the RIR, the City must pay the entirety of the mitigation measures itself.

In the RIR, the Park Owner proposes to pay the costs of removal and disposition of the mobilehome IF the homeowner chooses to transfer the mobilehome to the Park Owner. (See Exh. 2.B, p. 17). To transfer the mobilehome to the Park Owner, the homeowner would need to convey the mobilehome title to the Park Owner, so presumably the homeowner would be responsible for paying off any liens or encumbrances (or otherwise, for paying the costs of removal and disposition of the coach). However, the RIR notes that none of the 41 households that responded to the resident questionnaire reported any

existing loans on their homes.

The RIR identified 230 mobilehomes available for purchase within comparable parks within 50 miles of the Park, with purchase prices ranging from \$12,500 to \$299,900, although the majority of the dwellings were listed between \$50,000 - \$150,000. It should be noted that although the RIR states that “mobile homes with higher sale prices may include the land, making it very much like single family residences or condominium units with common area maintenance monthly dues instead of space rents,” the purchase prices listed do not include space rents for those purchases that do not include the land. As stated in the RIR, space rents ranged from \$790 to \$2,100 per month for the 37 available spaces within a 50-mile radius of the Park. (Exh. 2.B, p. 8-9, Exhibit F thereto).

In addition, rental apartments within a 15-mile radius of the Park were available as follows: (i) 9 studio apartments with monthly rent ranging from \$950 to \$1,795; (2) 25 one-bedroom apartments with monthly rent ranging from \$1,329 to \$2,200; (3) 62 two-bedroom apartments with monthly rent ranging from \$1,695 to \$3,950; and (4) 42 three-bedroom apartments with rent ranging from \$2,095 to \$3,700. Finally, there were 97 condominiums available for sale at prices ranging from \$230,000 to \$460,000. (Exh. 2.B, p. 10).

In regards to the timing of relocation benefit payments, the RIR proposes that upon issuance of the 6-month notice of termination of tenancy, Eligible Resident Owners would be able submit written requests to the Park Owner and/or relocation specialist to receive appropriate relocation benefits and would be immediately entitled to the services of the relocation specialist. All or some portion of the monetary benefits may be paid prior to the resident’s actual vacation of the Park provided that the resident provides assurances to the satisfaction of the Park Owner that adequate arrangements have been made to vacate the Park and that advance funding is needed to pay the relocation expense. Otherwise, monetary benefits would be paid in full within three (3) days of vacation of the Park by the Eligible Resident Owner.

Proposed Mitigation to Other Residents/Lessees

For residents who do not own their coaches (i.e., those who are tenants in Park-owned coaches), the RIR states the Park Owner has no obligation to mitigate relocation costs, and offers only to provide a fixed payment to “Eligible Home Renters” based on the federal fixed move schedule to assist with moving their personal property to a replacement dwelling provided the renter and all other occupants permanently vacate the Park. Subleasing is prohibited in the Park, and as such, Park Owner offers no mitigation to subleasing tenants or non-residents. (Exh. 2.B, p. 17).

5. Affordable Housing Options/Impacts

The RIR does not propose any affordable housing options or subsidies for the residents who would be displaced by the Park closure, which is all residents of the Park. The RIR identifies an anticipated future use of the property, describing it as including “denser workforce housing” consisting of 174 one, two and three bedroom apartments (Exh. 2.B, p. 5, Exh. I thereto), but does not specify whether such use would include actual deed-restricted affordable housing units. The RIR asserts that by more than doubling the current

housing provided by the property, the anticipated future use of the property would include and contribute to housing opportunities for low- and moderate-income households within the City and would not materially contribute to a shortage of housing opportunities for low- and moderate-income households.

As noted above, AB 2782 requires the City to make a finding as to whether or not approval of the Park closure and the Park's conversion into its intended new use, taking into consideration both the RIR as a whole and the overall housing availability within the City, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City.

The City commissioned a study performed by consultant RSG, Inc., in order to assist in making this finding. (Exhibit No. 4). The study found that the closure of the Park will materially contribute to the shortage of affordable housing in the City for several reasons: (1) the potential future of the use of the site is uncertain and may take several years to develop; (2) there are no available mobile home spaces for lease within the City; (3) while there is a supply of market rate units, the existing marketplace cannot accommodate the displaced residents at their income levels (as according to the RIR, only 3 of 35 reporting Park households reported being above low income); and (4) although the City is in negotiations with two private developers for the potential provision of over 200 affordable housing units to be included in projects in the housing development pipeline including approximately 83 units in the proposed Imperial Avalon Specific Plan.

