



THE PLANNING COMMISSION
Huntington Bch CA.

Subject Huntington Shore-ditts Proposed
Subdivision

Please require that the ~~Home~~
Owner conduct a statutorily proper
Survey of resident opinion on
This Subdivision

I support the subdivision and
request that you approve the
Subdivision

ALSO I am concerned about
whether I will be able to afford
the rent on my home if the
Subdivision is approved

Thank you for your consideration

Sam Robinson + Rosemary Robinson
Space # 221

RECEIVED

AUG 24 2009

Huntington Beach
PLANNING DEPT.

The Planning Commission
Huntington Beach, California

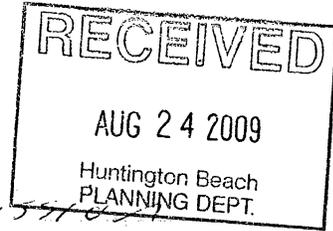
Subject: Huntington Shorecliffs
Proposed Subdivision

Dear Commissioners,

Please approve the subdivision
and I am concerned that the
property to be purchased be at
market price and that each
owner have the choice.

Thank you,

Lynn Reel
#228, Huntington Shorecliffs



The Planning Commission
HB, CA

Subject: Huntington Shore cliffs
Proposed Subdivision

Dear Commissioners,

Please approve the subdivision,
soon, quickly. Also, please
require a true, fair appraisal at
the time of sale.

Thank you,

Richard Reed

Richard Reed
Huntington Shore Cliffs
220

Planning Commission
H. B. C. 1215.
Dear Commissioners-



I am concerned about the following issues.

- #1. The owner conducts a statutory proper survey of residence opinion on this subdivision
- #2. Can I afford the rent on my space. If I cannot afford to purchase the space. If the subdivision goes through.
- #3. If I should sell my home - would I be able to have enough money to move elsewhere.

Thank you
Respectfully Submitted
J. H. Green.
page 239



The Planning Commission
Huntington Beach, California

Subject: Huntington Shorecliffs Proposed
Subdivision

Please require that the owner conduct a
statutory proper survey of residence opinion
on this subdivision

also I am very concerned about whether I
will be able to afford to buy my lot or afford
the rent if I cannot buy my space also
that if I sell my home after the subdivision
is approved I won't have enough money
to move to a new residence.

Thank you for your consideration

Darleen A. Borens #939
Huntington Shorecliffs

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AUG 24 2009

Huntington Beach
PLANNING DEPT

8-24-09

The Planning Commission
Huntington Beach, Ca

Subject: Huntington Shorecliffs
Proposed Subdivision

Dear Commissioners,

Please require that the owner
conduct a statutorily proper survey
of resident opinion on this
subdivision.

I am opposed to this subdivision
and request that you deny the application.

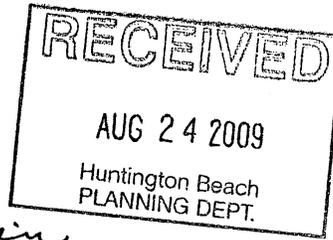
Also I am concerned about
the storm drain situation on the park.
Whether I will be able to afford
the rent on my house if the sub-
division is approved.

If I sell my home after the subdivision
is approved I won't have enough money
to move to a new residence.

Thank you for your consideration,

Richard Phillips SP-244

Huntington Shorecliffs



Huntington Beach
Planning Commission

Subject is: Huntington Beach Shovel for
Proposed subdivision.

I am opposed to this subdivision
and request that you deny the
application.

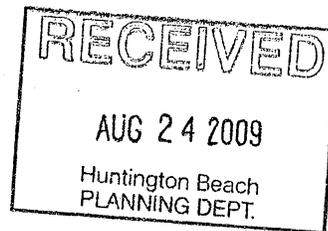
I am concerned that (at my age)
I will not be able to afford living
expenses, and the rest of this is
approved.

I would not be able to buy my lot.

I have been a resident here for 37 years

Thank you for your consideration -

Marie R Burns
Ap. 248
Huntington Shovel for Nalule Home



The Planning Commission
Huntington Beach, CA -

Subject: Huntington Bluffs Proposal
Subdivision
Dear Commissioners,

Please require that the owner conduct
a statutorily proper survey of
resident opinion on this subdivision.

I am concerned:
Whether I will be able to afford the
rent on my home if the subdivision is
approved.

That if I sell my home after the subdivision
is approved I won't have enough money
to move to a new residence.

Thank you for your consideration.

Crystal Rogers Sp. # 255



10: The Planning Commission
Huntington Beach, California

Subject: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a ~~statutory~~ proper survey of resident opinion on this Subdivision

I am opposed to this subdivision and request that you deny the application

Also, I am very concerned about whether I will be able to afford the rent on my home if the subdivision is approved.

Thank you for your consideration

Gilbert Garcia
Space 2614



TO: Planning Commission
Huntington Beach, Ca.
SUBJECT: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

I am opposed to this subdivision and request you deny the application because, living on a fixed income, I know I would not be able to afford to purchase.

Also, I am very concerned about whether I will be able to afford the rent on my house if the subdivision is approved.

In addition if I sell my home after the subdivision is approved I won't have enough money to move to a new residence.

Thank you for your consideration,

Joan Walker
Huntington Shorecliffs Mobile Home Park
Space 264



Dear Commissioners

Please require that the owner conduct a Statutorily/ proper survey of resident opinion on this Subdivision.

I am opposed to this subdivision & request that you deny the application.

Concerns:

- * I am concerned that I will not be able to afford the rent on my home if the subdivision is approved.
- * We have no idea how much the lots will cost after the subdivision

Thank you for your consideration

Nattie Domeston #268
Huntington Sherecliffs

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AUG 24 2009

Huntington Beach
PLANNING DEPT.

Dear Commissioners,
I support the subdivision & request
that you approve the subdivision

also I am very concerned about
whether I will be able to afford
the rent on my home if the
subdivision is approved. I am
also concerned about the price
of my lot

I am also concerned that
this park will become a
family park, which I'm opposed
to, because ~~it~~ is a ~~family~~
senior park & I want it
to remain a senior park.

Frances Stockton
#279
Huntington Shorecliffs
Mobile Home Park



DEAR COMMISSIONERS,

As a current resident of Huntington Shorecliffs Mobile Home Park I request that the owners resubmit the survey. It was thrown at us when we had no idea what they wanted from us.

I am concerned that I will not be able to purchase my lot or be able to pay the rent if it stays as it is now and they keep uping the rent to get us out. Many of us are low income and this is our retirement.

Also there are many upgrades that need to be done before this should be done.

Sincerely
Mayer Miller #283

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AUG 24 2009

Huntington Beach
PLANNING DEPT.

8-20-09

Please request that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

I am opposed to this subdivision at this time because the price will be out of reach for most residents & therefore request that you deny the application.

I am concerned that I will not be able to afford to buy the subdivision property.

Rent has already tripled since I moved in in ^{the} (2000 year).

Flo Bradley

Huntington Shorecliffs
Space 289

UUCS
AUG 24 2009
Huntington Beach
PLANNING DEPT.

The Planning Commission
Huntington Beach, Calif.

Re: Huntington Shorecliffs
proposed Subdivision

Dear Commissioner,

We would like to request that
the owner be required to conduct
a statutorily proper survey of
residents regarding this subdivision
issue.

It is my opinion, at this time,
that the request be denied. (Subdivision)

I also have concerns regarding
rent and re-sale issues that
might be a major problem if
this plan moves forward.

Thank you,

Frank + Jim Kaska #294

RECEIVED

AUG 24 2009

Huntington Beach
PLANNING DEPT.

The Planning Commission
Huntington Beach, Cal.

Subject: Huntington Shorecliff Proposal
Subdivision

Dear Commissioners, Please require that
the owner conduct a statutorily proper
survey of resident opinion on this sub-division

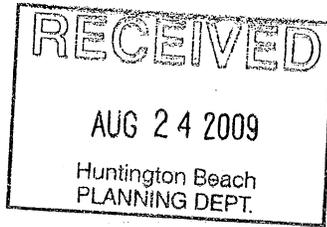
I am opposed to this sub-division and request
that you deny the application.

Also, I am very concerned about
whether I will be able to afford the rent
on my home if the subdivision is approved.

that if I sell my home after subdivision
is approved I won't have enough
money to move to a new residence

Thank you for your consideration.

Arnold Garfield # 300



The Planning Commission
Huntington Beach Calif

Subject: Huntington Shrediff Proposal
Subdivision

Please require that the owner a
statutory proper survey of resident opinion
on this subdivision.

(I am opposed to this subdivision &
request that you deny this application)

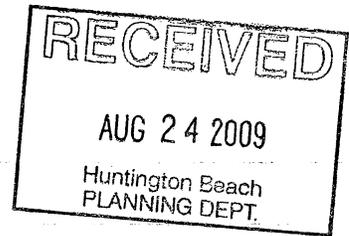
Also, I am very concerned about
whether I will be able afford the rent
on my home if the subdivision is
approved (or if I can ever sell my
home)

Where will I move to if this is
subdivided & if I can sell my home

Thank you for your consideration

Patricia R Stephenson
Sp 304

Planning Comm.
HB, CA



Subject: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

I have great concern whether I will be able to afford my rent on my home if the subdivision is approved. I will not be able to purchase the property. Last year I bought my trailer at \$38,000. I have been told I cannot get over \$19,000 for it today. This is because of the rumor of the lots going up for sale. We live here because we are low income. If the subdivision goes through I will not have enough money to move to a new residence.

Thank you for your consideration for the elderly in a low income situation.

Shirley Myers & Debi Douglass
Sp. 271 Sp. 271

ATTACHMENT NO. 8.72

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8-20-2009

AUG 24 2009

Huntington Beach
PLANNING DEPT.

