MEETING DATE: 12/12/11
AGENDA ITEM: **(1) Introduction of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; and (2) Direction to Staff Regarding Potential Zoning Code Amendment for Future Change of Use of Mobile Home Park Properties.**

ATTACHMENTS

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1.	Proposed Ordinance	1 – 18
2.	September 12, 2011 Agenda Item Report	19 – 91
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ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 15, LAND USAGE, OF THE CULVER CITY MUNICIPAL CODE TO ADD A NEW CHAPTER 15.13 RELATING TO MOBILE HOME PARK RESIDENT PROTECTION.

NOW THEREFORE, the City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1. Title 15, Land Usage, of the Culver City Municipal Code is hereby amended to add a new Chapter 15.13 relating to Mobile Home Park resident protection as follows:

CHAPTER 15.13: - MOBILE HOME PARK RESIDENCE PROTECTION

Sections:

15.13.005 - Purpose and Applicability
15.13.010 - Definitions
15.13.015 - Mobile Home Park Change of Use or Closure
15.13.020 - Application Filing for Relocation Impact Report
15.13.025 - Required Notification
15.13.030 - Informational Meetings
15.13.035 - Relocation Impact Report
15.13.040 - Findings and Conditions of Approval
15.13.045 - Relocation Assistance Benefits
15.13.050 - Exemption from Relocation Assistance Benefits
15.13.055 - Fees

15.13.005 - Purpose and Applicability

A. **Purpose.** It is the intent of this Chapter to carry out and supplement the requirements of State law for the purpose of mitigating adverse impacts of the closure or change of use of a Mobile Home Park to other uses or the discontinuance of use of Mobile Home Parks on eligible, displaced Mobile Home Owners and residents by requiring Mobile Home Park Owners to provide adequate Relocation Assistance Benefits. The provisions of this

Chapter shall not preclude an Applicant's obligation to comply with State law requirements that are not addressed in this Chapter.

B. Applicability.

1. Except as otherwise provided, this Chapter shall apply to all existing and/or future Mobile Home Parks.

2. This Chapter shall not apply to:

a. A Resident-Owned Mobile Home Park; or

b. The discontinuance of the use of property as a Mobile Home Park which is the result of an adjudication of bankruptcy of the Mobile Home Park by a court of competent jurisdiction. The Applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the discontinuance of use of the affected Mobile Home Park is necessary. The documentation shall include the title, case number, and court in which the bankruptcy proceedings were held, and certified copies of all pertinent judgments, orders and decrees of the court.

c. A Mobile Home Park where the Applicant has entered into a written agreement with 100 percent of the Eligible Occupants providing for mutually satisfactory Relocation Assistance Benefits. The written agreement shall comply with the requirements of Sections 15.13.050.C.1.a and 15.13.050.C.1.b. ~~The agreements shall be recorded against the Mobile Home Park property on the records of the County of Los Angeles in sufficient form and detail to advise a potential purchaser of the fee interest in the Mobile Home Park property of the existence of and content of the agreements. Any prospective purchaser of a Mobile Home in the Mobile Home Park shall be advised as to the existence of any such agreements before purchasing a Mobile Home and provided with a copy of the recorded agreements.~~

15.13.010 - Definitions

In addition to the definitions contained elsewhere in this Code, the following words and phrases shall, for the purposes of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning in intended. Should any of the definitions be in conflict with any other provision of this Code, these definitions shall prevail.

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~~**Adjusted Fair Market Value.** The Adjusted Fair Market Value of the Mobile Home shall be calculated as follows: The allowable National Automobile Dealers Association (NADA) Appraisal Guide value of the Mobile Home plus 50% of the site value of the Mobile Home while located on the present site, as determined by an appraiser who has the professional designation of MAI by the American Institute of Real Estate Appraisers of the National Association of Realtors and is experienced with manufactured housing.~~

Applicant. The person, firm, corporation, partnership, or other entity having leasehold interest in or fee ownership of a Mobile Home Park. If the holder of the majority interest in the fee ownership of the Mobile Home Park is not the Applicant, then the Applicant must provide evidence of the majority interest owner's consent to the filing of the application for consideration of a Relocation Impact Report. If the Applicant is the holder of a leasehold interest in the Mobile Home Park, the owner(s) of the fee interest in the Mobile Home Park shall consent to the application for consideration of a Relocation Impact Report.

City Council. The City Council of the City of Culver City.

Change of Use of a Mobile Home Park. Use of a Mobile Home Park for a purpose other than the rental or the holding out for rent of two or more Mobile Home Spaces to accommodate Mobile Homes used for human habitation. Change of Use shall not mean the adoption, amendment, or repeal of a Mobile Home Park rule or regulation. Change of Use may affect an entire Mobile Home Park or any portion thereof. A Change of Use shall not include a change to a Resident-Owned Mobile Home Park.

Closure of a Mobile Home Park or **Mobile Home Park Closure.** The discontinuance of the use of property as a Mobile Home Park.

Director. The City of Culver City Community Development Director or his/her designee.

Eligible Occupant. A Mobile Home Owner residing in the Mobile Home on a full time basis and his or her "immediate family," as that term is defined in California Civil Code Section 798.35, who resides in the Mobile Home at the time of filing of the Relocation Impact Report application with the City. Eligible Occupant shall include a Mobile Home Owner who is subleasing his or her Mobile Home, pursuant to the provisions of California Civil Code Section 798.23.5, due to a medical emergency or medical treatment that requires the Mobile Home Owner's temporary absence from his or her home. Eligible occupant shall not include a Non-Owner Resident.

Housing and Urban Development (HUD). The United States Department of Housing and Urban Development.

Housing Division. The Housing Division of the City of Culver City.

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to California Vehicle Code Section 35790. Mobile home does not include a recreation vehicle, as defined in California Civil Code Section 799.29, except as modified by California Civil Code Section 798.3 (b), or a commercial coach, as defined in California Health and Safety Code Section 18218.

Mobile Home Owner. The registered owner(s) of a Mobile Home, or person(s) purchasing a Mobile Home pursuant to a written contract.

Mobile Home Park. An area of land where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate Mobile Homes used for human habitation. Mobile Home Park shall not include a Resident-Owned Mobile Home Park.

Non-Owner Resident. A resident of a Mobile Home who does not have any ownership interest in the Mobile Home in which he or she resides.

Park-Owned Mobile Home. Any Mobile Home which is owned by the Mobile Home Park owner or any person or entity which has an ownership interest in the Mobile Home Park.

Relocation Assistance Benefits. Monetary benefits (e.g. cost of moving a Mobile Home and personal belongings, rent differential, the purchase of an Eligible Occupant's Mobile Home) or non-monetary benefits (e.g. services of a relocation specialist, transportation to view alternative housing sites, packing and unpacking assistance) provided to mitigate the impact of the Change of Use or Closure of the Mobile Home Park on an Eligible Occupant.

Relocation Impact Report. A report on the impact of a Closure or Change of Use of a Mobile Home Park upon the displaced residents of such Mobile Home Park, as required by California Government Code Sections 65863.7 and 66427.4 and containing the information set forth in Section 15.13.035 of this Chapter.

Resident-Owned Mobile Home Park. A Mobile Home Park that is owned by its residents, including, but not limited to, a condominium, stock cooperative or planned unit development of a Mobile Home Park.

Space. Any area, tract of land, site, lot, pad or portion of a Mobile Home Park designated or used for the occupancy of one Mobile Home.

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15.13.015 - Mobile Home Park Change of Use or Closure

A. ~~Prior to a~~ No Mobile Home Park Closure, resulting in a change of the Mobile Home Park status to a vacant use, shall be permitted unless the Applicant has submitted to the Housing Division a ~~Mobile Home Park owner shall file an application for consideration of a~~ Relocation Impact Report approved by the City Council; and the Applicant has filed a written statement with the Director, signed under penalty of perjury, that Relocation Assistance Benefits required pursuant to the approved Relocation Impact Report have been provided, that the Applicant has complied with all Relocation Impact Report conditions of approval, and the notice period provided by the notice of termination of tenancy, as set forth in Section 15.13.025.C, has expired. ~~in accordance with the provisions of this Chapterwith the Housing Division.~~

~~B. Prior to the approval of an application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park, an application for consideration of a Relocation Impact Report must be filed with the Housing Division.~~

~~B~~C. No application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park shall be deemed complete unless the Applicant has submitted a Relocation Impact Report approved by the City Council in accordance with the provisions of this Chapter.

~~C~~D. No Relocation Impact Report shall be accepted by the City, which was approved by the City Council more than six months prior to the date of the filing of an application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park.

~~D~~E. No building permit shall be issued pertaining to a project that result~~s~~ed in a Change of Use or Closure of a Mobile Home Park unless and until the Applicant files a written statement with the Director, signed under penalty of perjury, that Relocation Assistance Benefits required pursuant to the approved Relocation Impact Report have been provided, that the Applicant has complied with all Relocation Impact Report conditions of approval, and the notice period provided by the notice of termination of tenancy, as set forth in Section 15.13.025.C, has expired.

15.13.020 - Application Filing for Relocation Impact Report

A. A Relocation Impact Report application shall be completed, filed with the Housing Division and processed in compliance with this Chapter. The application package shall include all information specified in the application,

any applicable Housing Division handout, any additional information required by the Director in order to conduct a thorough review of the proposed application, and all applicable fees.

B. It is the responsibility of the Applicant to establish evidence in support of the finding required by Section 15.13.040.A.

15.13.025 - Required Notification

The following notification requirements are in addition to any State law notification requirements relating to the Change of Use or Closure of a Mobile Home Park. Where the requirements of State law and this Chapter conflict, the Applicant shall comply with the more stringent requirement.

A. Upon the filing of a Relocation Impact Report application, the Applicant shall provide written notification to each prospective new resident of the Mobile Home Park that such application has been filed with the City and that any new resident entering the Mobile Home Park after the filing of the Relocation Impact Report shall not be eligible to receive Relocation Assistance Benefits. Such written notification shall be given to the prospective resident prior to the purchase of a Mobile Home and/or execution of a rental agreement or commencement of the resident's occupancy, whichever occurs first. Proof of service, signed under penalty of perjury, that each prospective resident received by mail or personal delivery the notification required by this Subsection 15.13.015.A shall be filed with the Director.

B. Not later than 45 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall provide written notification to each Mobile Home Owner and resident in the Mobile Home Park of the dates, times, and locations of the public hearing and the informational meetings required to be held pursuant to Section 15.13.030. Such written notification shall include a copy of the proposed Relocation Impact Report and a copy of this Chapter. The copies shall be provided free of charge. Proof of service, signed under penalty of perjury, that each Mobile Home Owner and resident of the Mobile Home Park has received by mail or personal delivery the notification and copies required by this Subsection 15.13.025.B, must be filed with the Director at least 14 days prior to the public hearing.

C. Not later than 12 months prior to the date the Mobile Home Owners and residents of the Mobile Home Park are required to vacate the Mobile Home Park, Applicant shall provide written notification of termination of tenancy, by certified mail, to all Mobile Home Owners and residents of the Mobile Home Park. This notice shall not be given to Mobile Home Owners and residents prior to approval of the Relocation Impact Report.

15.13.030 Informational Meetings

A. Not later than 21 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall conduct at least one informational meeting for the Mobile Home Owners and residents of the Mobile Home Park regarding the status of the Relocation Impact Report to be considered, the timing of the proposed relocation of Eligible Occupants, and the details of the Relocation Assistance Benefits proposed in the Relocation Impact Report.

B. All informational meetings shall be scheduled and held to maximize the number of Mobile Home Owners and residents of the Mobile Home Park that are able to attend these meetings. The informational meeting or meetings shall be conducted on the premises of the Mobile Home Park or other appropriate location as approved by the Director. The Applicant's retained Relocation Specialist(s) designated in the Relocation Impact Report shall be present at all informational meetings.

C. Not later than 14 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall file with the Director a statement made under penalty of perjury that the Applicant has complied with the requirements of this Section 15.13.030. Such statement shall include the date, time, and place where such informational meeting or meetings were conducted and the names and addresses of all attendees.

15.13.035 - Relocation Impact Report

A. **Purpose.** The purpose of the Relocation Impact Report is to address the impact on residents of a Mobile Home Park, who qualify as Eligible Occupants, who will be displaced as a result of the Change of Use or Closure of the Mobile Home Park.

B. **Process.**

1. The Applicant shall select a consultant and relocation specialist (hereinafter, collectively, "Relocation Specialist"), subject to the Director's approval, to prepare a Relocation Impact Report relating to the Change of Use or Closure of a Mobile Home Park.

2. Upon the filing of a Relocation Impact Report application, the City shall notify the Mobile Home Park residents that such application has been filed and a Relocation Impact Report will be prepared.

C. **Required Content of Report.** The Relocation Impact Report shall contain, but need not be limited to, the following information:

1. A legal description of the Mobile Home Park property.

2. A map and detailed description of the condition of the Mobile Home Park, including the nature and location of structures, landscaping, easements, utilities and other onsite features and amenities.

3. The names and addresses of all Mobile Home Owners within the Mobile Home Park as shown on each respective title documentation for the Mobile Homes located in Spaces within the Mobile Home Park, and the names and addresses of all residents within the Mobile Home Park as of the date of the Relocation Impact Report application.

4. The number of Spaces within the Mobile Home Park, length of occupancy by the current residents of each Space, and the current lease or rental rate for each Space, including a full description of all utilities separately billed by the Mobile Home Park to the residents and any utilities that may be included in the lease or rental rate for the Space.

5. For each Mobile Home within the Mobile Home Park, the age, date of manufacture, type, width, size, and Space number, and a copy of a title search conducted through the California Department of Housing and Community Development.

6. The total number of residents in each Mobile Home, each resident's Space number, resident status (Eligible Occupant or Non-Owner Resident), whether any residents are the "immediate family," as that term is defined in California Civil Code Section 798.35, of the Eligible Occupant, residents' names and whether the Mobile Home is a principal residence or second home. All residents shall be classified as Eligible Occupants or Non-Owner Residents.

7. A description of the project proposed for the property that is the subject of the Mobile Home Park Change of Use or Closure, if applicable.

8. The proposed schedule for the Mobile Home Park Change of Use or Closure.

9. The location of all reasonably comparable Mobile Home Parks within a 20 mile radius of the Mobile Home Park that is the subject of the Change of Use or Closure, including the reasonably comparable Mobile Home Park name, number of Spaces, number of vacancies, lease rates and terms, policies, age or other restrictions imposed upon the residents of a Mobile Home, restrictions on the type of Mobile Homes and residents accepted in the Mobile Home Park, amenities offered, and proximity to services (bus stops, grocery stores, hospitals, etc.).

10. A determination of the total number of Mobile Homes eligible to be relocated to a reasonably comparable Mobile Home Park, and the basis on which such determination is made.

11. The estimated cost of relocating the eligible Mobile Homes identified in Subsection 10 above to available Spaces in reasonably comparable Mobile Home Parks within the area identified in the Relocation Impact Report. The cost of relocating shall include the costs of physically moving to a new site the eligible Mobile Home and movable improvements, such as patios, carports and porches. Such costs may include the dismantling, packing, moving, unpacking, reassembling, and rebuilding of the Mobile Home and movable improvements (including skirting and tie-downs), and the packing, moving and unpacking of all personal property.

12. An estimate of the ~~Adjusted Fair Market Value of~~ cost of purchasing each Mobile Home, and all associated fixed property, that cannot be relocated to a reasonably comparable Mobile Home Park within 20 miles of its existing location, at its in-place value as determined by a qualified appraiser. In determining the in-place value~~Adjusted Fair Market Value~~, the appraiser shall consider: (a) each Mobile Home in its current location assuming the continuation of the Mobile Home Park in a safe, sanitary, and well-maintained condition with competitive lease rates; and (b) the value of the Mobile Home attributable to the Mobile Home Park location and amenities. The appraiser shall not consider the effect of the Change of Use or Closure of the Mobile Home Park on the value of the Mobile Home and the value of the land on which the Mobile Home sits.

13. The basis for a conclusion that a Mobile Home and all associated fixed property ~~that~~ cannot be relocated to a reasonably comparable Mobile Home Park and the basis for determining the in-place value ~~Adjusted Fair Market Value~~ of such Mobile Home.

14. The availability and cost of rental housing of reasonably comparable size and quality within a 15 mile radius of the Mobile Home Park.

15. A relocation plan which shall include a schedule for physically relocating each Mobile Home, and/or payment of relocation assistance.

16. Proposed measures to adequately mitigate the adverse impacts of the Change of Use or Closure of the Mobile Home Park upon each Eligible Occupant based on the information provided in the Relocation Impact Report.

17. A list of Mobile Home movers and housing specialists with proven expertise in the fields of housing and relocation of persons displaced from housing. This list shall include the names, addresses, and telephone numbers of persons who are qualified as Mobile Home movers, and an explanation of the services that each housing specialist provides.

18. Any additional information required by the Director in order to conduct a thorough review of the impacts to Eligible Occupants and the proposed Relocation Impact Report.

19. Applicant's retained Relocation Specialist shall determine what constitutes a "reasonably comparable" mobile home park or other rental housing, as referenced in this Subsection 15.13.035.C.

D. **Confidential Household and Income Data.** Applicant's retained Relocation Specialist shall provide the Housing Division with the income information for each household within the Mobile Home Park, as well as the ages and number of residents who are physically disabled in each household. Such confidential information shall not be discloseable under the Public Records Act, and shall not be included in the Relocation Impact Report, but provided separately on a Housing Division-approved form.

E. **Notification and Availability of Report.** The Relocation Impact Report approved by the City Council shall remain on file with the Director for review by any interested person. Within 10 days of the City Council's approval of the Relocation Impact Report, the City shall notify each of the Mobile Home Park Owners, Mobile Home Owners and Mobile Home Park residents of the approval and availability of the Relocation Impact Report.

F. **Expiration and Extension of Report.**

1. The Relocation Impact Report shall expire one year from the date of its approval unless 55% percent or more of the Eligible Occupants receive Relocation Assistance Benefits in accordance with the approved Relocation Impact Report, or the Applicant requests an extension setting forth justification for not having proceeded within the one-year period. No more than two extensions may be granted by the City Council. A request for an extension must be filed with the Director not less than 45 days prior to the expiration of the Relocation Impact Report. A public hearing before the City Council shall be held on the request of the Applicant. If such extension occurs, all required deadlines set forth in the Relocation Impact Report will also be extended for the same time period granted by the extension of the Relocation Impact Report.

2. If Relocation Assistance Benefits have not been provided to all Eligible Occupants within one year of approval of the Relocation Impact Report, on the anniversary date each year after the approval of the Relocation Impact Report, the Relocation Assistance Benefits shall be increased by an amount equivalent to the cost-of-living index for the Los Angeles/Riverside/Orange County area published by the U.S. Department of Labor. The increase shall be determined by taking the average CPI for the quarterly period closest to the anniversary date of the approval of the Relocation Impact Report.

3. If Relocation Assistance Benefits have not been provided to all Eligible Occupants in accordance with the approved Relocation Impact Report within three years of the original date of approval, a new Relocation Impact Report shall be prepared in accordance with Section 15.13.035.

15.13.040 - Findings and Conditions of Approval

A. Required Finding.

Following a public hearing, the City Council shall, by resolution, record its decision of whether to approve, conditionally approve or reject the Relocation Impact Report. The Relocation Impact Report may be approved, with or without conditions, only after first adopting a written finding that the mitigation measures set forth in the Relocation Impact Report will adequately mitigate the adverse impacts of the Change of Use or Closure of the Mobile Home Park on Eligible Occupants. The criteria considered when making such a finding shall include, but not be limited to, one or more of the following:

1. All requirements of applicable State law and this Chapter have been satisfied.

2. Whether there will exist, at the time of Change of Use or Closure of the Mobile Home Park available Spaces within a reasonably comparable Mobile Home Park located within a 20 mile radius of the City to accommodate the displaced eligible Mobile Homes.

3. Whether the age, type, condition, and style of Mobile Homes within the Mobile Home Park proposed for Change of Use or Closure are such that the Mobile Homes are able to be moved and accepted into reasonably comparable parks located within a 20 mile radius of the City.

4. Whether the Eligible Occupant cannot relocate to a reasonably comparable Mobile Home Park located within a 20 mile radius of the City and the justification for that conclusion.

5. Whether there is evidence that the Applicant has attempted, at any time, to evict or otherwise cause the removal of Eligible Occupants for the purpose of avoiding or reducing payment of Relocation Assistance Benefits.

6. Whether reports and notices required by applicable State law and this Chapter have been properly prepared and properly served.

7. If the Change of Use or Closure of the Mobile Home Park is to another residential use, whether the residents of the Mobile Home Park will have an opportunity to rent or purchase, if for sale, the new units, and whether the construction schedule will result in unreasonable long-term displacements.

8. Whether the Relocation Assistance Benefits to be provided adequately mitigate any adverse impacts of the Change of Use or Closure of the Mobile Home Park on the Eligible Occupants.

9. Based upon the mitigation measures proposed, whether the proposed Change of Use or Closure of the Mobile Home Park is consistent with the goals, policies, and objectives of the City's General Plan, any applicable Specific Pahs, and provisions of the Zoning Code.

10. Based upon the mitigation measures proposed, whether the proposed Change of Use or Closure of the Mobile Home Park will be detrimental to the public health, safety and general welfare.

B. Conditions of Approval.

In approving a Relocation Impact Report, the City Council may impose conditions to adequately mitigate any adverse impacts on Eligible Occupants that are associated with the Change of Use or Closure of the Mobile Home Park. Conditions of approval may include, but are not limited to, the following:

1. Consistent with California Government Code Section 65863.7(e), payment of the reasonable cost of relocation ~~Payment of relocation assistance~~ to each Eligible Occupant who resided in the Mobile Home Park at the time of the filing of the Relocation Impact Report application and who will actually be displaced as a result the Change of Use or Closure of the Mobile Home Park. Reasonable cost of relocation may include, but shall not be limited to:

   ~~2.~~a. Payment of the cost of relocating the eligible Mobile Homes identified in the Relocation Impact Report to available Spaces in reasonably comparable Mobile Home Parks within the study

area referenced in the Relocation Impact Report. The cost of relocating the eligible Mobile Homes shall include the costs of physically moving to a new site the eligible Mobile Home and movable improvements, such as patios, carports and porches. Such costs may include the dismantling, packing, moving, unpacking, reassembling, and rebuilding of the Mobile Home and movable improvements (including skirting and tie-downs), and the packing, moving and unpacking of all personal property.

~~3.~~**b.** For Eligible Occupants who are unable to reasonably relocate their Mobile Home, payment of the cost of purchasing ~~Adjusted Fair Market Value for~~ their Mobile Home based on information contained in the approved Relocation Impact Report as set forth in Section 15.13.035.C.12, and reasonable expenses incurred in relocating to a new residence within the study area referenced in the Relocation Impact Report.

~~4.~~**c.** Payment to Eligible Occupants of a lump sum to compensate for payment of the first and last months rent at a reasonably comparable Mobile Home Park or other rental housing, as determined by the Relocation Specialist.

