



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Ethan Edwards, AICP, Associate Planner *CE*  
**DATE:** March 9, 2010

**SUBJECT: TENTATIVE TRACT MAP NO. 17296 (HUNTINGTON SHORECLIFFS MOBILEHOME PARK SUBDIVISION – FOR RENT TO OWNERSHIP)**

**APPLICANT:** Robert Coldren, Hart, King & Coldren, 200 Sandpointe, Fourth Floor, Santa Ana, CA 92707

**APPELLANT:** Shorecliff LP; JS Stadium, LLC; Huntington BSC Park, LP; Shorecliff Main, LP, c/o Robert Coldren, Hart, King & Coldren, 200 Sandpointe, Fourth Floor, Santa Ana, CA 92707

**PROPERTY**

**OWNER:** Shorecliff LP; JS Stadium, LLC; Huntington BSC Park, LP; Shorecliff Main, LP, c/o Mike Cirillo, Star Management, 1400 E. Fourth Street, Santa Ana, CA 92701

**LOCATION:** 20701 Beach Blvd., 92648 (west side of Beach Blvd., south of Indianapolis Ave. – Huntington Shorecliffs Mobilehome Park)

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**STATEMENT OF ISSUE:**

- ♦ Tentative Tract Map No. 17296 request:
  - Subdivide an existing 304 space mobilehome park into 304 numbered lots and 33 lettered lots.
  - Converting an existing 304 space for-rent mobilehome park into 304 lots for ownership purposes.
  - The request includes an appeal of the applicable code requirements identified by staff.
- ♦ Staff's Recommendation:

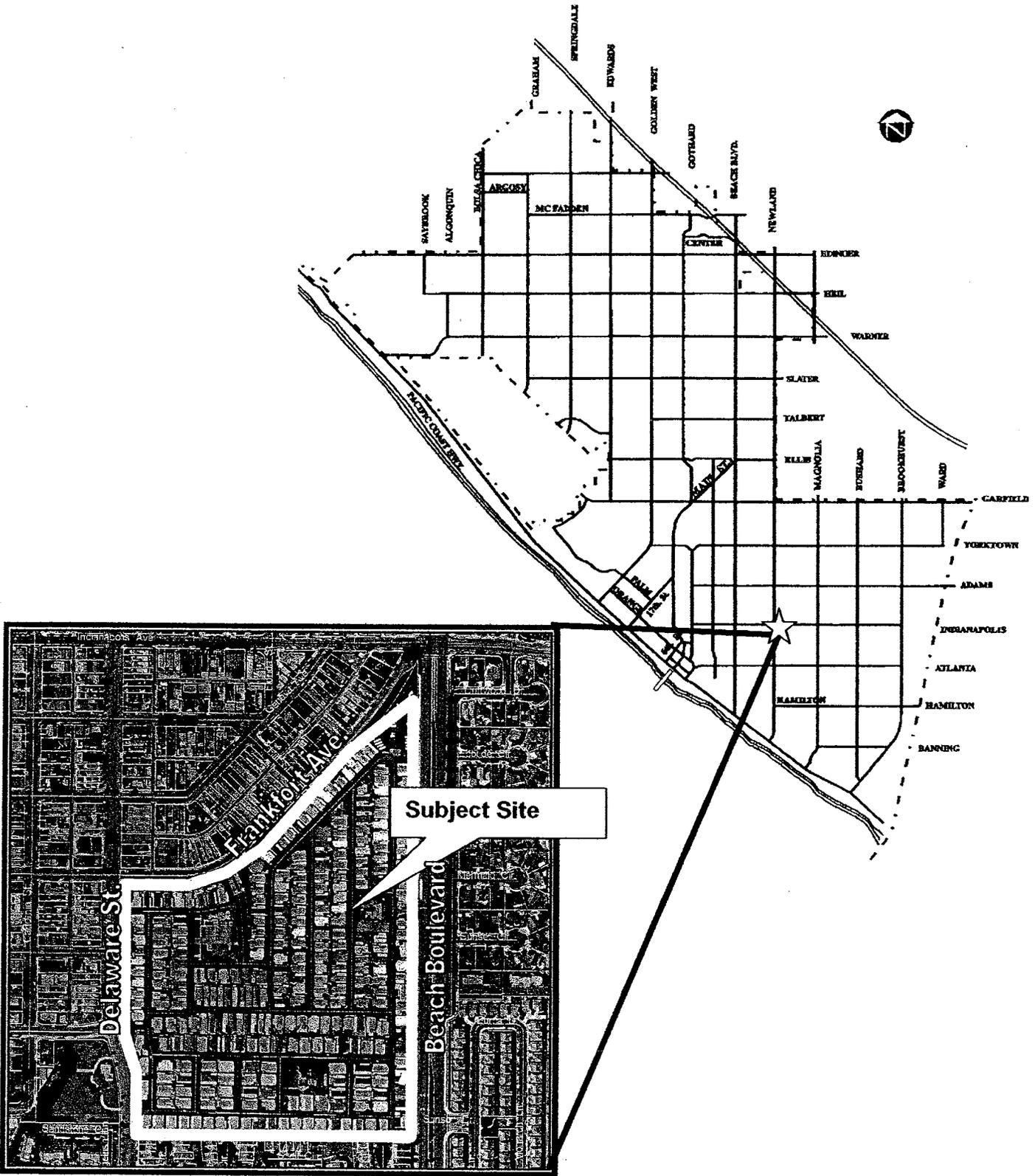
Approve Tentative Tract Map No. 17296 based upon the following:

  - The subdivision is consistent with the General Plan and Zoning & Subdivision Ordinance.
  - Impacts to residents associated with purchasing and non-purchasing lots, maintenance and repair of infrastructure, estimated sales price of the lots, and other costs are adequately analyzed in the impact of conversion upon residents report satisfying Government Code § 66427.5.
  - Evidence that the tenant survey was prepared in agreement with the homeowners association was provided satisfying Government Code § 66427.5.

**RECOMMENDATION:**

Motion to:

- A. "Approve Tentative Tract Map No. 17296 with findings and suggested conditions for approval (Attachment No. 1)."
- B. "Deny the appeal of the identified Code Requirements."



**VICINITY MAP**  
**TENTATIVE TRACT MAP NO. 17269**  
**(HUNTINGTON SHORECLIFFS MOBILEHOME PARK SUBDIVISION)**  
**20701 BEACH BOULEVARD, 92648**

### **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. "Deny Tentative Tract Map No. 17296 with findings for denial."
- B. "Continue Tentative Tract Map No. 17296 and direct staff accordingly."
- C. "Approve the appeal of identified Code Requirements (**Applicant's Request**)."

### **PROJECT PROPOSAL:**

Tentative Tract Map No. 17296 represents a request for the following:

- A. To subdivide approximately 39.2 gross acres (37.06 net) into 304 numbered lots and 33 lettered lots for purposes of converting an existing 304 space for-rent mobilehome park for ownership purposes.
- B. The applicant has also filed an appeal of the identified Code Requirements pursuant to Section 248.24(A) of the Huntington Beach Zoning and Subdivision Ordinance.

The proposed tentative tract map is a request to subdivide an existing 39.2 gross acres (37.06 net acres), for-rent, mobilehome park with a total of 304 units for ownership purposes. The applicant proposes to subdivide the "for rent" park to enable the existing park residents to purchase their own lots (see Attachment No. 2). The project also includes an appeal filed by the applicant on February 19, 2010 of the applicable code requirements. The applicant contends that a majority of the code requirements identified as being applicable to the project are "unlawful" pursuant to State law (see Attachment No. 9).

The mobilehome park was established in 1969 and expanded over the next several years to its current size. The park is developed with a total of 304 units having a density of 8.2 units per net acre. The park is provided with a total of 118 guest parking spaces plus a minimum of two parking spaces per unit (608 spaces). Internal circulation within the park consists of 33 ft. wide private streets with parking on one side (24 ft. wide clear). Common open areas are provided in three community facilities consisting of meeting and activity rooms and pools. The common open areas total approximately 38,043 sq. ft. The subdivision proposes lots ranging in approximate size from 3,036 sq. ft. to 5,994 sq. ft.

Permitting and enforcement authority over the mobilehome park lies with the State Department of Housing and Community Development (HCD). HCD is the enforcement agency regarding compliance with state laws regarding mobile home parks. The Huntington Beach Fire Department has assumed responsibility for enforcement of fire code related state and local laws.

Subdivision of the park for purposes of converting it from for-rent to ownership is regulated by various provisions of the Subdivision Map Act (SMA) and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), Title 20, et.al. Government Code § 66427.5 of the SMA requires the subdivider to provide a report on the impact of the conversion upon residents of the mobilehome park to be converted. The applicant submitted a report that concludes no displacement of residents will occur in that those residents who decide not to purchase a unit may remain renting within the mobilehome park (see Attachment No. 6). The SMA also requires the subdivider to obtain a survey of support of residents of the mobilehome park. The applicant submitted the survey results, which indicates out of a total of 259 surveys sent; 182 were returned. Of the 182 returned surveys, 52 declined to state their opinion, 105 indicated they do not support the conversion and 25 indicated support of the conversion (Attachment No. 7).

The applicant has submitted a letter to address questions raised at the February 23, 2010 Planning Commission study session (Attachment No. 12)

As background, a subdivision application to convert the mobilehome park from 304 for-rent spaces to 309 lots for ownership purposes was denied with findings by the Planning Commission on September 22, 2009 based on insufficient information that would substantiate compliance with the SMA and Huntington Beach Zoning & Subdivision Ordinance (HBZSO). The applicant appealed the Planning Commission's decision to the City Council. On November 16, 2009, City Council also denied the proposed subdivision based on findings and the facts that the subdivision will result in an increase in the number of lots, lacking compliance with the common open space requirements, insufficient impact report, and lack of evidence that the survey of support was prepared in agreement with a homeowners association independent of the property owner. The applicant filed for a petition for writ of mandate in Orange County Superior Court challenging the action taken by the City in denying the conversion.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RMH-25 (Residential Medium High Density – Max. 25 units per acre)	RMP (Residential Mobilehome Park)	Mobilehome park
North of Subject Property (across Frankfort Ave.):	RMH-25	RMH-A (Residential Medium High Density – Subdistrict A Overlay)	Single family residential
East of Subject Property (across Beach Blvd.):	RL-7 (Residential Low Density – Max. 7 units per acre) RM-15 (Residential Medium Density – Max. 15 units per acre)	RL (Residential Low Density) RM (Residential Medium Density)	Single family and multi-family residential
South of Subject Property:	RM-15	RM	Multi-family residential
West of Subject Property (across Delaware St.):	RMH-25-d (Residential Medium High Density – Design Overlay) OS-P (Open Space – Park)	RMH OS-PR (Open Space – Parks and Recreation Subdistrict)	Single family and multi-family residential and public park

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is RMH-25 (Residential Medium-High Density – Max. 25 units per acre). The proposed project is consistent with this designation and the objectives and policies of the City's General Plan as follows:

A. Growth Management Element

Objective GM 7.1: Ensure that adequate storm drain and flood control facilities are provided and properly maintained in order to protect life and property from flood hazards.

The City's Master Plan of Drainage which was adopted by the City in 2005 recommends replacement of the existing surface storm gutter with construction of an underground 24-inch diameter pipeline (at minimum) to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline to convey storm water underground will provide relief of the drainage issue. This will also allow additional storm water treatment methods that comply with the US EPA's National Pollutant Discharge Elimination System and remedy a public health and safety issue complying with SMA 66428.1(d).

**B. Utilities Element**

Objective U 3.1: Ensure that adequate storm drain and flood control facilities are provided and properly maintained in order to protect life and property from flood hazards.

The City's Master Plan of Drainage which was adopted by the City in 2005 recommends replacement of the existing surface storm gutter with construction of an underground 24-inch diameter pipeline (at minimum) to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline to convey storm water underground will provide relief of the drainage issue. This will also allow additional storm water treatment methods that comply with the US EPA's National Pollutant Discharge Elimination System and remedy a public health and safety issue complying with SMA 66428.1(d).

**C. Land Use Element**

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policy LU 7.1.3: Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of the adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.

Objective LU 15.6: Facilitate the preservation and development of Residential Mobile Home Parks.

The City's Master Plan of Drainage recommends replacement of the existing surface storm gutter with construction of an underground pipeline to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline will convey storm water underground to provide relief of the drainage issues. In addition, the Beach Boulevard frontage will be improved to provide safe pedestrian access and remedy a public health and safety issue complying with SMA 66428.1(d).

The mobilehome park was established in 1969, before the adoption of the current General Plan and zoning ordinance. The existing mobilehome park is located in the Residential Mobilehome Park (RMP) zone and does not fully comply with the present development standards and is considered non-conforming. The proposed tentative tract map does not include the creation of new lots or development; therefore, the non-conforming development standards are not required to comply with the current provisions of the HBZSO. The subdivision to convert the existing for-rent mobilehome park to ownership facilitates the preservation of an existing legal use (mobilehome park). No new development or change of land use is proposed as part of the subdivision.

**D. Circulation Element**

Objective CE 6.1: Promote the safety of bicyclists and pedestrians by adhering to Caltrans and City-wide standards.

The Beach Boulevard frontage along the mobilehome park will be improved to provide safe pedestrian access pursuant to SMA 66428.1(d) to address a public health and safety issue. Currently, there is no sidewalk and curb along the frontage and pedestrians are required to either walk within the public right of way or on an unimproved dirt path adjacent to Beach Boulevard. The proposed sidewalk improvements will close a gap in the sidewalk along the west side of Beach Boulevard and allow safe pedestrian movement for the public and residents of the mobilehome park.