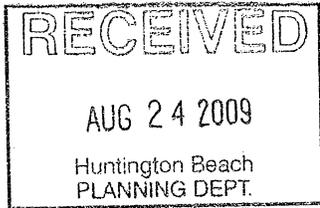
To: Planning Commission

Subject: Proposed Subdivision of
Huntington Shorecliffs

Gentlemen:-

- ① Please require that the owner be required to conduct a resident survey that complies with the law - ie - thru the Home Owners Association
- ② I oppose the Huntington Shorecliffs Subdivision
- ③ I am concerned that the storm drains carry sewage, fertilizer, dog feces, and tar + oil into the Park from Frankfurt Street causing health problems to residents.
- ④ I fear I will be economically evicted from my home.
- ⑤ The status of the infrastructure needs to be examined and revealed

Sharon L. Dana
Space 200
Huntington Shorecliffs
Mobile home Park



Feb. 20, 2009

Mr. Chairman and Members of the Planning Comm.
for the City of Huntington Beach, Calif.

Dear Members:

I am opposed to the proposed subdivision of Huntington Shorecliffs Mobile Home Park and I request that this Planning Comm. deny this application.

I also request that the present owners of the park be required to conduct a statutorily proper survey of these residents of the park into this subdivision.

As the present econ. conditions are, I do not believe that most of the residents as I am not able to afford to purchase my present lot that have my mobile home rest on.

Very Truly Yours

William J. Seymour
20701 Beach Blvd. Space 8
Huntington Beach Calif.

The Planning Commission
Huntington Beach, California

SUBJECT: Huntington Shorecliffs Proposed Subdivision



Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

~~[If you wish to include] I am opposed to this subdivision and request that you deny the application.~~

[If you wish to include] I support the subdivision and request that you approve the subdivision.

[Please include at least one of the following.]

Also, I am very concerned about

① the storm drain situation in the park. There is too much water coming into our park from the hill above.

② the water coming under my home from under my neighbor's home.

the standing water in and around my home during the winter rains and from the run off from the neighborhood above our park all through the year.

③ whether I will be able to afford the rent on my home if the subdivision is approved.

④ that if I sell my home after the subdivision is approved I won't have enough money to move to a new residence.

Thank you for your consideration.


[Name & Space Number]

The Planning Commission
Huntington Beach, California

SUBJECT: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

[If you wish to include] I am opposed to this subdivision and request that you deny the application.

[If you wish to include] I support the subdivision and request that you approve the subdivision.

[Please include at least one of the following.]

Also, I am very concerned about

the storm drain situation in the park. There is too much water coming into our park from the hill above.

the water coming under my home from under my neighbor's home.

the standing water in and around my home during the winter rains and from the run off from the neighborhood above our park all through the year.

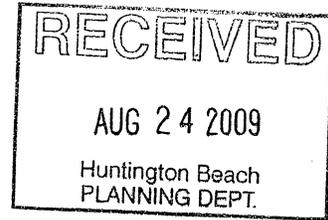
whether I will be able to afford the rent on my home if the subdivision is approved.

that if I sell my home after the subdivision is approved I won't have enough money to move to a new residence.

Thank you for your consideration.

[Name & Space Number]

Charles Schock
SP#9



The Planning Commission
Huntington Beach, California



SUBJECT: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

[If you wish to include] I am opposed to this subdivision and request that you deny the application.

✓ **[If you wish to include]** I support the subdivision and request that you approve the subdivision.

[Please include at least one of the following.]

Also, I am very concerned about

the storm drain situation in the park. There is too much water coming into our park from the hill above.

the water coming under my home from under my neighbor's home.

the standing water in and around my home during the winter rains and from the run off from the neighborhood above our park all through the year.

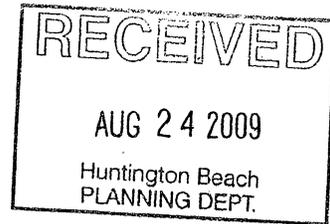
✓ whether I will be able to afford the rent on my home if the subdivision is approved.

✓ that if I sell my home after the subdivision is approved I won't have enough money to move to a new residence.

Thank you for your consideration.

Gerald W. Guibay 3P171
[Name & Space Number]
Huntington Shorecliffs Model Homes

✓ The Planning Commission
Huntington Beach, California



✓ SUBJECT: Huntington Shorecliffs Proposed Subdivision

✓ Dear Commissioners,

✓ Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

[If you wish to include] I am opposed to this subdivision and request that you deny the application.

[If you wish to include] I support the subdivision and request that you approve the subdivision.

[Please include at least one of the following.]

✓ Also, I am very concerned about

✓ the storm drain situation in the park. There is too much water coming into ✓
our park from the hill above.

the water coming under my home from under my neighbor's home. ✓

the standing water in and around my home during the winter rains and ✓
from the run off from the neighborhood above our park all through the year. ✓

whether I will be able to afford the rent on my home if the subdivision is approved.

that if I sell my home after the subdivision is approved I won't have ✓
enough money to move to a new residence.

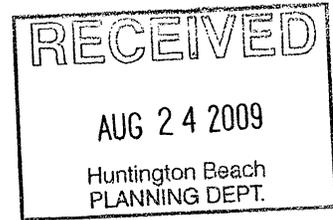
Thank you for your consideration.

[Name & Space Number]

Victoria Banzell
172

ATTACHMENT NO. 8.78

The Planning Commission
Huntington Beach, California



SUBJECT: Huntington Shorecliffs Proposed Subdivision

Dear Commissioners,

Please require that the owner conduct a statutorily proper survey of resident opinion on this subdivision.

[If you wish to include] I am opposed to this subdivision and request that you deny the application.

✓ [If you wish to include] I support the subdivision and request that you approve the subdivision.

[Please include at least one of the following.]

Also, I am very concerned about

the storm drain situation in the park. There is too much water coming into our park from the hill above.

the water coming under my home from under my neighbor's home.

the standing water in and around my home during the winter rains and from the run off from the neighborhood above our park all through the year.

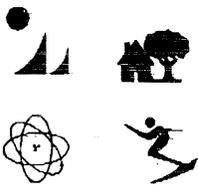
✓ whether I will be able to afford the rent on my home if the subdivision is approved.

✓ that if I sell my home after the subdivision is approved I won't have enough money to move to a new residence.

Thank you for your consideration.

[Name & Space Number]

Harry Bargill NO 172
Huntington Shorecliffs - Mahuli James



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

INTERESTED PARTIES

August 17, 2009

*80 only
10 days notice*

*Nov
8-20*

The following item is scheduled for a Subdivision Committee meeting on **Wednesday, September 2, 2009**, at 4:00 p.m. in Room B-8 of the Huntington Beach Civic Center, 2000 Main Street, Huntington Beach, California:

TENTATIVE TRACT MAP NO. 17296 (Huntington Shorecliff Subdivision)

REQUEST: To subdivide approximately 39.2 acres into 309 numbered lots and 31 lettered lots for purposes of converting an existing 304 space-for-rent mobile home park into 309 lots for ownership purposes. The applicant proposes to convert the for-rent park to enable the existing park residents to purchase their own lots.

PRESENT ZONE: RMH (Residential Medium High Density)

USE: Mobile Home Park

ACREAGE: 39.2 acres

LOCATION: 20701 Beach Blvd., 92648 (west side of Beach Blvd., south of Indianapolis Ave.)

SUBDIVIDER: Shorecliff, LP, 200 Sandpoints, fourth floor, Santa Ana, CA 92707

ENGINEER: R.T. Quinn & Associates, 1907 Border Avenue, Torrance, CA 90501

Comments to be considered prior to Committee action must be received by Friday, August 28, 2009. If you have any questions, please contact Rami Talleh, Senior Planner at (714) 536-5271.

Sincerely,

[Signature]
Scott Hess, AICP
Secretary, Subdivision Committee

HS:RT:lw

Attachment (maps)

*8-28-09 I object. I own RP above park
This is a 1st step to build houses clothed
in the lot present mobile home owners
buy the lot. Most cannot afford the
lot. The City needs the mobile home
park for low density, diversity + more
affordable housing Vote No*

Holly Hutchins

617 Frankfort Ave AB 92648

G:\Subdivisions\NOTICES\SD 090209 (Shorecliff).doc

Phone 714-536-5271

Fax 714-374-1540

www.surfclty-hb.org

HK&C

HART, KING & COLDREN

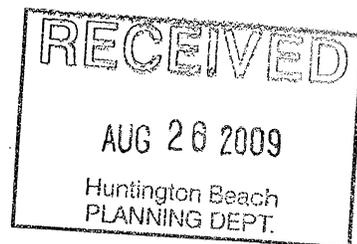
Robert S. Coldren
rcoldren@hkclaw.com

August 25, 2009

Our File Number: 36014.112/4851-1971-7124v.1

VIA FACSIMILE, E-MAIL AND OVERNITE EXPRESS

Facsimile No. (714) 374-1540



Subdivision Committee
Planning Commission
City of Huntington Beach ("City")
2000 Main Street
Post Office Box 190
Huntington Beach, CA 92648
c/o Rami Talleh, Senior Planner

**RE: Huntington Shorecliffs Mobile Home Park ("Park")
Application for Tentative Tract Map No. 17296 ("Application")
Response to Resident Letters**

Dear Committee and Commission Members:

We received from the Planning Staff very few resident letters objecting to the above-referenced Application. Copies of those letters are enclosed herewith as Attachment 1. This letter constitutes the Park owners' response to those letters.

The letters exhibit a profound misunderstanding by certain residents about the California process for rental mobilehome park conversion to resident ownership. The issues raised in the letters cannot even be considered by the City in acting on the Application. The letters also contain several incorrect statements.