~~5.~~**d.** Based on a showing of financial hardship, the payment to Eligible Occupants of a security deposit at a new Mobile Home Park or other rental housing may be considered.

~~6~~**2.** If the Mobile Home Park is to be developed into another residential use, a requirement to set aside a certain number of affordable units for the low income residents of the Mobile Home Park, either on-site or off-site within the City limits, pursuant to the provisions of the State affordable housing law.

~~7~~**3.** If the Mobile Home Park is to be converted to another residential use, a requirement to offer residential units for rental or purchase first to Eligible Occupants of the existing Mobile Home Park.

4. The Applicant shall execute and record against the Mobile Home Park property a covenant and agreement to comply with the conditions of approval of the Resolution approving the Relocation Impact Report in a form approved by the City Attorney.

C. Reasonably Comparable Determination. Applicant's retained Relocation Specialist shall determine what constitutes a "reasonably comparable" mobile home park or other rental housing, as referenced in this Section 15.13.040.

15.13.045 - Relocation Assistance Benefits

A. Not later than 30 days from the approval of the Relocation Impact Report, the Applicant's retained Relocation Specialist(s), shall make personal contact with each Eligible Occupant of the Mobile Home Park and commence consultations to discuss the applicable Relocation Assistance Benefits to be provided. The Relocation Specialist(s) shall give each Eligible Occupant written notice of his or her Relocation Assistance Benefits.

B. In the case where an Eligible Occupant is entitled to make selections between alternative Relocation Assistance Benefits, Applicant shall provide written notice to each such Eligible Occupant ~~who is entitled to Relocation Assistance Benefits~~ that he or she has 90 days to select his or her Relocation Assistance Benefits. Not later than 90 days from the date of notification to the Eligible Occupants of their respective alternative Relocation Assistance Benefits, Eligible Occupants ~~who are entitled to make selections between alternative Relocation Assistance Benefits~~ shall submit to the Applicant their selection of Relocation Assistance Benefits in writing on a form provided by the Relocation Specialist(s). If an Eligible Occupants ~~who~~ does not submit ~~their~~ his or her selection of Relocation Assistance Benefits to the Applicant within the 90-day period, the Applicant may select the Relocation Assistance Benefits on behalf of the Eligible Occupants~~shall forfeit all rights to such benefits~~.

C. Cash or monetary relocation assistance benefits shall be paid to the Eligible Occupant at least 45 days prior to the date the Eligible Occupant is required to vacate the Mobile Home Park.

D. A request for modification of the time limits set forth in subsections A, B and C shall be considered by the City Council at the public hearing for the Relocation Impact Report.

E. No Change of Use or Closure of a Mobile Home Park shall be permitted until all Relocation Assistance Benefits required by the approved Relocation Impact Report have been provided to all Eligible Occupants. An exception may be made if the Applicant and an Eligible Occupant have agreed to an alternate arrangement by written agreement, which must be approved by the Director. The written agreement shall comply with the requirements of Sections 15.13.050.C.1.a and 15.13.050.C.1.b.

15.13.050 - Exemption from Relocation Assistance Benefits

A. Any person who files a Relocation Impact Report application may, together with such application, file a written request for a total or partial exemption from the obligation to provide Relocation Assistance Benefits, accompanied by a completed Relocation Impact Report. A request for exemption shall be

considered by the City Council at the public hearing for the Relocation Impact Report.

B. If a request for an exemption is filed, the Applicant shall notify the Mobile Home Owners and residents of the Mobile Home Park of the request for exemption, providing them with a copy of the request for exemption and a description of the project proposed for the property that is the subject of the Change of Use or Closure of the Mobile Home Park.

C. A request for exemption from the obligation to provide Relocation Assistance Benefits shall include a statement specifying at least one of the following bases for the exemption:

1. The Applicant has entered into a written agreement with specified Eligible Occupants providing for mutually satisfactory Relocation Assistance Benefits. A request for exemption under this Subsection shall apply to only those specified Eligible Occupants that have reached an agreement with the Applicant and shall comply with the following:

a. The written agreement shall be in at least 12-point type and shall include, but is not limited to, the following terms and conditions:

i. The Eligible Occupant is aware of the provisions of this Chapter and a copy of this Chapter is attached to the agreement.

ii. The Eligible Occupant's right to seek advice of an attorney prior to signing the agreement.

iii. A reasonable time table for the provision of relocation assistance and a clause that such agreement shall become void if such relocation assistance has not been provided within the agreed upon time table.

iv. Any Eligible Occupant signing such an agreement may rescind it in writing within 10 days of signing the agreement.

v. No Eligible Occupant signing a relocation assistance agreement may contest the adequacy of the Relocation Impact Report.

b. The agreement shall be recorded against the Mobile Home Park property on the records of the County of Los Angeles in sufficient form and detail to advise a potential purchaser of the

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fee interest in the Mobile Home Park property of the existence of and content of the agreement.

c. ~~Any~~ A prospective purchaser of an Eligible Occupant's Mobile Home in the Mobile Home Park shall be advised as to the existence of any such agreements between the Applicant and the Eligible Occupant before purchasing a Mobile Home and provided with a copy of the recorded agreements.

2. The provision of relocation assistance would eliminate substantially all reasonable use and economic value of the property, and continued use of the property as a Mobile Home Park would eliminate substantially all reasonable use and economic value of the property for reasons not caused or contributed to by the Mobile Home Park Owner. A request for exemption under this Subsection shall be accompanied by a qualified appraisal and shall include the following:

a. Statements of profit and loss from the operations of the Mobile Home Park for the five-year period prior to the date of the Relocation Impact Report application. Such statements must be certified by a certified public accountant. All such statements shall remain confidential to the extent permitted by law.

b. If the Applicant contends that continued use of the property as a Mobile Home Park is economically infeasible due to the costs of necessary repairs, improvements or both, that are not the result of the Mobile Home Park Owner's negligent failure to properly maintain the Mobile Home Park, then the following items must accompany the request for exemption:

i. A statement made under penalty of perjury by a State licensed general contractor, experienced in the design, construction and maintenance of a California Mobile Home Park, which shall include the following:

(a) Contractor has thoroughly inspected the entire Mobile Home Park, has determined that repairs and improvements must be made to the Mobile Home Park to maintain it in a decent, safe and sanitary condition, and that those repairs are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the property.

(b) An itemized statement of improvements and repairs and the estimated costs of those

improvements and repairs due to deferred maintenance.

(c) The minimum period of time in which such improvements or repairs must be made.

ii. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another licensed general contractor, at the Applicant's sole cost and expense, to provide such written analysis, before consideration of the request for exemption of the Applicant's obligation to provide Relocation Assistance Benefits.

iii. A statement verified by a certified public accountant as to the necessary increase in rental rates of Mobile Home Spaces within the Mobile Home Park within the next five years necessary to pay for such improvements and repairs that are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the Mobile Home Park property.

iv. An estimate, provided by a qualified real estate appraiser of the value of the Mobile Home Park property if the Change of Use of the Mobile Home Park was approved for development consistent with the Relocation Impact Report application and the value of the property if the use was continued as a Mobile Home Park.

v. Such other information which the Applicant believes to be pertinent or which may be required by the Director.

15.13.055 - Fees and Costs

The Applicant shall be responsible for all expenses incurred by the City in connection with the submittal, review and processing of the Relocation Impact Report application, including all costs relating to the retention of consultants to review and verify the information contained in the Relocation Impact Report. Applicant shall also be responsible for all costs in implementing, monitoring and enforcing the provisions of this Chapter. Such fees and costs shall be set forth in a fee schedule established by resolution of the City Council.

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SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____day of _____, 2011.

_____
MICHEÁL O'LEARY, Mayor
City of Culver City, California

ATTEST:

_____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:

_____
CAROL A. SCHWAB, City Attorney

DRAFT

City of Culver City, California
Agenda Item Report

#2

Meeting Date: 09/12/11	
CITY COUNCIL AGENDA ITEM: Consideration of 1) I Amending the Culver City Municipal Code to Add a N Mobile Home Park Resident Protection; or 2) Directi "No-Closure" Covenant.	
Contact Person/Dept.: Tevis Barnes/Sherry Jordan/CDD	Phone Number: (310) 253-5782/ (310) 253-5746
Fiscal Impact: Yes [] No [X]	General Fund: Yes [] No [X]
Public Hearing: []	Action Item: [X] Attachments: [X]
Commission Action Required: Yes [] No [X]	Date: _____
Public Notification: Agendas and Meetings – City Council (09/08/11); Mailing to all mobile home park owners and residents and persons within a 500 foot radius of each mobile home park (08/29/11 and 09/02/11)	
Department Approval: Sol Blumenfeld (09/01/11)	City Attorney Approval: Carol Schwab (by H. Baker) (09/07/11)
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/07/11)	City Manager Approval: John M. Nachbar (09/08/11)

RECOMMENDATION:

Staff recommends the City Council consider the following options:

1. Introduce the proposed ordinance to amend the Culver City Municipal Code by adding a new Chapter 15.13 relating to mobile home park resident protection in the event of a mobile home park closure or change of use ("Proposed Ordinance") (Attachment 1); OR

2. Direct staff to prepare a draft "no-closure" covenant for the City Council's consideration at a future meeting; OR

3. Determine not to adopt a City ordinance and continue to rely on state law in the event of a closure; OR

4. Provide other direction to staff as deemed appropriate.

BACKGROUND:

In 1960 and 1961 two mobile home parks were approved by the City on Grand View Boulevard (the "Mobile Home Parks"). The Mobile Home Park property at 4025 Grand View Boulevard is a 38,999 ± square-foot parcel with 20 rental pad units. The

Mobile Home Park property at 4071 Grand View Boulevard is a 1.25 ± acre parcel with 23 rental pad units. Both of these properties are currently zoned as RMD or "Medium Density Multiple Family Residential." These Mobile Home Parks are not included in a Redevelopment Project Area and are not under any affordability or rent restriction covenants.

In 2005 the Agency Board voted to exclude the Mobile Home Parks from the Olson Urban Housing LLC Exclusive Negotiation Agreement, a proposed development in the area. The proposed development did not proceed and the Mobile Home Park owners have not sold their properties. At that time, certain Mobile Home Park residents requested that the Agency implement tenant protections in case the Mobile Home Park owners sold or changed the use of their properties.

In response to the concerns raised by the residents during the 2005 discussion, on November 3, 2008 the City Council considered whether to: 1) rely on California State law in the event of a mobile home park closure or change of use (collectively, "closure"); 2) direct staff to develop an ordinance providing for additional mobile home park resident protections beyond what is provided in State law; or 3) enter into a Memorandum of Understanding ("MOU") with the individual Mobile Home Park owners in relation to present or future property use. The City Council unanimously directed staff to develop an ordinance to further define adequate replacement housing, mitigation efforts and relocation costs to Mobile Home Park residents.

Since that time, staff has been working on a draft of the Proposed Ordinance to provide for additional resident protections in the event of a mobile home park closure. In drafting the Proposed Ordinance, staff has reviewed other cities' regulations and has consulted with the Gibbs Law Firm, which specializes in issues relating to the manufactured housing community. During the course of this process, staff has also met with the Mobile Home Park owners, Roy Matsuoka, owner of 4071 Grand View Boulevard, and Frank Teng and Edward Lee, owners of 4025 Grand View Boulevard (collectively, "Park Owners"), and their respective representatives. During one meeting, the Park Owners indicated their desire to enter into an MOU with the City relating to the present or future use of their properties, rather than be subject to a City ordinance.

In response to this meeting, staff issued a memo on July 22, 2009 advising the City Council of the Park Owners' request to consider an MOU. In response to the memo, a representative for Roy Matsuoka, one of the Park Owners, spoke during the public comment period at the July 27, 2009 Council meeting, requesting the City Council agendize a discussion of the option of creating an MOU between the park owners and the City. One of the Mobile Home Park residents, Frank Campagna, was also in attendance and spoke in opposition to an MOU and in support of an ordinance. The City Council did not take action to agendize a discussion of this issue at that time.

Community Meetings:

Also during this process, staff has held three community meetings. Two of the meetings, held on September 15, 2009 and March 24, 2011, were to inform the interested parties of the process to develop an ordinance and receive comments from the Mobile Home Park residents and Park Owners relating to the proposed regulations to be included in the ordinance. A notice was sent to all interested parties on May 26, 2011 advising them of the availability of a draft of the Proposed Ordinance and the opportunity to submit comments during the public review period from May 31, 2011 to August 15, 2011. During the public review period, staff conducted a third community meeting on July 7, 2011, in order to receive additional public comments regarding the draft of the Proposed Ordinance. At these meetings, comments regarding a potential mobile home park closure ordinance included:

- Park Owners voiced opposition to an ordinance, which they believed can be stringent and "one size fits all" and requested an MOU or no closure covenant.
- Statements that these types of ordinances are too difficult to enforce and are usually litigated.
- Concern regarding ability to change an ordinance versus an MOU.
- Ensure mobile home park residents are provided with sufficient notice prior to closure.
- Request that mobile home park residents be offered a first right of refusal on the purchase/rental of housing units if developed into a residential project.
- Cleary define "reasonable cost of relocation" and "equivalent replacement or alternative housing."
- Concern that an ordinance could not be tailored to the individual needs of each of the mobile home parks.
- If ordinance is too onerous on the mobile home park owner, it could make a mobile home park property economically undevelopable.
- Suggestion that where required relocation assistance benefits create an undue hardship on the mobile home park owner, that the City cover the difference or that Redevelopment Agency set aside funds be used to offset some of the relocation costs.
- Concern over determining fair market value of a mobile home unit.
- City's Proposed Ordinance does not comply with state law.
- Request for clarification of the use of the term "in place value" when considering the adjusted fair market value of the mobile home unit.

DISCUSSION:

State law (California Government and Civil Codes) sets forth specific provisions relating to mobile home park closures (Attachment 2). California Government Code Section 66427.4(d) gives a local agency the authority to enact more stringent regulations beyond the minimum requirements established by State law. Currently,

the City does not have any local regulations and would rely on State law in the event of a mobile home park closure within its jurisdiction.

The State's establishment of these minimum standards for local regulation of mobile home park closures is due to the high cost of moving mobile homes, the potential for damage resulting therefrom, the requirements relating to the installation of mobile homes, and the financial impact of moving to the mobile home owner who may have a significant investment in his or her home.

Proposed Ordinance:

The City Council, at its November 3, 2008 meeting, determined that State law does not provide mobile home owners with adequate protections in the event of a closure and directed staff to prepare an ordinance for City Council's consideration.

Attached is a matrix comparing the applicable components of State law with those in the City's Proposed Ordinance (Attachment 3). A brief summary of the key components of the Proposed Ordinance include, but are not limited to:

- Increased notice requirements to mobile home owners and mobile home park residents during the closure process.
- Detailed requirements for the contents of a Relocation Impact Report (RIR), describing the impact on displaced mobile home owners and cost estimates for relocation assistance benefits.
- Specific findings required for the approval of an RIR.
- Proposed conditions of approval to mitigate the impacts on displaced mobile home owners.
- Additional exemptions offered to mobile home park owners from providing relocation assistance benefits.

It is important to note that the Proposed Ordinance would not apply to a mobile home park that is owned by its residents, including, but not limited to, a condominium, stock cooperative or planned unit development of a mobile home park. Thus, Culver City Terrace, located at 11250 Playa Street would not be subject to the provisions of this Ordinance.

Public comments relating to the draft of the Proposed Ordinance have been received and considered by staff (Attachment 4). Changes to the draft issued on May 31, 2011 in response to public comment are identified by strikeout/underlined text and include, but are not limited to:

- The definition of "Adjusted Fair Market Value" (Section 15.13.010) has been revised to clarify that "site value" means the appraised value of the mobile home "while located on the present site."
- Revised the definition of "Eligible Occupant" (Section 15.13.010) to clarify that in order to qualify as an Eligible Occupant, the mobile home owner

must reside in their mobile home at the time of filing of the Relocation Impact Report application with the City.

- Revised Sections 15.13.005.B and 15.13.050.C.1 to address GMPNA comments relating to exemptions from relocation assistance benefits.
- Section 15.13.030.A: Revised "nature" to "details" per Grand View Mobile Home Park Neighborhood Association's ("GMPNA") suggestion.
- References to "comparable" mobile home parks or other rental housing have been revised to read "reasonably comparable." Provisions were also included that the Applicant's retained Relocation Specialist shall determine what constitutes "reasonably comparable."
- Corrected various typos.

Staff's responses to public comments are summarized in Attachment 5 for City Council's consideration.

In the event the City Council introduces the Proposed Ordinance this evening, staff will return with a related Fee Resolution (establishing fees to cover the administrative costs involved with the proposed process) to be considered concurrently with the adoption of the Ordinance.

"No-Closure" Covenant:

As discussed above, the Park Owners have requested that the City negotiate a "no-closure" covenant that would be binding on the Park Owners. It has been suggested by the Park Owners that such covenant would prohibit them from closing or changing the use of their respective Mobile Home Parks for a period of three years, during which time they would be required to "work in good faith to reach written agreement on relocation arrangements for each unit owner presently living in his park." The Park Owners have also requested that the covenant contain a provision restricting the City from enacting any mobile home park closure ordinance during that three-year period. Any covenant that would be executed would be recorded on each of the Mobile Home Park properties and would also bind any future owners to the terms and conditions of the covenant. (Attachment 6 includes copies of both Park Owners' written requests for such a covenant as well as a sample covenant submitted by Mr. Matsuoka's representative.)

Staff only received the sample covenant late Friday afternoon, September 2nd and has not had the opportunity to fully review or comment on the document. However, without the benefit of such review, in general, staff has evaluated the option of a "no-closure" covenant in light of this request and provides the following information:

1. The Park Owners have requested a provision in the covenant that would preclude the City from enacting any mobile home park closure ordinance during the three-year period. Other than a statutorily permissible development agreement, the City cannot enter into an agreement that prohibits the current or a future City Council from enacting legislation that it may deem appropriate.

2. As an alternative to a "no-closure" covenant, staff has revised Section 15.13.005.B.2 to add a new subsection "c" to exempt a mobile home park property from the provisions of the Proposed Ordinance, including the requirement for the preparation of an RIR, where the park owner has obtained written agreements with 100% of the Eligible Occupants to provide them with mutually agreeable relocation assistance benefits. This is distinguishable from the exemption from relocation assistance benefits set forth in Section 15.13.050.C, which may be applied for after the completion of an RIR. Such request for exemption is considered at the public hearing by the City Council together with its consideration of the RIR. Staff suggests that inclusion of this new language as part of Section 15.13.005.B.2.c, making the Proposed Ordinance inapplicable where a park owner has obtained agreement with 100% of the Eligible Occupants, would serve the same purpose as a "no-closure" covenant, and provide that option to the Park Owners for a longer period of time than three years.

3. Even if a covenant were negotiated that did not bind the Council's actions in the future, it would not be the most effective long-term tool, as it would only eliminate the need for an ordinance if the Park Owners are able to reach agreement with all Eligible Occupants within the three-year period. In the event the Park Owners are unable to reach agreement with 100% of the Eligible Occupants, the City Council would likely need to revisit this issue again in three years.

It should be noted that the Park Owners have each submitted a petition to the City indicating those residents in their respective parks that support a "no-closure" covenant (Attachment 7). With regard to the Mobile Home Park located at 4025 Grand View Boulevard, a total of 15 owners of the mobile home units signed the petition supporting a "no-closure" covenant. However, one individual listed on that petition owns two of the units located in the Mobile Home Park and leases one of those units to tenants. With regard to the unit that is leased, the mobile home owner (because she is not a resident owner) would not qualify for relocation benefits under the proposed draft ordinance as to that particular unit.

With regard to the Mobile Home Park located at 4071 Grand View Boulevard, a total of 12 of the resident unit owners signed a petition supporting a covenant, which was submitted to the City by Mr. Matsuoka.

However, the City also received from Frank Campagna, in his capacity as President of the Grand View Mobilehome Park Neighborhood Association, a letter indicating that several of the mobile home owners were "misled and/or coerced" into signing the petition supporting a "no-closure" covenant. Attached to Mr. Campagna's letter was another petition titled "Petition No. 2" signed by six of the residents of 4071 Grand View Boulevard stating: 1) their "absolute preference" for the City to adopt a mobile home park closure ordinance; and 2) their desire to "retract and cancel" their signatures" from the petition supporting a "no-closure" covenant. Most recently, the City received two other petitions submitted by Mr. Campagna as follows: (1)

"Petition No. 1," contains the signatures of 10 resident unit owners (two of whom live in the same unit) and states that the signatories fully support adoption of a mobile home park conversion ordinance. The difference between Petition No. 1 and Petition No. 2 is that the signatories for Petition No. 1 never signed Mr. Matsuoka's petition; and (2) "Petition No. 3" includes one additional signature of a resident unit owner who states their preference for the adoption of a mobile home park closure ordinance versus a 3-year covenant, even though they signed Mr. Matsuoka's petition. All of the petitions submitted by Mr. Campagna are included as Attachment 8.

Potential Zoning Amendment for Future Change of Use of Mobile Home Park Properties:

There has been substantial concern expressed by the Park Owners that the provision of the substantial relocation assistance benefits required by the Proposed Ordinance would significantly reduce or eliminate the economic value of the Park Owners' property. As a result, there have been suggestions made that the City consider providing the opportunity for additional development intensity through an overlay zone to be applied to the property if certain conditions are met, such as maintaining the mobile home park for a specified duration and applying the incentive overlay zone only upon vacancy of a majority of the current mobile home park units. If the City Council is interested in pursuing such a program, it may direct staff to initiate the process for consideration of any necessary Zoning Code Amendment and conduct a financial analysis of the level of the incentive zoning density necessary to adequately compensate for the required relocation assistance

Recommendation:

Staff recommends the City Council discuss the Proposed Ordinance and consider the following options: 1) introduce the Proposed Ordinance for first reading; OR 2) direct staff to prepare a draft "no-closure" covenant for City Council's consideration at a future meeting; OR 3) determine not to adopt a City ordinance and continue to rely on state law in the event of a closure; OR 4) provide other direction to staff as deemed appropriate.

FISCAL ANALYSIS:

There is no fiscal impact associated with the introduction of the proposed Ordinance. If the proposed Ordinance is adopted, a fiscal impact may be triggered if there is a mobile home park closure. In that event, fees are proposed to be established to recover some of the costs involved in processing an application for approval of a Relocation Impact Report and any City consultants that are necessary for review of the application. In addition, there may be a fiscal impact associated with the potential loss of new development occurring on the mobile home park sites due to increased development costs as a result of the requirement to provide relocation

assistance benefits; however, the specifics of any such monetary loss to the City is difficult to determine at this time.

ATTACHMENTS:

1. Proposed Ordinance
2. Excerpts from State law
3. Comparison between Proposed City Requirements for the Mobile Home Park Ordinance and State of California Regulations
4. Public Comments to draft of Proposed Ordinance
5. Staff Response to Public Comments
6. Requests from Park Owners for a "no-closure" covenant and sample covenant
7. 4025 and 4071 Grand View Boulevard mobile home park petitions
8. Campagna Petitions Numbers 1, 2 and 3

MOTION:

That the City Council:

1A Introduce an Ordinance to amend the Culver City Municipal Code by adding a new Chapter 15.12 relating to mobile home park resident protection;

OR

1B. Direct staff to prepare a draft "no-closure" covenant for City Council's consideration at a future meeting;

OR

1C. Determine not to adopt an ordinance and continue to rely on state law in the event of a mobile home park closures;

OR

1D. Provide other direction to staff as deemed appropriate.