The study further found that the RIR as proposed does not adequately mitigate the effect of the closure of the Park on the displaced residents, and recommended five potential mitigation measure options, including increasing relocation rental assistance. The Planning Commission's decision addressing this issue is discussed in Section 7, below.

6. Planning Commission Hearing.

The Planning Commission hearing was conducted on April 27, 2021, via remote teleconferencing using the Zoom electronic software application due to public health concerns related to the declared local emergency regarding COVID-19, in accordance with the Brown Act and applicable executive orders.

All Park residents and mobilehome owners, as well as the RIR applicant, were duly notified of the Commission hearing in accordance with CMC §9128.21(D) & (F). All interested persons were given the opportunity to join the Zoom meeting and thereby provide live public comment during the hearing. Additionally, all interested persons were given the opportunity to participate in-person from the City's Community Center, where a microphone, podium, and projector screen were set up, allowing members of the public to watch the hearing and provide public comment in real-time. All Park residents and others who wished to speak were heard, and the applicant/legal counsel for the Park Owner was permitted to speak at length.

Additionally, all Park residents and members of the public were allowed to submit public comments in writing in advance of the hearing. All written public comments received by the agenda deadline were included as an attachment to the Planning Commission staff report,

and all written comments received after the deadline were read or displayed on the record.

Translators were provided to translate the hearing live into Spanish. The translators also translated both written and oral public comments made in Spanish into English for the benefit of the Commission and other hearing participants.

For those wishing to simply observe the hearing without providing live public comment, the hearing was broadcast live on the City's website and on the City's cable television channels.

7. Planning Commission Decision.

The resolution that was submitted for the Planning Commission's consideration pursuant to Planning staff's recommendation contained conditions and modifications to the Park Owner's proposed mitigation measures as described in pages 15-16 of the Planning Commission staff report (Exhibit 1), including, without limitation, requiring the Park Owner to pay Brabant's appraised on-site values for resident-owned mobilehomes that cannot feasibly be relocated to available spaces in comparable parks within 50 miles of the Park, modifying the definition of "Eligible Resident Owner" to remove unduly stringent eligibility criteria proposed in the RIR for entitlement to receive the appraised-value benefit package, and imposing procedural conditions similar to those imposed in connection with the City's decision on Relocation Impact Report No. 05-20 related to Imperial Avalon Mobile Estates in 2020 (the "Imperial Avalon Proceeding").

The Planning Commission adopted the resolution that was proposed to it by Planning staff, subject to specified modifications summarized as follows:

- Residents who paid more to purchase their mobilehome in the Park than the Brabant-appraised on-site value of their mobilehome shall be entitled to receive an amount equivalent to their purchase price as mitigation in lieu of their appraised on-site value, upon submission of any proof of purchase including escrow documentation or receipts (the "Purchase Price Benefit");
- The RIR approval shall take effect one year following the date of the City's final decision on the application (meaning the Park Owner may not compel any resident to vacate the Park until at least one year after the date of the City's final decision), and shall thereafter be effective for one year (during which period Park Owner would be authorized to effectuate the Park Closure).
- Eligible Park residents over 62 years of age would be entitled to receive an additional \$5,000 lump sum payment in lieu of the \$1,000 payment proposed in the RIR, with a limit of one such payment per household.
- The timing of payment of all monetary relocation benefits shall be as follows: the first 50% shall be paid at least 60 days in advance of a Park resident being required to vacate the park, and the remaining 50% shall be paid no later than upon the resident's vacation of the Park.

- The conditions of approval and relocation benefit request forms shall be translated into Spanish.

All resident households (including homeowners and home renters) shall be entitled to receive one year of rent differential pursuant to CMC §9128.21(E)(5), which provides for compensation based on the “Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development” (“HUD FMR”). The HUD FMR figures are available at:

https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2021_code/2021summary.odn.

and the applicable HUD FMR figures are as follows:

1)Year	One-Bedroom	Two-Bedroom	Three-Bedroom
2)FY 2021	\$1,605	\$2,058	\$2,735

3)

4) The amount of the rent differential benefit for a given Park household would be calculated by subtracting the actual Park rent paid by the household from the applicable HUD FMR figure for the relevant time period. Per CMC §9128.21(E)(5), compensation would correspond to the number of bedrooms in the mobile home, so that a one-bedroom mobile home would be compensated based on a one-bedroom apartment, a two-bedroom mobile home based on a two-bedroom apartment, and a three-bedroom mobilehome based on a three-bedroom apartment.