**State Law Compliance:**

The following is a state law compliance matrix which compares the proposed subdivision with the requirements of Government Code § 66427.5 (Avoiding economic displacement of nonpurchasing tenants) of the Subdivision Map Act:

<b>ISSUE</b>	<b>STATE LAW PROVISION</b>	<b>PROVIDED</b>
Option to Rent or Own	(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.	Yes (Attachment No. 6)
Impact Report Filing	(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.	Yes (Attachment No. 6)
Impact Report Distribution	(c) The subdivider shall file a report on the impact of conversion upon residents 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.	Yes (Attachment No. 6)
Survey	(d)(1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.	Yes (Attachment No. 7)
Independent of Subdivider	(d)(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.	Yes (Attachment No. 7)
Format	(d)(3) The survey shall be obtained pursuant to a written ballot.	Yes (Attachment No. 7)
Voting	(d)(4) The survey shall be conducted so that each occupied mobilehome space has one vote.	Yes (Attachment No. 7)
Results & Reporting	(d)(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).	Yes (Attachment No. 7)
Scope of Hearing	(e) 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 scope of the hearing shall be limited to the issue of compliance with this section.	Yes (Attachment No. 1)

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ISSUE	STATE LAW PROVISION	PROVIDED
Avoid Economic Displacement	(f) The subdivider shall be required to avoid the economic displacement of nonpurchasing residents in accordance with the following: (1) As to nonpurchasing residents who are not lower income household, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period. (2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.	Yes (Attachment No. 1, suggested condition of approval No. 4(a) & (b))

**Zoning Compliance:**

This subdivision is located in the Residential Mobilehome Park (RMP) zone and does not fully comply with the requirements of that zone. The existing 304 unit mobilehome park is considered non-conforming to the current standards of that zone. The park does not comply with the minimum required 60,800 sq. ft. common open space, storage and site coverage. The proposed tentative tract map to convert from rental to ownership does not include the creation of new lots or development; therefore, the non-conforming development standards are not required meet the current provisions of the HBZSO. The following is a zoning conformance matrix for information purposes which compares the existing mobilehome park with the development standards of Sections 210.06 & 210.14 of the HBZSO:

ISSUE	CODE PROVISION	PROVIDED
Min. Building Site	10. acres	39.2 acres (37.06 net acres)
Max. Building Height	20 ft.	Complies
Max. Accessory Structure Height	15 ft.	Complies
Individual Space Setbacks		
Front	Min. 5 ft.	2 ft. to 5 ft.
Side	10 feet aggregate, minimum 3 ft. on any side	0 ft. to 3 ft.
Rear	Min. 5 ft.	2 ft. to 5 ft.
Storage	Min. 150 cubic feet of enclosed storage space	Unable to Verify
Fencing and landscaping	6 ft. high screen wall and 10 ft. wide landscaped planter.	Screen wall provided. Landscaping along Beach Blvd. not provided.

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<b>ISSUE</b>	<b>CODE PROVISION</b>	<b>PROVIDED</b>
Boat and Trailer Storage	Screened from view by a 6 ft. high fence or wall.	Complied with.
Maximum site coverage	Max. 75% for each individual manufactures home.	Unable to Verify
Common Open Space	60,800 sq. ft (min. 200 sq. ft. per unit)	38,043 sq. ft.

**Environmental Status:**

The proposed project is considered categorically exempt pursuant to Class 1, Existing Facilities, Section 15301(k) of the California Environmental Quality Act, which provides that division of existing multiple-family or single-family residences into common-interest ownership are exempt where no physical changes occur which are not otherwise exempt.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:**

The Subdivision Committee reviewed the proposed subdivision and tentative map on February 25, 2009 and voted 5-1 (Farley-No) to recommend approval of the request to the Planning Commission with suggested conditions of approval. The Subdivision Committee reviewed the tentative tract map for compliance with the Subdivision Map Act and applicable provisions of the HBZSO. Draft minutes of the meeting are provided in Attachment No. 9.

The Committee also reviewed Suggested Conditions of Approval applicable to the project if approved. Updates were made to the Suggested Conditions of Approval by the Public Works Department and the Planning & Building Department at the meeting. The updates were in an effort to address health and safety issues associated with the proposed subdivision pursuant to SMA 66428.1(d).

**Other Departments Concerns and Requirements:**

The Departments of Public Works, Fire, Community Services and Planning and Building have reviewed the proposed subdivision and provided a list of applicable code requirements. The code requirements outline applicable city policies, standard plans, and development and use requirements, excerpted from the HBZSO and Municipal Code which are required only after approval and prior to recordation of a final map. The list for example requires the submission of CC&R's and a hydraulic and hydrology analysis, payment of fees, and processing requirements for final map review. The Code Requirements letter was transmitted on February 9, 2010. The applicant contends that a majority of the code requirements are "unlawful" pursuant to State law. The applicant has appealed the February 9, 2010 code requirements with the exception of Planning and Building Department Code Requirement Nos. 1(b), 2(a), 4, 5, and 8 and Public Works Department pre-final map recordation Code Requirement Nos. 1-6. The Departments of Planning and Building, Public Works, and Fire have subsequently updated the identified code requirements

(See Attachment No. 10) to ensure compliance with State Law. Staff does not support the applicant's contentions that these requirements are "unlawful."

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on February 22, 2010, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), tenants at mobilehome park, applicant, and interested parties. As of March 2, 2010, 29 comments opposing the request have been received (see Attachment No. 8).

**Application Processing Dates:**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
February 5, 2010	April 6, 2010 (50 days)

Tentative Tract Map No. 17296 was filed on January 12, 2010 and deemed complete February 5, 2010.

**ANALYSIS:**

The major issues with the processing of the application is inadequacy of infrastructure within the park that may never be addressed if the conversion takes place without the proposed suggested conditions of approval including the City code requirements. The applicant complied with the minimum requirements of State Law regarding the report of impacts of conversion on the residents and the survey of resident support

**Infrastructure**

In reviewing the proposed subdivision and tentative tract map staff has raised concerns with existing inadequate infrastructure within the mobilehome park. First, problems with the park's existing surface storm drainage patterns, the existing water system and the existing sanitary sewer system have been areas of major concern with the residents who feel these issues will never be addressed if the proposed conversion to individual lot ownership takes place.

The park was originally established in 1969 and developed with a surface storm gutter that meanders through the existing private street in the park. Individual mobilehome sites within the park were designed to drain their storm water directly to the surface storm gutter within the private streets. The problem with this design is that the roadway elevations have risen due to multiple pavement overlays over the years increasing the height of the pavement. The resulting pavement elevation is higher than many of the mobilehome sites which negatively affects the original drainage pattern.

Many letters and comments have been received from residents of the park citing concerns with the infrastructure within the park such as inadequate drainage from individual spaces; surface drains carrying trash, debris, and animal feces; and faulty utility connections. As was discussed, the State Department of Housing and Community Development (HCD) has jurisdiction over most aspects of the operation maintenance, health and safety of mobilehomes and mobilehome parks. HCD conducts inspections periodically of the general area, buildings, equipment and utility systems of the mobile home park and each individual lot. Residents have contended that ongoing maintenance issues existing within the park have not being adequately addressed. The applicant has not provided an assessment of the existing infrastructure and indicates that lapses in repair and maintenance of the park are matters which the City cannot address

with the proposed subdivision and tentative map. The applicant contends that when the park subdivides, the owners and tenants will maintain and repair the park at adequate levels.

The City's Master Plan of Drainage which was adopted by the City in 2005 recommends replacement of the existing surface storm gutter with construction of an underground 24-inch diameter pipeline (at minimum) to convey storm water flows. Construction of a storm drain pipeline will not only convey storm water underground, but will allow the addition of drain inlets at the individual mobilehome sites to allow relief of the drainage issue. As a final measure to mitigate the storm water drainage effects, construction of an underground pipeline will allow the addition of storm water treatment methods that comply with the US EPA's National Pollutant Discharge Elimination System.

Second, there are pedestrian problems with the existing frontage of the park configured as it is today. Currently, there is no sidewalk and curb along the frontage and pedestrians are required to either walk along the public highway or on an unimproved dirt path adjacent to Beach Boulevard. Staff recommends that the Beach Boulevard frontage along the mobilehome park be improved to provide safe pedestrian access ensuring public health and safety. This improvement would also be designed to accommodate or modify the adjacent earthen storm drain channel to convey storm water. The proposed minimum sidewalk improvements are intended to close a gap in the sidewalk along the west side of Beach Boulevard and will allow for safe pedestrian movement for the public and residents of the mobilehome park.

### **Report on Impacts of Conversion on the Tenants**

The SMA requires that the subdivider prepare a report on the impact of the conversion upon tenants of the mobilehome park and provide a survey of resident support for the subdivision.

The applicant prepared and submitted a report entitled "Report on Impact of Conversion Upon Residents" (see Attachment No. 6) with the application for subdivision and distributed the report to the residents of the mobilehome park on December 15, 2009, a minimum 15 days prior to the Planning Commission public hearing as required by State Law. The report references Government Code § 66427.5 and states that each existing tenant will have the option of either buying or continue renting the proposed space where their mobilehome is located with statutory restrictions on rent increases. Suggested condition of approval No. 4.a. and b. further clarifies that the statutory restrictions on rent increases shall not commence until the final map is recorded. The report also identifies an estimate of what the non-purchasing residents can expect to pay for rent. The report states that residents on long-term leases will continue to have their rights under the lease after the mobilehome park is subdivided for ownership. The report concludes that no impacts to the residents will occur because residents will not be displaced as a result of the subdivision. Staff considers the submitted impact report as sufficient in that it meets the minimum requirements as prescribed by Government Code § 66427.5.

### **Survey of Resident Support**

The SMA requires the subdivider and homeowners association enter into an agreement to conduct a survey of resident support. The survey must be conducted by a homeowners association (if any) independent of the subdivider or mobilehome park owner. The results of the survey must be presented to the local agency to be considered as part of the subdivision map hearing process. A written survey was conducted by the Huntington Shorecliff's Homeowners Association, in January 2010. The results of the survey were submitted to the City on January 19, 2010. There were a total of 259 surveys sent out. Of the 259; 182 surveys were completed and returned. The survey results indicate that 25 persons were in support of the

conversion of the mobilehome park to resident ownership, 105 persons were not in support of the conversion, and 52 persons declined to state their opinion (see table below). A copy of the results is provided as Attachment No. 7. Some of the ballots returned included comments primarily relating to the lack of support for the conversion and issues with inadequate drainage. Staff considers the submitted survey of resident support sufficient in that it meets the minimum requirements as prescribed by Government Code § 66427.5.

SURVEYS SENT AND SURVEYS RETURNED	SUPPORT	OPPOSE	DECLINED TO COMMENT
259* sent and 182 returned = 70% * (306 total – 18 vacant – 29 no info = 259 total surveys)	25 = 14%	105 = 58%	52 = 28%

### Appeal of Code Requirements

In reviewing the proposed subdivision, staff identified a list of code requirements applicable to the project and forwarded the list to the applicant on February 9, 2010. On February 19, 2010, the applicant appealed the list of code requirements. The appellant contends that a majority of the code requirements are “unlawful” pursuant to State law. However, the appellant does agree with Planning and Building Department Code Requirement Nos. 1(b), 2(a), 4, 5, and 8 and Public Works Department pre-final map recordation Code Requirement Nos. 1-6. Staff does not support the applicant’s contentions that these requirements are “unlawful” in that Government Code § 66427.5 does not preclude other relevant provisions of the Government Code to apply such as SMA 66428.1(d). The code requirements identify applicable standards excerpted from the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code which must be followed after approval and prior to recordation of a final map and independent of State Law. Staff has revised what it believes are applicable code requirements (See Attachment No. 10) that address public health and safety pursuant to SMA 66428.1(d). Staff does not believe the code requirements are preempted by state law as proffered by the applicant and as such, recommends that the Planning Commission deny the appeal.

### SUMMARY:

The proposed subdivision changes the Huntington Shorecliffs Mobilehome Park from a rental park to an ownership park. The impacts on residents associated with the maintenance and repair of infrastructure, estimated sales price of the lots, and other costs are generalized in the impact report, and the survey of resident support was completed. Staff recommends approval for the reasons discussed in this report and with the findings and suggested conditions of approval in Attachment No. 1.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – Tentative Map No. 17296
2. Tentative Tract Map No. 17296 dated January 12, 2010
3. Project Narratives received January 12, 2010
4. Code Requirements Letter dated February 9, 2010
5. Appeal Letter dated February 19, 2010
6. Report on Impact of Conversion Upon Residents dated December 15, 2009
7. Summary of the Survey of Residents dated January 19, 2010
8. Comment letters received from residents of the mobilehome park
9. Draft Minutes of the February 25, 2010 Subdivision Committee meeting.
10. Revised Code Requirements Letter dated March 3, 2010
11. Government Code § 66427.5/Government Code § 66428.1(d)
12. Hart, King & Coldren letter dated received March 03, 2010

SH:HF:ee

**SUGGESTED FINDINGS FOR APPROVAL**

**TENTATIVE TRACT MAP NO. 17296**

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The proposed project is considered categorically exempt pursuant to Class 1, Existing Facilities, Section 15301(k) of the California Environmental Quality Act, which provides that division of existing multiple-family or single-family residences into common-interest ownership are exempt where no physical changes occur which are not otherwise exempt.

**SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 17296:**

1. Tentative Tract Map No. 17296 for the purposes of converting an existing 304 space for-rent mobilehome park to a mobilehome park where residents can purchase the land where the mobilehome is located is consistent with the General Plan Land Use Element designation of RMH-25 (Residential Medium-High Density – Max. 25 units per acre) on the subject property, or any applicable specific plan, or other applicable provisions of this Code.

A. *Growth Management Element*

Objective GM 7.1: Ensure that adequate storm drain and flood control facilities are provided and properly maintained in order to protect life and property from flood hazards.

The City's Master Plan of Drainage which was adopted by the City in 2005 recommends replacement of the existing surface storm gutter with construction of an underground 24-inch diameter pipeline (at minimum) to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline to convey storm water underground will provide relief of the drainage issue. This will also allow additional storm water treatment methods that comply with the US EPA's National Pollutant Discharge Elimination System and remedy a public health and safety issue complying with SMA 66428.1(d).

B. *Utilities Element*

Objective U 3.1: Ensure that adequate storm drain and flood control facilities are provided and properly maintained in order to project life and property from flood hazards.