MEETING DATE: 09/12/11
AGENDA ITEM: **Consideration of 1) Introduction of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; or 2) Direction to Staff to Prepare a Draft "No-Closure" Covenant.**

ATTACHMENTS

		Pages
1.	Proposed Ordinance	1-17
2.	Excerpts from State law	18-23
3.	Comparison between Proposed City Requirements for the Mobile Home Park Ordinance and State of California Regulations	24-27
4.	Public Comments to draft of Proposed Ordinance	28-36
5.	Staff Response to Public Comments	37-41
6.	Requests from Park Owners for a "no-closure" covenant and sample covenant	42-49
7.	4025 and 4071 Grand View Boulevard mobile home park petitions	50-55
8.	Campagna Petitions Numbers 1, 2 and 3	56-64

ATTACHMEN 1

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 15, LAND USAGE, OF THE CULVER CITY MUNICIPAL CODE TO ADD A NEW CHAPTER 15.13 RELATING TO MOBILE HOME PARK RESIDENT PROTECTION.

NOW THEREFORE, the City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1. Title 15, Land Usage, of the Culver City Municipal Code is hereby amended to add a new Chapter 15.13 relating to Mobile Home Park resident protection as follows:

CHAPTER 15.13: - MOBILE HOME PARK RESIDENCE PROTECTION

Sections:

15.13.005 - Purpose and Applicability.
15.13.010 - Definitions
15.13.015 - Mobile Home Park Change of Use or Closure
15.13.020 - Application Filing for Relocation Impact Report
15.13.025 - Required Notification
15.13.030 - Informational Meetings
15.13.035 - Relocation Impact Report
15.13.040 - Findings and Conditions of Approval
15.13.045 - Relocation Assistance Benefits
15.13.050 - Exemption from Relocation Assistance Benefits
15.13.055 - Fees

15.13.005 - Purpose and Applicability

A. **Purpose.** It is the intent of this Chapter to carry out and supplement the requirements of State law for the purpose of mitigating adverse impacts of the closure or change of use of a Mobile Home Park to other uses or the discontinuance of use of Mobile Home Parks on eligible, displaced Mobile Home Owners and residents by requiring Mobile Home Park Owners to provide adequate relocation assistance benefits.

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B. Applicability.

1. Except as otherwise provided, this Chapter shall apply to all existing and/or future Mobile Home Parks.

2. This Chapter shall not apply to:

a. A Resident-Owned Mobile Home Park, or

b. The discontinuance of the use of property as a Mobile Home Park which is the result of an adjudication of bankruptcy of the Mobile Home Park by a court of competent jurisdiction. The Applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the discontinuance of use of the affected Mobile Home Park is necessary. The documentation shall include the title, case number, and court in which the bankruptcy proceedings were held, and certified copies of all pertinent judgments, orders and decrees of the court.

c. A Mobile Home Park where the Applicant has entered into a written agreement with 100 percent of the Eligible Occupants providing for mutually satisfactory relocation assistance benefits. The written agreement shall comply with the requirements of Section 15.13.050.C.1.a. The agreements shall be recorded against the Mobile Home Park property on the records of the County of Los Angeles in sufficient form and detail to advise a potential purchaser of the fee interest in the Mobile Home Park property of the existence of and content of the agreement. Any prospective purchaser of a Mobile Home in the Mobile Home Park shall be advised as to the existence of any such agreements before purchasing a Mobile Home and provided with a copy of the recorded agreements.

15.13.010 - Definitions

In addition to the definitions contained elsewhere in this Code, the following words and phrases shall, for the purposes of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning in intended. Should any of the definitions be in conflict with any other provision of this Code, these definitions shall prevail.

Adjusted Fair Market Value. The Adjusted Fair Market Value of the Mobile Home shall be calculated as follows: The allowable National Automobile Dealers

Association (NADA) Appraisal Guide value of the Mobile Home plus 50% of the ~~site~~ value of the Mobile Home while located on the present site ~~in place~~, as determined by an appraiser who has the professional designation of MAI by the American Institute of Real Estate Appraisers of the National Association of Realtors and is experienced with manufactured housing.

Applicant. The person, firm, corporation, partnership, or other entity having leasehold interest in or fee ownership of a Mobile Home Park. If the holder of the majority interest in the fee ownership of the Mobile Home Park is not the Applicant, then the Applicant must provide evidence of the majority interest owner's consent to the filing of the application for consideration of a Relocation Impact Report. If the Applicant is the holder of a leasehold interest in the Mobile Home Park, the owner(s) of the fee interest in the Mobile Home Park shall consent to the application for consideration of a Relocation Impact Report.

City Council. The City Council of the City of Culver City.

Change of Use of a Mobile Home Park. Use of a Mobile Home Park for a purpose other than the rental or the holding out for rent of two or more Mobile Home Spaces to accommodate Mobile Homes used for human habitation. Change of Use shall not mean the adoption, amendment, or repeal of a Mobile Home Park rule or regulation. Change of Use may affect an entire Mobile Home Park or any portion thereof. A Change of Use shall not include a change to a Resident-Owned Mobile Home Park.

Closure of a Mobile Home Park or **Mobile Home Park Closure.** The discontinuance of the use of property as a Mobile Home Park.

Director. The City of Culver City Community Development Director or his/her designee.

Eligible Occupant. A Mobile Home Owner residing in the Mobile Home on a full time basis and his or her "immediate family," as that term is defined in California Civil Code Section 798.35, who resides in the Mobile Home at the time of filing of the Relocation Impact Report application with the City. Eligible Occupant shall include a Mobile Home Owner who is subleasing his or her Mobile Home, pursuant to the provisions of California Civil Code Section 798.23.5, due to a medical emergency or medical treatment that requires the Mobile Home Owner's temporary absence from his or her home. Eligible occupant shall not include a Non-Owner Resident.

Housing and Urban Development (HUD). The United States Department of Housing and Urban Development.

Housing Division. The Housing Division of the City of Culver City.

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to California Vehicle Code Section 35790. Mobile home does not include a recreation vehicle, as defined in California Civil Code Section 799.29, except as modified by California Civil Code Section 798.3 (b), or a commercial coach, as defined in California Health and Safety Code Section 18218.

Mobile Home Owner. The owner(s) of a Mobile Home, or person(s) purchasing a Mobile Home pursuant to a written contract.

Mobile Home Park. An area of land where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate Mobile Homes used for human habitation. Mobile Home Park shall not include a Resident-Owned Mobile Home Park.

Non-Owner Resident. A resident of a Mobile Home who does not have any ownership interest in the Mobile Home in which he or she resides.

Park-Owned Mobile Home. Any Mobile Home which is owned by the Mobile Home Park owner or any person or entity which has an ownership interest in the Mobile Home Park.

Relocation Impact Report. A report on the impact of a Closure or Change of Use of a Mobile Home Park upon the displaced residents of such Mobile Home Park, as required by California Government Code Sections 65863.7 and 66427.4 and containing the information set forth in Section 15.13.035 of this Chapter.

Resident-Owned Mobile Home Park. A Mobile Home Park that is owned by its residents, including, but not limited to, a condominium, stock cooperative or planned unit development of a Mobile Home Park.

Space. Any area, tract of land, site, lot, pad or portion of a Mobile Home Park designated or used for the occupancy of one Mobile Home.

15.13.015 - Mobile Home Park Change of Use or Closure

A. Prior to the approval of an application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park, an application for consideration of a Relocation Impact Report must be filed with the Planning Division.

B. No application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park shall be deemed complete unless the

Applicant has submitted a Relocation Impact Report approved by the City Council in accordance with the provisions of this Chapter.

C. No Relocation Impact Report shall be accepted by the City, which was approved by the City Council more than six months prior to the date of the filing of an application for a General Plan amendment, zoning designation amendment or any other land use permit that would result in a Change of Use or Closure of a Mobile Home Park.

D. No building permit shall be issued pertaining to a project that resulted in a Change of Use or Closure of a Mobile Home Park unless and until the Applicant files a written statement with the Director, signed under penalty of perjury, that relocation assistance benefits required pursuant to the approved Relocation Impact Report have been provided, that the Applicant has complied with all Relocation Impact Report conditions of approval, and the notice period provided by the notice of termination of tenancy, as set forth in Section 15.13.025.C, has expired.

15.13.020 - Application Filing for Relocation Impact Report

A. A Relocation Impact Report application shall be completed, filed with the Housing Division and processed in compliance with this Chapter. The application package shall include all information specified in the application, any applicable Housing Division handout, any additional information required by the Director in order to conduct a thorough review of the proposed application, and all applicable fees.

B. It is the responsibility of the Applicant to establish evidence in support of the finding required by Section 15.13.040.A.

15.13.025 - Required Notification

The following notification requirements are in addition to any State law notification requirements relating to the Change of Use or Closure of a Mobile Home Park. Where the requirements of State law and this Chapter conflict, the Applicant shall comply with the more stringent requirement.

A. Upon the filing of a Relocation Impact Report application, the Applicant shall provide written notification to each prospective new resident of the Mobile Home Park that such application has been filed with the City. Such written notification shall be given to the prospective resident prior to the purchase of a Mobile Home and/or execution of a rental agreement or commencement of the resident's occupancy, whichever occurs first. Proof of service, signed under penalty of perjury, that each prospective resident received by mail or

personal delivery the notification required by this Subsection 15.13.015.A shall be filed with the Director.

B. Not later than 45 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall provide written notification to each Mobile Home Owner and resident in the Mobile Home Park of the dates, times, and locations of the public hearing and the informational meetings required to be held pursuant to Section 15.13.030. Such written notification shall include a copy of the proposed Relocation Impact Report and a copy of this Chapter. The copies shall be provided free of charge. Proof of service, signed under penalty of perjury, that each Mobile Home Owner and resident of the Mobile Home Park has received by mail or personal delivery the notification and copies required by this Subsection 15.13.025.B, must be filed with the Director at least 14 days prior to the public hearing.

C. Not later than 12 months prior to the date the Mobile Home Owners and residents of the Mobile Home Park are required to vacate the Mobile Home Park, Applicant shall provide written notification of termination of tenancy, by certified mail, to all Mobile Home Owners and residents of the Mobile Home Park.

15.13.030 Information Meetings

A. Not later than 21 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall conduct at least one informational meeting for the Mobile Home Owners and residents of the Mobile Home Park regarding the status of the Relocation Impact Report to be considered, the timing of the proposed relocation of Eligible Occupants, and the details ~~nature~~ of the relocation assistance benefits proposed in the Relocation Impact Report.

B. All informational meetings shall be scheduled and held to maximize the number of Mobile Home Owners and residents of the Mobile Home Park that are able to attend these meetings. The informational meeting or meetings shall be conducted on the premises of the Mobile Home Park or other appropriate location as approved by the Director. The Applicant's retained Relocation Specialist(s) ~~housing specialist(s)~~ designated in the Relocation Impact Report shall be present at all informational meetings.

C. Not later than 14 days prior to the public hearing to consider the Relocation Impact Report, the Applicant shall file with the Director a statement made under penalty of perjury that the Applicant has complied with the requirements of this Section 15.13.030. Such statement shall include the date, time, and place where such informational meeting or meetings were conducted and the names and addresses of all attendees.

15.13.035 - Relocation Impact Report

A. Purpose. The purpose of the Relocation Impact Report is to address the impact on residents of a Mobile Home Park, who qualify as Eligible Occupants, who will be displaced as a result of the Change of Use or Closure of the Mobile Home Park.

B. Process.

1. The Applicant shall select a consultant and relocation specialist (hereinafter, collectively, "Relocation Specialist"), subject to the Director's approval, to prepare a Relocation Impact Report relating to the Change of Use or Closure of a Mobile Home Park.

2. Upon the filing of a Relocation Impact Report application, the City shall notify the Mobile Home Park residents that such application has been filed and a Relocation Impact Report will be prepared.

C. Required Content of Report. The Relocation Impact Report shall contain, but need not be limited to, the following information:

1. A legal description of the Mobile Home Park property.

2. A map and detailed description of the condition of the Mobile Home Park, including the nature and location of structures, landscaping, easements, utilities and other onsite features and amenities.

3. The names and addresses of all Mobile Home Owners within the Mobile Home Park as shown on each respective title documentation for the Mobile Homes located in Spaces within the Mobile Home Park, and the names and addresses of all residents within the Mobile Home Park as of the date of the Relocation Impact Report application.

4. The number of Spaces within the Mobile Home Park, length of occupancy by the current residents of each Space, and the current lease or rental rate for each Space, including a full description of all utilities separately billed by the Mobile Home Park to the residents and any utilities that may be included in the lease or rental rate for the Space.

5. For each Mobile Home within the Mobile Home Park, the age, date of manufacture, type, width, size, and Space number, and a copy of a

title search conducted through the California Department of Housing and Community Development.

6. The total number of residents in each Mobile Home, each resident's Space number, resident status (Eligible Occupant or Non-Owner Resident), whether any residents are the "immediate family," as that term is defined in California Civil Code Section 798.35, of the Eligible Occupant, residents' names and whether the Mobile Home is a principal residence or second home. All residents shall be classified as Eligible Occupants or Non-Owner Residents.

7. A description of the project proposed for the property that is the subject of the Mobile Home Park Change of Use or Closure, if applicable.

8. The proposed schedule for the Mobile Home Park Change of Use or Closure.

9. The location of all reasonably comparable Mobile Home Parks within a 20 mile radius of the Mobile Home Park that is the subject of the Change of Use or Closure, including the reasonably comparable Mobile Home Park name, number of Spaces, number of vacancies, lease rates and terms, policies, age or other restrictions imposed upon the residents of a Mobile Home, restrictions on the type of Mobile Homes and residents accepted in the Mobile Home Park, amenities offered, and proximity to services (bus stops, grocery stores, hospitals, etc.).

10. A determination of the total number of Mobile Homes ~~that are~~ eligible to be relocated to a reasonably comparable Mobile Home Park, and the basis on which such determination is made.

11. The estimated cost of relocating the eligible Mobile Homes identified in Subsection 10 above to available Spaces in reasonably comparable Mobile Home Parks within the area identified in the Relocation Impact Report. The cost of relocating shall include the costs of physically moving to a new site the eligible Mobile Home and movable improvements, such as patios, carports and porches. Such costs may include the dismantling, packing, moving, unpacking, reassembling, and rebuilding of the Mobile Home and movable improvements (including skirting and tie-downs), and the packing, moving and unpacking of all personal property.

12. An estimate of the Adjusted Fair Market Value of each Mobile Home and all associated fixed property that cannot be relocated to a reasonably comparable Mobile Home Park. In determining the Adjusted Fair Market Value, the appraiser shall consider each Mobile

Home in its current location assuming the continuation of the Mobile Home Park in a safe, sanitary, and well-maintained condition with competitive lease rates.

13. The basis for a conclusion that a Mobile Home and all associated fixed property that cannot be relocated to a reasonably comparable Mobile Home Park ~~cannot be relocated~~ and the basis for determining the Adjusted Fair Market Value of such Mobile Home.

14. The availability and cost of rental housing of reasonably comparable size and quality within a 15 mile radius of the Mobile Home Park.

15. A relocation plan which shall include a schedule for physically relocating each Mobile Home, and/or payment of relocation assistance.

16. Proposed measures to adequately mitigate the adverse impacts of the Change of Use or Closure of the Mobile Home Park upon each Eligible Occupant based on the information provided in the Relocation Impact Report.

17. A list of Mobile Home movers and housing specialists with proven expertise in the fields of housing and relocation of persons displaced from housing. This list shall include the names, addresses, and telephone numbers of persons who are qualified as Mobile Home movers, and an explanation of the services that each housing specialist provides.

18. Any additional information required by the Director in order to conduct a thorough review of the impacts to Eligible Occupants and the proposed Relocation Impact Report.

19. Applicant's retained Relocation Specialist shall determine what constitutes a "reasonably comparable" mobile home park or other rental housing, as referenced in this Subsection 15.13.035.C.

D. **Confidential Household and Income Data.** Applicant's retained ~~consultant~~ Relocation Specialist shall provide the Housing Division with the income information for each household within the Mobile Home Park, as well as the ages and number of residents who are physically disabled in each household. Such confidential information shall not be discloseable under the Public Records Act, and shall not be included in the Relocation Impact Report, but provided separately on a Housing Division-approved form.

E. **Notification and Availability of Report.** The Relocation Impact Report approved by the City Council shall remain on file with the Director for review by any interested person. Within 10 days of the City Council's approval of

the Relocation Impact Report, the City shall notify each of the Mobile Home Park Owners, Mobile Home Owners and Mobile Home Park residents of the approval and availability of the Relocation Impact Report.

F. Expiration and Extension of Report.

1. The Relocation Impact Report shall expire one year from the date of its approval unless 55% percent or more of the Eligible Occupants receive relocation assistance benefits in accordance with the approved Relocation Impact Report, or the Applicant requests an extension setting forth justification for not having proceeded within the one-year period. No more than two extensions may be granted by the City Council. A request for an extension must be filed with the Director not less than 45 days prior to the expiration of the Relocation Impact Report. A public hearing before the City Council shall be held on the request of the Applicant. If such extension occurs, all required deadlines set forth in the Relocation Impact Report will also be extended for the same time period granted by the extension of the Relocation Impact Report.

2. If relocation assistance benefits have not been provided to all Eligible Occupants within one year of approval of the Relocation Impact Report, on the anniversary date each year after the approval of the Relocation Impact Report, the relocation assistance benefits shall be increased by an amount equivalent to the cost-of-living index for the Los Angeles/Riverside/Orange County area published by the U.S. Department of Labor. The increase shall be determined by taking the average CPI for the quarterly period closest to the anniversary date of the approval of the Relocation Impact Report.

3. If relocation assistance benefits have not been provided to all Eligible Occupants in accordance with the approved Relocation Impact Report within three years of the original date of approval, a new Relocation Impact Report shall be prepared in accordance with Section 15.13.035.

15.13.040 - Findings and Conditions of Approval

A. Required Finding.

Following a public hearing, the City Council shall, by resolution, record its decision of whether to approve, conditionally approve or reject the Relocation Impact Report. The Relocation Impact Report may be approved, with or without conditions, only after first adopting a written finding that the mitigation measures set forth in the Relocation Impact Report will adequately mitigate the impact of the Change of Use or Closure of the Mobile Home Park on

Eligible Occupants. The criteria considered when making such a finding shall include, but not be limited to, one or more of the following:

1. All requirements of applicable State law and this Chapter have been satisfied.

2. Whether there will exist, at the time of Change of Use or Closure of the Mobile Home Park available Spaces within a reasonably comparable Mobile Home Park located within a 20 mile radius of the City to accommodate the displaced eligible Mobile Homes.

3. Whether the age, type, condition, and style of Mobile Homes within the Mobile Home Park proposed for Change of Use or Closure are such that the Mobile Homes are able to be moved and accepted into reasonably comparable parks located within a 20 mile radius of the City.

4. Whether the Eligible Occupant cannot relocate to a reasonably comparable Mobile Home Park located within a 20 mile radius of the City and the justification for that conclusion.

5. Whether there is evidence that the Applicant has attempted, at any time, to evict or otherwise cause the removal of Eligible Occupants for the purpose of avoiding or reducing payment of relocation assistance benefits.

6. Whether reports and notices required by applicable State law and this Chapter have been properly prepared and properly served.

7. If the Change of Use or Closure of the Mobile Home Park is to another residential use, whether the residents of the Mobile Home Park will have an opportunity to rent or purchase, if for sale, the new units, and whether the construction schedule will result in unreasonable long-term displacements.

8. Whether the relocation assistance benefits to be provided adequately mitigate any adverse impacts of the Change of Use or Closure of the Mobile Home Park on the Eligible Occupants.

9. Based upon the mitigation measures proposed, whether the proposed Change of Use or Closure of the Mobile Home Park is consistent with the goals, policies, and objectives of the City's General Plan, any applicable Specific Pans, and provisions of the Zoning Code.

10. Based upon the mitigation measures proposed, whether the proposed Change of Use or Closure of the Mobile Home Park will be detrimental to the public health, safety and general welfare.

B. Conditions of Approval.

In approving a Relocation Impact Report, the City Council may impose conditions to adequately mitigate any adverse impacts on Eligible Occupants that are associated with the Change of Use or Closure of the Mobile Home Park. Conditions of approval may include, but are not limited to, the following:

1. Payment of relocation assistance to each Eligible Occupant who resided in the Mobile Home Park at the time of the filing of the Relocation Impact Report application and who will actually be displaced as a result the Change of Use or Closure of the Mobile Home Park.

2. Payment of the cost of relocating the eligible Mobile Homes identified in the Relocation Impact Report to available Spaces in reasonably comparable Mobile Home Parks within the study area referenced in the Relocation Impact Report. The cost of relocating the eligible Mobile Homes shall include the costs of physically moving to a new site the eligible Mobile Home and movable improvements, such as patios, carports and porches. Such costs may include the dismantling, packing, moving, unpacking, reassembling, and rebuilding of the Mobile Home and movable improvements (including skirting and tie-downs), and the packing, moving and unpacking of all personal property.

3. For Eligible Occupants who are unable to reasonably relocate their Mobile Home, payment of the Adjusted Fair Market Value for their Mobile Home based on information contained in the approved Relocation Impact Report, and reasonable expenses incurred in relocating to a new residence within the study area referenced in the Relocation Impact Report.

4. Payment to Eligible Occupants of a lump sum to compensate for payment of the first and last months rent at a ~~new~~ reasonably comparable Mobile Home Park or other rental housing, as determined by the Relocation Specialist.

5. Based on a showing of financial hardship, the payment to Eligible Occupants of a security deposit at a new Mobile Home Park or other rental housing may be considered.

6. If the Mobile Home Park is to be developed into another residential use, a requirement to set aside a certain number of affordable units for the low income residents of the Mobile Home Park, either on-site or off-site within the City limits, pursuant to the provisions of the State affordable housing law.

7. If the Mobile Home Park is to be converted to another residential use, a requirement to offer residential units for rental or purchase first to Eligible Occupants of the existing Mobile Home Park.

C. **Reasonably Comparable Determination.** Applicant's retained Relocation Specialist shall determine what constitutes a "reasonably comparable" mobile home park or other rental housing, as referenced in this Section 15.13.040.

15.13.045 - Relocation Assistance Benefits

A. Not later than 30 days from the approval of the Relocation Impact Report, the Applicant's retained Relocation Specialist(s)~~housing specialist(s)~~, shall make personal contact with each Eligible Occupant of the Mobile Home Park and commence consultations to discuss the applicable relocation assistance benefits to be provided. The Relocation Specialist(s)~~housing specialist(s)~~ shall give each Eligible Occupant written notice of his or her relocation assistance benefits.