- The Commission included a non-binding condition urging the Park Owner to aggressively pursue remediation of the Park property to a level that would be suitable to support the Park Owner’s anticipated future use of the Property, which would include workforce housing as noted above.

The signed Planning Commission resolution reflecting the Planning Commission’s decision, including the foregoing modifications, is attached hereto as Exhibit No. 2.

8. Appeals; Park Owner Request.

A. *Mayor Pro Tem Dear Appeal.*

Mayor Pro Tem Jim Dear’s appeal was filed on April 28, 2021, and was complete as filed. Under CMC §9173.4, when an appeal is filed by a City Councilmember, no appeal fee is required, and the statement of grounds for appeal need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission or City Council, as the case may be. No other grounds for appeal need be stated to perfect such appeal.

The Mayor Pro Tem’s appeal provided the required information, and as such was accepted as complete on May 5, 2021, notwithstanding that no specifics were provided in regards to

any deficiencies in the Planning Commission decision; only a general statement that the matter should be considered by the City Council. Exhibit No.'s 6-7). The result is an open-ended appeal at which all contentions and concerns of the Park residents, the applicant, and other interested persons may be considered.

B. Guzman Appeal.

The Guzman appeal was incomplete/deficient due to failure to file the required application fee, but Mr. Guzman, via his legal counsel Ana Zuniga, was informed that his contentions could be considered at the Council appeal hearing pursuant to the Mayor Pro Tem's appeal, like all other contentions that may be raised via public comment submitted at/for the hearing. (Exhibit No.'s 8-9). Several of the contentions related to the appraisal performed by Mr. Brabant. Mr. Brabant has provided written a response letter addressing those contentions, which is attached as Exhibit No. 10. The remaining contentions are addressed below.

- *Contention:* Although it is understood that interior inspections of the homes were not conducted due to COVID-19, this does not negate the fact that interior inspections are necessary for a fair and accurate appraisal.
 - *Staff's Response:* This topic is addressed extensively in Mr. Brabant's appraisal report. (Exh. 2.C). However, it also bears noting that Condition No. 18 imposed by the Planning Commission provides a procedure whereby any resident who believes that the Brabant appraisal failed to properly consider or account for any upgrade or improvement made to their mobile home may submit an application to the City for an adjustment to the appraisal of their mobile home to take into account said improvement or upgrade. If such application is approved, the appraised value of the home will be adjusted to account for the omitted improvement or upgrade. Therefore, the residents have a remedy to correct any adverse impact to their relocation benefits that could otherwise result from any error or inaccuracy in the appraisal report regarding the interior of their home. (Exh. 2.D).
- *Contention:* The Planning Commission hearing did not represent a fair and full opportunity for Park residents to be heard, because the hearing started too late, lasted too long, and finished too late.
 - *Staff's Response:* The Planning Commission meeting began at 6:30 p.m. as required by CMC §2703 for all regular Planning Commission meetings. Staff and the Commission prioritized the public hearing and went out of their way to structure the agenda so as to allow for the public hearing to commence as early as possible, but unfortunately there were other matters that also required the Commission's consideration on that evening. The public hearing commenced in a timely fashion after the meeting began, and was taken up in accordance with the posted agenda. The evening meeting start time is designed to ensure that members of the public have an opportunity to view and participate in the hearing after returning from their day of work. If the hearing had been conducted during the daytime, many residents

likely would have been unable to participate due to being at work. As between the two options, the evening start time is preferable, because fewer people have to work during those hours. It is commonplace for meetings of the City Council and Planning Commission to run late into the evening, not just in Carson but in many other cities as well, for this very reason. Naturally, the hearing took a significant amount of time (approximately 4 hours) because of the importance of the matter being considered, and because everyone wishing to provide public comment was allowed the opportunity to do so. The fact that the hearing ran into the late evening did not deprive anyone of a meaningful opportunity to participate or be heard.

- *Contention:* The Planning Commission hearing did not represent a fair and full opportunity for Park residents to be heard, because there was insufficient Spanish translation available, in that the staff report and RIR/appraisal report were not provided in Spanish and the cable and online broadcasts of the hearing were not translated into Spanish.

- *Staff's Response:* The City is not required to provide Spanish translation of the staff report, RIR, appraisal report, or other hearing documents, or of the hearing proceedings. Nonetheless, the City provided Spanish translators at the hearing, who translated the proceedings and written public comments received and who were available to assist any and all residents who wished to provide oral public comment. The City provided these services as a courtesy to the residents, and will again provide these same services at the City Council hearing. Additionally, it should be noted that the Planning Commission imposed conditions requiring the Park Owner to have the conditions of approval and relocation benefit request forms translated into Spanish, with Spanish copies made available to all residents who request them. (Exh. 2.D, Condition No. 10(b)(viii), Condition No. 20).