The City's Master Plan of Drainage which was adopted by the City in 2005 recommends replacement of the existing surface storm gutter with construction of an underground 24-inch diameter pipeline (at minimum) to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline to convey storm water underground will provide relief of the drainage issue. This will also allow additional storm water treatment methods that comply with the US EPA's National Pollutant Discharge Elimination System and remedy a public health and safety issue complying with SMA 66428.1(d).

C. Land Use Element

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policy LU 7.1.3: Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of the adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.

Objective LU 15.6: Facilitate the preservation and development of Residential Mobile Home Parks.

The City's Master Plan of Drainage recommends replacement of the existing surface storm gutter with construction of an underground pipeline to convey storm water flows. The recommended condition of approval to construct a storm drain pipeline will convey storm water underground to provide relief of the drainage issues. In addition, the Beach Boulevard frontage will be improved to provide safe pedestrian access and remedy a public health and safety issue complying with SMA 66428.1(d).

The mobilehome park was established in 1969, before the adoption of the current General Plan and zoning ordinance. The existing mobilehome park is located in the Residential Mobilehome Park (RMP) zone and does not fully comply with the present development standards and is considered non-conforming. The proposed tentative tract map does not include the creation of new lots or development; therefore, the non-conforming development standards are not required to comply with the current provisions of the HBZSO. The subdivision to convert the existing for-rent mobilehome park to ownership facilitates the preservation of an existing legal use (mobilehome park). No new development or change of land use is proposed as part of the subdivision.

D. Circulation Element

Objective CE 6.1: Promote the safety of bicyclists and pedestrians by adhering to Caltrans and City-wide standards.

The Beach Boulevard frontage along the mobilehome park will be improved to provide safe pedestrian access pursuant to SMA 66428.1(d) to address a public health and safety issue. Currently, there is no sidewalk and curb along the frontage and pedestrians are required to either walk within the public right of way or on an unimproved dirt path adjacent to Beach Boulevard. The proposed sidewalk improvements will close a gap in the sidewalk along the west side of Beach Boulevard and allow safe pedestrian movement for the public and residents of the mobilehome park.

2. The site is physically suitable for the type and density of development. The proposed subdivision converts an existing 304 space for-rent mobilehome park to a 304 space ownership mobilehome park at a density of 8.2 units per net acres and is physically suitable for the site.
3. The design of the subdivision will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as the subdivision will provide for the replacement of existing inadequate drainage facilities and addition of a pedestrian sidewalk along the Beach Boulevard frontage to address health and safety issues per Subdivision Map Act 66428.1(d).

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided.
5. Pursuant to California Government Code 66427.5, the applicant filed an Impact Report dated December 15, 2009 which analyzed the impact of the conversion on residents. In addition, the applicant obtained a Resident Survey of Support which was conducted in accordance with an agreement between the applicant and the resident that is independent of the applicant. The Impact Report was provided to each resident of the mobilehome park at least 15 days prior to the hearing on the map. The results of the survey were presented to the City on March 9, 2010. The survey was considered and it was found that 105 residents opposed the conversion, 25 approved, 52 declined to comment and 124 missing.

**SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17296:**

1. The Tentative Tract Map No. 17296 for Subdivision of an existing 304 space mobilehome park received and dated January 12, 2010 shall be the approved layout.
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required **(PW)**:
  - a. An onsite storm drain shall be designed per the final approved hydrology and hydraulics study, City Standards and per the City adopted 2005 Master Plan of Drainage. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address all current surface water quality issues. **(ZSO 255.04A) (PW)**
  - b. The subdivider shall refer to the California Department of Housing and Community Development (HCD) for domestic and irrigation water metering requirements. **(PW)**
  - c. The required Hydrology and Hydraulic Analysis for the subject project shall analyze 10, 25, and 100-year storms and back-to-back storms. In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. Any drainage improvements required by the aforementioned analysis shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development or deficient downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. **(PW)**
3. The subdivider shall offer each existing tenant an option to either purchase his or her subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant. **(Subdivision Map Act § 66427.5) (PL)**
4. The subdivider shall be required to avoid the economic displacement of all non-purchasing residents in accordance with the following **(PL)**:

- a. As to non-purchasing residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion (commencing at the time of final map recordation) rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period. **(Subdivision Map Act § 66427.5)**
- b. As to non-purchasing residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion (commencing at the time of final map recordation), except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. **(Subdivision Map Act § 66427.5)**

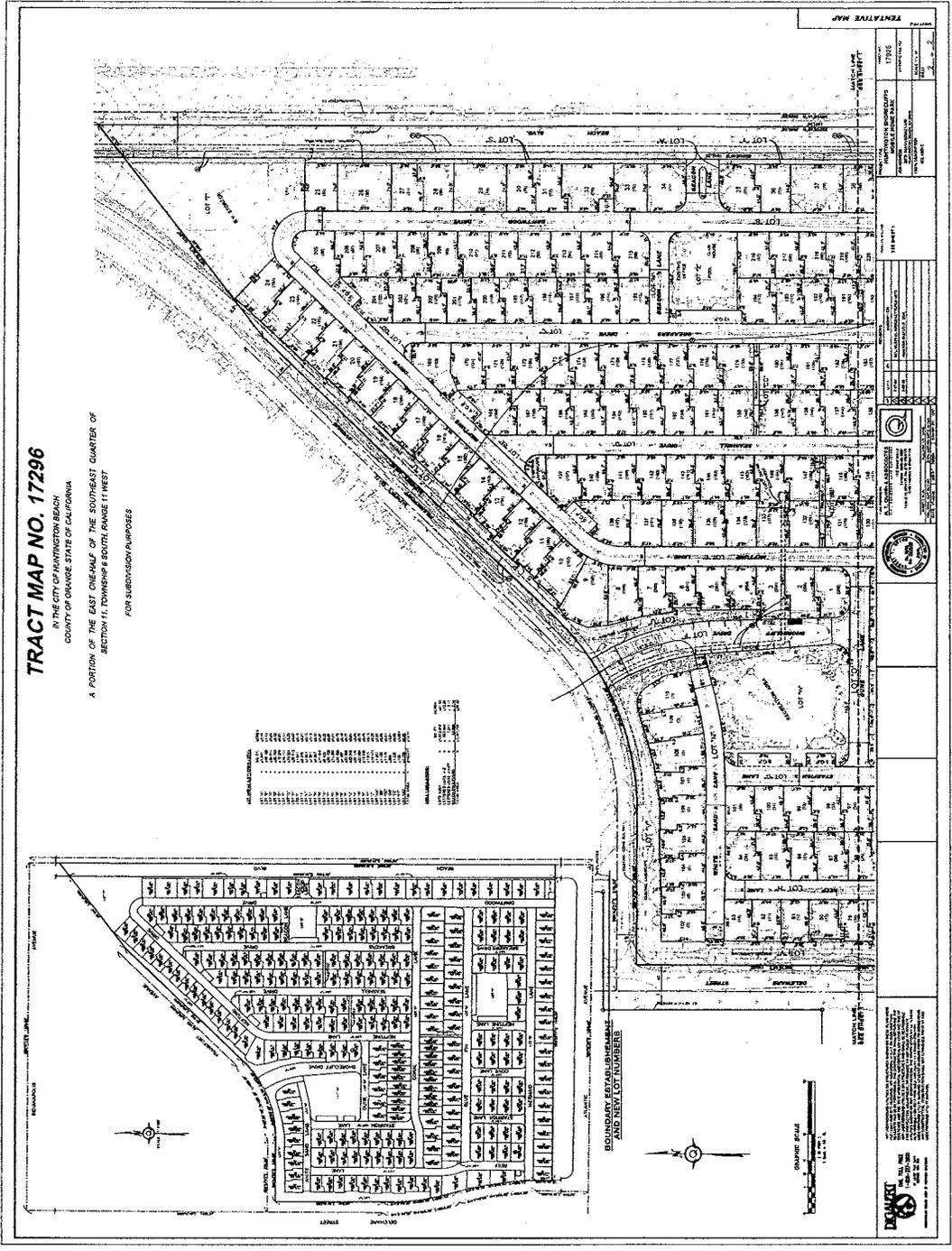
5. Prior to the recordation of a final tract map, the following shall be required:

- a. Submittal of an Improvement Plan for the subject project shall comply with Public Works plan preparation guidelines and include the following improvements on the plan **(PW)**:
  - i) Existing AC curb along the Beach Boulevard frontage shall be removed and replaced with curb and gutter per Public Works Standard Plan No. 202 and per Caltrans requirements. **(ZSO 255.04 and SMA 66428.1(d))**
  - ii) Six (6) foot wide sidewalk and a nine (9) foot wide curb adjacent landscaped parkway along the Beach Boulevard frontage shall be constructed per Public Works Standard Plan No. 207. This required sidewalk shall be constructed to accommodate or modify the adjacent earthen storm drain channel to convey the 100-year flood and supporting hydrologic and hydraulic calculations, compliant with County of Orange and City design criteria shall be submitted to the Department of Public Works for review and approval. **(ZSO 255.04 and SMA 66428.1(d))**
  - iii) Americans with Disabilities Act (ADA) compliant access ramps shall be installed on the Beach Boulevard frontage (where the new sidewalk will intersect with the existing driveway entrance to the park) per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**
  - iv) Erosion control measures (via vegetative ground cover) shall be planted along the slope between the newly required sidewalk per Condition of Approval 5.a.ii and the existing block wall along the project's Beach Boulevard frontage.
  - v) ADA compliant access ramps shall be installed on the easterly curb returns on Delaware Street at Mermaid Lane per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**
  - vi) An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**

- vii) An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**
  - viii) ADA compliant access ramps shall be installed on the south curb returns of Frankfort Avenue at Shorecliff Drive (at the subject site's northerly entrance) per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**
  - ix) An ADA compliant access ramp shall be installed on Frankfort Avenue where it intersects Hill Street per Caltrans Standard Plan A88A. **(ZSO 255.04, ADA and SMA 66428.1(d))**
  - x) The existing 8-inch backflow device configuration is non-conforming placing the City's water supply at risk of potential contamination. As a result of health and safety concerns, the subdivider shall reconstruct or replace the existing backflow device to comply with current Water Standards. **(Resolution 5921, Title 17 State Regulation, SMA 66411.5(a), and SMA 66428.1(d))**
- b. The applicant shall provide an analysis of the existing onsite sanitary sewer system. If any improvements are required per said analysis, they shall be constructed and comply with all associated requirements of HCD. **(PW)**
6. All required landscape planting and irrigation shall be installed, inspected and approved by the City Landscape Architect/Inspector. **(PW)**

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



**TRACT MAP NO. 17296**

IN THE CITY OF HAWAIIAN BEACH  
 COUNTY OF ORANGE, STATE OF CALIFORNIA

A PORTION OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF  
 SECTION 11, TOWNSHIP 6 SOUTH, RANGE 11 WEST

FOR SUBDIVISION PURPOSES

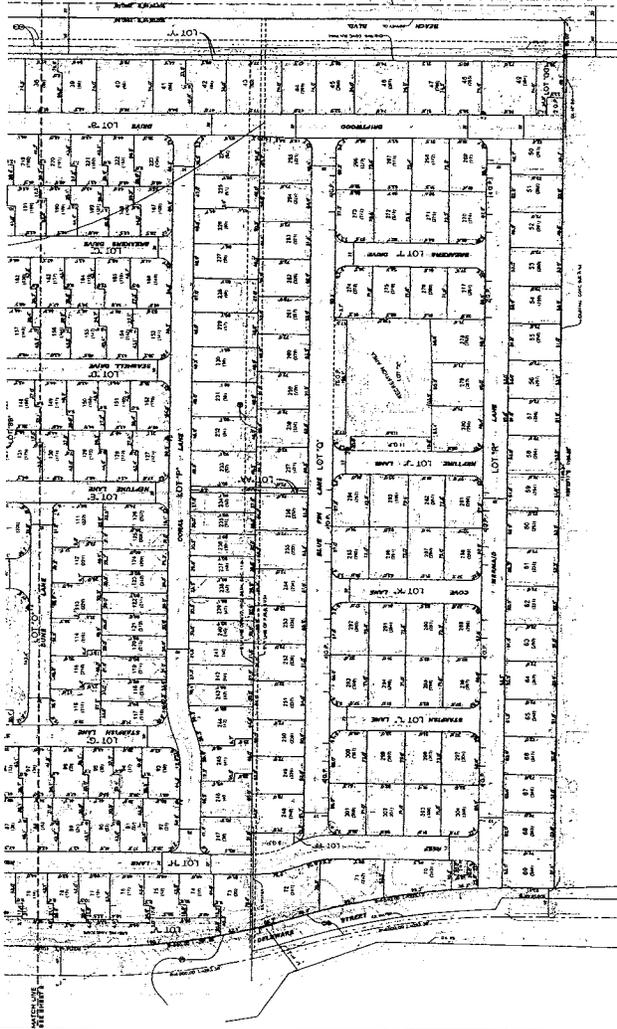
- SYMBOLS USED**
- ▲ Proposed Right-of-Way
  - Proposed Easement
  - Proposed Well
  - Proposed Water Main
  - Proposed Gas Main
  - Proposed Sewer Main
  - Proposed Electric Main
  - Proposed Telephone Main
  - Proposed Cable Main
  - Proposed Fire Main
  - Proposed Storm Drain
  - Proposed Street
  - Proposed Alley
  - Proposed Lot
  - Proposed Building Footprint
  - Proposed Driveway
  - Proposed Parking Space
  - Proposed Utility Pole
  - Proposed Manhole
  - Proposed Valve
  - Proposed Meter
  - Proposed Transformer
  - Proposed Sign
  - Proposed Fence
  - Proposed Wall
  - Proposed Gate
  - Proposed Gate Post
  - Proposed Gate Chain
  - Proposed Gate Lock
  - Proposed Gate Handle
  - Proposed Gate Key
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VICINITY MAP



GRAPHIC SCALE



**NOTES:**

1. THIS TRACT MAP IS SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND RULES OF THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA.
2. THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA, HEREBY APPROVE THIS TRACT MAP FOR SUBDIVISION PURPOSES.
3. THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA, HEREBY APPROVE THIS TRACT MAP FOR SUBDIVISION PURPOSES.
4. THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA, HEREBY APPROVE THIS TRACT MAP FOR SUBDIVISION PURPOSES.
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19. THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA, HEREBY APPROVE THIS TRACT MAP FOR SUBDIVISION PURPOSES.
20. THE CITY OF HAWAIIAN BEACH AND THE COUNTY OF ORANGE, STATE OF CALIFORNIA, HEREBY APPROVE THIS TRACT MAP FOR SUBDIVISION PURPOSES.