B. Applicant shall provide written notice to each Eligible Occupant who is entitled to relocation assistance benefits that he or she has 90 days to select his or her relocation assistance benefits. Not later than 90 days from the date of notification to the Eligible Occupants of their respective relocation assistance benefits, Eligible Occupants who are entitled to make selections between alternative relocation assistance benefits shall submit to the Applicant their selection of relocation assistance benefits in writing on a form provided by the Relocation Specialist(s)~~housing specialist(s)~~. Eligible Occupants who do not submit their selection of relocation assistance benefits to the Applicant within the 90-day period, shall forfeit all rights to such benefits.

C. Cash or monetary relocation assistance benefits shall be paid to the Eligible Occupant at least 45 days prior to the date the Eligible Occupant is required to vacate the Mobile Home Park.

D. A request for modification of the time limits set forth in subsections A, B and C shall be considered by the City Council at the public hearing for the Relocation Impact Report.

15.13.050 - Exemption from Relocation Assistance Benefits

A. Any person who files a Relocation Impact Report application may, together with such application, file a written request for a total or partial exemption from the obligation to provide relocation assistance benefits, accompanied by a completed Relocation Impact Report. A request for exemption shall be considered by the City Council at the public hearing for the Relocation Impact Report.

B. If a request for an exemption is filed, the Applicant shall notify the Mobile Home Owners and residents of the Mobile Home Park of the request for exemption, providing them with a copy of the request for exemption and a description of the project proposed for the property that is the subject of the Change of Use or Closure of the Mobile Home Park.

C. A request for exemption from the obligation to provide relocation assistance benefits shall include a statement specifying at least one of the following bases for the exemption:

1. The Applicant has entered into a written agreement with specified ~~all~~ Eligible Occupants providing for mutually satisfactory relocation assistance benefits. A request for exemption under this Subsection shall apply to only those specified Eligible Occupants that have reached an agreement with the Applicant and shall comply with the following:

a. The written agreement shall be in at least 12-point type and shall include, but is not limited to, the following terms and conditions:

i. The Eligible Occupant is aware of the provisions of this Chapter and a copy of this Chapter is attached to the agreement.

ii. The Eligible Occupant's right to seek advice of an attorney prior to signing the agreement.

iii. A reasonable time table for the provision of relocation assistance and a clause that such agreement shall become void if such relocation assistance has not been provided within the agreed upon time table.

iv. Any Eligible Occupant signing such an agreement may rescind it in writing within 10 days of signing the agreement.

v. No Eligible Occupant signing a relocation assistance agreement may contest the adequacy of the Relocation Impact Report.

b. The agreement shall be recorded against the Mobile Home Park property on the records of the County of Los Angeles in sufficient form and detail to advise a potential purchaser of the fee interest in the Mobile Home Park property of the existence of and content of the agreement.

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c. Any prospective purchaser of a Mobile Home in the Mobile Home Park shall be advised as to the existence of any such agreements before purchasing a Mobile Home and provided with a copy of the recorded agreements.

2. The provision of relocation assistance would eliminate substantially all reasonable use and economic value of the property, and continued use of the property as a Mobile Home Park would eliminate substantially all reasonable use and economic value of the property for reasons not caused or contributed to by the Mobile Home Park Owner. A request for exemption under this Subsection shall be accompanied by a qualified appraisal and shall include the following:

a. Statements of profit and loss from the operations of the Mobile Home Park for the five-year period prior to the date of the Relocation Impact Report application. Such statements must be certified by a certified public accountant. All such statements shall remain confidential to the extent permitted by law.

b. If the Applicant contends that continued use of the property as a Mobile Home Park is economically infeasible due to the costs of necessary repairs, improvements or both, that are not the result of the Mobile Home Park Owner's negligent failure to properly maintain the Mobile Home Park, then the following items must accompany the request for exemption:

i. A statement made under penalty of perjury by a State licensed general contractor, experienced in the design, construction and maintenance of a California Mobile Home Park, which shall include the following:

(a) Contractor has thoroughly inspected the entire Mobile Home Park, has determined that repairs and improvements must be made to the Mobile Home Park to maintain it in a decent, safe and sanitary condition, and that those repairs are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the property.

(b) An itemized statement of improvements and repairs and the estimated costs of those improvements and repairs due to deferred maintenance.

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(c) The minimum period of time in which such improvements or repairs must be made.

ii. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another licensed general contractor, at the Applicant's sole cost and expense, to provide such written analysis, before consideration of the request for exemption of the Applicant's obligation to provide relocation assistance benefits.

iii. A statement verified by a certified public accountant as to the necessary increase in rental rates of Mobile Home Spaces within the Mobile Home Park within the next five years necessary to pay for such improvements and repairs that are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the Mobile Home Park property.

iv. An estimate, provided by a qualified real estate appraiser of the value of the Mobile Home Park property if the Change of Use of the Mobile Home Park was approved for development consistent with the Relocation Impact Report application and the value of the property if the use was continued as a Mobile Home Park.

v. Such other information which the Applicant believes to be pertinent or which may be required by the Director.

15.13.055 - Fees and Costs

The Applicant shall be responsible for all expenses incurred by the City in connection with the submittal, review and processing of the Relocation Impact Report application, including all costs relating to the retention of consultants to review and verify the information contained in the Relocation Impact Report. Applicant shall also be responsible for all costs in implementing, monitoring and enforcing the provisions of this Chapter. Such fees and costs shall be set forth in a fee schedule established by resolution of the City Council.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,

the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
MICHEÁL O'LEARY, Mayor
City of Culver City, California

ATTEST:

_____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:

_____
CAROL A. SCHWAB, City Attorney

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ATTACHMENT 2

65863.7. (a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity 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 steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

65863.8. A local agency to which application has been made for the conversion of a mobilehome park to another use shall, at least 30 days prior to a hearing or any other action on the application, inform the applicant in writing of the provisions of Section 798.56 of the Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use, and shall specify therein the manner in which the applicant shall verify that residents and mobilehome owners of the mobilehome park have been notified of the proposed change in use. Neither a hearing on the application, nor any other action thereon, shall be taken by the local agency before the applicant has satisfactorily verified that the residents and mobilehome owners have been so notified, in the manner prescribed by law or local regulation.

66427.4. (a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

(b) 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.

(c) The legislative body, or an advisory agency which is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may 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.

(d) This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a local agency from enacting more stringent measures.

(e) This section shall not be applicable to a subdivision which is created from the conversion of a rental mobilehome park to resident ownership.

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E

CIVIL CODE
SECTION 798.55-798.61

798.55. (a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.

(b) (1) The management may not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to sell or remove, at the homeowner's election, the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in Section 18005.8 of the Health and Safety Code, each junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner. The copy may be sent by regular mail or by certified or registered mail with return receipt requested, at the option of the management.

(2) The homeowner shall pay past due rent and utilities upon the sale of a mobilehome pursuant to paragraph (1).

(c) If the homeowner has not paid the rent due within three days after notice to the homeowner, and if the first notice was not sent by certified or registered mail with return receipt requested, a copy of the notice shall again be sent to the legal owner, each junior lienholder, and the registered owner, if other than the homeowner, by certified or registered mail with return receipt requested within 10 days after notice to the homeowner. Copies of the notice shall be addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code.

(d) If management obtains a court judgment against a homeowner or resident, the cost incurred by management in obtaining a title search for the purpose of complying with the notice requirements of this section shall be recoverable as a cost of suit.

(e) The resident of a mobilehome that remains in the mobilehome park after service of the notice to sell or remove the mobilehome shall continue to be subject to this chapter and the rules and regulations of the park, including rules regarding maintenance of the space.

(f) No lawful act by the management to enforce this chapter or the rules and regulations of the park may be deemed or construed to waive or otherwise affect the notice to remove the mobilehome.

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of

noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of Section 243, paragraph (2) of subdivision (a), or subdivision (b), of Section 245, Section 288, or Section 451, of the Penal Code, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

"Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated."

(2) Payment by the homeowner prior to the expiration of the

three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of Section 798.55 to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a

change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

(i) For purposes of this section, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in Section 18002.6 of the Health and Safety Code or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

Comparison Between Proposed City Requirements for the Mobile Home Park Ordinance and State of California Regulations

	Proposed City Requirement	State Law
1.	The Relocation Impact Report must be considered by the City Council at a public hearing. (15.13.040.A)	Relocation Impact Report must be submitted to the City and residents but a public hearing on the adequacy of the report is not required, unless requested by the applicant. (Govt. Code § 65863.7(d))
2.	Planning Division shall not accept any application for any action that would result in a change of use or closure of a mobile home park without an approved Relocation Impact Report. The Relocation Impact Report must have been approved by the City Council no more than six months prior to the filing of the application. (15.13.015.B & C)	Not addressed
3.	The City must give notice to the mobile home park residents when it receives an application for consideration of a Relocation Impact Report. (15.13.035.B.2)	Not addressed
4.	Applicant must provide mobile home park residents with written notice and a copy of the Relocation Impact Report (at no cost) at least 45 days prior to the public hearing by the City Council to consider the Relocation Impact Report. (15.13.025.B)	State law requires the mobile home park residents to be provided with a copy of the Relocation Impact Report, but only requires a 15-day notice of the public hearing rather than the City's proposed 45-day notice. (Government Code § 65863.7(b) and Civil Code §§ 798.56(g)(1) and (h))
5.	Applicant must hold at least one informational meeting for all mobile home park residents at least 21 days prior to the City Council's public hearing to consider the Relocation Impact Report. (15.13.030.A)	Not addressed

ATTACHMENT 3

15

Comparison Between Proposed City Requirements for the Mobile Home Park Ordinance and State of California Regulations

8.	Within 10 days of the City Council's approval of a Relocation Impact Report, the City shall notify each Mobile Home Park Owner and resident of the approval and availability of the report. (15.13.035.E)	Not addressed
9.	At least 12 months prior to date the residents are required to vacate the mobile home park, applicant must provide all mobile home park residents written notice of termination of tenancy. (Prior notice of intent to close the mobile home park will have been given throughout the Relocation Impact Report process, i.e. upon filing of application for closure, prior to informational meetings and public hearing before the City Council, etc.) (15.13.025.C)	After all required permits requesting a change of use have been approved by the local governmental body, the management shall give the mobile home owners six months or more written notice of termination of tenancy. City's proposed ordinance requires 12 months notice instead of six-months. (Civil Code § 798.56(g)(2))
10.	Establishes 12-month expiration time period on approved Relocation Impact Report and automatic cost of living increases of relocation assistance benefits if not paid within 12 months of approval of Relocation Impact Report, in order to ensure that data in Relocation Impact Report does not become "stale" and out of date. (15.13.035.F.1 & 2)	Not addressed
11.	Establishes a process for applicant to request a total or partial exemption from obligation to provide relocation assistance benefits to be considered by City Council. Criteria for considering whether to allow such exemption includes proof that provision of benefits will eliminate substantially all reasonable use and economic value of property, or applicant has entered into agreement with eligible residents providing for mutually satisfactory benefits. Applicant is required to give notice to all mobile	Not addressed

Comparison Between Proposed City Requirements for the Mobile Home Park Ordinance and State of California Regulations

	home park residents of the filing of an application for exemption. (15.13.050) In addition, there is a provision that the Ordinance would not apply to a mobile home park where the applicant has entered into a written agreement with 100% of the Eligible Occupants for mutually satisfactory relocation assistance benefits.	
12.	Establishes process for payment of relocation benefits, requires eligible residents to make selection of alternative benefits within 90 days of date of notification of benefits, and requires payment of any monetary benefits to be made at least 45 days prior to date of vacation of mobile home park. (15.13.045)	Not addressed
13.	No building permit shall be issued pertaining to a project that resulted in a Change of Use or Closure of a Mobile Home Park unless the applicant has complied with the provisions of the ordinance. (15.13.015.D)	Not addressed

ATTACHMENT 4

RECEIVED
CULVER CITY HOUSING
11 AUG 15 PM 3:02

Culver City Terrace
A Resident-Owned Mobilehome Community
11250 Playa Street – # 51-1/2
Culver City, CA 90230
(310) 398-3761

August 15, 2011

Tevis Barnes, Housing Administrator
Culver City Housing Division
9770 Culver Blvd.
Culver City, CA 90232–0507

Re: Draft Mobilehome Park Residence Ordinance

Dear Ms. Barnes,

I am writing as President of the Board of Directors of Culver City Terrace, the "resident-owned mobilehome park" that is exempted from the draft Mobilehome Park Residence Protection Ordinance. At this time, it seems unlikely that any other resident-owned parks will be opened within the Culver City boundaries. There is neither zoning nor available financing for such projects.

We believe it would be helpful to explain in the Ordinance why resident-owned parks are exempt. In the fullness of time, it may come to pass that the Member-shareholders of Culver City Terrace will decide to sell the property underlying their homes. The more explicit the Ordinance is now, the fewer problems they would face then.

We suggest language similar to the following to replace Section 15.13.005 (B)(20(a):

> A Resident-Owned Mobilehome Park, because at least 66% of the Members (shareholders) would be required to vote in favor of any sale, closure, or change of use of the Park and, on dissolution of the corporation, each Member would receive a pro rata distribution of the corporation's net assets.

With this language, as long as there is a 66% positive vote and pro rata payment, no basis would exist for a suit based on the proposed ordinance.

We request that this or similar language be included in the Ordinance, and we appreciate your attention to our request.

Yours truly,

Loene Trubkin

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Loene Trubkin
11250 Playa Street - #116
Culver City, California 90230

loenetrubkin@gmail.com
310-617-3530

August 15, 2011

Tevis Barnes, Housing Administrator
Culver City Housing Division
9770 Culver Blvd.
Culver City, CA 90232-0507

Re: Draft Mobilehome Park Residence Ordinance

Dear Ms. Barnes,

I am writing as a mobilehome park resident in Culver City. I am not writing in any official capacity and am speaking only for myself.

As a mobilehome park resident, I understand at a visceral level the fears of the people who are the intended beneficiaries of the draft Ordinance. In the Southern California housing market, finding low-rent alternatives is difficult to impossible. Moving mobilehomes is an expensive endeavor. Older mobilehomes may be neither movable nor acceptable to other Parks. One's investment in a mobilehome may be lost.

I understand that the possibility of displacing aging, possibly disabled mobilehome residents, even with many months' notice, tugs at the heart strings of Culver City council members.

But I do not believe the way to solve this problem is for the City to force mobilehome park owners to share with residents the value of their property. The residents made no contribution to the purchase of the property, and they did not participate in its governance or take responsibility for its debts. They made a decision to live in a mobilehome park with knowledge they had, or should have had, that it wasn't like renting an apartment. Over the years, the lower-than-apartment rents they paid allowed room to amortize the value of their mobilehomes, and the longer they have lived there, the more value should have been amortized. If the residents maintained their spaces or improved their homes, this is what we humans do. We improve our living space. Even renters put in carpets and paint their apartments and expect no reimbursement from landlords when their leases terminate.

I believe that forcing landlords to compensate displaced renters with a portion of the value of the underlying land is a form of taking that is not permitted under the Constitution. If the ordinance goes forward, the property owners likely will sue to protect their investments. The City, which by this ordinance is attempting to force

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specific property owners to pay for its view of social justice, will end up paying legal fees and, in my estimation, losing such a suit.

As a Culver City taxpayer, I object to the Ordinance and urge Council members to vote against it.

From comments at a recent community meeting about the proposed ordinance, I understand that the two mobilehome park owners targeted by this ordinance are willing to work with their residents toward a reasonable, mutually agreeable arrangement. In my view, that is a preferable process.

I appreciate your communicating my concerns to Council members.

Yours truly,

Loene Trubkin

Rec'd 7/11/11

GRAND VIEW MOBILEHOME PARK
NEIGHBORHOOD ASSOCIATION

Comments on the Proposed Culver City
Mobile Home Park Conversion Ordinance

The following comments represent a consensus of the Grand View Mobilehome Park Neighborhood Association mobile home owners in the Grandview Mobilehome Park, located at 4071 Grand View Blvd., Los Angeles, CA 90066.

Adoption of a Mobile Home Park Conversion Ordinance by Culver City to provide additional defined protection for mobile home owners in the event of a park closure would be an appropriate and long-sought "insurance" for the home owners. Certain of the features of the draft Ordinance are welcomed as essential to implement existing State law on this subject, which in key areas speaks only in general terms and would be subject to widely different interpretations by various concerned parties. For example, State law uses the term "fair market value" for the displaced mobile homes, but fails to define a method for determining a fair market value. It is an established real estate fact that any home value is highly sensitive to the location of the home. The Ordinance as proposed properly includes a valuation element tied to the plot of land on which a mobile home is situated. (Sect. 15.13.010)

One of the most critical issues of park closure from a mobile home owner's perspective is the minimum time of notice of park closure given to the home owners prior to eviction. State law only guarantees 6 months notice, while the Ordinance as presented stipulates 12 months. (Sect. 15.13.025 C.) Closure of a park will be a major impact to all home owners, and further, for some, viz., the elderly, handicapped and very low income persons, a likely disaster in their lives. If the City is really interested in protection of the most vulnerable, the minimum time of notice should be maximized. Our Association has argued for a minimum time of 18 months, as a compromise between the rights of the park owners and the mobile home owners. To the home owners, this is a crucial factor. In recognition of the importance of this item, the Mobilehome Park Conversions statute adopted by Huntington Beach in 2004 requires notice to the mobile home owners of the intended park closure "...at least eighteen (18) months prior to the date the mobilehome owner is required to vacate the premises."

The key to an "organized" impact park closure under the proposed Ordinance is the required Relocation Impact Report (RIR), which should specify the exact terms and conditions of all pertinent factors of the closing. Section 15.13.030 A. of the proposed Ordinance requires that the RIR draft presented for public hearing will include "...the nature of the relocation assistance benefits proposed..." Our Association believes the RIR presented for public review should state the "details" rather than the "nature" of the relocation assistance benefits proposed. Section 15.13.035 B.1. of the proposed Ordinance requires that the Culver City Community Development Director approve the consultant who will prepare the RIR. This is a reassuring requirement.

The RIR, as proposed, will expire one year from the date of approval unless 55% or more of the Eligible Occupants have received their relocation assistance benefits. (Sect. 15.13.035 F.1.) The requirement for 55% to be compensated should more properly be extended to 100%.

Section 15.13.040 A.7, which deals with first right of reentry, if appropriate, for displaced Eligible Occupants, should be a requirement to be included in the RIR, not merely a "consideration.".

Section 15.13.050 C.1. addresses the opportunity for the Applicant and Eligible Occupants to separately negotiate an exit benefits package, rather than adhering to the Ordinance provisions, but is operative only with "all" Eligible Occupants participating. The Association would prefer that the Ordinance controls unless "any" Eligible Occupant opts for a separate agreement with the Applicant.

The Ordinance as presented is adjudged to be generally well constructed to effect the purpose for which it is intended. However, there are a number of other factors which should be considered for inclusion, as follows:

1. Specifics of Reasonable Costs of Relocation as stated in the Huntington Beach Zoning and Subdivision Ordinance, Sect. 234.08 A.
2. Alternative housing, cf. the Hunting Beach Ordinance, Sect.234.08 F.
3. Purchase rights, cf. the Huntington Beach Ordinance, Sect. 234.08 H.

Typos noted in the Draft Ordinance:

1. p. 8: 13., "cannot be relocated" text repeat
2. p. 9: 55 "% percent" repeat

Respectfully submitted,

/s/ Frank Campagna
Frank Campagna, President
Grand View Mobilehome Park
Neighborhood Association

Baker, Heather

From: Keith Moret [kemo0325@yahoo.com]
Sent: Thursday, August 18, 2011 5:15 PM
To: Malsin, Scott
Cc: Baker, Heather
Subject: Meeting at The Wood

Scott

Thanks again for your giving us your time and attention yesterday to discuss the Mobile Home Ordinance. We understand the objectives of the Ordinance and Mr Teng is fully supportive of the idea of compensating tenants fairly if when a change of use is implemented. Your idea of including a "density bonus" to compensate the owners for the relocation is fair and just. I'm sure it will make the ordinance more palatable to the owners involved. I look forward to hearing more details of how this will be calculated.

As mentioned there are a couple of items in the ordinance which I think are less than clear or could be problematic to the Applicant/owners. I would like to address them as follows:

1.) **15.13.010 Definitions** "Eligible Occupant" is defined as a Mobile Home Owner residing in the Mobile home on a full time basis unless he is subleasing due to medical condition, etc. Can we add language to the definition that requires the Eligible Occupant to prove his residency before the Notification of the Report? I am concerned that someone who is leasing the mobile home to a tenant could move back in simply to collect relocation fees that he might not be eligible for.

2.) 15.13.030 Information Meetings- Section A states that 21 days prior to the Public Hearing on the R.I.R. the owner must schedule a meeting with residents regarding the status of RIR. This is not a major concern, but it seems that the conversation between owner and residents should come after the public hearing. It might be more productive in terms of clarifying details and information, etc. Just a thought.

3.) 15.13.035 Residential Impact Report -Section B "Process" Says that applicant shall select a consultant to prepare report. What exactly does this mean? Can it be an employee of the Applicant or himself? What are the qualifications that the city is looking for in this?

4.) **15.13.040 Findings and Conditions of Approval-** Section B "Conditions of Approval" #4 & #5 are troubling. It requires the applicant to pay 1st and last months rent plus security deposit. This seems like overcompensation to me in light of the fact that the residents are gettinng relocation assistance. There should at least be a limitation that the rent involved be comparable to what was being paid at the mobile home park. There will no doubt be tenants who wish to upgrade their residence. Shouldn't that be at their own expense?

Again, Scott your consideration of these items is greatly appreciated and I think it will make the ordinance more palatable and ultimately bring benefits to the entire community in the

form of a better use of the property, increased tax revenues, etc.

Finally, you mentioned another mobile home park operated by Culver City and Mr.Teng was wondering if that might be a potential spot for relocation if this proceeds.

We are most appreciative of your efforts and your spirit of cooperation. We will be reaching out to the other councilmembers per your suggestion and will remember your consideration. We look forward to working with you to make the ordinance a success,

Keith Moret
Investment Associate
REMAX Commercial
155 Washington Blvd
Marina Del Rey, CA 90292
Cell 310.617.2240
Office 310.577.5300 x350
Fax 866.656.2088
DRE# 01802527

REC'D 07/26/11

My name is Christopher white, my wife and I have lived at the Grandview Mobile Home Park. For approx 20 years.
Prior to living there, we lived around the corner on Inglewood blvd for approx 2 years in a 1-bedroom apartment, which we rented at the time for $600 per month.
Since 1992 the $600 per month rent has increased to $1200 per month.

Our dreams were one day to own a house, but at that time my wife was going to college and I was employed by MGM/PATHE and the numbers didn't add up to purchase property. So we paid rent …

One day in 1992 as my wife and I was walking through the peace full residential area on Grandview blvd. we came across the g.m.h.p. We were amazed to see a Mobile Home Park. Amongst all of these expensive houses. Wow we walked into the park to take a closer look.
We immediately fell in love with Grandview Mobile Home Park.

To our amazement we found an m.h. For sale and got the details
And they were…$24.000.00 for the Mobile Home. And $320 per month space rent.