Therefore, in response to those letters, we will first set forth the legal background for the City's consideration of the Application under the Subdivision Map Act, and then we will address the particular issues raised in the respective letters.

Under separate cover, we will be addressing the numerous benefits of mobilehome park subdivision. Subdivision of the park is all about providing the Park residents with an option to purchase or remain renters forever. "Option" is the key word here. No resident will be forced to do anything as a result of subdivision. A resident that does not want to own his or her lot can continue to rent the space for the rest of that resident's life. All leases will be continued to be honored post-subdivision. Therefore, the completion of the subdivision will have no—I repeat no—impact on rents in the Park.

A Professional Law Corporation
200 Sandpointe, Fourth Floor, Santa Ana, California 92707
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457

ATTACHMENT NO. 9.1

Rami Talleh
City of Huntington Beach Subdivision Committee
City of Huntington Beach Planning Commission
August 25, 2009
Page 2

As to those tenants who complain (in our view without justification) of supposed lapses in repair and maintenance, those matters have nothing to do with subdivision, and the law is clear that the occasion of subdivision is not the place to address these issues (although when the tenants own the park they can maintain and repair at whatever level they wish). Finally, we have not had an opportunity to brief our tenants on our subdivision plans yet, and it is unfortunate that a militant vocal minority of disgruntled tenants chose to blanket the Park with misinformation and to solicit similar negative letters from the tenants. It is gratifying that in the face of such a campaign that very few tenants have "taken the bait."

**THE STATE HAS AN EXPRESS POLICY TO FACILITATE
MOBILEHOME PARK CONVERSION TO RESIDENT OWNERSHIP**

In 1991, the California Legislature established Government Code Section 66427.5, which is part of the Subdivision Map Act. Government Code Section 66427.5 expressly governs park owner applications for subdivision of existing mobilehome parks for the purpose of converting the rental mobilehome parks to resident ownership.

Government Code Section 66427.5 is part of the general State scheme to facilitate resident ownership of mobilehome parks:

[I]t is the intent of the Legislature, in enacting this chapter, to encourage and facilitate the conversion of mobilehome parks to resident ownership ... and to help establish acceptance for resident-owned ... mobilehome parks in the private market. (Health & Saf. Code § 50780 (b)) (See *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal. App.4th 1153, 1168-1169 [explaining the linkage between Govt. Code § 66427.5 & the expression of legislative intent found in Health & Saf. Code § 50780])

**THE STATE ESTABLISHED A STREAMLINED PROCESS FOR
SUBDIVISION OF EXISTING MOBILEHOME PARKS**

Given the State policy to facilitate resident ownership of mobilehome parks, the Subdivision Map Act at Government Code Section 66427.5 provides an exclusive streamlined process for local agency approval of existing mobilehome park tentative tract maps:

The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The

Rami Talleh
City of Huntington Beach Subdivision Committee
City of Huntington Beach Planning Commission
August 25, 2009
Page 3

scope of the hearing shall be limited to the issue of compliance with this section. (Govt. Code § 66427.5 (e))

The California Court of Appeal has interpreted Government Code Section 66427.5 (e) to prevent any additional local agency requirements for subdivision approval, including, as attempted in the *El Dorado* case, a city requirement for a tenant majority approval of the subdivision:

The Association's interpretation would conflict with the legislative intent to encourage such conversions. Indeed the City notes that "such an onerous condition of approval would effectively give the mobile home park homeowners' association the ability to unilaterally block the proposed park conversion unless the landlord would otherwise set his purchase price at an amount acceptable to the homeowners." Giving the homeowners this power would conflict with the legislative intent "to encourage and facilitate the conversion of mobilehome parks to resident ownership" (Health & Saf. Code § 50780, subd. (b)) (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal. App.4th at 1172 [underline added])

At oral argument, the City argued that the three further conditions it imposed were designed to prevent an abuse of the conversion process by a developer who was engaged in a sham or fraudulent transaction which was intended to avoid the rent control ordinance. The problem with the argument is that section 66427.5, subdivision (d) provides that "The scope of the hearing shall be limited to the issue of compliance with this section." Thus, the City lacks authority to investigate or impose additional conditions to prevent sham or fraudulent transactions at the time it approves the tentative or parcel map. (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal. App.4th at 1165 [underline added])

Thus, under Government Code Section 66427.5, the only issues that the City may consider in deciding upon an existing mobilehome park subdivision are as follows:

- Is the tentative tract map in compliance with City requirements?

Rami Talleh
City of Huntington Beach Subdivision Committee
City of Huntington Beach Planning Commission
August 25, 2009
Page 4

- Did the park owner notify residents of their option to continue leasing or purchase their lots?
- Did the park owner submit to the City and timely mail to the residents a resident impact report?
- Did the park owner submit the results of a resident survey of support of the subdivision that was conducted by written ballot in accordance with an agreement between the park owner and an independent resident homeowners' association?

**THE STATE PREEMPTS AND PREVENTS CITY
IMPOSED CRITERIA FOR MAP APPROVAL**

The recent Court of Appeal decision in *Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397 (Cal. App. 1st Dist. Aug. 21, 2009) reaffirmed that Section 66427.5 (e) expressly precludes local agency criteria for approval of mobilehome park subdivisions:

We therefore conclude that what is currently subdivision (e) of section 66427.5 continues to have the effect of an express preemption of the power of local authorities to inject other factors when considering an application to convert an existing mobilehome park from a rental to a resident-owner basis. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397 (Cal. App. 1st Dist. Aug. 21, 2009), at p. 54)

In explaining the above holding, the Court of Appeal in *Sequoia Park Associates* expressly stated that local agencies do not have authority to impose conditions, even conditions interpreting the particular requirements under the Subdivision Map Act, such as conditions for the appropriate content of the Government Code Section 66427.5 (c) report on the impact of the conversion upon residents or conditions relating to the level of tenant support demonstrated by the Government Code Section 66427.5 (d) tenant survey:

We admit that there is no little attraction to the County's approach. Beginning with the presumption against preemption in the area of land use, it is more than a little difficult to see the Legislature as accepting that approval of a conversion plan is dependent only on the issues of resident support and the subdivider's efforts at avoiding economic displacement of nonpurchasing residents. Section 66427.5 does employ language that seems to accept, if not invite, supplementary local action. For example, a subdivider

Rami Talleh
City of Huntington Beach Subdivision Committee
City of Huntington Beach Planning Commission
August 25, 2009
Page 5

is required to “file a report on the impact of the conversion upon residents,” but the Legislature made no effort to spell out the contents of such a report. And there is some force to the rhetorical inquiry posed by amici: “Surely, the Legislature intended that the report have substantive content[¶] ... [¶] If there can be no assurance as to the contents of the [report], it may become a meaningless exercise.”

However, a careful examination of the relevant statutes extracts much of the appeal in the County’s approach. There are three such statutes—sections 66427.4, 66427.5, and 66428.1. And if they are considered as a unit—which they are, as the three mobilehome conversion statutes in the Subdivision Map Act—a coherent logic begins to emerge.

* * * * *

It is not surprising that in this middle situation that the Legislature would see fit to grant local authorities some power, but circumscribe that power. That is what section 66427.5 does. It says in effect: Local authority, you have this power, but no more. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at pp. 46-48, 51)

And still more. A local ordinance is impliedly preempted if it mandates what state law forbids. (*Big Creek, supra*, 38 Cal.4th 1139, 1161; *Great Western Shows, Inc. v. County of Los Angeles, supra*, 27 Cal.4th 853, 866.) As already established, section 66427.5 strictly prohibits localities from deviating from the state-mandated criteria for approving a mobilehome park conversion application. Yet the Ordinance directs that the application shall be approved “only if the decision maker finds that,” in addition to satisfying the survey and tenant impact report requirements imposed by section 66247.5, the application (1) “is consistent with the General Plan” and other local land and zoning use regulations; (2) demonstrates that “appropriate” financial provision has been made to underwrite and “ensure proper long-term management and maintenance of all common facilities and infrastructure”; (3) the applicant shows that there are “no conditions existing in the mobile home park that are detrimental to public health or safety”;

Rami Talleh
City of Huntington Beach Subdivision Committee
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and (4) the proposed conversion "is a bona fide resident conversion" as measured against the percentage-based presumptions established by the Ordinance. (Sonoma County Code, § 25.39-7(c), subs. 1(c)–1(f), 2.) The Ordinance also requires that, following approval of the conversion application, the subdivider "shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit or space it occupies at the same or more favorable terms and conditions than those on which such unit or space shall be initially offered to the general public," for a period of 90 days "from the issuance of the subdivision public report ... pursuant to California Business and Professions Code § 11018.2." (*Id.*, § 25-39.7(d), subd. 2.)

However commendable or well-intentioned these additions may be, they are improper additions to the exclusive statutory requirements of section 66427.5. The matter of just what constitutes a "bona fide conversion" according to the Ordinance appears to authorize—if not actually invite—a purely subjective inquiry, one which is not truly reduced by reference to the Ordinance's presumptions. And although the Ordinance employs the mandatory "shall," it does not establish whether the presumptions are conclusive or merely rebuttable. This uncertainty is only compounded when other criteria are scrutinized. What is the financial provision that will be deemed "appropriate" to "ensure proper long-term management and maintenance"? Such imprecision stands in stark contrast with the clear directives in section 66427.5. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at pp. 58-61)

LOCAL CONDITIONS ARE UNNECESSARY

The streamlined process for City approval of existing mobilehome park tentative maps makes sense not only from a policy perspective of facilitating resident ownership of mobilehome parks, but also in the context of the significant State law and administrative agency regulation of mobilehome parks before, during and after tentative map approval by the City.