**BASE OF BEARINGS:**

**LEGAL DESCRIPTION:**

**RECORD OWNERS AND SUBDIVISION:**

**BENCH MARK:**

**PARKING TABULATION:**

**NUMBERS:**

**TENTATIVE MAP**

TRACT MAP NO.	17296
DATE OF ADOPTION	
APPROVED BY THE CITY OF HAWAIIAN BEACH	
APPROVED BY THE COUNTY OF ORANGE	
APPROVED BY THE STATE OF CALIFORNIA	

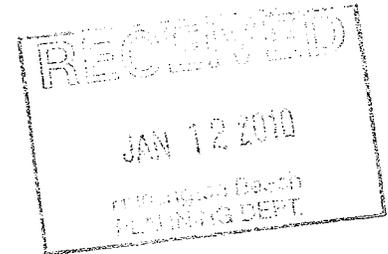
January 12, 2010

Our File Number: 36014.112/4826-6788-7621v.1

**PERSONAL AND CONFIDENTIAL**

**Hand Delivered**

Ethan Edwards, City Planner  
City of Huntington Beach Planning Dept.  
2000 Main Street  
P.O. Box 190  
Huntington Beach, CA 92648



Re: Huntington Shorecliffs Mobile Home Park  
20701 Beach Boulevard, Huntington Beach, CA. 92648  
Subdivision Application for Tentative Tract Map No. 17926

Dear Mr. Edwards:

Please find enclosed the Subdivision Application for Tentative Tract Map 17926 ("Application") for the Huntington Shorecliffs Mobile Home Park located at 20701 Beach Boulevard, Huntington Beach, CA. 92648 ("Shorecliffs"). The Application is the first step in the conversion of Shorecliffs from a rental to a resident-owned mobilehome park. The Application is to create numbered residential lots corresponding to the existing 304 Shorecliffs rental spaces currently permitted by the California Department of Housing and Community Development ("HCD") and lettered lots corresponding to each non-contiguous portion of the existing common areas.

The Application is submitted pursuant to California Government Code Section 66427.5, which expressly preempts local agency requirements for subdivision of existing mobilehome parks to enable conversion to resident ownership. Section 66427.5 prevents physical displacement of residents by requiring that residents have the option to purchase the lot created from their existing space or to continue leasing that space. Section 66427.5 prevents economic displacement of residents by placing limits on post-conversion rent increases, especially for low income residents.

As a simple subdivision to enable conversion to resident ownership under Government Code Section 66427.5, the Application does not involve any "physical change" or "change in use" of Shorecliffs. Instead, the subdivision simply creates legally recordable property boundaries out of the existing configuration of HCD approved rental spaces and common areas. Therefore, Section 66427.5 eliminates many of the requirements that would exist for a subdivision of raw land or for a subdivision to enable a new use of an existing development, such as requirements for environmental review, soils and engineering studies, dedications and exactions, etc.

Pursuant to Government Code Section 66427.5, all that must accompany the Application is the Tentative Tract Map, the applicable fee, a resident survey, and a conversion impact

Ethan Edwards  
January 12, 2010  
Page 2

report, which conversion impact report must provide notice to residents of their option to purchase or continue leasing (the option is loosely labeled in Section 66427.5 (a) as an "offer"). (See *El Dorado Palm Springs Associates v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, 1180)

Therefore, the enclosed Application includes the following attachments, some of which are enclosed with this letter, others of which are currently on file with the City or will be subsequently filed with the City:

1. Map. Eleven copies of Tentative Tract Map No. 17926, the September 8, 2009 version which shows 304 spaces, which were previously submitted to the City with our prior application. As per our telephone conversations, the City still retains those copies of that version of the Map in its file, and the City will treat those Map copies as part of this new Application.
2. Fee. The filing fee in the amount of \$10,500 is enclosed. As we discussed, the City previously reviewed the individual lots in connection with the prior application and has agreed to waive the per lot fee of \$30 for each of the 304 residential lots under this new Application.
3. Report on Impact of Conversion Upon Residents. A copy of the December 15, 2009 Report on Impact of Conversion Upon Residents is enclosed, plus an Affidavit of Mike Cirillo attesting to the mailing of copies of the Report to the Residents on December 15, 2009. As the Report explains, the California Legislature only requires that the Report discuss the potential for economic displacement upon those residents who will continue to rent their spaces upon conversion, and does not require any discussion pertaining to economic impacts upon those residents who will purchase lots.
4. Resident Survey Results. Shorecliffs entered into an agreement with the homeowner's association to conduct a survey of resident support for the conversion. A copy of that agreement is enclosed. According to that agreement, the homeowner's association was to have conducted the survey by the end of the year 2009 and was to have provided the City with the results, but the association has not done yet done so. The homeowner's association now states that it will provide the survey results to the City by mid-January. Per our conversation, the City will begin processing the Application without the survey results, but will not issue notice of completion until receipt of the survey results. It is important to note that the Government Code Section 66427.5 (d) survey requirement only pertains to whether the conversion is a "sham" to avoid local rent control, and the City has no rent control.
5. Data and Reports. As explained above, Government Code Section 66427.5 preempts any additional City requirements for data and reports beyond those required by Section 66427.5. Therefore, most of the data and reports listed in Paragraph 5 of the Application are not applicable, as explained below:

5(a) Environmental Assessment Form.

Conversion of a rental mobile home park to residential ownership is exempt from CEQA pursuant to California Code of Regulations, Title 14, Section 15301 (k) (existing facilities-division of existing single family residences into common interest ownership where no physical changes occur), for the same reasons as the express statutory exemption for resident initiated conversions contained in Public Resources Code Section 21080.8.

5(b) Preliminary Title Report.

A Preliminary Title Report dated December 21, 2009 is enclosed.

5(c) Preliminary Soils and Engineering Geology Report.

There is no "physical change" or "change in use" of Shorecliffs. Therefore, no soils or geology reports is necessary or required under Government Code Section 66427.5.

5(d) Public Notification Requirements.

Public notification materials are enclosed.

5(e) Photographs of the Subject Property.

Photographs of Shorecliffs are enclosed.

5(f) Written Narrative:

(1) Existing Use of the Property and Present Zoning.

Shorecliffs is situated on a single parcel (APN 024-250-72) consisting of approximately 39 acres and operated as a mobile home park permitted for 304 mobile home spaces. Shorecliffs is currently zoned RMP. The General Plan Designation is RMH-25.

Shorecliffs was constructed in 1972, is located on the west side of Beach Boulevard, south of Indianapolis Avenue, and north of Atlantic Avenue. There are approximately 1,900 feet of street frontage along Beach Boulevard and approximately 1,100 feet of street frontage along Delaware Street. Street access is provided by Beach Boulevard and Frankfort Avenue. Shorecliffs is improved with 2 clubhouses and pools, office, conference center, and laundry facilities. There is an RV storage lot on Shorecliffs property.

(2) Proposed Use of the Property.

There is no proposed "physical change" or "change in the use" of Shorecliffs. The proposed use of the Shorecliffs is to maintain the existing use as a mobile home park.

Ethan Edwards  
January 12, 2010  
Page 4

(3) Statement of the Proposed Improvements and Public Utilities.

There are no proposed improvements or utilities.

(4) Public Areas Proposed.

There are no public areas proposed.

(5) Tree Planting Proposed.

There are no tree plantings proposed.

(6) Restrictive Covenants Proposed.

Upon approval of the Application, a Shorecliffs Homeowners Association will be formed customary covenants, conditions and restrictions utilized in planned mobile home communities will be prepared and submitted to the California Department of Real Estate for review and approval.

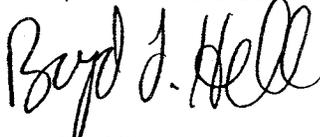
5(g) Coastal Development Permit Application.

Shorecliffs is not within the Coastal Zone and no permits are required.

The enclosed materials should provide the City with a complete Application once the survey results are submitted (assuming the homeowner's association complies with its agreement). As we discussed, please promptly advise whether the Application is complete and begin processing the Application with the Subdivision Committee so that we may hold the Subdivision Committee meeting and have Planning Commission Study Session and Hearing during the month of February. Please feel free to contact me with any questions or comments you may have.

Best Regards,

HART, KING & COLDREN



Boyd L. Hill

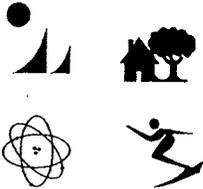
cc: John Saunders  
Michael Cirillo  
Robert S. Coldren  
Burt Mazelow



Ethan Edwards  
January 12, 2010  
Page 5

Enclosures:

Subdivision Application  
[Tentative Tract Map dated September 8, 2009 previously provided]  
Application Fee  
Report on Impact of Conversion Upon Residents  
Affidavit of Mike Cirillo re mailing of Report  
Preliminary Title Report dated December 21, 2009  
Public Notification Materials  
Photographs



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

February 9, 2010

Boyd Hill  
Hart, King & Coldren  
200 Sandpointe, Fourth Floor  
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFFS  
SUBDIVISION)**

Dear Mr. Hill,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Planning Director has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. Should you disagree, pursuant to Section 248.24A, you have ten (10) days from the date of this notice to file an appeal with the Planning Department. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at [ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards  
Associate Planner

Enclosure

cc: Mike Vigliotta, Deputy City Attorney  
Gerald Carraig, Building and Safety Department – 714-374-1575  
Darin Maresh, Fire Department – 714-536-5531  
Steve Bogart, Public Works – 714-536-1692  
Herb Fauland, Planning Manager  
Jason Kelley, Planning Department  
Shorecliff, LP, c/o Mike Cirillo, Star Management, 1400 E Fourth Street, Santa Ana, CA 92701  
Project File

G:\Edwards\Planning Commission\Shorecliffs\020910 Code Letter.doc

Phone 714-536-5271

Fax 714-374-1540

[www.surfcity-hb.org](http://www.surfcity-hb.org)

**ATTACHMENT NO. 4.0**



**CITY OF HUNTINGTON BEACH  
PLANNING and BUILDING DEPARTMENT  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** February 8, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296  
**PROJECT LOCATION:** 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)  
**PROJECT PLANNER:** Ethan Edwards, Associate Planner  
**TELEPHONE/E-MAIL:** (714) 536-5561/ ethan.edwards@surfcity-hb.org  
**PROJECT DESCRIPTION:** **TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.**

---

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 22, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

---

1. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
  - a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
  - b. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16)
  - c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
2. Prior to conversion of the mobile home park, the following shall be completed:
  - a. The final map shall be recorded with the County of Orange.
  - b. All improvements shall be completed in accordance with approved plans.

3. The Departments of Planning, Public Works and Fire shall be responsible for ensuring compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to parcel map are proposed during the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.
4. Tentative Tract Map No. 17296 shall not become effective until the ten calendar day appeal period has elapsed Planning Commission approval.
5. Tentative Tract Map No. 17296 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
6. The subdivision shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein.
7. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
8. The applicant shall submit a check in the amount of \$50 for the posting of a Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
9. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.



## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** FEBRUARY 2, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILE HOME PARK  
**ENTITLEMENTS:** TENTATIVE TRACT MAP 17296  
**PLNG APPLICATION NO.** 2010-0023  
**DATE OF PLANS:** JANUARY 12, 2010  
**PROJECT LOCATION:** 20701 BEACH BLVD  
**PROJECT PLANNER** ETHAN EDWARDS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

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The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

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#### THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:

1. A Hydrology and Hydraulic Analysis for existing site drainage and tributary upstream drainage shall be submitted for Public Works review and approval. (ZSO 255.12)

#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF THE FINAL TRACT MAP:

1. The Tentative Tract Map received and dated August 4, 2009 shall be the approved layout.
2. The Final Tract Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a

title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Parcel Map.

3. The Final Tract Map shall be consistent with the approved Tentative Tract Map. (ZSO 253.14)
4. A reproducible Mylar copy and a print of the recorded final tract map shall be submitted to the Department of Public Works at the time of recordation.
5. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item:
  - a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
  - b. Provide a digital-graphics file of said map to the County of Orange.
6. Provide a digital-graphics file of said map to the City per the following design criteria:
  - c. Design Specification:
    - i. Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
    - ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
    - iii. Digital data shall have units in US FEET.
    - iv. A separate drawing file shall be submitted for each individual sheet.
    - v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
    - vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
  - d. File Format and Media Specification:
    - i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
      - AutoCAD (version 2000, release 4) drawing file: \_\_\_\_\_.DWG
      - Drawing Interchange file: \_\_\_\_\_.DXF
    - ii. Shall be in compliance with the following media type:
      - CD Recordable (CD-R) 650 Megabytes
7. The improvement plans shall be submitted to the Department of Public Works for review and approval. The engineer shall submit cost estimates for determining bond amounts. (ZSO 255.16C & MC 17.05)
8. All improvement securities (Faithful Performance, Labor & Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney. (ZSO 255.16)
9. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (ZSO 253.12K)

10. If the Final Tract map is recorded before the required improvements are completed, a Subdivision Agreement may be submitted for construction in accordance with the provisions of the Subdivision Map Act. (SMA)
11. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)
12. A Homeowners' Association(s) (HOA) shall be formed and described in the CC&R's to manage the following for the total project area:
  - a. Onsite landscaping and irrigation improvements
  - b. On-site sewer and drainage systems
  - c. Best Management Practices (BMP's) as per the approved Water Quality Management Plan (WQMP)

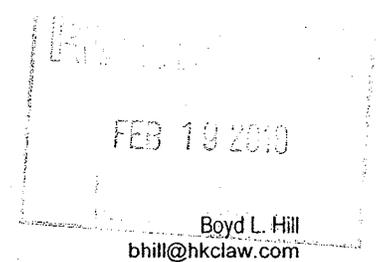
The aforementioned items shall be addressed in the development's CC&R's.