We got it our dream house.
The financing that we secured for the Mobile Home. And the space rent equaled the rented one bedroom apartment around the corner.

Approx 20 years later here we are.

I know that none of the tenants own the land that there m.h. Rests on. But they do pay rent every month to Roy matsouka the owner and Roy pays Culver City taxes on that rental income. Those taxes make Culver City what it is today a desirable city close to the beach and film land. Culver city council strives to make Culver City the best it can be and that makes land voluble.

So the Grandview Mobile Home Park. Tenants do contribute indirectly to increase property value.

The real value of owning a Mobile Home. In Grandview Mobile Home Park. Is low rent?

We pay $380 space rent each month.
Over a period of approx 20 years I have paid approx $84,000.00 in space rent. (Not bad for a two-car parking space that our Mobile Home rests on).

Going over the totals I have paid Roy in space rent $84,000.00 and the totals I would have had to pay on the one bedroom apartment around the corner of $160,000.00.

I figured I've saved approx $80,000.00 in rents. That's what our Mobile Home Is worth to me.

I also have a secondary m.h. Net worth our state farm homeowner's insurance policy. They value our m.h. At $50,000.00 replacement cost plus contents. I hope Culver City council finds my story helpful in deciding what's fair and reasonable for both owner and tenant in this ordinance.

Thank you council members for listening to my comments and thank your staff for the research and studies they have completed in this ordinance.

Finally the ordinance only takes effect if the m.h.p. Is closed or sold. And Roy the owner always says that the m.h.p. Will never be sold. Ever.

Thank You.

Christopher and Ina Cole's-white
310 991 2451

ATTACHMENT 5

STAFF RESPONSE TO PUBLIC COMMENTS

A. Letter of August 15, 2011 from Loene Trubkin, President of Culver City Terrace:

1. Comment: requesting additional language with regard to definition of "Resident-Owned Mobilehome Park."

   Response: Resident-Owned Mobile Home Park is defined in the Proposed Ordinance as: "A Mobile Home Park that is owned by its residents, including, but not limited to, a condominium, stock cooperative or planned unit development of a Mobile Home Park." The language suggested by Mr. Trubkin is not necessary. Moreover, it will not be applicable to all forms of a Resident-Owned Mobilehome Park.

B. Email of July 11, 2011 from Frank Campagna, President of Grand View Mobilehome Park Neighborhood Association ("GMPNA"):

1. Comment: Park owners should be required to give 18 months notice of termination of tenancy rather than 12 months as set forth in the Proposed Ordinance. Mr. Campagna cites to the Huntington Beach ordinance as an example of an 18-month notice requirement.

   Response: State law provides minimum of six months notice and the mobile home park residents had previously suggested 18 months. Staff believes that 12 months is a reasonable period of time.

2. Comment: Section 15.13.030.A of the Proposed Ordinance requires that the RIR draft presented for public hearing include "...the nature of the relocation assistance benefits proposed..." Suggests it should state the "details" rather than the "nature" of the relocation assistance benefits proposed.

   Response: As indicated in the staff report, Section 15.13.030.A of the Proposed Ordinance has been revised to change "nature" to "details" to address this comment.

3. Comment: The Relocation Impact Report (RIR) should expire one year from the date of approval unless 100% of the Eligible Occupants receive their relocation assistance benefit.

Response: The Proposed Ordinance only requires that 55% of the Eligible Occupants receive their relocation assistance benefits within a one-year period in order to keep the RIR active. However, the Proposed Ordinance also has the added protection that if benefits have not been provided to 100% of the Eligible Occupants within one year of approval of the RIR, then a cost of living increase is added to the specified relocation benefits.

4. Comment: Request for a requirement for reentry into any new residential development be included as a condition of approval for the RIR.

Response: Such a requirement is included as a potential condition of approval that the City Council may require in its consideration and approval of an RIR (See Section 15.13.040.B.7).

5. Comment: Requests that Section 15.13.050.C.1 be revised to read "the applicant has entered into a written agreement with *any* Eligible Occupants..."

Response: Staff has made revisions to the Proposed Ordinance to further clarify the issue of partial exemptions and applicability with regard to independent agreements reached with Eligible Occupants. Specifically, Section 15.13.050.C.1 was revised to read:

> "The Applicant has entered into a written agreement with specified Eligible Occupants providing for mutually satisfactory relocation assistance benefits. A request for exemption under this Subsection shall apply to only those specified Eligible Occupants that have reached an agreement with the Applicant..."

In addition, a new subdivision was added to Section 15.13.005.B.2 to include a provision that the Proposed Ordinance shall not apply to:

> "A Mobile Home Park where the Applicant has entered into a written agreement with 100 percent of the Eligible Occupants providing for mutually satisfactory relocation assistance benefits. The written agreement shall comply with the requirements of Section 15.13.050.C.1.a. The agreements shall be recorded against the Mobile Home Park property on the records of the County of Los Angeles in sufficient

form and detail to advise a potential purchaser of the fee interest in the Mobile Home Park property of the existence of and content of the agreement. Any prospective purchaser of a Mobile Home in the Mobile Home Park shall be advised as to the existence of any such agreements before purchasing a Mobile Home and provided with a copy of the recorded agreements."

6. Comment: Requests specifics of reasonable costs of relocation be included similar to those stated in the Huntington Beach ordinance (HBMC Section 234.08.A.1).

Response: The City's Proposed Ordinance includes most of what is included in the Huntington Beach ordinance relating to costs of relocation except for the following:

- Reasonable living expenses for the displaced tenant from the date of actual displacement until the date of occupancy at a new mobile home park site. (The City's Proposed Ordinance provides for reasonable expenses incurred in relocating to a new residence, whether relocation is to another mobile home park or other rental housing.)
- Payment of any security deposit required at a new mobile home park site . (The City's Proposed Ordinance provides for the payment of a security deposit upon a showing of financial hardship, whether relocation is to another mobile home park or other rental housing— See Section 15.13.040.B.5)
- The difference between the rent paid in the existing mobile home park and any higher rent at a new mobile home park site for the first 12 months of the relocated tenancy. (The Proposed Ordinance provides for the payment of first and last months rent at a new site, whether relocation is to another mobile home park or other rental housing— See Section 15.13.040.B.4)

7. Comment: GMPNA July 11th comments requests that where a tenant cannot be relocated into another mobile home park, the mobile home park owner may relocate a tenant to other types of housing, including senior, affordable and market rate, similar to the provisions in the Huntington Beach ordinance.

Response: The Proposed Ordinance also permits the relocation of a tenant to other types of housing. Staff did not

feel it was necessary to specify the type of alternative housing, but the application of the Proposed Ordinance would permit the mobile home park owner to relocate a tenant to any other rental housing, including but not limited to, senior, affordable or market rate housing. (See Section 15.13.040.B.3)

8. Comment: GMPNA July 11th comments requests that the mobile home owner receive a written guarantee of first right of refusal to purchase units if the development that replaces the mobile home park is to be partially or entirely residential units, similar to provisions in the Huntington Beach ordinance.

   Response: The Proposed Ordinance already includes a provision allowing the City Council to require as a potential condition to its approval of an RIR that the mobile home park owner offer residential units for rental or purchase first to Eligible Occupants when the mobile home park is converted to another residential use. (See Section 15.13.040.B.7)

C. Email dated August 18, 2011 from Keith Moret (Frank Teng's realtor):

1. Comment: Regarding the definition of Eligible Occupant (Section 15.30.010)— Is concerned that someone who is leasing the mobile home to a tenant could move back in simply to collect relocation fees that he or she might not be eligible for. Suggests that the definition of Eligible Occupant include language to require proof of residency prior to the mobile home park residents being notified of the filing of the RIR.

   Response: As stated in the staff report, the definition of Eligible Occupant has been revised to address this comment.

2. Comment: Relating to informational meetings (Section 15.13.030.A)— Suggests that this meeting may be more productive, in terms of clarifying details and information, etc., if it occurs *after* the public hearing on the RIR rather than 21 days prior to the public hearing.

   Response: Staff suggests that the purpose of the meeting is to keep the residents of the mobile home park fully informed of the RIR application and process. This is

particularly important for their understanding of the issues prior to the public hearing before the City Council.

3. Comment: Question about the qualification and selection process for the applicant's consultant that will prepare the RIR. (See Section 15.13.035.B.1)

   Response: Approval of the consultant by the Community Development Director is required to ensure that they are qualified and experienced in the area of RIR preparation.

4. Comment: Is concerned about the requirement of the applicant to pay first and last months rent plus security deposit and believes this to be overcompensation in light of the fact that the residents are getting relocation assistance. Recommends that there be a limitation that the rent paid is comparable to the space rent being paid by the mobile home park resident at the time of closure.

   Response: The payment of a security deposit as set forth in the Proposed Ordinance is not automatic, but upon a showing of financial hardship. With regard to first and last months rent, there are various options the City Council may consider. For example, the City of Huntington Beach (as mentioned above) requires payment of the difference in rent paid in the existing mobile home park and any higher rent at a new *mobile home park site* for the first 12 months of the relocated tenancy. However, where alternate housing is provided, Huntington Beach only requires a payment of "compensation," which is not defined.

ATTACHMENT 6

PAJAMALAW

The Law Offices of Sabrina Burton
2015 Navy Street
Santa Monica, California 90405
Tel. 310.399.4667
Fax 310.496.0134
sburton@pajamalaw.net

May 10, 2011

RECEIVED
11 MAY 10 AM 8:30
CULVER CITY, CALIFORNIA
CITY CLERK'S OFFICE

VIA HAND DELIVERY

The City of Culver City
9770 Culver Boulevard
Culver City, California 90232-0507

Attention: Mayor O'Leary and City Council Members

Re: Proposed "No Closure Covenant" for Mobile Home Parks

Mr. Mayor and Honorable Council Members:

I represent Roy Matsuoka and his family, the owners of one of two small mobile home parks located in Culver City. By way of follow-up on Mr. Matsuoka's recent meetings with City Council members (and on my recent email correspondence with City Staff), I am writing to put forward more formally a proposed alternative to the mobile home park closure ordinance that the City has been considering.

As we have discussed, Mr. Matsuoka would be willing to enter into a binding covenant pursuant to which Mr. Matsuoka and the City would agree as follows:

- Mr. Matsuoka would not initiate any closure of his park for a designated period of time (for discussion purposes, we are proposing a three year no-closure period).
- During the no-closure period, the City would suspend enactment of any mobile home park closure ordinance.
- During the no-closure period, Mr. Matsuoka would work in good faith to reach written agreement on relocation arrangements for each unit owner presently living in his park.
- The covenant would be recorded as an encumbrance on Mr. Matsuoka's property, and would be expressly binding on any successor owner of the property.

Though I only represent Mr. Matsuoka and his family, the owner of the other mobile home park, Mr. Frank Teng, has expressed his willingness to pursue this type of covenant arrangement with the City as well.

We feel certain that the residents of both parks would welcome a period of certainty, which such a no-closure covenant would provide them. We also feel that providing each park owner with a reasonable period of time within which to address the particular relocation needs of their own resident unit owners would be greatly preferable to the hasty enactment of a 'one-size-fits-all' ordinance.

I am hopeful that we will have an opportunity to work with you and with City Staff to further refine the foregoing proposal. Toward that end, we invite direction from you as to how we should proceed at this juncture.

If any of you should have specific questions in this regard, I would welcome an opportunity to speak with you. You can reach me at the number indicated above.

Yours sincerely,

Sabrina Burton

c: Mr. Roy Matsuoka
Mr. Michael Goodman
Mr. David Evans
Terry Dowdall, Esq.
Ms. Tevis Barnes
Heather Baker, Esq.

From: Foek Nan Teng <foeknan@roadrunner.com>
Date: June 17, 2011 11:36:26 AM PDT
[redacted]
Subject: FW: Draft Ordinance

Subject: Draft Ordinance
Dear Mr. Weissman,
I am writing to confirm that I support the proposed no closure covenant described in Sabrina Burton's letter to the City of May 10. I would be willing to enter into such a covenant with respect to my mobile home park situated at
4025 Grand View Blvd. Culver City. Ca 90066.
Best Regards.
Foek Nan Teng.

Recording Requested by and
When Recorded Return to:

CULVER CITY
9770 Culver Boulevard
P.O. Box 507
Culver City, California 90232-0507
Attention: _____

OFFICIAL BUSINESS. FREE RECORDING REQUESTED PURSUANT TO GOVERNMENT CODE §6103

AGREEMENT CONTAINING COVENANTS
AFFECTING REAL PROPERTY

THIS AGREEMENT CONTAINING COVENANTS AFFECTING REAL PROPERTY (this "Agreement") is entered into by and among the CULVER CITY REDEVELOPMENT AGENCY, a public body corporate and politic (hereinafter referred to as "Agency"), and _____ ("Owner"), with reference to the following:

RECITALS

WHEREAS, Owner is the owner of certain real property located within the City of Culver City (the "City"), County of Los Angeles, State of California, at _____ (hereinafter referred to as the "Property"), which Property is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Owner presently operates on the Property a mobilehome park, as such term is defined in the California Mobilehome Residency Law (*Ca. Civil Code §798 et seq*) (such operation, the "Park"), in which certain persons presently reside in mobilehomes owned by such persons (such persons, "Park Unit Owners"); and

WHEREAS, Agency has drafted and circulated a proposed ordinance (the "Proposed Ordinance") amending Title 15, Land Useage, of the Culver City Municipal Code for the purpose of supplementing the protection afforded to the Park Unit Owners (and other mobilehome park residents in the City of Culver City) under the California Mobilehome Residency Law in the event of a closure of the Park (or other mobile home parks located in the City of Culver City); and

WHEREAS, Agency has agreed to defer adoption of the Proposed Ordinance for a designated period of time in order to provide Owner and the Park Unit Owners with an opportunity to reach agreement as to specific relocation benefits to be afforded to each of the Park Unit Owners in the event of a closure of the Park; and

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WHEREAS, in exchange for Agency's agreement to defer adoption of the Proposed Ordinance for such period, Owner has agreed not to initiate any closure of the Park for a period of _____ (__) years from the date of this Agreement.

NOW, THEREFORE, Agency and Owner HEREBY AGREE AS FOLLOWS:

1. During the term of this Agreement, Owner hereby covenants and agrees for itself, its successors, its assigns, and every successor owner of the Property or operator of the Park that Owner, and such successors and such assigns and/or Park operators, shall:

   a. Not close Park or take any action to initiate closure of Park

   b. Negotiate in good faith with each Park Unit Owner toward the end of reaching written agreement as to the relocation arrangements and benefits to be received by such Park Unit Owner upon any closure of the Park.

2. During the term of this Agreement, Agency covenants and agrees to defer enactment of the Proposed Ordinance, or any substitute ordinance amending Title 15, Land Useage, of the Culver City Municipal Code for the purpose of supplementing the protection afforded to the Park Unit Owners (and other mobilehome park residents in the City of Culver City) under the California Mobilehome Residency Law in the event of a closure of the Park (or other mobile home parks located in the City of Culver City).

3. The term of this Agreement shall commence on the date hereof shall remain in full force and effect for a period of _____ (__) years, expiring automatically on _____, 201__. The covenants of Owner set forth herein shall be covenants running with the land.

4. In amplification and not in restriction of the provisions set forth hereinabove, it is intended and agreed Agency and City shall each be deemed a beneficiary of the agreements and covenants provided hereinabove, both for and in each of their own rights and also for the purposes of protecting the interests of the community. All covenants, without regard to technical classification or designation, legal or otherwise, shall, in any event, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by Agency, its successors and assigns, and City and its successors and assigns, against Owner, its successors and assigns, and any party in possession or occupancy of the Property and such covenants shall run in favor of Agency and City for the entire period during which such covenants shall be in force and effect, without regard to whether Agency or City is or remains an owner of any land or interest therein to which such covenants relate. Agency and City shall have the right, in the event of any breach of any such agreement or covenant, to exercise all the rights and remedies, and to maintain any actions at law or suit in equity or other proper proceedings to enforce the curing of such breach of agreement or covenant.

5. No violation or breach of the covenants, conditions, restrictions, provisions or limitations contained in this Agreement shall defeat or render invalid or in any way impair the lien or charge of any mortgage or deed of trust or security interest permitted by this Agreement; provided, however, that any subsequent owner of the Property shall be bound by such remaining covenants, conditions, restrictions, limitations and provisions, whether such owner's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

THIS SPACE INTENTIONALLY LEFT BLANK

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IN WITNESS WHEREOF, Agency and Owner have caused this Agreement to be executed on their behalf by their respective officers hereunto duly authorized, and this Agreement shall be effective as of the date it is recorded.

CULVER CITY REDEVELOPMENT AGENCY,
a Public Body, Corporate and Politic

Dated:_____ By:_____
Susan Evans, Assistant Executive Director

[OWNER SIGNATURE BLOCK HERE]

Dated:_____ By:_____
Name Printed:_____
Title:_____

Exhibit A

LEGAL DESCRIPTION TO THE AGREEMENT CONTAINING COVENANTS AFFECTING REAL PROPERTY FOR _____ GRANDVIEW BOULEVARD

[TO BE ATTACHED]

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REC'D
08/04/11

GRANDVIEW MOBILE HOME PARK
PETITION IN SUPPORT OF NO-CLOSURE COVENANT

The undersigned Resident Unit Owners each support the idea of an agreement between the City of Culver City and the owner of the Grandview Mobilehome Park (Roy Matsuoka) that would **prohibit the Park from being closed** for a period of **at least 3 years** in order to allow the Park Owner and the Resident Unit Owners to reach agreement on the **specific relocation arrangements for each of the Resident Unit Owners** that would apply if the Park were to close in the future.

Respectfully Submitted to the City of Culver City

Roy Matsuoka on 8-3 *, 2011*

Unit No.	Resident Name	Telephone (310)	Signature	Date Signed
[redacted]	[redacted]	[redacted]	x Maria Ro	7-21-11
[redacted]	[redacted]	[redacted]	x	7-21-11
[redacted]	[redacted]	[redacted]	x	7/21/11
[redacted]	[redacted]	[redacted]	x	7-21-11
[redacted]	[redacted]	[redacted]	x	7-21-11
[redacted]	[redacted]	[redacted]	x	7-22-11
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	x	7-22-11

ATTACHMENT 7

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110

GRANDVIEW MOBILE HOME PARK
PETITION IN SUPPORT OF NO-CLOSURE COVENANT
(continued)

The undersigned Resident Unit Owners each support the idea of an agreement between the City of Culver City and the owner of the Grandview Mobilehome Park (Roy Matsucka) that would **prohibit the Park from being closed** for a period of **at least 3 years** in order to allow the Park Owner and the Resident Unit Owners to reach agreement on the **specific relocation arrangements for each of the Resident Unit Owners** that would apply if the Park were to close in the future.

Unit No.	Resident Name	Telephone	Signature	Date Signed
[redacted]	MARGOT SYROS ([redacted]		x Margot Syros	7/23/11
[redacted]	Cecilia Hurtado [redacted]		x Cecilia Hurtado	7/23/11
[redacted]	Rick Bumgarner [redacted]		x Rick Bumgarner	7-27-11
[redacted]	TOMASA PRICE [redacted]		x BRET PRICE	7-29-11
[redacted]	JOANNE PRICE [redacted]		x J Price	8-3-2011
[redacted]	NOT HOME	OUT OF TOWN		
			x	
			x	

Jordan, Sherry

From: Barnes, Tevis
Sent: Tuesday, August 09, 2011 10:56 AM
To: Baker, Heather; Jordan, Sherry; Kennedy, Mona
Subject: FW: Petition for the Agreement of Park nonclosure
Attachments: IMG.pdf; IMG_0001.pdf; IMG_0002.pdf

From: Foek Nan Teng [mailto:foeknan@roadrunner.com]
Sent: Tuesday, August 09, 2011 10:55 AM
To: Barnes, Tevis
Subject: FW: Petition for the Agreement of Park nonclosure

From: Foek Nan Teng [mailto:foeknan@roadrunner.com]
Sent: Tuesday, August 09, 2011 10:47 AM
To: 'tevis.barnes@culvercity.org'
Subject: Petition for the Agreement of Park nonclosure

Dear Ms. Tevis Barnes,

I would like to attach the petition agreement for Councilman's consideration, Which shows our intention not to close the park for 3 Years in order to convince the Culver City not to make the ordinance law for the park closure. Please advise us if that would be a possible alternate choice. Thank you for your assistance.

Best Regards.

Frank Teng.

GRANDVIEW MOBILE HOME PARK
PETITION IN SUPPORT OF NO-CLOSURE COVENANT

The undersign Resident Unit Owners each support the idea of an agreement between the City of Culver City and the owner of the Grandview Mobile Home Park (Frank Teng) that would **prohibit the Park from being closed** for a period of at least 3 years in order to allow the Park Owner and the Resident Unit Owners to reach agreement on **the specific relocation arrangements for each of the Resident Unit Owners** that would apply if the Park were to close in the future.

Respectfully Submitted to the City of Culver City
By
Frank Teng on July 24, 2011

	Unit No.	Resident Name	Telephone	Signature	Date Signed
X	[redacted]	Clyde Bacon	[redacted]	x [redacted]	07-24-11
	[redacted]	[redacted]	[redacted]	x [redacted]	7-24-11
X	[redacted]	[redacted]	[redacted]	x [redacted]	7-24-11
X	[redacted]	Shelley Andrews	[redacted]	x Shelley Andrews	7-24-11
X	[redacted]	Sherri D Hodge	[redacted]	x Sherri D Hodge	8/8/11
	[redacted]	Sherri D Hodge	[redacted]	x Sherri D Hodge	8/8/11
	[redacted]			x	

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GRANDVIEW MOBILE HOME PARK
PETITION IN SUPPORT OF NO-CLOSURE COVENANT

The undersign Resident Unit Owners each support the idea of an agreement between the City of Culver City and the owner of the Grandview Mobile Home Park (Frank Teng) that would **prohibit the Park from being closed** for a period of at least 3 years in order to allow the Park Owner and the Resident Unit Owners to reach agreement on the **specific relocation arrangements for each of the Resident Unit Owners** that would apply if the Park were to close in the future.

Unit No.	Resident Name	Telephone	Signature	Date Signed
[redacted]			x	
[redacted]	[redacted]	[redacted]	x Ischak Zuker	8/8/11
[redacted]	[redacted]	[redacted]	x Adam Zuker	8/8/11
[redacted]			x	
[redacted]	[redacted]	[redacted]	[redacted]	8/9/11
[redacted]	[redacted]	[redacted]	x	07/24/2011
[redacted]	FERNANDO MACHIC (PARTE)	[redacted]	x	07/24/2011

GRANDVIEW MOBILE HOME PARK
PETITION IN SUPPORT OF NO-CLOSURE COVENANT

The undersign Resident Unit Owners each support the idea of an agreement between the City of Culver City and the owner of the Grandview Mobile Home Park (Frank Teng) that would **prohibit the Park from being closed** for a period of at least 3 years in order to allow the Park Owner and the Resident Unit Owners to reach agreement on the **specific relocation arrangements for each of the Resident Unit Owners** that would apply if the Park were to close in the future.