C. *Park Owner's Request.*

The Park Owner did not submit an appeal of the Planning Commission decision, but did object, via email to the City Attorney's office, to the Purchase Price Benefit imposed by the Planning Commission, on the basis that Park residents bought their homes with full disclosure that the Park was required to close, and to the use of the term "receipts" as a means of establishing proof of purchase price for purposes of qualification to receive the Purchase Price Benefit. (Exh. 11).

To address the latter concern, the applicant strongly suggested that more precise and reliable documentation be required to establish proof of purchase price, alluding to the "sufficient documented proof" standard used in the Imperial Avalon Proceeding, but with the modification that one document that contains non-self-reported purchase price information be required, along with one document that contains self-reported purchase price information. (Exh. 11).

Staff is of the opinion that the request regarding the required proof of purchase documentation is reasonable, and as such this modification has been included in the proposed resolution (Exh. 13).

9. Appeal Hearing Notice.

Notice of the appeal hearing was sent via certified mail to the Park residents and any nonresident owners of mobile homes in the Park on May 13, 2021, in accordance with CMC §9128.21(D) & (F). Such notices were all confirmed received by May 15, 2021. The notice was also posted at the Park on May 17, 2021. Notice was also provided to the applicant in accordance with CMC §9128.21(D) & (F).

10. Proposed Resolution.

The proposed resolution contains blanks for potential modification of the relevant conditions of approval pertaining to the duration of the rent differential subsidy benefit that the Park Owner would be required to pay to displaced residents.

As noted above, the Planning Commission approved one year's worth of rent differential subsidy for all Eligible Resident Owners and Eligible Home Renters. Staff believes that if Council determines that imposing additional relocation impact mitigation measures on the Park Owner is justified, the most fair and appropriate way of doing so is by increasing the duration of the rent differential subsidy benefit, because unlike the Imperial Avalon Proceeding (wherein all residents were offered guaranteed tenancy in future housing owned by the park owner at rent subsidized to affordable housing rates by the park owner in addition to 45% of their adjusted appraised value, as part of the benefit package alternative referred to as "Option C"), the Rancho Dominguez residents are not being offered an "Option C" equivalent or other affordable housing benefit by the Park Owner, and the rent differential subsidy condition helps to fulfill a similar purpose of helping to mitigate the risk of homelessness resulting to any resident from the Park closure.

Thus, if the Council determines that additional relocation impact mitigation measures are justified pursuant to CMC 9128.21(E) and Gov't Code §65863.7, the Council may fill in a greater length of time in the blanks in the proposed resolution in lieu of the current one-year figure.

Adoption of the proposed resolution would also modify Condition No. 10(b)(i) related to the documentation required to establish proof of payment of a claimed purchase price for purposes of qualifying to receive the Purchase Price Benefit, applying a standard of "Sufficient Documented Proof" similar to that used in the Imperial Avalon Proceeding, and would modify Condition No. 19 to provide that in the event of any dispute regarding whether a given resident has submitted "Sufficient Documented Proof," the Special Master would have final administrative authority to decide the matter.

The amended conditions reflecting any modifications made by the Council would be attached to the proposed resolution for adoption following Council deliberations.

Aside from the above-referenced modifications, the proposed resolution would affirm the Planning Commission decision in all other respects.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission Staff Report. (pgs. 16-33)
2. Planning Commission Resolution No. 21-2708. (pgs. 34-146)
 - A. Legal Description of Property
 - B. Relocation Impact Report No. 04-19
 - C. Brabant Appraisal Report
 - D. Conditions of RIR No. 04-19
3. Planning Commission Hearing Minutes (pgs.147-154)
4. RSG Low- and Moderate-Income Housing Impact Analysis (pgs.155-167)
5. Correspondence with Applicant (as presented to Commission) (pgs.168-203)
6. Mayor Pro Tem Dear Appeal (pgs. 204-205)
7. Notice of Completeness of Appeal of Mayor Pro Tem Dear (pg. 206)
8. Guzman Appeal (pgs. 207-220)
9. Notice of Deficiency of Guzman Appeal (pg. 221)
10. Brabant Response Letter, May 26, 2021 (pgs. 222-223)
11. Email Correspondence with Applicant dated May 12, 2021(pgs. 224-229)
12. Public Comment Letters (pgs. 230-345)
13. Proposed Resolution No. 21-070 (pgs.346-353)

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