13. Improvement Plans, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84)
14. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
15. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
16. Landscaping plans shall utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
17. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
18. A Drainage Fee for the subject development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$13,880 per gross acre is subject to periodic adjustments. This project consists of 41.223 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$572,175. City records indicate the current use on the subject property has never paid this required fee. Per provisions of the City Municipal Code, this one time fee shall be paid for all subdivisions or development of land. (MC 14.48) In lieu of the payment of the aforementioned Drainage Fee \$572,175, Public Works will accept the construction of the on-site master planned facilities per the City of Huntington Beach, Municipal Code Section 14.38.030.
19. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
  - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)

20. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
21. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
22. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52) Based upon these requirements, a separate water meter and backflow prevention device shall be provided for landscaping along Beach Blvd.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS ARE REQUIRED TO BE COMPLETED PRIOR TO RELEASE OF IMPROVEMENT SECURITIES:**

1. Complete all improvements as shown on the approved Improvement, Storm Drain and Landscape Plans.



February 19, 2010

Our File Number: 36014.112/4848-8137-8053v.1

**VIA HAND DELIVERY**

Planning Commission  
City of Huntington Beach ("City")  
2000 Main Street  
Post Office Box 190  
Huntington Beach, CA 92648  
Attn: Scott Hess, Director of Planning

**RE: Huntington Shorecliffs Mobile Home Park ("Park")  
Application for Tentative Tract Map No. 17296 ("Application")  
Appeal of Project Implementation Code Requirements and Suggested Conditions**

Dear Commissioners:

This letter constitutes and sets forth the basis for the appeal by the Park Owners<sup>1</sup> of the February 9, 2010 purported "Planning Director decision" applying project implementation code requirements for the Park subdivision.<sup>2</sup> A copy of the purported "Planning Director decision" letter is enclosed herewith.

The purported "Planning Director decision" to impose unlawful code requirements is a blatant improper attempt by the City Planning Department to impose an obstacle for what should be a simple checklist approval of the Application under the exclusive preemptive requirements of Government Code Section 66427.5. Therefore, while an appeal should not be necessary, the Park owners are filing the appeal out of an abundance of caution, given the statements in the February 9, 2010 letter contending that an appeal is required. By filing this appeal, the Park owners do not waive their rights to contend that an appeal regarding imposition of unlawful code conditions is unnecessary.

This letter also constitutes the Park owners' objections to the Planning and Public Works Department proposed conditions of approval contained in a February 9, 2010 letter from the Planning Department. A copy of the "Suggested Conditions of Approval" letter is also enclosed herewith.

<sup>1</sup> Shorecliff LP, JS Stadium, LLC, Huntington BSC Park, LP, Shorecliff Main, LP

<sup>2</sup> Attached to this letter is a \$494 check, which duplicates the amount the Park owners previously submitted for a determination of similar code requirements, which the Planning Commission previously refused to consider. Therefore, Park Owners request that this second check be voided and returned to them.

Planning Commission  
City of Huntington Beach  
February 19, 2010  
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We respectfully request that the Planning Director consider this appeal and these objections in connection with and at the same meeting in which the Commission considers approval of the Application so that the unlawful City Staff decisions do not delay what the law requires to be a streamlined, almost ministerial, process for approval of the Application.

**Express State Preemption of Local Agency Requirements and Conditions**

The appeal and objections are based on the recent Court of Appeal decision in *Sequoia Park Associates v. County of Sonoma* (2009) 176 Cal.App.4th 1270, a copy of which is enclosed herewith. In *Sequoia Park Associates*, the California Court of Appeal held that State law pertaining to mobilehome parks, particularly the Subdivision Map Act (Govt. Code, § 66427.5 (e)) and the Mobilehome Parks Act (Health & Safety Code, § 18200 *et seq.*), preempts application of local agency planning, zoning, subdivision and other municipal code requirements or conditions with respect to subdivision of existing rental mobilehome parks for conversion to resident ownership.

The sole requirements for approval of the Application are those contained in Government Code Section 66427.5, which simply require submission of the map, a tenant survey and a conversion impact report. Government Code Section 66427.5 (e) provides:

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 scope of the hearing shall be limited to the issue of compliance with this section. [underline added]

In *Sequoia Park Associates*, the California Court of Appeal held that County of Sonoma planning, zoning and subdivision code requirements were expressly and impliedly preempted by Government Code Section 66427.5 (e), given the comprehensive State scheme of mobilehome statutes and regulations:

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, supra*, 176 Cal.App.4th at 1297)

The County of Sonoma ordinance included requirements for existing mobilehome park subdivision applications that went beyond the express requirements of Government Code Section 66427.5:



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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 the section 66427.5, 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”; and (4) the proposed conversion “is a bona fide resident conversion” as measured against the percentage-based presumptions established by the Ordinance. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1299)

The County of Sonoma code requirements included requirements for engineering reports on park common facilities and infrastructure, estimates of the useful life of such common facilities and infrastructure, an estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, an estimate of necessary replacement costs, and a verification of compliance with HCD requirements under Title 25 of the California Code of Regulations. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1288-1292)

Similarly, in this situation, the City code requirements and proposed conditions impose general plan, and other local land and zoning use regulations, requirements for design, financing and construction and long-term maintenance of common facilities and infrastructure, and health and safety and HCD compliance requirements in connection with approval of the Application.

**State Mobilehome Law is Comprehensive and Preclusive**

As the Court of Appeal concluded in *Sequoia Park Associates*, local agencies cannot by their ordinances or conditions add to or even duplicate the provisions of Government Code Section 66427.5 in considering applications to subdivide existing mobilehome parks for conversion to resident ownership:

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, supra*, 176 Cal.App.4th at 1299)

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. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1275)

The decision in *Sequoia Park Associates* was based on a thorough review by the Court of Appeal of the comprehensive State statutory scheme regarding mobilehome parks:

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. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1279)

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, supra*, 176 Cal.App.4th at 1281)

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 local plan," though the locality "may require a use permit." (Govt. 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) (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1282)

The Court of Appeal, while recognizing that local agencies traditionally have broad powers to regulate land uses in their jurisdiction, concluded in *Sequoia Park Associates* that the State has taken away those powers with respect to subdivision of existing rental mobilehome parks for the purpose of conversion to resident ownership:

It is a given that regulation of the uses of land within its territorial jurisdiction is one of the traditional powers of local government. ...

However, this attitude does not long survive. The survey of state legislation already undertaken demonstrates that the state has taken for itself the commanding voice in mobilehome regulation. Localities are allowed little scope to improvise or deviate from the Legislature’s script. The state’s dominance was in place before the subject of mobilehome park conversion was introduced into the Subdivision Map Act in 1991. (See Stats. 1991, ch. 745, §§ 1-2, 4, adding §§ 66427.5, 66428.1, & amending § 66427.4 to cover mobilehome park conversions.) This was seven years after the State had declared itself in favor of converting mobilehome parks to resident ownership, and at the same time established the Mobilehome Park Purchase Fund from which the HCD could make loans to low-income residents and resident organizations to facilitate conversions. (Stats. 1984, ch. 1692, § 2, adding Health & Saf. Code, §§ 50780-50786.) (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1292-1293)

It must be recalled that the predicate of the statutory examination is a functioning park with existing tenants with all necessary permits and inspections needed for current operation. As *Sequoia* points out: “Mobilehome parks being converted under section 66427.5 have already been mapped out, plotted out, approved under zoning and general plans, and subjected to applicable health and safety regulations.” Moreover, the park has been inspected and relicensed on an annual basis. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1295)

For 25 years, the state has had the policy “to encourage and facilitate the conversion of mobilehome parks to resident ownership.” (Health & Saf. Code, § 50780, subd. (b).) The state is even willing to use public dollars to promote this policy (Health & Saf. Code, § 50782 [establishing the Mobilehome Park Purchase Fund].) The state clearly has an interest in mobilehome park conversions, but is willing to have local governments occupy some role in the process. The extent of local involvement is calibrated to the situation. However, when the subject is narrowed to conversions that merely affect the change from rental to residential ownership, local involvement is strictly limited. If the proposed conversion has the support of two-thirds or more of the park tenants, section 66428.1 prevents the city or county from interfering except in four very specific situations. If the tenant support is less than two-thirds, section 66427.5 directs that the role of local government “shall be limited to the issue of compliance with this section.” (§ 66427.5, subd. (e).) (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1298)

### **Local Ordinances Cannot Duplicate or Condition State Requirements**

In reaching its decision, the Court of Appeal in *Sequoia Park Associates* made clear that local agencies cannot even condition tentative tract map approval on the local agencies’ own interpretation of how the requirements of Government Code Section 66427.5 should be satisfied.

Part of the County of Sonoma ordinance that was struck down involved the County’s conditions for accepting the tenant survey required by Government Code Section 66427.5 (d). With respect to those local agency tenant survey conditions, the Court of Appeal in *Sequoia Park Associates* concluded:

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. (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1299-1300)

The Court of Appeal in Sequoia Park Associates also considered, and rejected, an argument that local agencies should be able to impose conditions for acceptance of the conversion impact report required by Government Code Section 66427.5 (b):

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 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 some 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. ...

\* \* \* \* \*

It is not surprising that in this middle situation that the Legislature would see fit to grant local authorities some power, but circumscribe the extent of 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, supra*, 176 Cal.App.4th at 1294-1296)

### **Conversion Impact Reports are Necessarily Limited in Scope**

The conversion impact report need only discuss the impacts of conversion on those residents who will continue leasing their spaces. (Govt. Code, § 66427.5) The content of conversion impact reports is necessarily limited given the preliminary City subdivision approval stage of the conversion when the reports must be submitted.

The City's action on the subdivision application occurs at a stage in the conversion process where significant information pertaining to conversion such as lot purchase price and a study of common area facilities and infrastructure and future homeowner association obligations has not

yet occurred under the Subdivided Lands Act, Business and Professions Code Sections 11000 *et seq.*

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 to be discussed in the conversion impact report at the stage of City approval of the Application is notice to the residents of their statutory 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)

### **Conclusion**

In conclusion, the Park owners by way of this appeal reject and object to all of the proposed conditions set forth in the February 9, 2010 conditions letter from the Planning Department and



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object to and appeal (as may be necessary) the Planning Director decision to impose all of the municipal code requirements set forth in the February 9, 2010 code requirements letter.

The Park Owners will only agree to accept the non preempted Planning Department code requirements 1 (b), 2 (a), 4, 5, and 8 and Public Works Department pre-final map recordation code requirements 1-6, as set forth in the February 9, 2010 code requirements letter. The Park Owners appeal the imposition of all other municipal code requirements, as set forth in the February 9, 2010 letter.

The Park Owners also reject and object to the Planning Department and Public Works Department conditions of their own on approval of the Application. The City has an almost ministerial duty to approve the Application if the Application complies with the simple checklist of requirements set forth in Government Code Section 66427.5.

The Park Owners look forward to moving ahead expeditiously with conversion of the Park.

Best Regards,

HART, KING & COLDREN

Boyd L. Hill

BLH/dr

Enclosure: Check No. 3085 for \$494  
February 9, 2010 Conditions Letter  
February 9, 2010 Code Requirements Letter  
*Sequoia Park Associates v. County of Sonoma* case

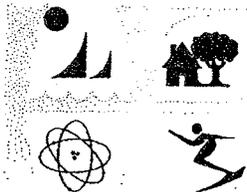
cc: Jennifer McGrath, City Attorney (by e-mail only)  
Mike Vigliotta, Assistant City Attorney (by e-mail only)  
Herb Fauland, Planning Manager (by e-mail only)  
Steve Bogart, Public Works (by e-mail only)  
Ethan Edwards, Associate Planner (by e-mail only)



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bcc John Saunders  
Michael Cirillo  
Burt Mazelow

(by e-mail only)  
(by e-mail only)  
(by e-mail only)



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

February 9, 2010

Boyd Hill  
Hart, King & Coldren  
200 Sandpointe, Fourth Floor  
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFFS  
SUBDIVISION)**

Dear Mr. Hill,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Planning Director has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. Should you disagree, pursuant to Section 248.24A, you have ten (10) days from the date of this notice to file an appeal with the Planning Department. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at [ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards  
Associate Planner

Enclosure

cc: Mike Vigliotta, Deputy City Attorney  
Gerald Caraig, Building and Safety Department – 714-374-1575  
Darin Maresh, Fire Department – 714-536-5531  
Steve Bogart, Public Works – 714-536-1692  
Herb Fauland, Planning Manager  
Jason Kelley, Planning Department  
Shorecliff, LP, c/o Mike Cirillo, Star Management, 1400 E Fourth Street, Santa Ana, CA 92701  
Project File

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Phone 714-536-5271

Fax 714-374-1540

[www.surfcity-hb.org](http://www.surfcity-hb.org)

ATTACHMENT NO. 5.10



**CITY OF HUNTINGTON BEACH  
PLANNING and BUILDING DEPARTMENT  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** February 8, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296  
**PROJECT LOCATION:** 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)  
**PROJECT PLANNER:** Ethan Edwards, Associate Planner  
**TELEPHONE/E-MAIL:** (714) 536-5561/ ethan.edwards@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 22, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
  - a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
  - b. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16)
  - c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
2. Prior to conversion of the mobile home park, the following shall be completed:
  - a. The final map shall be recorded with the County of Orange.
  - b. All improvements shall be completed in accordance with approved plans.