Before a tentative map may be submitted under Section 66427.5, the mobilehome park must already be in existence with a permit from the California Department of Housing and Community Development ("HCD") for the spaces that will be subdivided.



HART, KING & COLDREN

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Mobilehome park design, construction, use and operation is subject to the exclusive jurisdiction of the HCD under the Mobilehome Parks Act, Health and Safety Code Section 18200 *et seq.*

These statutory schemes indicate that the state is clearly the dominant actor on this stage. Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate "specific requirements relating to construction, maintenance, occupancy, use, and design of mobilehome parks (Health & Saf. Code § 18253) (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at pp. 16-17)

During the subdivision process, the tenants are adequately protected by provisions of the Subdivided Lands Act that require the Park owner to prepare and disseminate a public report that must be reviewed and approved by the California Department of Real Estate, which report discloses and provides for, *inter alia*, encumbrances on the land, the status of public utilities, needed capital improvements, proposed assessments, etc. (See Bus. & Prof. Code § 11000 *et seq.*)

In the normal situation, conversion begins with compliance with the Subdivision Map Act, followed by approval from the Department of Real Estate under the Subdivided Lands Act. (Bus. & Prof. Code § 11000 *et seq.*) (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1177)

After the subdivision is approved by local government, the Department of Real Estate regulates the marketing and sale of the individual units in the park. (Bus. & Prof. Code, § 11010 *et seq.*) It is illegal to sell subdivided property before obtaining a public report from the Real Estate Commissioner. (Bus. & Prof. Code, § 11018) (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1160)

Following the City subdivision approval, the tenants are adequately protected by provisions of Government Code Section 66427.5 under the Subdivision Map Act that protects residents against economic displacement.

Section 66426.5 (a) requires that the Park owner offer the residents the option of either purchasing their lots or continuing to lease their that lot from the Park owner. Therefore,

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Page 8

residents will not be forced to terminate their leases and will not be forced to purchase, but will be provided a valuable option to purchase if they so choose.

Also, Section 66427.5 (f) limits rent increases for residents who choose to continue leasing. For non low income residents, their rents, if below market value at the time of conversion, can only be raised to market value over a four year period. For low income residents, their rents can only be raised by an annual percentage that is equal to the average rent increases during the four years prior to conversion.

The Court of Appeal in *Sequoia Park Associates* recognized the broad reach of those exclusive statutory provisions contained in Section 66427.5 in protecting residents against economic displacement:

The County lays particular emphasis on the need for ensuring that conversion must comport with the General Plan, especially its housing element, because that is where the economic dislocation will be manifest, by reducing the inventory of low cost housing. (See Health & Saf. Code, § 50780, subds. (a)(1) & (a)(3).) In this sense, however, section 66427.5 has a broader reach than the County perhaps appreciates, as it does make provision in subdivision (f) for helping non-purchasing lower income households to remain. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at pp. 61-62)

The Court of Appeal in the earlier case of *El Dorado Palm Springs Ltd. v. City of Palm Springs*, in comparing Government Code Section 66427.5 with Government Code Section 66427.4, clearly recognized that conversion under the limitations of Section 66427.5 will not result in economic displacement of residents:

We first examine section 66427.4. It applies to “conversion of a mobilehome park to another use.” Conversely, it would not apply to conversion of a mobilehome park when the property’s use as a mobilehome park is unchanged. The section would only apply if the mobilehome park was being converted to a shopping center or another different use of the property. In that situation, there would be “displaced mobilehome park residents” who would need to find “adequate space in a mobilehome park” for their mobilehomes and themselves. Thus, an impact report is required. (*El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, 1161)



HART, KING & COLDREN

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The City's action on the subdivision application occurs at a stage in the process where significant information pertaining to conversion such as lot purchase price and homeowner association obligations have not yet been studied or developed:

Although a tenant cannot make a rational decision to buy, continue to rent, or move his or her mobilehome unless the tenant is given an option price and a proposed rental price, the tenant is not required to make such a decision until after the Department of Real Estate has approved the project and issued its public report. (Bus. & Prof Code § 11010.9) (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1179)

While the filing of the application and compliance with Section 66427.5 give notice to the residents of their option to purchase, the subdivider does not need to disclose a tentative price at that time because the residents do not need to decide whether to purchase at that time. (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1180)

In fact, the Subdivided Lands Act prevents premature disclosure of lot price information:

Indeed, the giving of the disclosure notice does not authorize the subdivider to offer to sell the units before obtaining Department of Real Estate approval. (Bus. & Prof. Code § 11010.9, subd. (c).) (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1180)

Thus, all that is required at the stage of City approval of the Application is for the Park owner to give notice to the residents of their option to purchase or continue leasing and of the statutory protections for those residents pertaining to post-conversion rent increases.

At the latter time [the subdivision approval by the City], the subdivider must only notify residents that they will have an option to purchase their sites or to continue to rent them. (*El Dorado Palm Springs, Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1180)

The City cannot impose any conditions of its own on approval of the Application. The City has an almost ministerial duty to approve the Application if it complies with the simple checklist of requirements set forth in Government Code Section 66427.5.

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August 25, 2009
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THE RESIDENT LETTERS RAISE INAPPROPRIATE ISSUES

While the particular issues raised in each letter will be addressed separately as needed, generally, the issues raised in the letters cannot be considered by the City with respect to the Application.

Sequoia Park Associates makes clear that the City cannot consider issues of Park infrastructure design, maintenance and repair or Park compliance with the HCD regulations under the Mobilehome Parks Act. Park infrastructure design, maintenance and repair issues are the primary focus of the tenant letters:

- Water drainage, sewer, and electrical issues (April 20, 2009 Roberts/Saparoff letter);
- Water drainage issues (May 8, 2009 Criswell letter);
- Water drainage, sewer, electrical, gas issues (May 17 &18, 2009 Seymour letters);
- Water drainage, electrical, cable, streets and lighting issues (May 18, 2009 Vaughn letter);
- Water drainage, water, electrical, cable, streets and lighting issues (June 15, 2009 Emerson letter)
- Water drainage issues (June 11, 2009 Gardner letter)

Sequoia Park Associates expressly holds that local agencies are precluded from review of park infrastructure design, maintenance or repair issues because those issues are under the exclusive jurisdiction of the California Department of Housing and Community Development. One of the County of Sonoma ordinance conditions struck down in that case required to the park owner to demonstrate:

that "appropriate" financial provision has been made to underwrite and "ensure proper long-term management and maintenance of all common facilities and infrastructure" (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at p. 59)

The Court of Appeal in *Sequoia Park Associates* rejected that and other local agency conditions of approval, stating:

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However commendable or well-intentioned these additions may be, they are improper additions to the exclusive statutory requirements of Section 66427.5. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at p. 60)

The Court of Appeal in *Sequoia Park Associates* concluded that it was the California Department of Housing and Community Development, not the City, that had jurisdiction to consider and review Park infrastructure design, repair and maintenance issues:

Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate "specific requirements relating to construction, use, maintenance, occupancy, use, and design" of mobilehome parks (Health & Saf. Code, § 18253) (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at p. 16-17)

The only other issue that the letters raise is a request for the City to interpret and impose conditions upon the Park's compliance with the tenant survey results it submitted pursuant to Subsection 66427.5 (d). (See June 18, 2009 and July 9, 2009 Steeper letters)

The Park owner complied with the requirements of Government Code Section 66427.5 (d) by obtaining and submitting tenant survey results to the City. The survey was conducted by written ballot pursuant to an agreement between the Park owner and an independent resident homeowners' association. Government Code Sections 66427.5 does not require the Park owner to conduct the survey through Mr. Steeper's particular homeowners' association or to provide any particular explanation to the residents regarding the survey or any particular form of written ballot.

As explained in *Sequoia Park Associates*, the City cannot impose conditions that attempt to tell the Park owner how to comply with Government Code Section 66427.5.

However commendable or well-intentioned these additions may be, they are improper additions to the exclusive statutory requirements of Section 66427.5. (*Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397, at p. 60)

Any City review of the manner in which the survey was conducted would invite a purely subject inquiry on the matter:

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The matter of just what constitutes a “bona fide conversion” according to the Ordinance appears to authorize—if not actually invite—a purely subjective inquiry, one which is not truly reduced by reference to the Ordinance’s presumptions. (Sequoia Park Associates v. County of Sonoma 2009 Cal. App. LEXIS 1397, at p. 60)

COMMENTS ON PARTICULAR RESIDENT LETTERS

1. April 20, 2009 Roberts/Saparoff Letter This letter raises unsupported infrastructure issues that are outside the scope of City review of the Application. The letter makes a false statement about the Park sewer system. Roberts had a sewer blockage within their home and the plumber cut the pipe under their home, causing a sewage spill under their home. The sewage spill was not caused by and did not involve the Park sewer system.
2. May 8, 2009 Criswell Letter The Criswell are not residents of the Park and their self-serving reference to litigation they support is outside the scope of City review.
3. May 17 &18, 2009 Seymour Letters These letters raise unsupported infrastructure design, maintenance and repair issues that are outside the scope of City review of the Application. The Seymours are unhappy because they haven’t been able to sell their homes which they have had on the market for over a year.
4. May 18, 2009 Vaughn Letter This letter raises design and infrastructure issues that are outside the scope of City review of the Application. The roads are not slippery and their slope is within HCD design standards. There is no substantiation of the libelous accusation of elder abuse. Vaughn is unhappy because she hasn’t been able to sell her home which she has had on the market for over a year so that she can move out of state to be close to her children and grandchildren.
5. June 18, 2009 and July 9, 2009 Steeper Letters This letter raises issues about the manner in which the tenant survey was conducted. There are three independent tenant associations within the Park. Government Code Section 66427.5 (d) does not require the Park owner to agree with every tenant association regarding the survey. It only requires that the Park owner agree with a tenant association which is independent. The Park owner in this instance agreed with a separate independent tenant association regarding the conduct of the survey. Therefore, Mr. Steeper’s claim that there was no agreement with the association he represents is without merit.