Unit No.	Resident Name	Telephone	Signature	Date Signed
[redacted]			x	
[redacted]			x	
[redacted]	CHAD R. BRADLEY	[redacted]		7-24-11
[redacted]	Barbara Simpson		x	
[redacted]	Coleen Tracy	[redacted]	x	7-24-11
[redacted]	Martha R. Tracy		x MARTHA TRACY	7-24-11
			x	

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ATTACHMENT 8

RECEIVED
SILVER CITY HOUSING
11 AUG -9 PM 4:08

August 9, 2011

Tevis—

I understand that a petition regarding a 3-Year Covenant not to close the Grandview Mobilehome Park by/for Roy Matsuoka has been filed with Housing in conjunction with the effort proceeding on the Park Conversion Ordinance. I hereby request a copy of said petition, along with any cover letter or other documents that may have been submitted on this subject by or on behalf of Mr. Matsuoka.

I am currently preparing petitions signed by members of our Grand View Mobilehome Neighborhood Association who were misled and/or coerced to sign the referenced petition submitted by Mr. Matsuoka and who wish to rescind their signatures to that petition. On or about July 23, 2011, Mr. Matsuoka appeared at our park and addressed certain mobile home owners in our Park individually with his petition, which he stated would only serve "to separate our Park from the other Mobile Home Park" for purposes of consideration of the proposed park conversion ordinance. Further, he told one handicapped lady that if the proposed ordinance passed, he was going to sell the Park and she would "be out on the street." He told others that our Park would be as is for 10 years or more and an ordinance is not necessary. A number of those who signed the petition felt intimidated and "required" to sign the petition.

I met Mr. Matsuoka at our Park after he had secured the signatures and discussed the matter with him. I asked for a copy of the document, which he refused to give me. Later he said he would give me a copy, but none has been forthcoming. One of the signors of the petition, a day later, in my presence, asked Mr. Matsuoka for a copy of what he had signed, and Mr. Matsuoka refused to give him a copy, then or afterwards. That individual then requested that his name be removed from the petition; Mr. Matsuoka said he would draw a line through that individual's name on the petition.

Those who are withdrawing their signatures from the petition are ardent supporters of the City's adoption of a Mobile Home Park Conversion Ordinance, along the lines of the Draft version. If the park owner(s) would like to supplement the ordinance with a covenant, there would be no objection from our Association, but we are looking for an ordinance as the only real protection re park closure.

Frank Campagna
President
GMP Neighborhood Association

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Page 1

Petition No. 2 of Mobile Home Owners at the Grandview Mobilehome Park

On July 23, 2011, Mr. Roy Masuoka, owner of the Grandview Mobilehome Park where I own a mobile home, approached each of the undersigned individually and asked that we sign a petition which was intended to "separate our Park from the other Mobile Home Park" for purposes of consideration of a proposed mobile home park conversion ordinance by the Culver City City Council. He was very demanding in his request and I signed his petition. I have since learned that his signed petition has been filed with the City in an apparent attempt to indicate that I would prefer a 3-Year Covenant by him not to close our Park, rather than enactment of a mobile home park conversion ordinance, which definitely is not the case. My absolute preference on this matter is for the City to adopt a park conversion ordinance such as the one presently being considered, and I therefore retract and cancel my signature from his petition. I would never have signed his petition if I realized that it might be used to indicate that I was not fully supportive of the City's adoption of a mobile home park conversion ordinance.

RECEIVED
CULVER CITY
2011 AUG -9 PM 2:08
CITY CLERK'S OFFICE

Name	Signature	Unit #	Date
X Susan E. Bourland	Susan E. Bourland	[redacted]	8/07/11
Richard Bradford	Richard Bradford	[redacted]	8/7/11
Maria Baes	Maria Baes	[redacted]	8-7-11
YOLANDA M PHELPS	Yolanda M. Phelps	[redacted]	8-8-11
Cecilia Kurtz	Cecilia Kurtz	[redacted]	8-8-11

RECEIVED
11 AUG 30 AM 10:53
CITY ATTORNEY-RISK MGMT.
CITY OF CULVER CITY

RECEIVED
CULVER CITY HOUSING
11 AUG 15 PM 3:36

4071 Grand View Blvd., Unit 14
Los Angeles, CA 90066
August 15, 2011

Ms. Tevis Barnes, Housing Administrator
Culver City City Hall
9770 Culver Blvd.
Culver City, CA 90232

Dear Tevis:

Attached please find three (two multiple page) Petitions signed by various members and associates of the Grand View Mobilehome Neighborhood Association, each of whom is an owner of a mobile home located in the Grandview Mobilehome Park.

Petition No. 1 has been signed by or with authorization of mobile home owners who did not sign the Covenant petition circulated by Roy Matsuoka, expressing their support and preference for the City to consider adoption of a Mobile Home Park Conversion Ordinance rather than an MOU or Covenant not to close, regardless of the term of any such Covenant.

Petition No. 2 is a similar support and preference for an Ordinance as stated above, but in addition requests that their signatures on Mr. Matsuoka's Petition be withdrawn and canceled.

Petition No. 3 states a preference for an Ordinance as opposed to a Covenant, by signors of the Matsuoka Covenant Petition.

I can be reached by phone at (310)918-5117 or by eMail at tofcamp@yahoo.com.

Thank you for coordination of these Petitions with the other documents in support of the Ordinance.

Frank Campagna
President
GMP Neighborhood Association

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RECEIVED
CULVER CITY HOUSING

11 AUG 15 PM 3:36

Petition No. 1 of Mobile Home Owners at the Grandview Mobilehome Park

We, the below signed mobile home owners at the Grandview Mobilehome Park, hereby express our full support for adoption of a mobile home park conversion ordinance by Culver City. The Draft of a proposed Ordinance promulgated by the City is generally acceptable, but we ask that the comments thereto submitted to the City by the Grand View Mobilehome Park Neighborhood Association be considered for inclusion in a final version of the Ordinance.

Name	Signature	Unit #	Date
Cecilia Kurtz	Cecilia Kurtz	[redacted]	8/7/11
Michael Bushman	Michael Bushman	[redacted]	8-7-11
Harold Miller	H Miller	[redacted]	8/7/11
Christopher White		[redacted]	8/7/11
Lisa Estes-White	Lisa Estes-White	[redacted]	8-7-11
J Savenbier		[redacted]	8-8-11
Rich Chrono		[redacted]	8-12-11

Petition No. 1 of Mobile Home Owners
at the Grandview Mobilehome Park

We, the below signed mobile home owners at the Grandview Mobilehome Park, hereby express our full support for adoption of a mobile home park conversion ordinance by Culver City. The Draft of a proposed Ordinance promulgated by the City is generally acceptable, but we ask that the comments thereto submitted to the City by the Grand View Mobilehome Park Neighborhood Association be considered for inclusion in a final version of the Ordinance.

Name	Signature	Unit #	Date
Frank Campagna	Frank Campagna	[redacted]	8/13/11
Jerry Kish	e-Mail Authorization Attached	[redacted]	8/13/11

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Re: Fw: Info from Jeri Kish 1

Hide Details

FROM: jerikish@juno.com

Saturday, August 13, 2011 1:46 PM

TO: tofcamp@yahoo.com

Frank,

Thanks for the information.

This is my okay to add my name to the list of mobile home owners at Grandview Mobilehome Park who have already signed the attached petition stating that we are in favor of Culver City adopting a Mobile Home Park Conversion Ordinance to clarify what the process is to be when a mobile home park such as ours is closed in Culver City.

If you still need me to send you a signed copy please let me know and I'll try to find a scanner.

Jeri

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Petition No. 2 of Mobile Home Owners
at the Grandview Mobilehome Park

On July 23, 2011, Mr. Roy Masuoka, owner of the Grandview Mobilehome Park where I own a mobile home, approached each of the undersigned individually and asked that we sign a petition which was intended to "separate our Park from the other Mobile Home Park" for purposes of consideration of a proposed mobile home park conversion ordinance by the Culver City City Council. He was very demanding in his request and I signed his petition. I have since learned that his signed petition has been filed with the City in an apparent attempt to indicate that I would prefer a 3-Year Covenant by him not to close our Park, rather than enactment of a mobile home park conversion ordinance, which definitely is not the case. My absolute preference on this matter is for the City to adopt a park conversion ordinance such as the one presently being considered, and I therefore retract and cancel my signature from his petition. I would never have signed his petition if I realized that it might be used to indicate that I was not fully supportive of the City's adoption of a mobile home park conversion ordinance.

Name	Signature	Unit #	Date
Susan E. Bourland	Susan E. Bourland	[redacted]	8/07/11
Richard Bradford	Richard Bradford	[redacted]	8/7/11
Maria Baes	Maria Baes	[redacted]	8-7-11
YOLANDA M PHELPS	Yolanda M. Phelps	[redacted]	8-8-11
Cecilia Kurtz	Cecilia Kurtz	[redacted]	8-8-11

06

Petition No. 2 of Mobile Home Owners at the Grandview Mobilehome Park

On July 23, 2011, Mr. Roy Masuoka, owner of the Grandview Mobilehome Park where I own a mobile home, approached each of the undersigned individually and asked that we sign a petition which was intended to "separate our Park from the other Mobile Home Park" for purposes of consideration of a proposed mobile home park conversion ordinance by the Culver City City Council. He was very demanding in his request and I signed his petition. I have since learned that his signed petition has been filed with the City in an apparent attempt to indicate that I would prefer a 3-Year Covenant by him not to close our Park, rather than enactment of a mobile home park conversion ordinance, which definitely is not the case. My absolute preference on this matter is for the City to adopt a park conversion ordinance such as the one presently being considered, and I therefore retract and cancel my signature from his petition. I would never have signed his petition if I realized that it might be used to indicate that I was not fully supportive of the City's adoption of a mobile home park conversion ordinance.

Name	Signature	Unit #	Date
BRENDA COTTEN	Brenda Cotten	[redacted]	8/9/11

Petition No. 3 of Mobile Home Owners
at the Grandview Mobilehome Park

On July 23, 2011, Mr. Roy Masuoka, owner of the Grandview Mobilehome Park where I own a mobile home, approached each of the undersigned individually and asked that we sign a petition which indicated support for a 3-Year Covenant by him not to close our Park, and I signed the petition. I have since learned that his petition has been filed with the City and I fear my signature may be misinterpreted as a sign that I would prefer a 3-Year Covenant, rather than the City's adoption of an equitable park conversion ordinance, which is not the case. I am fully supportive of and would prefer the City's adoption of a mobile home park conversion ordinance that is fair to both the Park owner and the mobile home owners.

Name	Signature	Unit #	Date
EVA YUEN	Eva Yuen	[redacted]	8/15/11

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Item A-1
(continued)

3. CREATE THE AD HOC SUBCOMMITTEE ON DRAFTING THE ARGUMENT IN FAVOR OF, AND REBUTTAL TO ARGUMENT AGAINST, AN INCREASE IN THE CITY'S TRANSIENT OCCUPANCY (HOTEL) TAX; AND,

4. APPOINT MAYOR O'LEARY AND VICE MAYOR MALSIN TO THE AD HOC SUBCOMMITTEE; AND,

5B. DETERMINE THE CHARGE OF THE AD HOC SUBCOMMITTEE TO BE THE DRAFTING OF THE ARGUMENT IN FAVOR OF, AND REBUTTAL ARGUMENT AGAINST (IF NECESSARY) THE MEASURE AND DIRECT THE SUBCOMMITTEE TO SUBMIT SUCH DRAFT ARGUMENT(S) TO THE CITY COUNCIL NO LATER THAN OCTOBER 24, 2011 (FOR THE ARGUMENT IN FAVOR) AND NOVEMBER 14, 2011 (FOR THE REBUTTAL ARGUMENT AGAINST) AT WHICH TIME THE CITY COUNCIL CONSIDERS THE WORK OF THE SUBCOMMITTEE IT SHALL ALSO CONSIDER DISSOLUTION OF THE SUBCOMMITTEE.

oOo

Item A-2

Consideration of 1) Introduction of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; or 2) Direction to Staff to Prepare a Draft "No-Closure" Covenant.

Staff provided a summary of the material of record.

Heather Baker, Assistant City Attorney, indicated that copies of correspondence from legal representatives for Mr. Matsuoka were available to the public.

Councilmember Weissman indicated that he had many questions regarding applicability; income requirements; affordability; adequate mitigation of adverse impacts; eligibility of new owners; relocation assistance benefits; interests acquired after the initial application was made; examples of monetary or non-monetary benefits; vacant use; change of use; closure; prospective new residents; relocation specialists; extension requests; clarification that closure or relocation would not be approved until all benefits are paid; language regarding conditions of approval; clarifying financial hardship; alternative relocation benefits; forfeiture of rights; and specified eligible occupants.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Frank Campagna, Grandview Mobile Home Park Neighborhood Association, asserted that none of the mobile home owners in the park wanted to see it closed at any time; he noted that the ordinance was not an attempt to receive invalid benefits but was rather a plea for protection in the event of a park closure; he discussed instituting a covenant not to close the park for a given length of time; expressed support for the passage of an ordinance to protect the residents; discussed basic human rights and the rights of business owners; the effect of a park closure on mobile home occupants; quality of life; responsibilities of business owners; and he asked for help with the minimum time of notice.

Yolanda Phelps expressed concern with the ordinance and asked for protection from the City to allow her to continue living in her home.

Cecilia Kurtz indicated that it had been a long, difficult, emotional situation for the mobile home residents and the terminology used in the ordinance and covenant was difficult to understand; she discussed the insecurity that the residents have to live with; and she indicated that they wanted to be able to stay in their homes.

Susan E. Bourland reported being on a fixed income, noted that she would be on the street if the mobile home park were to be closed; she indicated that she bought the mobile home with the understanding that she would be able to stay there forever; and she asked the City Council to consider that they need a place to live.

Sherri D. Hodge noted that many had signed the petition allowing them to listen to the owners to see if they can create a covenant to assist them and she thanked the City Council and staff for their attempt to help them with the ordinance and for putting energy into the project.

Michael Goodman thanked the City for their help; read a statement from Roy Matsuoka, the owner of the Grandview Mobile Home Park; he commented that an alternative to the proposed ordinance was a no closure covenant option to protect all interests for the next three years to allow enough time for everyone to tailor and personalize agreements; he felt the proposed ordinance would de-value the land; discussed a proposed offsetting density bonus; noted the commitment of the owner to the safety and well-being of residents; he strongly urged the City Council to forego enactment of the ordinance as drafted and instead to pursue the no closure covenant as an option; and he cited comments made by speakers as an indicator that people do not fully understand the ordinance and he felt that matter should be considered further.

Terry Dowdall, a property rights lawyer, discussed procedural issues; issuing a 12-month intent to close or change use; the Relocation Impact Report; relocation entitlement; the 60 day notice of termination of tenancy; requirements when a park owner is going out of business; changes of use when permits are required for development; he discussed issues with the ordinance; the use evaluation; cited value; change of title and the title report; the experience of the City of Thousand Oaks; and he asked staff to reevaluate the item.

Alice Prasad, Associate Analyst, read written comments submitted by:

Christopher White

Discussion ensued between the City Council and staff regarding the genesis of the ordinance idea; rights of the mobile home park owners; providing greater certainty and financial assistance to residents; building in the value of the property; respect for the rights of both parties; clarification that mobile home park dwellers have a financial stake in the dwelling; protecting resident investments; exploration of a future zoning amendment to create an overlay to provide additional density to support the increased compensation required by the ordinance; language regarding eligibility; Huntington Beach ordinance versus Thousand Oaks ordinance; enforceability of the covenant versus the ordinance; involvement of consultants; clarification that staff believes in the validity of the proposed ordinance; recourse for residents against violations of the covenant; satisfying concerns; defining rights and responsibilities of both parties; the potential overlay zone; and providing additional clarity that is lacking from the state legislation.

Martin Cole, Assistant City Manager/City Clerk, suggested that the City Council move on to Action Item A-3 to allow staff time to gather additional information for the City Council.

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Item A-3

Approval to Close Portions of City Streets in the Downtown Area, and a Segment of Washington Boulevard between Culver Boulevard and Overland Avenue, for the '2011 Step Out: Walk to Fight Diabetes 5-K Walk' Organized by the American Diabetes Association; and Direct that Parking Enforcement occur Only on Streets that Have Existing Permit or Time Limit Parking Restrictions.

Gabe Garcia, Traffic Engineer, provided a summary of the material of record and clarified that the closure would only extend to Overland Avenue.

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson alleged that the Downtown neighborhood was not notified about the item; discussed violations that occurred at previous events; and he expressed concern with enforcement.

Councilmember Cooper received clarification regarding the route and noise concerns.

At this time, an American Diabetes Association representative discussed the potential for noise in the neighborhood and previous locations.

Discussion ensued between the City Council and staff regarding the event as a potential economic stimulus for the Downtown area; advertising; proposed conditions for approval; consequences for violations; a suggestion to require a deposit for the event; clarification on the route and street crossings; water stations; the number of participants; police officers hired for the event; clarification on procedures for special event processing; and a request to change the start time of the event.

At this time, Michelle Wolf, American Diabetes Association, addressed the City Council. She felt that it could be difficult to change the time as publicity for the event had already begun; she indicated that participants could be emailed and asked not to park in the residential areas; and she suggested that participants could be encouraged to arrive early to register and arrivals could be staggered.

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE CLOSURE OF PORTIONS OF CITY STREETS IN THE DOWNTOWN AREA, AND A SEGMENT OF WASHINGTON BOULEVARD, BETWEEN DOWNTOWN AND ELENDA STREET.

2. DIRECT THAT PARKING ENFORCEMENT OCCUR ON CITY STREETS THAT HAVE EXISTING PERMIT OR TIME LIMIT PARKING RESTRICTIONS FOR THE EVENT.

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Recess

The City Council recessed its meeting at 9:30 p.m.

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Reconvene

The City Council reconvened its meeting at 9:40 p.m. with all Councilmembers present.

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Martin Cole, Assistant City Manager/City Clerk, reported that staff was prepared to address several questions but that the item would need to return to the City Council at a later date.

Staff provided follow-up information to questions posed previously by City Council regarding needs based criteria; applicability of relocation benefits; assistance levels; the Relocation Impact Report; assessing and addressing adverse impacts; criteria for determining adequate mitigation; applicability of the ordinance; exemptions from providing relocation assistance benefits; advising prospective purchasers; the issue of vacant use; clarification that the City selects the consultant with the applicant bearing the expense; posting of notices; the percentage of eligible occupants assisted; issuance of building permits; the ability to add conditions of approval; financial hardship; security deposits; alternative benefits; forfeiture of rights; public comment; notice requirements for termination of tenancy; the difference between 100% written agreements versus specified eligible occupants; the length of notice for termination of tenancy; and the Superior Court decision regarding the City of Thousand Oaks.

Discussion ensued between the City Council and staff regarding relocation benefits; concern with forfeiture of rights; providing alternatives to the owner; staff agreement to provide information to the City Council on an overlay zone or density bonus; City notification; a suggestion to give priority to displaced residents for affordable housing in the City; support for extending the period of time for notice from 12 months to 18 months; protecting the well-being of the residents in the mobile home park; relocation claims for mobile home owners who do not actually live there; title information; clarification on eligible occupants; procedures for extending the time period for notification; other liens on the units themselves; and a request for staff to provide a timeline for filing periods and waiting periods.

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ATTACHMENT 4

QUESTIONS FROM SEPTEMBER 12, 2011 CITY COUNCIL MEETING
REGARDING PROPOSED MOBILEHOME PARK ORDINANCE

1. There does not appear to be any needs-based criteria for relocation benefits. Is the Proposed Ordinance applicable to any Eligible Occupant regardless of income or anything else?

   Yes. ***As the Proposed Ordinance is currently written, there are no income or needs-based criteria in the determination of an Eligible Occupant. The only criteria to be eligible to receive relocation assistance benefits is that an individual meet the criteria of an Eligible Occupant as defined in Section 15.13.010 of the Proposed Ordinance: "A Mobile Home Owner residing in the Mobile Home on a full time basis and his or her 'immediate family,' as that term is defined in California Civil Code Section 798.35, who resides in the Mobile Home at the time of filing of the RIR application with the City. Eligible Occupant shall include a Mobile Home Owner who is subleasing his or her Mobile Home, pursuant to the provisions of California Civil Code Section 798.23.5, due to a medical emergency or medical treatment that requires the Mobile Home Owner's temporary absence from his or her home. Eligible occupant shall not include a Non-Owner Resident."***

2. How do we assess whether or not the Relocation Impact Report (RIR) adequately mitigates the adverse impacts? Are there standards to apply or does City Council have discretion?

   Section 15.13.040.A of the Proposed Ordinance sets forth criteria the City Council shall consider when making the finding that the RIR adequately mitigates the adverse impact of the Change of Use or Closure of a Mobile Home Park. In addition, pursuant to Section 15.13.040.B, in the event the City Council determines that the RIR does not adequately mitigate impacts, the City Council has the discretion to impose additional conditions of approval in order to ensure such adverse impacts are adequately mitigated.

3. Section 15.13.005.B.2.c refers to 100% of the Eligible Occupants entering into a written agreement for relocation assistance benefits, but Section 15.13.050.C.1 refers to entering into a written agreement with "specified" Eligible Occupants. Is there a conflict between these two sections— should Section 15.13.050.C.1 also refer to 100% of Eligible Occupants?

   Sections 15.13.005.B.2 and Section 15.13.050.C each serve a different purpose and are not in conflict. Section 15.13.005.B.2 provides an exemption from the provisions, in their entirety, of the Proposed Ordinance if

a Mobile Home Park Owner obtains a written agreement for mutually satisfactory benefits with 100% of the Eligible Occupants. Under this circumstance, there would be no need for the provisions of the Proposed Ordinance to apply. This is distinguishable from Section 15.13.050.C.1, which provides grounds for an exemption from the obligation to provide Relocation Assistance Benefits to specific Eligible Occupants where an agreement for mutually satisfactory benefits has been reached. This Section allows the Applicant to reach an agreement with some of the Eligible Occupants even if he/she could not reach an agreement of all the Eligible Occupants.

4. Section 15.13.005.B.2.c refers to prospective purchasers of a Mobile Home being advised of the existence of agreements providing for mutually satisfactory Relocation Assistance Benefits. The Proposed Ordinance does not include a provision regarding new owners being considered Eligible Occupants for purposes of receiving relocation benefits. If new owners are not included in the definition of Eligible Occupant perhaps we need to take that into account.

   After re-reviewing Section 15.13.005.B.2.c, staff determined the provision requiring notification to prospective purchasers of a Mobile Home is misplaced and unnecessary. Rather, the prospective purchaser need only be advised that the Mobile Home Park is subject to a pending Change of Use or Closure and that the prospective purchaser and residents would not be an Eligible Occupant and not entitled to Relocation Assistance Benefits. Staff has added a provision to Section 15.13.025.A to address this issue. The reason for this provision is to put a prospective purchaser of a Mobile Home "on notice" of the pending Change of Use or Closure of the Mobile Home Park before making a decision to purchase the Mobile Home. If they move forward with the purchase of the Mobile Home, they are doing so with full knowledge of the future impact they will face. This puts them in a different situation than an existing owner of a Mobile Home within the Park as they did not make the choice to locate in a Mobile Home Park that was facing closure.