3. The Departments of Planning, Public Works and Fire shall be responsible for ensuring compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to parcel map are proposed during the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.
4. Tentative Tract Map No. 17296 shall not become effective until the ten calendar day appeal period has elapsed Planning Commission approval.
5. Tentative Tract Map No. 17296 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
6. The subdivision shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein.
7. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
8. The applicant shall submit a check in the amount of \$50 for the posting of a Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
9. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.



## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: FEBRUARY 2, 2010  
PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILE HOME PARK  
ENTITLEMENTS: TENTATIVE TRACT MAP 17296  
PLNG APPLICATION NO. 2010-0023  
DATE OF PLANS: JANUARY 12, 2010  
PROJECT LOCATION: 20701 BEACH BLVD  
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER  
TELEPHONE/E-MAIL: 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER  
TELEPHONE/E-MAIL: 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

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The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

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#### THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:

1. A Hydrology and Hydraulic Analysis for existing site drainage and tributary upstream drainage shall be submitted for Public Works review and approval. (ZSO 255.12)

#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF THE FINAL TRACT MAP:

1. The Tentative Tract Map received and dated August 4, 2009 shall be the approved layout.
2. The Final Tract Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a

title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Parcel Map.

3. The Final Tract Map shall be consistent with the approved Tentative Tract Map. (ZSO 253.14)
4. A reproducible Mylar copy and a print of the recorded final tract map shall be submitted to the Department of Public Works at the time of recordation.
5. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item:
  - a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
  - b. Provide a digital-graphics file of said map to the County of Orange.
6. Provide a digital-graphics file of said map to the City per the following design criteria:
  - c. Design Specification:
    - i. Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
    - ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
    - iii. Digital data shall have units in US FEET.
    - iv. A separate drawing file shall be submitted for each individual sheet.
    - v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
    - vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
  - d. File Format and Media Specification:
    - i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
      - AutoCAD (version 2000, release 4) drawing file: \_\_\_\_\_.DWG
      - Drawing Interchange file: \_\_\_\_\_.DXF
    - ii. Shall be in compliance with the following media type:
      - CD Recordable (CD-R) 650 Megabytes
7. The improvement plans shall be submitted to the Department of Public Works for review and approval. The engineer shall submit cost estimates for determining bond amounts. (ZSO 255.16C & MC 17.05)
8. All improvement securities (Faithful Performance, Labor & Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney. (ZSO 255.16)
9. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (ZSO 253.12K)

10. If the Final Tract map is recorded before the required improvements are completed, a Subdivision Agreement may be submitted for construction in accordance with the provisions of the Subdivision Map Act. (SMA)
11. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)
12. A Homeowners' Association(s) (HOA) shall be formed and described in the CC&R's to manage the following for the total project area:
  - a. Onsite landscaping and irrigation improvements
  - b. On-site sewer and drainage systems
  - c. Best Management Practices (BMP's) as per the approved Water Quality Management Plan (WQMP)

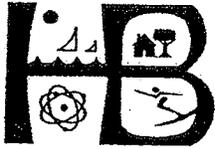
The aforementioned items shall be addressed in the development's CC&R's.

13. Improvement Plans, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84)
14. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
15. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
16. Landscaping plans shall utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
17. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
18. A Drainage Fee for the subject development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$13,880 per gross acre is subject to periodic adjustments. This project consists of 41.223 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$572,175. City records indicate the current use on the subject property has never paid this required fee. Per provisions of the City Municipal Code, this one time fee shall be paid for all subdivisions or development of land. (MC 14.48) In lieu of the payment of the aforementioned Drainage Fee \$572,175, Public Works will accept the construction of the on-site master planned facilities per the City of Huntington Beach, Municipal Code Section 14.38.030.
19. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
  - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)

20. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
21. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
22. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52) Based upon these requirements, a separate water meter and backflow prevention device shall be provided for landscaping along Beach Blvd.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS ARE REQUIRED TO BE COMPLETED PRIOR TO RELEASE OF IMPROVEMENT SECURITIES:**

1. Complete all improvements as shown on the approved Improvement, Storm Drain and Landscape Plans.



CITY OF HUNTINGTON BEACH  
FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: FEBRUARY 9, 2010  
PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION  
ENTITLEMENTS: PLANNING APPLICATION NO. 2010-023: TENTATIVE TRACT MAP NO. 2010-005 (17296)  
PROJECT LOCATION: 20701 BEACH BLVD., HUNTINGTON BEACH, CA  
PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER  
TELEPHONE / E-MAIL: 714.536.5561 / ethan.edwards@surfcity-hb.org  
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST  
TELEPHONE-MAIL: 714.536.5531 / dmaresh@surfcity-hb-org  
PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 22, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer - Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

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1. Tract Map No. 17296 for the subdivision of the Huntington Shorecliffs Mobile home park for purposes, of converting an existing 304-space for-rent mobile home park for ownership purposes shall comply with the following requirements:
  - a. Fire hydrant and water supply systems shall meet NFPA 24, 1977 Edition.
  - b. Fire hydrant and water supply systems shall meet the requirements set forth in Title 25 California Code of Regulations, Chapter 2, Subchapter I. Article 6-Fire Protection Standards for Parks (this can be found at [www.hcd.ca.gov/codes/mp/mpRegs.html](http://www.hcd.ca.gov/codes/mp/mpRegs.html) ).
  - c. Per Title 25 CCR §1308, if additional lots are installed, each lot shall have installed an accessible three-quarter (3/4)-inch valved water outlet, with an approved vacuum breaker installed, designed for connecting a three-quarter (3/4)-inch female swivel hose connection for fire suppression use.
  - d. The following areas shall be in compliance with the Huntington Beach Fire Code unless conditions legally existed prior to September 26, 2002 or if the fire chief determines that such a condition constitutes a distinct threat to life or property:
    - i. Fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be complied with:
  - a. Documentation of a current flow test in compliance with Title 25 shall be submitted to the Huntington Beach Fire Department on the current HCD MP532 form.
  - b. Documentation of the fire hydrant and water supply system's compliance with NFPA24, 1977

Edition, shall be submitted to the Huntington Beach Fire Department by a licensed C-16 contractor or licensed Fire Protection Engineer.

- c. Fire Lanes shall be posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings Private, Residential, Commercial and Industrial Properties. No parking shall be allowed in the designated 24-foot wide fire apparatus access road or supplemental fire access per City Specification # 415. Roadways must maintain compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access*.
  - i. An inspection is required to confirm the parks compliance with regard to fire lane and apparatus access. This inspection may be scheduled by calling 714.536.5411.
3. Prior to recordation of the final tract map, the following conditions shall be complied with:
  - a. Residential address numbers shall be installed to comply with City Specification #428, Premise Identification. Number sets are required on front of the structure in a contrasting color with the background and shall be a minimum of four inches (4") high with one and one half inch (1-1/2") brush stroke.
    - i. An inspection is required to confirm the parks compliance with regard to premise identification. This inspection may be scheduled by calling 714.536.5411.
4. The following conditions shall be maintained during construction:
  - a. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction and Demolition.
  - b. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites.

**OTHER:**

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clear-Up Standards. (FD)
- b. Outside City Consultants: The Fire Department review of this project and subsequent plans may require the use of City Consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)
- c. The Huntington Beach Fire Department reserves the right to apply additional specific requirements as necessary to reach compliance with code requirement No. 1, referenced on page one of this document.

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Fire Department City Specifications may be obtained at:

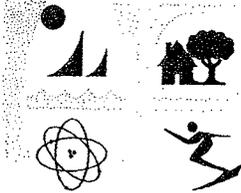
Huntington Beach Fire Department Administrative Office  
City Hall ~ 2000 Main Street, 5<sup>th</sup> Floor  
Huntington Beach, CA 92648

or through the City's website at [www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

If you have any questions, please contact the Fire Prevention Division at 714.536.5411

S:\Prevention\1-Development\1-Planning Department - Planning Applications, CUP's\2010 CUP's\Shorecliff Mobile Home CUP letter

PA#2010-023 02-09-10 DM 09-04-09.rtf



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

February 9, 2010

Boyd Hill  
Hart, King & Coldren  
200 Sandpointe, Fourth Floor  
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFFS  
SUBDIVISION) – SUGGESTED CONDITIONS OF APPROVAL**

Dear Mr. Hill,

Please find enclosed suggested conditions of approval for the aforementioned project, received from Public Works and Planning Department for the consideration by the Planning Commission. If you would like a clarification of any of these items or you would like to discuss them in further detail, please contact me at 714-536-5561 and/or the Public Works Department representative – Steve Bogart (714-374-1692).

It should be noted that these suggested conditions of approval which may be adopted by the Planning Commission if the project is approved, are in addition to applicable "code requirements" provided to you under a separate letter. Please note that if the design of your project or site conditions change, the list may also change.

Sincerely,

Ethan Edwards  
Associate Planner

Enclosure

cc: Mike Vigliotta, Deputy City Attorney  
Steve Bogart, Public Works – 714-536-1692  
Herb Fauland, Planning Manager  
Shorecliff, LP, c/o Mike Cirillo, Star Management, 1400 E Fourth Street, Santa Ana, CA 92701  
Project File



**CITY OF HUNTINGTON BEACH  
PLANNING DEPARTMENT  
PROJECT SUGGESTED CONDITIONS OF APPROVAL**

**DATE:** February 8, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296  
**PROJECT LOCATION:** 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)  
**PROJECT PLANNER:** Ethan Edwards, Associate Planner  
**TELEPHONE/E-MAIL:** (714) 536-5561/ ethan.edwards@surfcity-hb.org  
**PROJECT DESCRIPTION:** **TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.**

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The following is a list of suggested conditions of approval deemed applicable to the proposed project based on plans received and dated January 22, 2010. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. The Tentative Tract Map No. 17296 for Subdivision of an existing mobile home park received and dated September 18, 2008 shall be the approved layout with the following modifications:
  - a. The maximum number of lots created by the subdivision shall not exceed the total number mobile home units (304) approved for the site by the California Department of Housing and Community Development.
  - b. A landscaped planter between the perimeter fencing and public sidewalk improvements along Beach Boulevard shall be provided.
  
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
  - a. The subdivider shall obtain necessary permits from the California Department of Housing and Community Development (HCD) to re-identify the lots if determined necessary.
  - b. The Subdivider shall demonstrate to HCD compliance with all applicable provisions of Title 25 pertaining to setbacks. If the mobile home park is deficient in compliance with the applicable setbacks, the subdivider shall obtain all necessary applicable alternate approvals from HCD.

3. The subdivider shall offer each existing tenant an option to either purchase his or her subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant. (Subdivision Map Act Section 66427.5)
4. The subdivider shall be required to avoid the economic displacement of all non-purchasing residents in accordance with the following:
  - a. As to non-purchasing residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period. (Subdivision Map Act Section 66427.5)
  - b. As to non-purchasing residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. (Subdivision Map Act Section 66427.5)



**HUNTINGTON BEACH  
PUBLIC WORKS DEPARTMENT  
SUGGESTED CONDITIONS OF APPROVAL**

**DATE:** FEBRUARY 2, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILE HOME PARK  
**ENTITLEMENTS:** TENTATIVE TRACT MAP 17296  
**PLNG APPLICATION NO.** 2010-0023  
**DATE OF PLANS:** JANUARY 12, 2010  
**PROJECT LOCATION:** 20701 BEACH BLVD  
**PROJECT PLANNER** ETHAN EDWARDS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:**

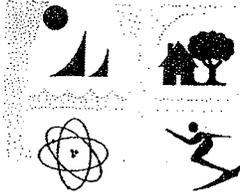
1. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address all current surface water quality issues.
2. The subdivider shall refer to the California Department of Housing and Community Development (HCD) for domestic and irrigation water metering requirements.
3. The required Hydrology and Hydraulic Analysis for the subject project shall analyze 10, 25, and 100-year storms and back-to-back storms. In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. Any drainage improvements required by the aforementioned analysis shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development or deficient downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO RECORDATION OF THE FINAL TRACT MAP:**

1. Encroachment permits for work within the Caltrans' right-of-way (for construction of sidewalks, driveways, water connections, etc.) shall be obtained by the applicant or contractor from Caltrans prior to start of work. A copy of each permit, traffic control plans,

- environmental review and other permission granted by Caltrans shall be transmitted to Public Works.
2. The applicant shall provide an analysis of the existing onsite sanitary sewer system. If any improvements are required per said analysis, they shall be constructed and comply with all associated requirements of HCD.
  3. The required Improvement Plan for the subject project shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
    - a. Existing AC curb along the Beach Boulevard frontage shall be removed and replaced with curb and gutter per Public Works Standard Plan No. 202 and per Caltrans requirements. (ZSO 255.04 and SMA 66428.1(d))
    - b. Six (6) foot wide sidewalk and a nine (9) foot wide curb adjacent landscaped parkway along the Beach Boulevard frontage shall be constructed per Public Works Standard Plan No. 207. This required sidewalk shall be constructed to accommodate or modify the adjacent earthen storm drain channel to convey the 100-year flood and supporting hydrologic and hydraulic calculations, compliant with County of Orange and City design criteria shall be submitted to the Department of Public Works for review and approval. (ZSO 255.04 and SMA 66428.1(d))
    - c. ADA compliant access ramps shall be installed on the Beach Boulevard frontage (where the new sidewalk will intersect with the existing driveway entrance to the park) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - d. Street lights shall be installed along the Beach Boulevard project frontage. Lighting standards shall be per City of Huntington Beach guidelines. (ZSO 255.04)
    - e. ADA compliant access ramps shall be installed on the easterly curb returns on Delaware Street at Mermaid Lane per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - f. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - g. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - h. ADA compliant access ramps shall be installed on the south curb returns of Frankfort Avenue at Shorecliff Drive (at the subject site's northerly entrance) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - i. An ADA compliant access ramp shall be installed on Frankfort Avenue where it intersects Hill Street per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - j. Damaged curb and gutter along the Frankfort Avenue frontage (at Hill Street) shall be removed and replaced per Public Works Standard Plan No. 202. (ZSO 255.04 and SMA 66428.1(d))
    - k. The existing 8-inch backflow device configuration is non-conforming placing the City's water supply at risk of potential contamination. As a result of health and safety concerns, the subdivider shall reconstruct or replace the existing backflow device to comply with current Water Standards. (Resolution 5921, Title 17 State Regulation, SMA 66411.5(a), and SMA 66428.1(d))

- I. An onsite storm drain shall be designed per the final approved hydrology and hydraulics study, City Standards and per the City adopted 2005 Master Plan of Drainage. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (ZSO 255.04A)
4. All required landscape planting and irrigation shall be installed, inspected and approved by the City Landscape Architect/Inspector.