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6. June 15, 2009 Emerson Letter This letter raises issues about infrastructure, design, maintenance and repair issues that are outside the scope of City review of the Application. The roads are not slippery and their slope is within HCD design standards. There is no substantiation of the libelous accusation of harassment.

In conclusion, the enclosed letters by a very small minority of Park residents fail to raise or substantiate any issues that should be considered by the City in its review of the Application. The City's consideration of the Application should simply be a checklist review of whether the Park owner has complied with Government Code Section 66427.5. We would be glad to further answer any questions regarding the particulars of the correspondence that would be relevant and helpful to the City's decision on the Application.

Best Regards,

HART, KING & COLDREN

Robert S. Coldren

BLH/dr

Enclosure: Resident Letters
Sequoia Park Associates decision

cc: Jennifer McGrath, City Attorney (by e-mail only)
Leonie Mulvihill, Assistant City Attorney (by e-mail only)
Herb Fauland, Planning Manager (by e-mail only)
Steve Bogart, Public Works (by e-mail only)

SUB DIVISION OF HUNTINGTON SHORECLIFFS
SENIOR MOBIL HOME PARK

April 20, 2009

ATTN: PLANNING COMMISSION
PUBLIC WORKS ENGINEERING DIVISION
ANY OTHER AGENCY INVOLVED IN SUB DIVISION

We are writing to ask that you deny the request of the new owners, Saunders Properties et al, to subdivide the current park sites, thus allowing the present residents to purchase their rental land sites. While it sounds magnanimous, it does not explain the following:

- . When they purchased there were major litigations pending
- . The destructive water drainage needs to be corrected and the roads
- . The aging sewer system has caused raw sewerage back-up needs correction
- . Electrical problems corrected
- . Mold problems

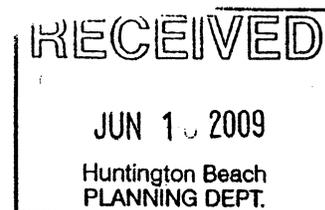
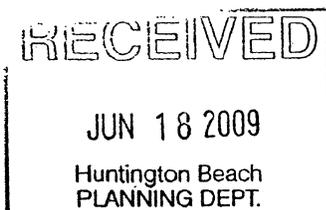
While it sounds like a good move, all the major repairs will be passed on to the site owners, and we would lose the protection of Rent Control, which would force the aged seniors on fixed income to be priced out of their homes. In addition, while this may be a creative legal maneuver, it not only is destructive to the aged residents, but their application may fail to disclose latent defects, which would enable each contract to purchase to then be disaffirmed. Instead of turning their acquired financial white elephant into financial disaster for the elderly, the new owners had the option to disaffirm their purchase from the former owners because latent defects were not revealed. There were many health and safety violations that were not fixed. For the health and safety of the residents, the sewer lines must be brought to code. We currently have had their sewer back up into our home with major damage. They claim it is not their responsibility.

A sub division of this park should only be approved if the city requires the owners to bring everything up to code and correct all the defaults to each site independently and the common area uses. The common areas should not be owned by the seller, but by the park homeowners as community areas to be shared by a formed organization of Home Owners.

We pray that you consider the above, and send out inspectors to make corrections.
Sincerely,

William Roberts, Estelle Roberts, & Albert Saporoff
(age 83) (age 78) (age 95)

20701 BEACH BLVD SP #96
HUNTINGTON BEACH, CA 92648



6/23/09
cc - PLANNING
COMMISSION
HESS
FAULAND
TALGITH

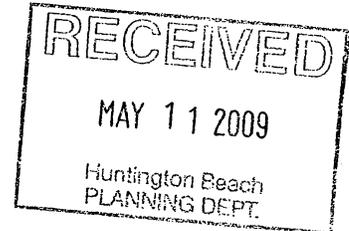
ATTACHMENT NO. 9.14

May 8, 2009

FAXED
05/08/09

Rani Talleh
Senior Planner
Fax 714-374-1540
Email: rtalleh@surfcity-hb.org

Steven J. Bogart, P.E.
Senior Civil Engineer
Fax 714-374-1573



RE: Huntington Shorecliffs Mobilehome Park

Dear Mr. Talleh and Mr. Bogart:

This is to let you know that **we do not support** conversion of Huntington Shorecliffs to a subdivision for the purpose of individual lots for sale.

First of all the so call "Ballot Form" is in violation of code 676427.5. Most important is that there were and are several law suits against former and present park owners. Most are for failure to maintain the park due to improper drainage of water. We were permanent residents at Huntington Shorecliffs, however, we were forced to abandon our manufactured home due to health problems resulting from the park owners failure to maintain the park.

- 30.2008.00104752 – Failure to maintain LaChappelle case
- 07CC0961 Hamel – Failure to maintain Hamel case
- 06CC00216 - Access denied to residents case
- 06CC00262 – Leases, unlawful by owners to cancel/change leases
- 07CC01257 – Declaratory Relief Case
- 07CC01416 – Failure to maintain – See attachment, map indicates units with water problems and letter from Huntington Shorecliffs

We would like to request that any decision regarding Huntinton Shorecliffs be delayed until all the above cases have been resolved.

Respectfully yours,

Armina and Roger Criswell
883 Oro Grande St.
Oceanside, CA 92057
acriswell46@yahoo.com

ATTACHMENT NO. 9.15

Talleh, Rami

From: Madeline Seymour [ausvan@earthlink.net]
Sent: Monday, May 18, 2009 6:29 AM
To: Talleh, Rami
Subject: Huntington Shorecliffs Sub-Division application

Madeline J. Seymour
20701 Beach Blvd. #8
Huntington Beach, Ca. 92648

May 17, 2009

Mr. Rami Talleh, Senior Planner
City of Huntington Beach
Department of Planning
2000 Main Street
P. O. Box 190
Huntington Beach, Ca. 92648

RE: Sub-Division application for Huntington Shorecliffs Mobile Home Park

Dear Mr. Rami:

I am writing to you today to request your assistance in not approving the above application for sub-division.

There are major litigations pending in the Orange County Superior Court, Case #07CC01416, failure to maintain having to do with the water problems in this park.

A city storm drain drains into this park at the North center of the property, winding thru the park to the Southeast corner to another storm drain then out of the park. This drain is a Health and Safety problem as there is a good possibility of the run off containing insecticides, fertilizer, animal fescues and engine oil. This park has an elderly population and these hazards could compromise the immune system of every person in this park.

The Sewer system, Electrical and Gas lines are all in excess of 35 years. The Electrical system, currently in the park, has a hard time carrying the load of the new homes that are being brought in. There have been sewer problems inside of people's homes.

Please consider not approving this application, or at least put some demands on these owners to fix and/or bring all utilities and drainage to current standards/codes. Inspections with reports should be required by the City before going forward with any approvals of this application.

Thanking you in advance for considering the above issues.

Very truly yours,

Madeline J. Seymour

Talleh, Rami

From: Bill Seymour [BigBoyBarri@socal.rr.com]
Sent: Sunday, May 17, 2009 5:06 PM
To: Talleh, Rami
Subject: Sub Division application Huntington Shorecliffs Mobile Home Park

William J. Seymour
20701 Beach Blvd. #8
Huntington Beach, Ca. 92648

May 17, 2009

Mr. Rami Talleh, Senior Planner
City of Huntington Beach
Department of Planning
2000 Main Street
P. O. Box 190
Huntington Beach, Ca. 92648

RE: Sub-Division application for Huntington Shorecliffs Mobile Home Park

Dear Mr. Rami:

I am writing to you today to request your assistance in not approving the above application for sub-division.

There are major litigations pending in the Orange County Superior Court, Case #07CC01416, failure to maintain having to do with the water problems in this park.

A city storm drain drains into this park at the North center of the property, winding thru the park to the Southeast corner to another storm drain then out of the park. This drain is a Health and Safety problem for this park as there is a good possibility of the run off containing insecticides, fertilizer, animal fescues and engine oil. This park has an elderly population and these hazards could compromise the immune system of every person in this park.

The Sewer system, Electrical and Gas lines are all in excess of 30 years. The Electrical system currently in the park has a hard time carrying the load of the new homes that are being brought in. There have been sewer problems inside of people's homes recently.

Please consider not approving the application, or at least put some demands on these owners to fix and/or bring all utilities and drainage to current standards/codes. Inspections with reports should be required by the City before going forward with any approvals of this application.

Thanking you in advance for considering the above issues.

Very truly yours,

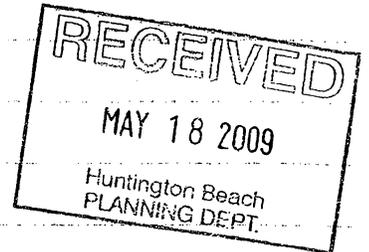
William J. Seymour

5/18/2009

ATTACHMENT NO. 9.17

Mary F. Vaughn
Space 35

Rami Lellek, Sr Planner
Dept of Planning
2000 Main St.
P.O. Box 190
Huntington Beach, CA 92648



Subject: Sub Division of
Huntington Shorecliffs Mobil Home
20701 Beach Blvd
Huntington Beach, CA 92648

Dear Sir;

I have experienced deep water under my space causing the sinking of my piers ^{and} the cracking of my walls in three rooms. I also have had to install a permanent pump under my home.