   In addition, there are various provisions set forth in State law that provide for multiple opportunities for notification to a prospective purchaser of a mobile home. These include, but are not limited to: 1) the option of management of a mobile home park to require notification by a mobile home owner that his or her mobile home is for sale; 2) the option of management to require prior approval of a purchaser of a mobile home that will remain in the mobile home park and notification by seller of a mobile home prior to close of sale; and 3) the transfer or sale of a mobile home in a mobile home park is subject to transfer disclosure requirements.

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5. The definition of Eligible Occupant does not address any interest acquired in a Mobile Home after the application for an RIR is submitted.

As discussed above in Question No. 4, an individual acquiring interest in a Mobile Home after the application for an RIR is submitted is "on notice" of the pending Change of Use or Closure of the Mobile Home Park.

6. There are no examples of monetary or non-monetary benefits as referenced in the definition of Relocation Assistance Benefits. We may be better served by inserting "including but not limited to" into the definition, followed by examples of the nature of what is considered monetary or non-monetary benefits, in order to provide certainty to both sides as to what is expected.

In response to this comment, staff has revised the definition of Relocation Assistance Benefits in Section 15.13.010 of the Proposed Ordinance to include examples of monetary and non-monetary benefits. Examples of monetary benefits may include the cost of moving a Mobile Home and personal belongings, rent differential, the purchase of an Eligible Occupant's Mobile Home, etc. Examples of non-monetary benefits may include the services of a relocation specialist, transportation to view alternative housing sites, packing and unpacking assistance, etc.

7. Should the terms "Change of Use or Closure" be included in Section 15.13.015.A, and not just the term "vacant use"? Change of Use or Closure is included in Section 15.13.015.B. It is not clear what "vacant use" means. Would it be better to expand the definition of change of use to include vacant use rather than having two separate provisions?

Section 15.13.015.A is included in the Proposed Ordinance to address the situation where a Mobile Home Park owner wants to close a Mobile Home Park but does not want to use the property for another use (i.e., leave the property vacant). The Mobile Home Park owner would have to obtain an approved RIR before closing the park. Staff has revised Section 15.13.015.A of the Proposed Ordinance to provide additional clarity in this regard.

Section 15.13.015.B is identified as a separate Section to address the situation where a Mobile Home Park owner wants to close the Mobile Home Park to redevelop the property. This would require some type of land use permit (e.g., a zoning designation amendment, Site Plan Review, etc.). In this case, the land use permit application would not be deemed complete prior to the applicant submitting an approved RIR. Staff has deleted Section 15.13.015.B and revised Section 15.13.015.C (new Section 15.13.015.B) of the Proposed Ordinance to make this provision clear.

It is staff's recommendation these two scenarios remain separate rather than including "vacant use" in the definition of "Change of Use," as these are two distinct situations.

8. Section 15.13.025.A of the Proposed Ordinance is not clear as to whether each prospective new resident is entitled to, or excluded from, relocation benefits. Can this Section be revised to make it clear that tenants that enter a Mobile Home Park after the filing of an RIR are not eligible for Relocation Assistance Benefits?

   Section 15.13.025.A addresses the issue of notification to all prospective new residents, regardless of the fact that they are not Eligible Occupants, that an RIR has been filed. The purpose of this notification is to inform new residents that they may be purchasing a home or residing in a Mobile Home Park that is pending closure.

   The eligibility of a Mobile Home Park resident is provided in the definition of Eligible Occupant in Section 15.13.010 and states that only those individuals, who reside in the Mobile Home at the time of filing of the Relocation Impact Report, may be entitled to relocation assistance benefits. Staff has revised Section 15.13.025.A to require that the written notification specifically include a statement that new residents entering the park after the filing of the RIR are not Eligible Occupants for purposes of receiving relocation assistance benefits.

9. In Section 15.13.035.B.1, would we be better served if the City chose the Relocation Specialist with the Applicant covering the cost rather than the Applicant selecting the Relocation Specialist?

   As currently written, Section 15.13.035.B.1 of the Proposed Ordinance requires the Applicant to select a consultant and relocation specialist subject to the Community Development Director's approval. The City Council could revise this Section to require the City to select the Relocation Specialist. This would result in the City and Applicant entering into a tri-party agreement with the Relocation Specialist at the Applicant's sole cost and expense.

10. Section 15.13.035.B.2 requires the City to notify the Mobile Home Park residents that an application for an RIR has been filed and will be prepared. Why is the City doing the notification, and if so, the applicant should cover the cost. If the applicant provides the notification he/she should provide proof of service to the Director.

    Section 15.13.055 requires the Applicant to pay for all expenses incurred by the City in the submittal, review and processing of the RIR. The cost of notification will be included in the related resolution establishing the fees

associated with the processing of an RIR. However, should the City Council choose to revise this Section to require the Applicant to notify the residents, staff would also include a provision requiring the Applicant to file with the Director within one week of the filing of a RIR application, a proof of service of such mailing or personal delivery of the notice to the residents.

11. In Section 15.13.035.F.1 are there any standards for granting an extension to an RIR or is it just at City Council's discretion?

The Applicant is required to provide "justification" for not providing at least 55% of the Eligible Occupants with their Relocation Assistance Benefits within one year from the date of the approval of the RIR. After considering the justification for the Applicant's request, the City Council has discretion in granting or denying the request for extension and in determining the length of the extension granted. Staff would not recommend being too specific in defining "justification," as each request and circumstance may be unique and it is beneficial to provide City Council with some flexibility in making this decision.

12. Is it clear that there will not be any approval for a closure of a Mobile Home Park until all the relocation benefits have been paid? It is important that the residents receive their benefits before the change of use goes into effect.

There are several safeguards to ensure that Eligible Occupants receive their Relocation Assistance Benefits prior to closure of a Mobile Home Park, including: 1) Section 15.13.045.C requires that any monetary relocation assistance benefits be paid to the Eligible Occupant at least 45 days prior to the date the Eligible Occupant is required to vacate the Mobile Home Park; 2) Section 15.13.040.B establishes that the City Council at the time of approval of a RIR may impose conditions to mitigate the impacts on Eligible Occupants such as the timing of benefits; 3) Section 15.13.015.D provides, where a property is being redeveloped, no building permit shall be issued until the Applicant has provided a written affidavit to the Director that all Relocation Assistance Benefits required by the RIR have been provided, all other conditions of the RIR have been satisfied, and the notice period required by the notice of termination of tenancy has expired.

However, in order to make this point very clear, staff has revised the Proposed Ordinance to include a new Section 15.13.045.E, which provides:

"No Change of Use or Closure of a Mobile Home Park shall be permitted until all Relocation Assistance Benefits required by the approved Relocation Impact Report have been provided to all Eligible Occupants. An exception may be made if the Applicant and an Eligible Occupant have agreed to an alternate arrangement by written agreement, which must be approved by the

Director. The written agreement shall comply with the requirements of Sections 15.13.050.C.1.a and 15.13.050.C.1.b."

13. Should the language of Section 15.13.040.B. be amended to require that some of the recommended conditions of approval be required conditions?

As each application will be unique due to the particulars of the site, age of the Mobile Home Park, demographics and needs of the residents, etc., it may be beneficial for the City Council to consider the individual merits of each application on a case by case basis and determine the specific conditions of approval that would adequately mitigate any adverse impacts on the Eligible Occupants resulting from a Mobile Home Park closure. Staff recommends the discretionary language remain.

14. Section 15.13.040.B.5 does not identify the nature of the hardship, how the hardship is shown, who decides if it is a hardship, etc.

This Section sets forth the payment of a security deposit at a new Mobile Home Park or other rental housing, as one of many options for conditions of approval the City Council has the discretion to impose in approving a Relocation Impact Report. As written, before the City Council could impose this particular condition, there would need to be a showing of "financial" hardship by the Eligible Occupant as determined by the City Council. In other situations where a showing of financial or economic hardship is necessary (i.e. an individual requesting a waiver of the deposit of Administrative Citation fines prior to a hearing), the City requires written documentation evidencing a financial hardship, including sources of income, cash balances, monthly expenses, IRS tax filings, disability and welfare payment stubs, etc. Because these conditions of approval are discretionary, the City Council could consider financial hardship (as one of several factors to be considered) in determining whether to impose the condition of providing a security deposit, even if the Proposed Ordinance does not specifically require a showing of financial hardship. Therefore, the City Council may wish to consider deleting the specific requirement for a "showing" of financial hardship.

15. In Section 15.13.045.B, what are, and how do you determine, alternative Relocation Assistance Benefits?

Alternative Relocation Assistance Benefits are determined by the Relocation Assistance Specialist in preparing the RIR and arise in a situation where an Eligible Occupant is required to select between more than one Relocation Assistance Benefit (i.e. selection between alternate housing sites). It is not intended that the City have a role in selecting between alternative benefits. Rather, the City Council would determine whether the Relocation Assistance

Benefits as proposed in the RIR, which would include any alternative benefits, adequately mitigate the adverse impact to the Eligible Occupant resulting from the Change of Use of Closure of the Mobile Home Park (as discussed in Question 2 above).

16. We should consider some alternative mechanism instead of complete forfeiture of all rights to Relocation Assistance Benefits in the event the Eligible Occupant does not submit their selection of alternate benefits within the 90-day period (i.e. Mobile Home Park owner to select alternate benefit, minimum set benefit, compensation placed in escrow account, etc.).

    In response to City Council's concerns, staff has revised Section 15.13.045.B of the Proposed Ordinance to allow the Applicant to select among alternative Relocation Assistance Benefits on behalf of an Eligible Occupant who does not make the selection within the 90-day period.

17. Would it be appropriate and a good policy to require the park owners to post the premises with notification of pending closure?

    A benefit to posting the site is that it will provide additional notice to prospective residents who visit the Mobile Home Park that a closure may be forthcoming. Some disadvantages to posting the site could be the potential impact to morale of the current residents and/or deterioration of the site. Staff does not feel it is necessary due to all of the other required noticing that will occur upon the filing of the RIR application (including notice to any prospective new resident).

18. Can we put displaced residents in front of the line for housing programs?

    A resident displaced by a closure of a Mobile Home Park may only receive preference in the Rental Assistance Program or on the Section 8 Waiting List if they are displaced due to government action. An action taken by a private owner or developer does not qualify.

19. The Proposed Ordinance needs to be clarified as to what happens between title holder(s) vs. resident. Could there be relocation claims by the title owner vs. the person who resides in the home?

    The definition of Mobile Home Owner, as set forth in Section 15.13.010 of the Proposed Ordinance, has been revised to clarify that the owner is the "registered" owner of the Mobile Home. Similar to an automobile, each Mobile Home must be registered with the Department of Housing and Community Development or the Department of Motor Vehicles.

There can be no claim for Relocation Assistance Benefits from the title holder (registered owner) unless they reside in the Mobile Home as required by the definition of Eligible Occupant.

20. Is there anything that legally precludes the City Council from extending benefits to residents who do not own the homes they are living in?

No. In fact, State law requires the payment of reasonable costs of relocation for displaced mobile home park residents to adequate replacement housing in mobile home parks and does not distinguish between a resident that owns his or her mobile home versus a tenant who is renting/leasing a mobile home. Although the Proposed Ordinance, as written, does not require the payment of Relocation Assistance Benefits to a tenant who does not own the Mobile Home, this would not preclude a Mobile Home Park Owner's obligations under State law to provide the reasonable costs of relocation to all displaced residents (as the City's ordinance would be silent in this regard). However, the cost of relocating a person who does not own the mobile home will be different than a mobile home owner. In the first case, it is only the cost to relocate that person into another mobile home or alternate housing; whereas, relocation of a mobile home owner must also take into account the relocation or purchase of the mobile home itself. The City of Huntington Beach's ordinance also only addresses the payment of benefits to owners of mobile homes residing in those homes.

21. How are we going to address liens on a mobile home?

If there is a lien on a Mobile Home, the Eligible Occupant would not be able to sell the home to the Mobile Home Park Owner without clear title. It is the responsibility of the Mobile Home Park Owner and the Eligible Occupant to address the issue of encumbrances on the Mobile Home during the private transaction transferring title of the Mobile Home.

22. It would be helpful to have a time line for filing and waiting periods. How long is the process to get to point of the RIR being accepted? Then would it be 12 or 18 months until the required vacation of the residents?

As the City has not experienced a mobile home park closure, and because there are several unknown factors (e.g. quality of RIR initially submitted, ability of Applicant to make any required corrections to the RIR, etc.), it is difficult to determine with certainty the time period involved between the initial filing of the RIR and the RIR being deemed complete. However, staff estimates this process could take up to six months. Once the RIR is deemed complete, it could take approximately three months before the item is scheduled on a City Council agenda for consideration.

Regarding the 12-month notice of termination of tenancy, it is not clear in the initial draft of the Proposed Ordinance as to when that period would begin. Staff has revised Section 15.13.025.C to clarify that the 12-month notice period shall not be given until after approval of the RIR. It is important to note that notice of the application for an RIR will be given to all Mobile Home Park residents once it is filed, giving them an additional "notice" period of approximately nine months (the estimated time it will take before the City Council's consideration of the RIR).

23. It is not clear who receives the Relocation Assistance Benefits. The only person entitled is the title holder. The Proposed Ordinance does not take into account the legal owners or lien holders, or rent to own situations, or if someone is in a contract. The Proposed Ordinance does not require a change of title.

The Ordinance is clear that only Eligible Occupants are entitled to the Relocation Assistance Benefits. However, as discussed above in the response to Question No. 20, the Culver City Ordinance would not preclude a Mobile Home Park Owner's responsibility to pay the reasonable cost of relocation to any displaced resident regardless of whether they are a title holder. Regarding the issue of lien holders, please see response to Question No. 21.

24. State law only requires reasonable cost of relocation not the value of the home. It is not what you are relocating but the relocation cost.

California Government Code Section 65863.7 (e) requires the Mobile Home Park Owner to take steps to mitigate the adverse impact of the closure on the ability of displaced mobile home park residents to find adequate housing in a mobilehome park, which steps shall not exceed the reasonable cost of relocation. Unfortunately, this statute does not define "reasonable cost of relocation," nor has any case law to date given clear guidance in this regard. In the situation where a mobile home cannot be relocated (i.e. due to its age, condition, etc.), the "reasonable cost of relocation" could include the cost of purchasing such mobile home. Other cities, including Huntington Beach, Carson and Lawndale, include provisions defining the "reasonable cost of relocation" where a mobile home cannot be relocated into another mobile home park as the "in place" value of the mobile home. The draft Proposed Ordinance initially presented to the Council included a different formula for assessing the value of the mobile home, which included the appraised value of the Mobile Home plus 50% of value of the Mobile Home while located on the present site.

In order to clarify the meaning of "in-place value," and to ensure consistency with State law, staff has deleted the definition of Adjusted Fair Market Value from Section 15.13.010 and has revised Sections 15.13.035.C.12 (Required

Content of RIR) and 15.13.040.B (Conditions of Approval) to clarify the meaning of in-place value. The language has been revised to indicate that where a Mobile Home cannot be relocated, the RIR must include an estimate of the cost of purchase of such Mobile Home at its in-place value, and that the reasonable cost of relocation may include compensation for the cost of said purchase. Further detail has also been added to the definition of in-place value as the value of a Mobile Home in its current location assuming the continuation of the Mobile Home Park in a safe, sanitary, and well-maintained condition with competitive lease rates, including the value attributable to the Mobile Home Park location and amenities. The definition of in-place value now specifically excludes the value of the land on which the Mobile Home sits. In addition, it makes it clear that the effect of the Change of Use or Closure of the Mobile Home Park shall not be considered in the valuation of the Mobile Home.

25. Comments made regarding the Thousand Oaks litigation.

The City of Thousand Oaks was challenged in its implementation of its mobile home park ordinance due to a provision similar to that of the above-mentioned cities, which defined "reasonable cost of relocation" (where a mobile home cannot be relocated) to include "payment of a lump sum equal to the in-place market value of each mobile home in its current location." The challengers to Thousand Oaks' ordinance claimed that the requirement to compensate a mobile home owner for the in-place market value of their home was in violation of State law (Government Code Section 65863.7(e)), which provides: The steps taken to mitigate adverse impacts on the ability of displaced residents to find adequate housing in a mobile home park shall not exceed the reasonable cost of relocation. The Superior Court found that the City of Thousand Oaks went beyond the limitations set by State law. The City did not appeal the court's decision and instead settled the case.

This is an unpublished trial court decision, which means that it is not binding on a future court considering the same issue, and the City is not required to follow its decision. The City Attorney's Office does not agree with the court's decision in this case, as Government Code Section 65863.7(e) does not define "reasonable cost of relocation," nor has any case law to date, including the Thousand Oaks' trial court decision, given clear guidance in this regard.

Attachment No. 5

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2011 SEP 14 PM 12:24
CITY CLERK
CITY OF CULVER CITY

September 8, 2011

City Clerk, City of Culver City

9770 Culver Blvd., Culver City, CA 90232

I am submitting this letter to inform the members of the upcoming City Council Meeting of September 12, 2011, that I, as a resident of Grandview Mobile Home Park, am very satisfied with my 41 years of residing at that location. The landlord, Roy Matsuoka, has always been most helpful and concerned about the needs of the residents of this mobile home park. As an elderly person, I have found this location to be unparalleled for it conveniences and advantages.

The location of the park is one of optimum convenience for access to shopping, pharmacies, my personal physicians, hospitals, post office, library, cleaners, etc. The neighborhood is almost totally crime-free, and the neighbors are kind and friendly, as well as the residents of the park itself. The parking convenience (immediately next to each module home) is extremely convenient, and provides maximum security for each resident—something rarely available in most locations.

If I were forced to move from this location, it would be most distressing to me, and would impose on me an unbearable financial hardship. I'm sure that finding another location with such excellent advantages would be practically impossible. I am looking forward to spending the rest of my life here. Any decision of this council that would further my aspirations in this regard would be most deeply appreciated.

Sincerely,

L. Claiborne

L. Claiborne, Grandview Mobile Home Park, Space #4

4071 Grand View Blvd. # 4
Los Angeles, CA 90066

Michael J. Goodman
Real Estate Consultant
1434 N. Beverly Dr
Beverly Hills, CA 90210

October 13, 2011

City of Culver City, City Hall
9770 Culver Boulevard
Culver City, CA. 90232

Attention: Hon. Mayor O'Leary and Hon. City Council Members Malsin, Armenta, Weissman, and Cooper

Re: Follow-up on Proposed Culver City Mobile Home Park Closure Ordinance

Gentlemen:

As you know, I represent Roy Matsuoka, owner of Grandview Mobile Home Park located in Culver City at 4071 Grand View Boulevard. I am writing to thank you for the thoughtful discussion that followed presentation of the draft closure ordinance at your meeting on September 12, 2011, and to share some additional thoughts with you (on Mr. Matsuoka's behalf) based upon that discussion.

Though Mr. Matsuoka was disappointed that the Council chose to pursue the ordinance over the no-closure covenant option that we had presented, we were happy that Councilman Weissman's thoughtful questions and comments regarding the ordinance prompted the Council to defer adoption of the ordinance until those (and hopefully other issues) could be more fully explored and potentially addressed in the ordinance as eventually adopted. While Mr. Matsuoka's counsel will separately address the legal concern posed by the ordinance as drafted, I would like to call to your attention some important points by way of follow-up on the Council's discussion of the ordinance as presented at the September 12 meeting. Those issues are as follows:

- Notice requirements: Please review the letter addressing notices for relocation of park residents and park closure that has been sent separately by Mr. Matsuoka's attorney Terry R. Dowdall. The "Draft" ordinance as presented by staff exceeds the current state laws, this is addressed in item 2 on page 3 of Mr. Dowdall's letter under the heading of **"The Noticing Period Conflicts with State Law".**

- Valuation Component: Should there be an income or need qualifier for in-place value? Need to address scenario where unit owner owns more than one unit and is landlord to someone else. Should that unit also get 'in place value?' Should be clear that the rented unit can be bought for unit value, no land value.

- Definition of Eligible Occupants: At one point in the discussion, a Council member inquired as to whether even renters at the park should be included as Eligible Occupants for purposes of relocation benefits under the ordinance. For obvious reasons, this concept is objectionable to the park owners and to our understanding is far beyond the legal boundaries of what the City could require of Mr. Matsuoka.

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- Offset for Loss of Park Owner Property Value: Councilman Malsin acknowledged at the meeting that the proposed ordinance will deprive the land owner of a considerable reduction in the value of their property. He indicated that the Council could take a 2 stage approach to the issue by enacting the ordinance and then later adopting some kind of offsetting density bonus benefitting the park owners. **From Mr. Matsuoka's perspective it is questionable as to how this will be implemented.** What assurances can be offered by the City that a process will be implemented to secure a density bonus in the future? If the City is willing to compensate for the burden it will place on the park owners, then we feel the City should step forward now and include or enact concurrently with the ordinance specific offsetting programs or benefits. This could include establishing a fund or programs to absorb part of the costs of the relocation process,

As you know, state law already regulates the closure process for mobile home parks. Protections against arbitrary or unfair treatment of residents are already embodied in the California Government Code, and the actual closure when executed is already subject to the approval of the City as an advisory body. From the park owner's perspective, there are thresholds of requirements (whether involving notice and/or relocation assistance) beyond which any additional City regulation would work an unreasonable hardship. If the City intends to add to the regulatory burden on Mr. Matsuoka, we urge you to carefully consider the scope of this additional burden and the reasonableness of placing it on a citizen who has already contributed for decades his fair share towards housing the elderly and less fortunate residents of Culver City.

We feel that the ordinance as presented at the September 12th hearing goes beyond what is fair and reasonable to expect Mr. Matsuoka to provide. The entire financial burden falls on the park owners. There are no offsetting benefits currently in place that we are aware of assuring the park owners that the City can compensate them for the loss of value their property will suffer if the ordinance as previously presented is approved. We are hopeful that you might reconsider the foregoing points when revising the ordinance.

Further, it is our hope that before the revised ordinance is again presented for Council approval, it will be circulated to the affected community for review and comment.

I appreciate this opportunity to present this letter to you and your time in considering it. We look forward to continuing to work with staff to reach a fair resolution for all parties concerned in this important matter.

Sincerely,

Michael Goodman

cc: City Attorney, Carol Schwab
Tevis Barnes
Heather Baker
David Evans
Roy Matsuoka
Sabrina Burton

///

Jordan, Sherry

From: Foek Nan Teng [foeknan@roadrunner.com]
Sent: Thursday, December 01, 2011 9:17 AM
To: Jordan, Sherry
Subject: Grand View Mobile Home Ordinance

Dear Sherry,

I have received a notice of City of Culver City, pertaining to the continued discussion and consideration of a Proposed Ordinance relating to Mobile Home Park Resident Protection. Here I have some thing to say on my behalf, because I am selling the
Park to a developer who might want to develop the mobile home in the future, if for some reasons that the ordinance is going to cost so much for developer to relocate and compensate the home owners, no one will have any incentive to develop the property.
As a matter of fact, City has a plan to redevelop the neighborhood around the mobile home, it doesn't make sense to leave the mobile home alone as it is. For the best use of the land, City should encourage developer to participate and promote
the construction which comply and conform to the redevelopment of healthy community. I would like to suggest the City Councilman take consideration to accommodate the redevelopment project not to cost the developer too expensive to develop
the property. Any assistance from you would be highly appreciated.