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

February 9, 2010

Boyd Hill  
Hart, King & Coldren  
200 Sandpointe, Fourth Floor  
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFFS  
SUBDIVISION) – SUGGESTED CONDITIONS OF APPROVAL**

Dear Mr. Hill,

Please find enclosed suggested conditions of approval for the aforementioned project, received from Public Works and Planning Department for the consideration by the Planning Commission. If you would like a clarification of any of these items or you would like to discuss them in further detail, please contact me at 714-536-5561 and/or the Public Works Department representative – Steve Bogart (714-374-1692).

It should be noted that these suggested conditions of approval which may be adopted by the Planning Commission if the project is approved, are in addition to applicable "code requirements" provided to you under a separate letter. Please note that if the design of your project or site conditions change, the list may also change.

Sincerely,

Ethan Edwards  
Associate Planner

Enclosure

cc: Mike Vigliotta, Deputy City Attorney  
Steve Bogart, Public Works – 714-536-1692  
Herb Fauland, Planning Manager  
Shorecliff, LP, c/o Mike Cirillo, Star Management, 1400 E Fourth Street, Santa Ana, CA 92701  
Project File



**CITY OF HUNTINGTON BEACH  
PLANNING DEPARTMENT**

**PROJECT SUGGESTED CONDITIONS OF APPROVAL**

**DATE:** February 8, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296  
**PROJECT LOCATION:** 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)  
**PROJECT PLANNER:** Ethan Edwards, Associate Planner  
**TELEPHONE/E-MAIL:** (714) 536-5561/ ethan.edwards@surfcity-hb.org  
**PROJECT DESCRIPTION:** **TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.**

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The following is a list of suggested conditions of approval deemed applicable to the proposed project based on plans received and dated January 22, 2010. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

---

1. The Tentative Tract Map No. 17296 for Subdivision of an existing mobile home park received and dated September 18, 2008 shall be the approved layout with the following modifications:
  - a. The maximum number of lots created by the subdivision shall not exceed the total number mobile home units (304) approved for the site by the California Department of Housing and Community Development.
  - b. A landscaped planter between the perimeter fencing and public sidewalk improvements along Beach Boulevard shall be provided.
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
  - a. The subdivider shall obtain necessary permits from the California Department of Housing and Community Development (HCD) to re-identify the lots if determined necessary.
  - b. The Subdivider shall demonstrate to HCD compliance with all applicable provisions of Title 25 pertaining to setbacks. If the mobile home park is deficient in compliance with the applicable setbacks, the subdivider shall obtain all necessary applicable alternate approvals from HCD.

3. The subdivider shall offer each existing tenant an option to either purchase his or her subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant. (Subdivision Map Act Section 66427.5)
4. The subdivider shall be required to avoid the economic displacement of all non-purchasing residents in accordance with the following:
  - a. As to non-purchasing residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period. (Subdivision Map Act Section 66427.5)
  - b. As to non-purchasing residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. (Subdivision Map Act Section 66427.5)



**HUNTINGTON BEACH  
PUBLIC WORKS DEPARTMENT  
SUGGESTED CONDITIONS OF APPROVAL**

**DATE:** FEBRUARY 2, 2010  
**PROJECT NAME:** HUNTINGTON SHORECLIFFS MOBILE HOME PARK  
**ENTITLEMENTS:** TENTATIVE TRACT MAP 17296  
**PLNG APPLICATION NO.** 2010-0023  
**DATE OF PLANS:** JANUARY 12, 2010  
**PROJECT LOCATION:** 20701 BEACH BLVD  
**PROJECT PLANNER** ETHAN EDWARDS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:**

1. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address all current surface water quality issues.
2. The subdivider shall refer to the California Department of Housing and Community Development (HCD) for domestic and irrigation water metering requirements.
3. The required Hydrology and Hydraulic Analysis for the subject project shall analyze 10, 25, and 100-year storms and back-to-back storms. In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. Any drainage improvements required by the aforementioned analysis shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development or deficient downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO RECORDATION OF THE FINAL TRACT MAP:**

1. Encroachment permits for work within the Caltrans' right-of-way (for construction of sidewalks, driveways, water connections, etc.) shall be obtained by the applicant or contractor from Caltrans prior to start of work. A copy of each permit, traffic control plans,

- environmental review and other permission granted by Caltrans shall be transmitted to Public Works.
2. The applicant shall provide an analysis of the existing onsite sanitary sewer system. If any improvements are required per said analysis, they shall be constructed and comply with all associated requirements of HCD.
  3. The required Improvement Plan for the subject project shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
    - a. Existing AC curb along the Beach Boulevard frontage shall be removed and replaced with curb and gutter per Public Works Standard Plan No. 202 and per Caltrans requirements. (ZSO 255.04 and SMA 66428.1(d))
    - b. Six (6) foot wide sidewalk and a nine (9) foot wide curb adjacent landscaped parkway along the Beach Boulevard frontage shall be constructed per Public Works Standard Plan No. 207. This required sidewalk shall be constructed to accommodate or modify the adjacent earthen storm drain channel to convey the 100-year flood and supporting hydrologic and hydraulic calculations, compliant with County of Orange and City design criteria shall be submitted to the Department of Public Works for review and approval. (ZSO 255.04 and SMA 66428.1(d))
    - c. ADA compliant access ramps shall be installed on the Beach Boulevard frontage (where the new sidewalk will intersect with the existing driveway entrance to the park) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - d. Street lights shall be installed along the Beach Boulevard project frontage. Lighting standards shall be per City of Huntington Beach guidelines. (ZSO 255.04)
    - e. ADA compliant access ramps shall be installed on the easterly curb returns on Delaware Street at Mermaid Lane per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - f. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - g. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - h. ADA compliant access ramps shall be installed on the south curb returns of Frankfort Avenue at Shorecliff Drive (at the subject site's northerly entrance) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - i. An ADA compliant access ramp shall be installed on Frankfort Avenue where it intersects Hill Street per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
    - j. Damaged curb and gutter along the Frankfort Avenue frontage (at Hill Street) shall be removed and replaced per Public Works Standard Plan No. 202. (ZSO 255.04 and SMA 66428.1(d))
    - k. The existing 8-inch backflow device configuration is non-conforming placing the City's water supply at risk of potential contamination. As a result of health and safety concerns, the subdivider shall reconstruct or replace the existing backflow device to comply with current Water Standards. (Resolution 5921, Title 17 State Regulation, SMA 66411.5(a), and SMA 66428.1(d))

- I. An onsite storm drain shall be designed per the final approved hydrology and hydraulics study, City Standards and per the City adopted 2005 Master Plan of Drainage. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (ZSO 255.04A)
4. All required landscape planting and irrigation shall be installed, inspected and approved by the City Landscape Architect/Inspector.

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176 Cal. App. 4th 1270, \*; 98 Cal. Rptr. 3d 669, \*\*;  
2009 Cal. App. LEXIS 1397, \*\*\*

**SEQUOIA PARK ASSOCIATES**, Plaintiff and Appellant, v. COUNTY OF SONOMA, Defendant and Respondent.

A120049

COURT OF APPEAL OF CALIFORNIA, FIRST APPELLATE DISTRICT, DIVISION TWO

176 Cal. App. 4th 1270; 98 Cal. Rptr. 3d 669; 2009 Cal. App. LEXIS 1397

August 21, 2009, Filed

**SUBSEQUENT HISTORY:** Later proceeding at [Sequoia Park Associates v. County of Sonoma, 2009 Cal. LEXIS 11292 \(Cal., Oct. 20, 2009\)](#)

Review denied by, Request denied by [Sequoia Park Assocs. v. County of Sonoma, 2009 Cal. LEXIS 12846 \(Cal., Dec. 2, 2009\)](#)

**PRIOR HISTORY:** [\*\*\*1]

Superior Court of Sonoma County, No. SCV240003, Raymond J. Giordano, Temporary Judge. (Pursuant to [Cal. Const., art. VI, § 21.](#)).

**CASE SUMMARY**

**PROCEDURAL POSTURE:** Plaintiff mobilehome park operator appealed an order from the Superior Court of Sonoma County (California), which declined to issue a writ of mandate to prohibit defendant county's enforcement of an ordinance that imposed obligations related to mobilehome park conversion applications that went beyond the obligations required by [Gov. Code, § 66427.5](#).

**OVERVIEW:** The challenged ordinance, Sonoma County Ord. No. 5725, directed an applicant seeking to convert an existing mobilehome park from a rental to a resident-owner basis to submit various reports required by state law. The ordinance also imposed criteria that had to be satisfied before the application would be presumed bona fide for purposes of approval. The court held that the ordinance was preempted by [§ 66427.5](#) in accordance with the constitutional principle of preemption set forth in [Cal. Const., art. XI, § 7](#). The ordinance was expressly preempted because [§ 66427.5, subd. \(e\)](#), limited the scope of a hearing for approval of a conversion application to the issue of compliance with [§ 66427.5](#); no minimum amount of tenant support was required for approval. The court surveyed the extensive state regulation of mobilehome parks and concluded that the ordinance also was preempted by implication because the legislature had established a dominant role for the State in regulating mobilehomes and had indicated its intent to forestall local intrusion regarding conversions. Moreover, the ordinance duplicated several features of state law by requiring compliance with state reporting requirements.

**OUTCOME:** The court reversed the order and remanded the cause to the trial court with directions to enter a new order declaring the ordinance invalid.

**CORE TERMS:** conversion, resident, mobilehome park, ordinance, subdivider, mobilehome, preemption, ownership, tenant, state law, general law, mobile home parks, map, preempted, local ordinance, rental, tentative, locality, rent, space, local authority, parcel map, household, housing, manufactured, approve, local legislation, local government, fully occupied, indicia

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[Civil Procedure](#) > [Appeals](#) > [Standards of Review](#) > [De Novo Review](#)

**HN1** An appellate court's review of a trial court's order is de novo when it involves a pure issue of law. [More Like This Headnote](#)

ATTACHMENT NO. 5.31

[Governments > Local Governments > Ordinances & Regulations](#)

[Governments > State & Territorial Governments > Relations With Governments](#)

HN2. 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. This is an established rule of preemption analysis. [More Like This Headnote](#)

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HN3. See Cal. Const., art. XI, § 7.

[Governments > Local Governments > Ordinances & Regulations](#)

[Governments > State & Territorial Governments > Relations With Governments](#)

HN4. A party claiming that general state law preempts a local ordinance has the burden of demonstrating preemption. Courts 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. 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. 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. The presumption against preemption accords with the 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. [More Like This Headnote](#)

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[Governments > State & Territorial Governments > Relations With Governments](#)

[Real Property Law > Zoning & Land Use > Ordinances](#)

HN5. 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, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication. 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. 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. [More Like This Headnote](#)

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[Governments > State & Territorial Governments > Relations With Governments](#)

HN6. With respect to the implied occupation of an area of law by the legislature's full and complete coverage of it, 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. State regulation of a subject may be so complete and detailed as to indicate an intent to preclude local regulation. 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. 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. [More Like This Headnote](#)

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[Governments > State & Territorial Governments > Relations With Governments](#)

HN7. To discern whether a 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, a court must look to the whole scope of the legislative scheme. Such an examination is made with the goal of detecting a patterned approach to the subject, and whether the local law mandates what state law forbids, or forbids what state law mandates. [More Like This Headnote](#)

[Real Property Law > Mobilehomes & Mobilehome Parks > Subdivisions](#)

HN8. See Gov. Code, § 66427.5.

[Real Property Law > Mobilehomes & Mobilehome Parks > Subdivisions](#)

HN9. Under Gov. Code, § 66427.5, subd. (e), a city council only has the power to determine if a subdivider has

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complied with the requirements of the section. Although the conversion process might be used for improper purposes--such as the bogus purchase of a single unit by the subdivider/owner to avoid local rent control--the language of § 66427.5, subd. (e), does not allow such considerations to be taken into account. A city lacks authority to investigate or impose additional conditions to prevent sham or fraudulent transactions at the time it approves a tentative or parcel map. Although the lack of such authority may be a legislative oversight, and although it might be desirable for the legislature to broaden a city's authority, it has not done so. The argument that the legislature should have done more to prevent partial conversions or sham transactions is a legislative issue, not a legal one. [More Like This Headnote](#)

[Real Property Law > Mobilehomes & Mobilehome Parks > Subdivisions](#)

**HN10** Case law has specifically rejected arguments that would require a numerical threshold before a mobilehome park conversion could proceed, there being no statutory support for the claim that conversion only occurs if more than 50 percent of the lots have been sold before a tentative or parcel map is filed. A subdivider need not demonstrate that the proposed subdivision has the support of a majority of existing residents--fixed at either one-half or two-thirds--thus satisfying the local authority that this was not a forced conversion. The legislative intent to encourage conversion of mobilehome parks to resident ownership would not be served by a requirement that a conversion could only be made with resident consent. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

[Governments > Local Governments > Duties & Powers](#)

[Real Property Law > Zoning & Land Use > Ordinances](#)

**HN11** Regulation of the uses of land within its territorial jurisdiction is one of the traditional powers of local government. [More Like This Headnote](#)

[Governments > Legislation > Effect & Operation > Amendments](#)

[Governments > Legislation > Interpretation](#)

**HN12** When the legislature amends a statute without altering portions of the provision that have previously been judicially construed, the legislature is presumed to have been aware and to have acquiesced in the previous judicial construction. Accordingly, reenacted portions of the statute are given the same construction they received before the amendment. [More Like This Headnote](#)

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[Real Property Law > Mobilehomes & Mobilehome Parks > Subdivisions](#)

[Real Property Law > Zoning & Land Use > Ordinances](#)

**HN13** Gov. Code, § 66427.5, subd. (e), has 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. [More Like This Headnote](#)

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**SUMMARY:**

**CALIFORNIA OFFICIAL REPORTS SUMMARY**

The trial court declined to issue a writ of mandate to prohibit a county's enforcement of an ordinance that imposed obligations related to mobilehome park conversion applications that went beyond the obligations required by Gov. Code, § 66427.5. The challenged ordinance, Sonoma County Ord. No. 5725, directed an applicant seeking to convert an existing mobilehome park from a rental to a resident-owner basis to submit various reports required by state law. The ordinance also imposed criteria that had to be satisfied before the application would be presumed bona fide for purposes of approval. (Superior Court of Sonoma County, No. SCV240003, Raymond J. Giordano, Temporary Judge.)\*

\* Pursuant to [California Constitution, article VI, section 21](#).