There is a large water tank in the RV storage area that dumps at 5 AM every day into the street in front of my home. Easement thru park from Frankfurt St. also has daily runoff, keeps streets slippery

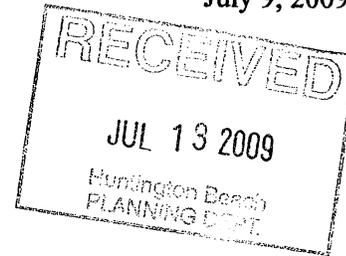
Flooding under homes, mold, electrical and cable wiring problems, slanted street unsafe to walk, poor lighting and much more.
This is elder abuse, health ^{and} economic stress.
Please help us.

Sincerely,
Mary F. Vaughn

ATTACHMENT NO. 9.18

July 9, 2009

Mr. Rami Talleh
Senior Planner, Dept. of Planning
City of Huntington Beach
2000 Main Street
P.O. Box 190
Huntington Beach, CA 92648



Re: Application to Subdivide Property at 20701 Beach Blvd., Huntington Beach, CA (the "Park") and filing of a Tentative Sub-Division Map.

Dear Mr. Talleh:

Further to my letter of June 18, 2009, it is the position of the residents of the Park that the "survey" conducted by the owners pursuant to Govt. Code section 66427,5 (d) (2)-(5) was wholly inadequate to meet the requirements of this Section.

Sub-Section (d)(2) requires that a survey of all residents of the Park be carried out by the subdivider which "...shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner."

The owner failed to reach any agreement with the Home Owners' Association with respect to this survey. In fact, the Home Owners' Association was completely unaware that a survey was to be conducted until it was presented to all the residents on approximately April 8, 2009 via individual letters.

The owner invited the residents to an "informal" meeting on October 27, 2008 to discuss three issues, one of which was the filing for a sub-division map (Attachment No.1.) The residents had no way of knowing the import of this presentation and the consequences of the tentative subdivision map filing. Many simply did not attend the meeting. Had the Association been appraised of the importance of this meeting it would have strenuously urged all residents to attend.

When the "survey" arrived in April, most residents had already forgotten the October meeting. As a result they were totally unprepared to consider in a thoughtful manner the financial and other implications of answers they might give to the questions posed by the survey. Many residents simply did not respond or responded by noting their inability to make an informed decision without further information (in effect refusing to vote one way or the other).

ATTACHMENT NO. 9.19

In conclusion, we insist that the owner adhere fully to the statutory requirements of Govt. Code Section 66427.5. We also request that the City suspend its consideration of the tentative subdivision map application until an appropriate survey of the residents has been conducted. In the alternative, we request that the application be denied on the basis of the owner's failure to comply with the requirements of Govt. Code Section 66427.5.

Best Regards,

A handwritten signature in black ink, appearing to read "Scott C. Steeper", written in a cursive style.

Scott C. Steeper
President, Home Owners Association
Huntington Shorecliffs Mobile Home Park
20701 Beach Blvd., #204
Huntington Beach, CA 92648

(714) 274-9975



20701 Beach Boulevard, Huntington Beach, CA 92648-4908
October 24, 2008

All Residents
Huntington Shorecliffs.

RE: Informal Meeting
Monday, October 27, 2008, 6:30 p. m. large clubhouse

Dear Residents:

The management of Huntington Shorecliffs cordially invites you to an informal meeting to be held at the large clubhouse on Monday, October 27, 2008 at 6:30 p. m.. We will be present to discuss a number of issues impacting the park. Those issues include the following:

1. The County's reassessment of the park as a result of the sale and the impact upon property taxes,
2. Some pending changes to the park's Rules & Regulations,
3. The park's filing for a subdivision map, which would enable the residents to purchase their lots.

Of course, we will be available to answer questions as well. We look forward to seeing you on Monday evening.

Sincerely,
STAR MOBILEHOME PARK MANAGEMENT



By: Michael A. Cirillo
For: Huntington Shorecliffs

ATTACHMENT NO. 9.21

RECEIVED

JUN 19 2009

Huntington Beach
PLANNING DEPT.

June 18, 2009

Mr. Rami Talleh
Senior Planner, Dept. of Planning
City of Huntington Beach
2000 Main Street
P.O. Box 190
Huntington Beach, CA 92648

Re: Application to Subdivide Property at 20701 Beach Blvd., Huntington Beach, CA

Dear Mr. Talleh:

This is to advise you that the members of the Huntington Shorecliffs Home Owners Association, located at 20701 Beach Blvd., Huntington Beach, oppose the granting of the subject Application.

Our objection is based on the survey of the homeowners carried out by the Owner in April of this year. The residents were never advised of the fact that the survey was being requested as part of the subdivision application process and therefore had legal and financial implications.

We will be submitting further correspondence providing more detailed grounds for our objection in the near future. However, we wanted to assure that the City was on notice of our concern and opposition to the granting of the Application..

Best Regards,

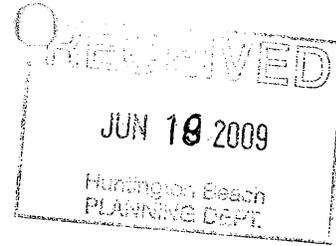


Scott C. Steeper
President, Home Owners Association
Huntington Shorecliffs Mobile Home Park
20701 Beach Blvd., #204
Huntington Beach, CA 92648

(714) 274-9975

June 15, 2009

Mr. Rami Talleh, Senior Planner
City of Huntington Beach Dept. of Planning
2000 Main St., P.O. Box 190
Huntington Beach, CA 92648



Re: Huntington Shorecliffs Mobile Home Park Application (herein after referred to "the Park")
for Subdivision/Condoization

Dear Mr. Talleh,

I am writing, on behalf of myself and my husband and the many other residents of this senior community, to register my strong opposition to the application for subdivision on the part of Huntington Shorecliffs Mobile Home Park's owner Mr. John R. Saunders. As seniors on fixed incomes, my husband and I used our entire life savings to buy a brand new mobile home in this park in 2005, with the thought that we could enjoy low maintenance and reasonable rent on a beautiful home, as well as the peace, calm, and mild climate of this setting for the remainder of our years. We, like most of the other residents here, have our own story, our own face of humanity. We are probably representative of those who have worked hard, served their country and the larger global community, raised productive children, and essentially been a credit to society.

We found out very soon after moving in, that we, as human beings, were of no concern to the owners or management of the Park. We also discovered that the Park had many problems with the maintenance of this 40-some year-old Park and very poor relationship with residents. The major problems we have experienced here are "failure to maintain" and "economic duress" in terms of age and the health of residents.

In terms of failure to maintain, our complaint centers around standing water under our structure and the possibility of mold with implications for health issues we are experiencing. Our home, which was newly-constructed, was moved onto a dry, raised lot in December 2005. Following the first rains of 2006, I began chronic sneezing (never before experienced) and since have sought medical attention for this as well as severe fatigue and headaches (mold-related symptoms).

In July, 2008 I re-engaged the same mobile home inspector who had originally inspected the crawl space under our home, to determine if there was water under our unit. This time, his inspection revealed pooled water under the unit and evidence of white powdery growth on the ground and supports. Other water-related or land-sinking problems include toilet flushing, cracks in the cement, doors not closing properly, and standing water on the property adjacent to our carport.

In addition to personal experience with water issues, the park seems to impose an unreasonable number of "water shut-offs" and on at least one occasion (8/14/08) notice of water shut-off was put in our mail slots literally minutes before the water was shut off, leaving us no notice to set aside buckets or pans of water for temporary use. When one is in the midst of taking a shower and washing hair prior to leaving home for an important appointment, this can be unsettling and anxiety producing!

The Park's water, sewer and electrical systems are all almost 40 years old. With newer homes being brought in and upgrades made to older homes, both requiring greater energy expenditure, there is real strain on the Park's capacity to provide continuous and safe utility services.

In terms of maintenance and alterations, the street light located on our space regularly goes out about twice a year. Some repairs have taken up to two months from outage report. We depend on that street light for night safety.

Additionally our cable connection was unavailable due to what Time Warner determined resulted from re-surfacing of the streets which clogged the cable line to our space, requiring time Warner to use the neighboring space's hook-up for our space's cable connection.

And, there are real issues of physical safety on streets which slope into the center, making it difficult for those using walkers or wheelchairs to safely navigate the road. Also streets with no flat surfaces are dangerous for people, like my husband, who have balance or neuropathy problems. By having no alternative but to walk in the center of the road (designed to carry water), residents face the safety issues of moving vehicles and walking in water.

Lastly, and more importantly is the issue of economic duress and stress. About ½ to ¾ of the Park's population can be considered elderly. Many are infirm. Some do not have any family or outside support or assistance. With aging, decision-making capabilities tend to decline. At a time when elderly people need strong support in understanding the complexities of legal issues, the management of this Park has not taken any special effort to explain the implications of changes to their policies. They sent their lawyer and a management company representative to represent them at one meeting (which did not have 100% of Park resident attendance). This simply appeared to me as "going through the motions of communicating with residents". It seemed clear that the owner / management of the Park had goals that would shatter the dreams of the many who came here to live simple, affordable, quiet lives with others in a welcoming and friendly community.

About the time or just prior to this "meet the owners" gathering, Park management sent out a notice of options for new lease agreements, offering the choice of one year or month-to-month leases. This notice contained language which could be construed as threatening: "... residents who choose not to sign ... will be deemed to be month-to-month tenants if their 2006 lease is terminated". This caused undue stress on the part of many residents because there was no explanation for how an existing lease could be terminated. The lack of certainty as to what will happen if the park is indeed "condo-ized" constitutes what I believe is mental and emotional harassment on the part of the Park's owners. Additionally, the survey sent by management to residents asking how many thought they would want to purchase or continue to rent their space, **did not come through the Homeowner's Association** which should be the proper channel for such inquiries.