Frank Teng.

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Baker, Heather

From:	Keith Moret <kemo0325@yahoo.com>
Sent:	Thursday, December 01, 2011 3:05 PM
To:	Barnes, Tevis
Cc:	Baker, Heather; Jordan, Sherry
Subject:	Mobile Home Park Relocation Ordinance

Dear Ms. Barnes

I would like to submit a public comment on the above proposed ordinance. In full disclosure, I have separate interests in the ordinance. First of all I am a resident and homeowner on Grand View Blvd, 2 blocks North of the mobile home parks. In addition, I am a commercial real estate agent representing Frank Teng, the owner in the sale of 4025 Grand View Blvd.

As a resident, I have seen this neighborhood experience a classic re-gentrification in the 7 years since I purchased my home. It's been an amazing development to watch the upscale restaurants and retail stores spring up around me. I've seen the community come together to support the Venice Grind, Earl's Gourmet, The Curious Pallete, Waterloo & City and more. On Sundays, I see all my neighbors and lots of friendly new faces walking to the Farmer's market. It feels like a real neighborhood and the cities efforts to guide the growth have been commendable.

The mobile home parks stand out as a less than optimum use of a parcel that is in the middle of this revitalized neighborhood. I am no way denigrating the people who live there or their status as members of the community. I'm sure they are for the most part good neighbors and nice folks. It seems to me however, that a mobile home park has outlived it's use in Mar Vista. Most of the homes are older and not suitable for remodeling or relocating through no fault of the tenants living there.

Now from my other vantage point as the agent hired by my client to sell his property, I realized early on that current mobile home park owners were not going to be my best target. After extensive mailings to every mobile home park owner in LA county, it's current incarnation was obviously not "highest and best use" for the property. I revised my marketing targets to reach out to developers. To a person, they all expressed serious concerns about the proposed relocation ordinance. Developers are all to aware of the risks involved and the holding costs that can be incurred through the entitlement process. When you add in the additional layer of regulatory issues with the relocation ordinance, it was too much to consider for most.

Happily, we did locate a group with the vision and and energy to pursue this property and we are currently under contract. I believe they are committed to delivering a residential use that will benefit the neighborhood. My concern however, is that during their due diligence period the ordinance will create so many intangible issues and expenses that it becomes untenable. Ultimately, I feel they will deliver a development in the future that will be much more in synch with Culver City's master plan and add value to our community.

I would like to implore the city council to think not only of the tenants in the park but the owners, like my client Frank Teng. He has owned the park since 1983 and has provide safe, affordable housing to many long-term residents and earned their respect and admiration. After all of the hard

work and resources he has invested, I think he deserves the right to sell his property for market value and enjoy the rewards of his labors don't you?

We all agree that tenants deserve the rights afforded them by the more than equitable state ordinance currently in place. The owners however, should also have rights and the proposed ordinance takes away some of those rights by forcing them to pay "site in place" values which in essence gives the tenants benefit of land value. In addition, the relocation impact report appears to be cumbersome for anyone contemplating a use change and could very well discourage any improvements to the mobile home parks as in place.

Please resist the temptation to pander to the "loudest" group and remember decisions made to favor the majority (i.e. tenants)are not fair when they deprive a minority group (owners) of their fee simple rights to their land.

Thank you for listening to my concerns

Keith Moret
Investment Associate
REMAX Commercial & Investment Realty
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Marcus & Millichap

Real Estate Investment Services

Neema Ahadian
Vice President Investments

National Multi Housing Group

December 2, 2011

Ms. Tevis Barnes
Housing Department, City of Culver City
9770 Culver Blvd
Culver City, CA 90232

Re: Proposed Mobile Home Ordinance Number

Dear Ms. Barnes,

This purpose of this email is to serve as a public comment to the proposed ordinance affecting the mobile home park my client and I have under contract in consideration to purchase.

I am a Vice President of Investments with Marcus & Millichap and have been brokering income and development properties for 10 years. My specialization is sales of multi-family properties and development sites in West LA. I am a Mar Vista resident and currently own and operate income properties in the area as well.

I am representing my client who is considering purchasing the property located at 4025 Grand View Blvd. My client, an experienced developer of quality housing projects, and I are having difficulty moving forward with this transaction due to the proposed draft Mobile Home Ordinance which will significantly increase costs to relocate tenants, as well increase the time requirements.

I have received an estimate from a mobile home park appraiser who can prepare a relocation impact report as required per the proposed ordinance. Unfortunately, the estimate is in surplus of $30,000 based on the required tasks 15.13.035 C – items 1-18. Not only do I believe it is unreasonable to request such detailed information from a report, but as a real estate agent representing a buyer, I am

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Neema Ahadian
Vice President Investments

National Multi Housing Group

certain my client or any investor/developer is not willing to move forward with such a detailed requirement without having an exact amount of relocation costs upfront.

This creates an issue, as we cannot expect a buyer to close on a transaction, where he is required to spend over $30,000 for a relocation report during due diligence, that will only provide him with information that is to be presented to the Director, where the Director can require any additional information they feel pertinent (paragraph 15.13.050 Item #2 b v.). Our concern also lies that and additional information would mean additional costs and increased relocation fees, beyond those required by the State of California, which are already cost-prohibitive for most developers.

Most importantly, if we cannot identify what the relocation fees are upfront, my client will not be able to budget appropriate funds to know whether this is a viable transaction. Furthermore, if the fees are unclear during our due diligence and too high (which it seems it may be at this point) the investment will not be profitable for him and deter him, or any developer, to move purchase and build on this site.

Also, 15.30.040 B 4&5 states that eligible occupants may be allowed a lump sum for first and last month's rent, including one month's security deposit. It does not state the amount or conditions. This vagueness can be a significant amount, since another housing unit in Culver City may range from the low side of $900 (small single) to as high as $4000 for an assisted living senior center like the facility next door!

Since this Ordinance is being drafted to affect only two mobile home parks in Culver City only it seems that it would be more appropriate to prepare a simple relocation strategy to protect the tenants. This would include a set dollar amount for relocation and certain amount of time, therefore making this

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Neema Ahadian
Vice President Investments

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process transparent. This Ordinance seems overreaching since it only impacts two specific properties, and a very few number of tenants.

Thank you for your consideration.

Neema Ahadian

CC: Heather Baker

Sherry Jordan

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Pacific Palisades, CA 90272
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December 2, 2011

Ms. Tevis Barnes
Housing Department, City of Culver City
9770 Culver Blvd
Culver City, CA 90232

Re: Proposed Mobile Home Ordinance

Dear Ms. Barnes,

We are a prospective buyer of the property located at 4025 Grandview Blvd. We have been doing our due diligence to determine the highest and best use of this property. After reviewing the proposed ordinance that, in reality, applies to this location and the other mobile home park down the street, we find many aspects of this ordinance to be detrimental to any future development.

As a developer there are mainly two items in this ordinance, time and cost, which greatly affect someone in my position and the current owners as well. In terms of timing, the ordinance is vague as to when the tenants are to receive notice. Whoever would like to relocate them would have to give 12 month notice, but it does not clearly state at what point we can give that notice. It does state that a relocation impact report needs to be approved, but due to the detailed list of items that need to be included in that relocation report, it could take as long as 6 months to get an approval and that is if the city approves the relocation impact report as is without any changes. The ordinance creates an odd situation as the relocation impact report needs to have every mobile home owner interviewed to obtain necessary information and it also requires a moving company/consultant to assess each mobile home and provide an estimate to pack and move every item in the mobile home. After we obtain all this information and put it in the relocation impact report and get it approved by the city, then we can give them notice. Not only will the process in general take too long, it also creates a situation where we are obtaining all the information from the mobile home owners, yet we can't give them notice that they will have to vacate within a certain time. One question would be what happens if a mobile home owner does not provide access to their mobile home or denies an interview for us to get the proper information for the relocation impact report?

The other issue which effects the property financially is the costs associated with the relocation and fees associated with it. By our estimation the costs could be in excess of $400,000. After consulting a few relocation experts these are the estimates we are getting. This number is based on the ordinance as is and does not include any other conditions the city might impose after reviewing the relocation impact report. If this ordinance was more detailed and clearly stated all the fees and process required with no discretionary changes, then maybe it would be easier to quantify, but if the relocation impact report is reviewed and more conditions are placed, we feel that it is too unpredictable. The other item in the ordinance that we feel needs to be clarified and reviewed is the adjusted fair market value of the mobile homes. We do not believe that the mobile home owners should be entitled to 50% of the site value. We are still trying to

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quantify that but in our estimations, which percentage is too high and something more reasonable needs to be agreed upon.

I appreciate the time you have taken to review my comments and please feel free to contact me with any questions.

Sincerely,

Kambiz Kamdar
Vice President

Sayles Consulting Group

December 3, 2011

Ms. Tevis Barnes
CITY OF CULVER CITY HOUSING DEPARTMENT
9770 Culver Boulevard, 2nd Floor
Culver City, CA 90232

RE: 4025 Grandview Avenue
PROPOSED MOBILE HOME ORDINANCE

Dear Ms. Barnes,

I am writing to you to express concerns about the proposed Mobile Home Ordinance as it affects future use of two mobile home park properties on Grandview Avenue. I am currently acting as a consultant with the potential purchaser of 4025 Grandview Avenue, and am writing this public comment both on behalf of my Client, and for myself. While I have immense respect for the City's desires to protect the existing tenants during any redevelopment process, the ordinance as currently drafted has serious issues which ultimately may make redevelopment of those properties infeasible, because it will be too costly and timely for any future owner.

Overall I am troubled by the City's desire to adopt an in-depth ordinance applicable only to two properties, rather than establishing specific conditions of approval as part of a Relocation Impact Report as mandated by the State of California. If this ordinance was a land use related policy, it would be challenged as a form of spot zoning, and potentially result in a taking of private property rights due to the negative property value resulting from the ordinance. It seems the incorrect avenue to adopt a City ordinance governing future development of only two properties, where there are other means of establishing protections for existing tenants of the property through review and approval of a Relocation Impact Report and other procedures set forth by the State of California.

As a resident and a business owner in Culver City, I am very supportive of Culver City's desires to exceed minimum standards set by the State of California regarding tenant relocation. However, the costs of relocation established by the state for mobile home park relocation are already very expensive, and preclude many interested investors from acquisition of the properties. Culver City's low-density development policies and high standards for sustainability and design, already make development extremely challenging and borderline financially feasible. The properties on Grandview face additional financial challenges to redevelopment because they are burdened with state mandated regulations for tenant relocation that don't apply to other properties in the City. As a result, as a baseline, Culver City's zoning ordinance does not provide enough density to make multi-family redevelopment of these properties viable without entitlement actions for increased density.

I believe that the development community will be very supportive of Culver City's impositions of additional relocation exactions ONLY IF there is just compensation for these costs in the form of significant development incentives so that the property value remains neutral. Without such actions, Culver City's imposition of additional protections for the existing tenants above and beyond state minimums will preclude redevelopment of the property. The only way to mitigate the financial

burden of relocation costs is to offer development incentives in the form of additional density coupled with the provisions for additional height and story permissions to accommodate additional density. Without recognition by the City Council that additional development rights are necessary to compensate for additional project costs, the properties on Grandview Avenue will remain in their current condition, and undevelopable.

The current language in the ordinance is extremely vague on the actual additional costs of relocation above and beyond the state's minimums, and leave ultimate discretion for establishment of relocation costs to the City Council. This is an unreasonable unknown cost to place on any future property owner, who may not be able to quantify costs of redevelopment during a land acquisition due-diligence process. Furthermore, the unlimited discretion given to City Council to determine financial protections for individual residents is a power that potentially negatively influences private property values. This negative impact can result in a taking of future property rights if the costs of relocation result in the property owner's inability to use the property to their fullest extent afforded by land use regulations. Therefore, I strongly urge the City to establish known costs as part of this ordinance, or to rely on established policies and procedures of the State of California, and not reinvent the wheel.

The Ordinance as proposed is also very vague regarding timing for submittal of the Relocation Impact Report in relation to Entitlement process timing, and notification of tenants. I urge the City to permit any future developer to submit Relocation Impact Report as quickly as possible, and simultaneously permit the developer to file notices for relocation with their tenants. The Relocation Impact Report should also be filed prior to entitlements, so that any conditions of approval or additional exactions imposed by the City Council may be mitigated by a developer in the form of potential development incentives.

I hope that the City Council does not take action to approve this ordinance on December 12, 2011, as there are still very serious unresolved structural issues with this ordinance, and adoption of the ordinance as currently drafted will ultimately result in another well intentioned policy of the City that makes redevelopment of the properties on Grandview undevelopable.

Thank you,

Dana A. Sayles, AICP
Sayles Consulting Group
4153 Keystone Avenue
Culver City, CA 90232

cc: Heather Baker
Sherry Jordan

ATTACHMENT 6

RESPONSES TO SPECIFIC QUESTIONS RAISED IN PUBLIC COMMENTS SUBMITTED AFTER SEPTEMBER 12, 2011 CITY COUNCIL MEETING REGARDING PROPOSED MOBILEHOME PARK ORDINANCE

A. Letter of October 13, 2011 from Michael J. Goodman, representing Roy Matsuoka, owner of Grandview Mobile Home Park located at 4071 Grand View Boulevard:

1. Comment: The noticing period conflicts with State law.

   Response: State law provides ***minimum*** of six months' notice. The City may require a longer period. The mobile home park residents had previously suggested 18 months. Staff recommends that 12 months is a reasonable period of time because the residents will have already been put on notice regarding the pending closure upon the filing of the Relocation Impact Report (RIR) application. It is estimated that the time to process the application and schedule the item for a City Council hearing could take up to nine months.

2. Comment: Should there be an income or need qualifier for in-place value?

   Response: Staff does not recommend any qualifier for in-place value other than the fact that the mobile home cannot be relocated. The value of the home remains the same regardless of the mobile home owner's income or need.

3. Comment: Need to address scenario where unit owner owns more than one unit and is landlord to someone else. Should be clear that the rented unit can be bought for unit value, no land value.

   Response: The scenario described above regarding the unit that is rented would not require the payment of any benefits under the Proposed Ordinance because an owner of a mobile home who does not live in the mobile home does not qualify as an Eligible Occupant and is not entitled to Relocation Assistance Benefits as defined in the Proposed Ordinance.

4. Comment: What assurances can be offered by the City that a process will be implemented to secure a density bonus in the future?

   Response: The City Council may: 1) introduce the Proposed Ordinance

on December 12th and provide direction to staff to begin the process of a Zoning Code Amendment addressing this issue; or 2) postpone the consideration of the Proposed Ordinance until such Zoning Code Amendment returns to the City Council for consideration.

B. Letter of December 2, 2011 from Neema Ahadian with the firm Marcus & Millichap, representing prospective buyer of the Mobile Home Park property located at 4025 Grand View Boulevard:

Comment: Regarding the potential conditions of approval (Section 15.30.040.B)— Is concerned that the requirement for the payment of first and last month's rent and security deposit is vague and creates financial uncertainty to a Mobile Home Park Owners in determining relocation costs because another housing unit in Culver City may range from the low side of $900 (small single) to as high as $4,000 (assisted living senior facility).

Response: Section 15.13.040.B.1.c provides the City Council with the discretion to require, as a condition of approval of the RIR, the payment of a lump sum to compensate for first and last months rent at a **reasonably comparable** mobile home park or other rental housing, as determined by the Relocation Specialist. Therefore, a situation would not arise where the lump sum would be valued based upon rents at an assisted living senior facility, as that would not be comparable to the existing mobile home in its current location. In addition, this determination is made by a professional specialist in the field of relocation.

C. Letter of December 2, 2011 from Kambiz Kamdar of the firm ARK Construction & Development, Inc., the prospective buyer of the Mobile Home Park property located at 4025 Grand View Boulevard:

1. Comment: The Proposed Ordinance is unclear as to when the 12-month notice of termination of tenancy can be given. Is concerned that the period of time before the mobile home occupant can be required to vacate is too long if the 12-month notice cannot be given until the RIR is approved.

Response: Staff has clarified in the Proposed Ordinance that the 12-month notice cannot be given prior to the approval of the RIR. This does

not prevent a Mobile Home Park owner of offering incentives to the occupants to vacate the premises earlier than 12 months from the date of notice, as long as such agreement is in writing in compliance with the provisions of the Ordinance.

2. Comment: What happens if a mobile home owner does not provide access to their mobile home or denies an interview for us to get the proper information for the RIR?

   Response: State law and the Proposed Ordinance are silent in this regard. If this situation were to arise, it would be one of the many factors considered by the City Council in evaluating the RIR.

3. Comment: Believes the ordinance should be more detailed and clearly state all the fees and process required with no discretionary changes. The current ordinance is too unpredictable.

   Response: Virtually every city ordinance staff has reviewed in the preparation of the City's Proposed Ordinance provides the legislative body with discretion to impose additional conditions if warranted. As each application will be unique due to the particulars of the site, age of the Mobile Home Park, demographics and needs of the residents, etc., it is important for the City Council to retain its discretion in considering the individual merits of each application on a case by case basis and determining the specific conditions of approval that would adequately mitigate any adverse impacts on the particular Eligible Occupants resulting from the closure of a particular Mobile Home Park.

4. Comment: The requirement for valuation based on 50% of the site value is too high and something more reasonable should be considered.

   Response: Staff has revised the Proposed Ordinance to limit compensation to the appraised value of the Mobile Home in its current location, as discussed in further detail in the staff report and Attachment 4.

D. Letter of December 3, 2011 from Dana Sayles from the firm Sayles Consulting Group, consultant to the prospective buyer of the Mobile Home Park property located at 4025 Grand View Boulevard:

1. Comment: The current language in the proposed ordinance is extremely vague on the actual additional costs of relocation above and beyond State law minimums, and leaves the ultimate discretion for establishment of relocation costs to the City Council. This is an unreasonable unknown

cost to place on any future property owner, who may not be able to quantify costs of redevelopment during a land acquisition due-diligence process. This also potentially influences private property values, which can result in a taking of future property rights.

Response: See Response C.3 above. In addition, State law "minimums" are not defined and leaves discretion to a legislative body to condition the approval of a change of use or closure to require steps to mitigate any adverse impact of the closure on the displaced residents' ability to find adequate replacement housing. Regarding the contention of a potential taking— Staff has reviewed this issue and determined that the implementation of the Proposed Ordinance would not constitute a taking.

2. Comment: Ordinance is very vague regarding timing for submittal of the RIR in relation to Entitlement process timing and notification of tenants.

Response: Per Section 15.13.015.B of the Proposed Ordinance , an application for a land use entitlement shall not be deemed complete without an approved RIR. Staff has revised the Proposed Ordinance to clarify that the 12-month notice to vacate cannot be given to the residents prior to approval of the RIR.

ATTACHMENT 7

ISSUE: Definition of "Reasonable Cost of Relocation" where a mobile home cannot be relocated (formula for valuation of the mobile home).	
Proposed Ordinance	The cost of purchasing a Mobile Home, and all associated fixed property, that cannot be relocated to a reasonably comparable Mobile Home Park within 20 miles of its existing location, at its in-place value as determined by a qualified appraiser. In determining the in-place value, the appraiser shall consider each Mobile Home in its current location assuming the continuation of the Mobile Home Park in a safe, sanitary, and well-maintained condition with competitive lease rates, and shall not consider the effect of the Change of Use or Closure of the Mobile Home Park on the value of the Mobile Home.
State Law	Does not define "reasonable cost of relocation."
Carson	For a resident whose mobile home cannot be relocated within a reasonable distance to a comparable park— a lump sum payment based upon consideration of the fair market value of the mobile home on-site, including resident improvements (e.g., 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.
Lawndale	For a resident whose mobile home cannot be relocated within a reasonable distance to a comparable park— a lump sum payment based upon consideration of the fair market value of the mobile home on-site, including resident improvements (e.g., landscaping, porches, carports, etc.), any mortgage obligations of the resident of the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.
Huntington Beach	If the mobile home cannot be relocated to a comparable mobile/manufactured home park within 20 miles of its existing location, and the homeowner has elected to sell his or her mobile home, the reasonable costs of relocation shall include the cost of purchasing the mobile home, including any optional equipment and/or tag-a-longs and expand rooms at its in-place value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location, assuming the continuation of the mobile home park in a safe, sanitary and well maintained condition and not considering the effect of the change of use on the value of the mobile home, but at no time shall the value of the mobile home be less than the replacement costs of a new home of similar size and square footage.
Malibu	Does not define "reasonable cost of relocation."
Westminster	If a mobile home is unrelocatable— a lump sum payment determined by the "appraised value" of the mobile home unit, upon which the park owner shall have the option to assume title of the mobile home. The appraised value shall be determined by a certified member of nationally recognized appraisal association(s) who is qualified to appraise mobilehomes, accessory structures, and appurtenances as herein noted. The appraisal shall be conducted no more than 60 days prior to the submittal of the appraisal. "Appraised value" shall mean the value of the mobile home being appraised and all improvements (including all skirting around the home, patio covers and fixtures, porches, landings, decks, appurtenant structures, decorative lamp posts or yard lighting, homeowner-installed landscaping, pads or hardscape, sheds, cabinets, carports and awnings. The appraised value shall not include permanent non-movable accessory structures and appurtenances or concrete foundations and landscaping installed by the mobile home park. It shall not include the value of the land on which the home rests, or value attributable to park location and amenities. The expense for the appraisal shall be that of the park owner. The selection of the appraiser shall be made by the homeowner from an accredited list of appraisers presented by the park owner.

ATTACHMENT 7

ISSUE: Minimum period and timing of notice given to mobile home park residents of termination of tenancy (vacation).	
Proposed Ordinance	Not later than 12 months prior to the date the Mobile Home Owners and residents of the Mobile Home Park are required to vacate the Mobile Home Park, Applicant shall provide written notification of termination of tenancy, by certified mail, to all Mobile Home Owners and residents of the Mobile Home Park. This notice shall not be given to Mobile Home Owners and residents prior to approval of the Relocation Impact Report.
State Law	(1) where local government permits are required for a change of use, a minimum of six months written notice of termination of tenancy shall be given after such permits are approved; or (2) if no local government permits are required, a minimum of 12 months written notice of termination of tenancy shall be given prior to the date the change of use is to occur.
Carson	Within 45 days of the approval of the RIR, a minimum of six months notice of termination of tenancy shall be given prior to closure of the mobile home park.
Lawndale	Follows State law.
Huntington Beach	A change of use of a mobile home park shall not be approved unless notice of the intent to change use has been given to the mobile home park residents at least 18 months prior to the date the mobile home resident is required to vacate the premises.
Malibu	Follows State law.
Westminster	Ordinance is silent, so mobile home park owners would need to comply with State law.

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