I bring all these issues to your attention, so you might have a clearer picture of the concerns and uncertainties faced by me and other residents like me. I request that the application for subdivision of Huntington Shorecliffs Mobile Home Park be denied.

Thank you for your attention to this request.

Sincerely,



Lynden V. Emerson
20701 Beach Blvd., #158
Huntington Beach, CA 92648

Cc: Huntington Shorecliffs Homeowners Association

ATTACHMENT NO. 9.24

Date: Thu 11 Jun 2009

To: Rami Tellah
City Senior Planner
200 Main St Huntington Beach CA 92648

From: Robert M Gardner
20701 Beach Blvd #253
Huntington Beach CA 92648



Subject: 1. Storm Drain Water sourcing from Huntington Beach City regarding
Huntington Shorecliffs Mobile Home Park

2. Resolution of the above and possible implications of a proposal by present owners to change
the Park's status.

I am writing to express my concerns about storm drain water which comes from Frankfurt St. above the Park, draining into this Park. The water runs in the Park's open streets for some distance before exiting at another end. Storm water can contain bacterial and chemical contaminants. It is highly probable that pet feces from lawns and streets above the Park are among these contaminants at certain times. I would like to know if a public health issue exists because of the above.

There is another problem relating to water here---certain Park residents have experienced ground water and mold problems in and under their homes. These problems have existed for some time. Black mold especially has been and is a health concern for certain of the home owners.

Please consider the issues mentioned above especially in any actions or advisement provided by your office to the City or State related to the application for change in status now being made by the present Park owners.

thank you


Robert M Gardner
Huntington Shorecliffs

cc City Council Huntington Beach

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

SEQUOIA PARK ASSOCIATES,

Plaintiff and Appellant,

v.

COUNTY OF SONOMA,

Defendant and Respondent.

A120049

(Sonoma County
Super. Ct. No. SCV240003)

One of the subjects covered by the Subdivision Map Act (Gov. Code, § 66410 et seq.) is the conversion of a mobilehome park from a rental to a resident ownership basis. One of the provisions on that subject is Government Code section 66427.5 (section 66427.5), which spells out certain steps that must be completed before the conversion application can be approved by the appropriate local body. Although it is not codified in the language of section 66427.5, the Legislature recorded its intent that by enacting section 66427.5 it was acting “to ensure that conversions . . . are bona fide resident conversions.” (Stats. 2002, ch. 1143, § 2.)

The County of Sonoma (County) enacted an ordinance with the professed aim of “implementing” the state conversion statutes. It imposed additional obligations upon a subdivider submitting a conversion application to those required by section 66427.5. The ordinance also imposed criteria that had to be satisfied by the subdivider before the application would be presumed bona fide and thus could be approved.

A mobilehome park operator brought suit to halt enforcement of the ordinance on the ground that it was preempted by section 66427.5. The trial court declined to issue a writ of mandate, concluding that the ordinance was not preempted. As will be shown, we conclude that the ordinance is expressly preempted because section 66427.5 states that

the “scope of the hearing” for approval of the conversion application “shall be limited to the issue of compliance with this section.” We further conclude that the ordinance is impliedly preempted because the Legislature, which has established a dominant role for the state in regulating mobilehomes, has indicated its intent to forestall local intrusion into the particular terrain of mobilehome conversions, declining to expand section 66427.5 in ways that would authorize local government to impose additional conditions or requirements for conversion approval. Moreover, the County’s ordinance duplicates several features of state law, a redundancy that is an established litmus test for preemption. We therefore reverse the trial court’s order and direct entry of a new order declaring the ordinance invalid.

BACKGROUND

On May 15, 2007, the County’s Board of Supervisors unanimously enacted Ordinance No. 5725 (the Ordinance). Sequoia Park Associates (Sequoia) is a limited partnership that owns and operates a mobilehome park it desires to subdivide and convert from a rental to a resident-owner basis. Within a month of the enactment of the Ordinance, Sequoia sought to have it overturned as preempted by section 66427.5. Specifically, Sequoia combined a petition for a writ of mandate with causes of action for declaratory and injunctive relief, and damages for inverse condemnation of its property.

The matter of the Ordinance’s validity was submitted on the basis of voluminous papers addressing Sequoia’s motion for issuance of a writ of mandate. The court heard argument and filed a brief order denying Sequoia relief. The court concluded that section 66427.5 “largely does appear . . . by its own language” to impose limits on local authority to legislate on the subject of mobilehome conversions. “However, Ordinance 5725 seems merely to comply with, and give effect to, the requirements set forth in section 66427.5 rather than imposing additional requirements. This is certainly true for the language on bona fide conversions, tenant impact reports, and even general plan requirements. It is possibly less clear regarding health and safety, but even on this issue, the Ordinance does not appear to exceed [the County’s] authority since, contrary to [Sequoia’s] contention, it does not intrude on the [state Department of Housing and

Community Development's (HCD)] power in the area." This order is the subject of Sequoia's appeal.¹

DISCUSSION

The parties agree that our review of the trial court's order is de novo because it involves a pure issue of law, namely, whether the Ordinance is preempted by Section 66427.5. (*Apartment Assn. of Los Angeles County, Inc. v. City of Los Angeles* (2006) 136 Cal.App.4th 119, 132; *Ruble Vista Associates v. Bacon* (2002) 97 Cal.App.4th 335, 339.) But the parties do not agree on how far our analysis may, or should, extend.

Sequoia argues we should restrict our inquiry to the current version of section 66427.5, in particular paying no attention to an uncodified expression of the Legislature's intent passed at the same time that version was enacted. At the same time Sequoia also argues that we should look to a provision in a version of an amendment to the statute that the Legislature rejected in 2002.

The County's approach is similarly compressed: noting that because Sequoia challenged the legality of the Ordinance on its face, the County argues that our analysis must be confined to the four corners of that enactment, and nothing else. Yet the County ranges far afield in marshalling the statutes which it incorporates in its arguments, and

¹ It is typical of the generally high quality of the briefing that the experienced appellate counsel for Sequoia does not treat the requirement of California Rules of Court rule 8.204(a)(2)—which directs that the appellant “explain why the order appealed from is appealable”—as satisfied with a ministerial recital of boilerplate language. He devotes more than two full pages of his opening brief to a discussion establishing that, according to *Bettencourt v. City and County of San Francisco* (2007) 146 Cal.App.4th 1090, 1097-1098, “Although the [trial court's] order was couched as a denial of the mandate petition alone, its effect was a dismissal of Sequoia's entire action,” and thus appealable as a final judgment. He also puts forward a fall-back position, based on an obvious knowledge of this court, that, if necessary, we “could also amend the order below as this division did in similar circumstances in *Gatto v. County of Sonoma* (2002) 98 Cal.App.4th 744, 766, fn. 13, to specify the trial court's intent to dispose of the remaining causes of action.” We conclude there is no need to amend the order because counsel's initial explanation is sound, and concurred in by the County. We mention this to note that this is the sort of attention to jurisdictional issues we would like to see, but seldom do.

tells us that section 66427.5 must be considered in the context of “entire continuum of state regulation of mobilehome park subdivisions.” And the County has no hesitation in arguing that the substance of the uncodified provision actually works to the County’s benefit.

Our view of our inquiry is that it is hardly as narrow as the parties believe. The authorities cited by the County involve situations where local ordinances were challenged on federal constitutional grounds (e.g., *Tobe v. City of Santa Ana* (1995) 9 Cal.4th 1069, 1084 [vagueness]; *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 679-680 [equal protection]), not that they were preempted by state law. As for Sequoia’s approach, it would appear feasible only if the state statute has language stating the unambiguous intent by the Legislature expressly forbidding cities and counties from acting.

But for the great number of preemption issues—particularly if the emphasis is on implied preemption—the state and the local legislation must be considered together. Only by looking at both can a court know if the local law conflicts with, contradicts, or is inimical to the state law. As will now be shown, this is an established rule of preemption analysis.

Principles Of Preemption

In California, preemption of local legislation by state law is a constitutional principle. “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. XI, § 7.) The standards governing our inquiry are well established. According to our Supreme Court: “The party claiming that general state law preempts a local ordinance has the burden of demonstrating preemption. [Citation.] We have been particularly ‘reluctant to infer legislative intent to preempt a field covered by municipal regulation when there is a significant local interest to be served that may differ from one locality to another.’ [Citations.] ‘The common thread of the cases is that if there is a significant local interest to be served which may differ from one locality to another, then

the presumption favors the validity of the local ordinance against an attack of state preemption.’ [Citations.]

“Thus, when local government regulates in an area over which it traditionally has exercised control, such as . . . particular land uses, California courts will presume, absent a clear indication of preemptive intent from the Legislature, that such regulation is *not* preempted by state statute. [Citation.] The presumption against preemption accords with our more general understanding that ‘it is not to be presumed that the legislature in the enactment of statutes intends to overthrow long-established principles of law unless such intention is made clearly to appear either by express declaration or by necessary implication.’ [Citations.]

“Moreover, the ‘general principles governing state statutory preemption of local land use regulation are well settled. . . . “ ‘Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates [citations], contradicts [citation], or enters an area fully occupied by general law, either expressly or by legislative implication [citations].’ ” ’ [Citation.]”

“Local legislation is ‘duplicative’ of general law when it is coextensive therewith and ‘contradictory’ to general law when it is inimical thereto. Local legislation enters an area ‘fully occupied’ by general law when the Legislature has expressly manifested its intent to fully occupy the area or when it has impliedly done so in light of recognized indicia of intent.” [Citation.] (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1149-1150, fn. omitted (*Big Creek*)).

There are three “recognized indicia of intent”: “(1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern; (2) the subject matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to

the' locality [citations].” (*Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 898.)

“With respect to the *implied* occupation of an area of law by the Legislature’s full and complete coverage of it, this court recently had this to say: ‘ “Where the Legislature has adopted statutes governing a particular subject matter, its intent with regard to occupying the field to the exclusion of all local regulation is not to be measured alone by the language used but by the whole purpose and scope of the legislative scheme.” ’

[Citation.] We went on to say: ‘ “State regulation of a subject may be so complete and detailed as to indicate an intent to preclude local regulation.” ’ [Citation.] We thereafter observed: ‘ “Whenever the Legislature has seen fit to adopt a general scheme for the regulation of a particular subject, the entire control over whatever phases of the subject are covered by state legislation ceases as far as local legislation is concerned.” ’

[Citation.] When a local ordinance is identical to a state statute, it is clear that ‘ “the field sought to be covered by the ordinance has already been occupied” ’ by state law.

[Citation.]” (*O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1068.)

To discern whether the local law has entered an area that has been “fully occupied” by state law according to the “recognized indicia of intent” requires an analysis that is based on an overview of the topic addressed by the two laws. “ ‘In determining whether the Legislature has preempted by implication to the exclusion of local regulation we must look to the whole . . . scope of the legislative scheme.’ ” (*Big Creek, supra*, 38 Cal.4th 1139, 1157, quoting *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal.3d 476, 485; accord, *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252, 1261; *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 751.) Such an examination is made with the goal of “ ‘detect[ing] a patterned approach to the subject’ ” (*Fisher v. City of Berkeley* (1984) 37 Cal.3d 644, 707-708, quoting *Galvan v. Superior Court* (1969) 70 Cal.2d 851, 862), and whether the local law mandates what state law forbids, or forbids what state law mandates. (*Big Creek, supra*, 38 Cal.4th 1139, 1161; *Great Western Shows, Inc. v. County of Los Angeles* (2002) 27 Cal.4th 853, 866.)

Sequoia sees this as a case of express preemption, although it argues in the alternative that the Ordinance also falls to the concept of implied preemption. These contentions can only be evaluated with an appreciation of the sizable body of state legislation concerning mobilehome parks.

The Extent Of State Law In The Area Of Mobilehome Regulation

Section 66427.5 does not stand alone. If the Legislature ever did leave the field of mobilehome park legislation to local control, that day is long past.

Since 1979, the state has had the Mobilehome Residency Law, which comprises almost a hundred statutes governing numerous aspects of the business of operating a mobilehome park. (Civ. Code, §§ 798-799.10.) There are several provisions expressly ordering localities not to legislate in designated areas, such as the content of rental agreements (Civ. Code, § 798.17, subd. (a)(1)), and establishing specified exemptions from local rent control measures. (Civ. Code, §§ 798.21, subd. (a), 798.45.)² By this statutory scheme, the state has undertaken to “extensively regulate[] the landlord-tenant relationship between mobilehome park owners and residents.” (*Greening v. Johnson* (1997) 53 Cal.App.4th 1223, 1226; accord, *SC Manufactured Homes, Inc. v. Canyon View Estates, Inc.* (2007) 148 Cal.App.4th 663, 673; *People ex rel. Kennedy v. Beaumont Investment, Ltd.* (2003) 111 Cal.App.4th 102, 109.)

Even earlier, in 1967, the state enacted the Mobilehome Parks Act (Health & Saf. Code, §§ 18200-18700), which regulates the construction and installation of mobilehome parks in the state. (See *County of Santa Cruz v. Waterhouse* (2005) 127 Cal.App.4th 1483, 1489-1490.) In this act, the Legislature expressly stated that it “supersedes any ordinance enacted by any city, county, or city and county, whether general law or

² The Mobilehome Residency Law has been construed as not otherwise preempting or precluding adoption of residential rent control. (See Civ. Code, § 1954.25; *Cacho v. Boudreau* (2007) 40 Cal.4th 341, 350 and decisions cited.)

chartered, applicable to this part.” (Health & Saf. Code, § 18300, subd. (a).) The few exemptions from this prohibition are carefully delineated.³

Then there is the Mobilehomes—Manufactured Housing Act of 1980 (Health & Saf. §§ 18000-18153), which regulates the sale, licensing, registration, and titling of

³“This part shall not prevent local authorities of any city, county, or city or county, within the reasonable exercise of their police powers, from doing any of the following:

“(1) From establishing, subject to the requirements of Sections 65852.3 and 65852.7 of the Government Code, certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.

“(2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted thereto.

“(3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with Section 18000), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.

“(4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with Section 18000) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department [i.e., the state Department of Housing and Community Development].

“(5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park.” (Health & Saf. Code, § 18300, subd. (g).)

mobilehomes. The Legislature declared that the provisions of this measure “apply in all parts of the state and supersede” any conflicting local ordinance. (Health & Saf. Code, § 18015.) The HCD is in charge of enforcement. (Health & Saf. Code, §§ 18020, 18022, 18058.)

These statutory schemes indicate that the state is clearly the dominant actor on this stage. Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate “specific requirements relating to construction, maintenance, occupancy, use, and design” of mobilehome parks (Health & Saf. Code, § 18253; see also Health & Saf. Code §§ 18552 [HCD to adopt “building standards” and “other regulations for . . . mobilehome accessory buildings or structures”], 18610 [HCD to “adopt regulations to govern the construction, use, occupancy, and maintenance of parks and lots within” mobilehome parks], 18620 [HCD to adopt “regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property”], 18630 [plumbing], 18640 [“toilet, shower, and laundry facilities in parks”], 18670 [“electrical wiring, fixtures, and equipment . . . that it determines are reasonably necessary for the protection of life and property”].)

At present, the HCD has promulgated hundreds of regulations that are collected in chapter 2 of title 25 of the California Code of Regulations. (Cal. Code Regs, tit. 25, §§ 1000-1758.) The regulations exhaustively deal with a myriad of issues, such as “Electrical Requirements” (*id.*, 25, §§ 1130-1190), “Plumbing Requirements” (*id.*, §§ 1240-1284), “Fire Protection Standards” (*id.*, §§ 1300-1319), “Permanent Buildings” (*id.*, §§ 1380-1400), and “Accessory Buildings and Structures” (*id.*, §§ 1420-1520). The regulations even deal with pet waste (*id.*, § 1114) and the prohibition of cooking facilities in cabanas (*id.*, § 1462).

Once adopted, HCD regulations “shall apply to all parts of the state.” (Health & Saf. Code, § 18300, subd. (a).) Mobilehomes can only be occupied or maintained when they conform to the regulations. (Health & Saf. Code, §§ 18550, 18871.) Enforcement is shared between the HCD and local governments (Health & Saf. Code, § 18300, subd. (f),

18400, subd. (a)), with HCD given the power to “evaluate the enforcement” by units of local government. (Health & Saf. Code, § 18306, subd. (a).) A locality may decline responsibility for enforcement, but if assumed and not actually performed, its enforcement power may be taken away by the HCD. (Health & Saf. Code, § 18300, subds. (b)-(e).) Local initiative is restricted to traditional police powers of zoning, setback, permit requirements, and regulating construction of utilities. (Gov. Code, § 65852.7; Health & Saf. Code, § 18300, subd. (g), quoted at fn. 3, *ante*.)

It is the state that determines which events and actions in the construction and operation of a mobilehome park require permits. (Health & Saf. Code, §§ 18500, 18500.5, 18500.6, 18505; Cal. Code Regs, tit. 25, §§ 1006.5, 1010, 1014, 1018, 1038, 1306, 1324, 1374.5.) Even if the locality issues the annual permit for a park to operate, a copy must be sent to the HCD. (*Id.*, §§ 1006.5, 1012.) It is the state that fixes the fees to be charged for these permits and certifications (Health & Saf. Code, §§ 18502, 18503; Cal. Code Regs, tit. 25, §§ 1008, 1020.4, 1020.7, 1025), and sets the penalties to be imposed for noncompliance. (Health & Saf. Code §§ 18504, 18700; Cal. Code Regs, tit. 25, §§ 1009, 1050, 1370.4.) Sometimes, the state assumes exclusive responsibility for certain subjects, such as for earthquake-resistant bracing systems. (Cal. Code Regs, tit. 25, § 1370.4(a).)

Additional provisions respecting mobilehome parks are in the Government Code. Cities and counties cannot decide that a mobilehome park is not a permitted use “on all land planned and zoned for residential land use as designated by the applicable general plan,” though the locality “may require a use permit.” (Gov. Code, § 65852.7.) “[I]t is clear that the Legislature intended to limit local authority for zoning regulation to the specifically enumerated exceptions [in Health and Safety Code section 18300, subdivision (g), quoted at fn. 3, *ante*] of where a mobilehome park may be located, vehicle parking, and lot lines, not the structures within the parks.” (*County of Santa Cruz v. Waterhouse, supra*, 127 Cal.App.4th 1483, 1493.) A city or county must accept installation of mobilehomes manufactured in conformity with federal standards. (Gov. Code, § 65852.3, subd. (a).) Their power to impose rent control on mobilehome parks is

restricted if the parks qualifies as “new construction.” (Gov. Code, § 65852.11, subd. (a); cf. text accompanying fn. 2, *ante*.)

This survey demonstrates that the state has a long-standing involvement with mobilehome regulation, the extent of which involvement is, by any standard, considerable. Having outlined the size of the state’s regulatory footprint, it is now time to examine the details of section 66427.5 and the Ordinance.

Section 66427.5

Section 66427.5 is a fairly straight-forward statute addressing the subject of how a subdivider shall demonstrate that a proposed mobilehome park conversion will avoid economic displacement of current tenants who do not choose to become a purchasing resident. In its entirety it provides as follows:

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

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

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

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

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

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

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