The Court of Appeal reversed the order and remanded the cause to the trial court with directions to enter a new order declaring the ordinance invalid. The court held that the ordinance was preempted by § 66427.5 in accordance with the constitutional principle of preemption set forth in Cal. Const., art. XI, § 7. The ordinance was expressly preempted because § 66427.5, subd. (e), limits the scope of a hearing for approval of a conversion application to the issue of compliance with § 66427.5; no minimum amount of tenant support is required for approval. The court surveyed the extensive state regulation of mobilehome parks and concluded that the ordinance also was preempted by implication because the Legislature has established a dominant role for the state in regulating mobilehomes and has indicated its intent to forestall local intrusion regarding conversions. Moreover, the ordinance duplicated several features of state law by requiring compliance with state reporting requirements. (Opinion by Richman, J., with Haerle, Acting P. J., and Lambden, J., concurring.) [\*1271]

ATTACHMENT NO. 533

## HEADNOTES

## CALIFORNIA OFFICIAL REPORTS HEADNOTES

**CA(1) (1) Municipalities § 55—Ordinances—Validity—Conflict with Statutes—Considering State and Local Legislation Together.**—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. This is an established rule of preemption analysis.

**CA(2) (2) Municipalities § 55—Ordinances—Validity—Conflict with Statutes—Presumption Against Preemption.**—A party claiming that general state law preempts a local ordinance has the burden of demonstrating preemption. Courts 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. The common thread of the cases is that if there is a significant local interest to be served that may differ from one locality to another, then the presumption favors the validity of the local ordinance against an attack of state preemption. 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. The presumption against preemption accords with the 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.

**CA(3) (3) Municipalities § 56—Ordinances—Validity—Conflict with Statutes—Test for Preemption—Indicia of Intent.**—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, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication. 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. There are three recognized indicia of intent: (1) the subject matter has been so fully and completely covered by general law as to clearly [\*1272] 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.

**CA(4) (4) Municipalities § 56—Ordinances—Validity—Conflict with Statutes—Test for Preemption—Indicia of Intent—Area Fully Occupied by State Law.**—With respect to the implied occupation of an area of law by the Legislature's full and complete coverage of it, 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. State regulation of a subject may be so complete and detailed as to indicate an intent to preclude local regulation. 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. 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.

**CA(5) (5) Municipalities § 56—Ordinances—Validity—Conflict with Statutes—Test for Preemption—Indicia of Intent—Area Fully Occupied by State Law.**—To discern whether a 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, a court must look to the whole scope of the legislative scheme. Such an examination is made with the goal of detecting a patterned approach to the subject, and whether the local law mandates what state law forbids, or forbids what state law mandates.

**CA(6) (6) Mobilehomes, Trailers, and Parks § 3—Regulation—Conversion from Rental to Resident-owned—Local Regulation Preempted.**—Under Gov. Code, § 66427.5, subd. (e), a city council only has the power to determine if a subdivider has complied with the requirements of the section. Although the conversion process might be used for improper purposes—such as the bogus purchase of a single unit by the [\*1273] subdivider/owner to avoid local rent control—the language of § 66427.5, subd. (e), does not allow such considerations to be taken into account. A city lacks authority to investigate or impose additional conditions to prevent sham or fraudulent transactions at the time it approves a tentative or parcel map. Although the lack of such authority may be a legislative oversight, and although it might be desirable for the Legislature to broaden a city's authority, it has not done so. The argument that the Legislature should have done more to prevent partial conversions or sham transactions is a legislative issue, not a legal one.

**CA(7) (7) Mobilehomes, Trailers, and Parks § 3—Regulation—Conversion from Rental to Resident-owned.**—Case law has specifically rejected arguments that would require a numerical threshold before a mobilehome park conversion could proceed, there being no statutory support for the claim that conversion only occurs if more than 50 percent of the lots have been sold before a tentative or parcel map is filed. A subdivider need not demonstrate that the proposed subdivision has the support of a majority of existing residents—fixed at either one-half or two-thirds—thus

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satisfying the local authority that this was not a forced conversion. The legislative intent to encourage conversion of mobilehome parks to resident ownership would not be served by a requirement that a conversion could only be made with resident consent.

**CA(8) §(8) Zoning and Planning § 3—Authority for Regulation—Traditional Local Power.**—Regulation of the uses of land within its territorial jurisdiction is one of the traditional powers of local government.

**CA(9) §(9) Statutes § 26—Construction—Adopted and Reenacted Statutes—Legislative Acquiescence in Judicial Construction.**—When the Legislature amends a statute without altering portions of the provision that have previously been judicially construed, the Legislature is presumed to have been aware and to have acquiesced in the previous judicial construction. Accordingly, reenacted portions of the statute are given the same construction they received before the amendment.

**CA(10) §(10) Mobilehomes, Trailers, and Parks § 3—Regulation—Conversion from Rental to Resident-owned—Local Regulation Preempted.**—Gov. Code, § 66427.5, subd. (e), has 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.

**CA(11) §(11) Mobilehomes, Trailers, and Parks § 3—Regulation—Conversion from Rental to Resident-owned—Local Regulation Preempted.**—It could be assumed that a county was motivated by laudable purposes when it **[\*1274]** enacted an ordinance that imposed **[\*1275]** obligations upon a subdivider submitting a mobilehome park conversion application that went beyond the obligations required by Gov. Code, § 66427.5. The county's construction of § 66427.5 also could find some plausibility from the statutory language. Nevertheless, the ordinance crossed the line established by the Legislature as marking territory reserved for the state and thus was expressly preempted by § 66427.5.

[Cal. Real Estate Law & Practice (2009) ch. 472, § 472.35; Cal. Forms of Pleading and Practice (2009) ch. 126A, Constitutional Law, § 126A.24.]

**COUNSEL:** Bien & Summers, Elliot L. Bien and Catherine Meulemans for Plaintiff and Appellant.

The Loftin Firm, L. Sue Loftin and Michael Stump for Rancho Sonoma Partners, Eden Gardens, Sundance Estates and Capistrano Shores as Amici Curiae on behalf of Plaintiff and Appellant.

Steven M. Woodside, County Counsel, Sue A. Gallagher and Debbie F. Latham, Deputy County Counsel, for Defendant and Respondent.

Aleshire & Wynder, William W. Wynder and Sunny K. Soltani for California State Association of Counties, League of California Cities, City of Carson and the City of Los Angeles as Amici Curiae on behalf of Defendant and Respondent.

**JUDGES:** Opinion by Richman, J., with Haerle, Acting P. J., and Lambden, J., concurring.

**OPINION BY:** Richman

## OPINION

**[\*\*672] RICHMAN, J.**—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 **[\*\*\*2]** 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." (Id., subd. (e).) We further conclude that **[\*\*\*3]** 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

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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 [\*\*\*4] 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 [\*\*\*5] 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 [\*1276] 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] power in the area." This order is the subject of Sequoia's appeal. <sup>1</sup>

#### FOOTNOTES

<sup>1</sup> It is typical of the generally high quality of the briefing that the experienced appellate counsel for Sequoia does not [\*\*\*5] 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 [53 Cal. Rptr. 3d 402], "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 fallback 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 [120 Cal. Rptr. 2d 550], 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.

#### DISCUSSION

The [\*\*\*6] parties agree that <sup>HN1</sup>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 [38 Cal. Rptr. 3d 575]; Roble Vista Associates v. Bacon (2002) 97 Cal.App.4th 335, 339 [118 Cal. Rptr. 2d 295].) 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 tells us that section 66427.5 must be considered in the context [\*\*\*7] of the "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. [\*1277]

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 [\*\*\*674] grounds (e.g., Tobe v. City of Santa Ana (1995) 9 Cal.4th 1069, 1084 [40 Cal. Rptr. 2d 402, 892 P.2d 1145] [vagueness]; Sanchez v. City of Modesto (2005) 145 Cal.App.4th 660, 679-680 [51 Cal. Rptr. 3d 821] [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.

<sup>CA(1)</sup>¶(1) But <sup>HN2</sup>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

<sup>CA(2)</sup>¶(2) In California, [\*\*\*8] preemption of local legislation by state law is a constitutional principle. <sup>HN3</sup>¶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

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to our Supreme Court: <sup>HN4</sup> "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, **[\*\*9]** 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.] **[\*1278]**

CA(3) <sup>HN5</sup> **(3)** "Moreover, <sup>HN5</sup> 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 [45 Cal. Rptr. 3d 21, 136 P.3d 821], **[\*\*10]** 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 **[\*\*675]** 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 [16 Cal. Rptr. 2d 215, 844 P.2d 534].)

HN6 CA(4) <sup>HN6</sup> **(4)** "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 **[\*\*11]** 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 [63 Cal. Rptr. 3d 67, 162 P.3d 583].)

HN7 CA(5) <sup>HN7</sup> **(5)** 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 **[\*1279]** 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 [204 Cal. Rptr. 897, 683 P.2d 1150]; **[\*\*12]** accord, *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252, 1261 [23 Cal. Rptr. 3d 453, 104 P.3d 813]; *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 751 [29 Cal. Rptr. 2d 804, 872 P.2d 143].) 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 [209 Cal. Rptr. 682, 693 P.2d 261], quoting *Galvan v. Superior Court* (1969) 70 Cal.2d 851, 862 [76 Cal. Rptr. 642, 452 P.2d 930]), 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 [118 Cal. Rptr. 2d 746, 44 P.3d 120].)

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.

**[\*\*676]** Since 1979, the state has had the Mobilehome Residency Law, which comprises almost 100 statutes governing **[\*\*13]** 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).<sup>2</sup> By this statutory scheme, the state has undertaken to

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"extensively regulate[] the landlord-tenant relationship between mobilehome park owners and residents." (*Greening v. Johnson* (1997) 53 Cal.App.4th 1223, 1226 [62 Cal. Rptr. 2d 214]; accord, *SC Manufactured Homes, Inc. v. Canyon View Estates, Inc.* (2007) 148 Cal.App.4th 663, 673 [56 Cal. Rptr. 3d 79]; *People ex rel. Kennedy v. Beaumont Investment, Ltd.* (2003) 111 Cal.App.4th 102, 109 [3 Cal. Rptr. 3d 429].)

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<sup>2</sup> 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 [53 Cal. Rptr. 3d 43, 149 P.3d 473], and decisions cited.)

[\*1280]

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 [26 Cal. Rptr. 3d 543].) [\*\*\*14] 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 chartered, applicable to this part." (*Health & Saf. Code*, § 18300, subd. (a).) The few exemptions from this prohibition are carefully delineated.<sup>3</sup>

#### FOOTNOTES

<sup>3</sup> "This part shall not prevent local authorities of any city, county, or city and 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 [\*\*\*15] 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 pursuant 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 [\*\*\*16] 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).)

[\*\*677] Then there is the Manufactured Housing Act of 1980 (*Health & Saf. Code*, §§ 18000-18153), which regulates the sale, licensing, registration, and titling of mobilehomes. The Legislature declared that the provisions of this measure "apply to all parts of the state and supersede" any conflicting local ordinance. (*Health & Saf. Code*, § 18015.) The Department of Housing and Community Development (HCD) is in charge of enforcement. (*Health & Saf. Code*, §§ 18020, 18022, 18058.) [\*\*1281]

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 [\*\*\*17] 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"].)

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At present, the HCD has promulgated hundreds of regulations that are collected in chapter 2 of division 1 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.*, §§ 1130-1190), "Plumbing Requirements" (*id.*, §§ 1240-1284), "Fire Protection Standards" (*id.*, §§ 1300-1319), "Permanent Buildings and Commercial Modulars" [\*\*\*18] (*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 [\*\*\*19] 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. (Cal. [\*\*\*1282] Code Regs., tit. 25, §§ 1006.5, 1012.) [\*\*\*678] 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, subd. (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 [\*\*\*20] regulation to the specifically enumerated exceptions [in Health and Safety Code section 18300, subdivision (g), quoted at footnote 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 italics omitted.) 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 park 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 straightforward 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 [\*\*\*21] purchasing residents. In its entirety it provides as follows:

**HNS\*** 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: [\*\*\*1283]

"(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' [\*\*\*22] association, if any, that is independent of the subdivider or mobilehome park owner.

[\*\*\*679] "(3) The survey shall be obtained pursuant to a written ballot.

"(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

"(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).

"(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local

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ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

"(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:.

"(1) As to nonpurchasing residents who are not lower income households, as defined by Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally [\*\*\*23] recognized professional appraisal standards, in equal annual increases over a four-year period. [\*1284]

"(2) As to nonpurchasing residents who are lower income households, as defined by Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period."

This is how section 66427.5 currently reads. But its antecedents are instructive.

The first version of section 66427.5, enacted in 1991, was no more than the first paragraph and subdivision (f) of the current version. (Stats. 1991, ch. 745, § 2, p. 3324.) The statute was substantially amended four years later with most of what is in the current version. The only significant variance is that the 1995 version did not contain what is now subdivision (d), specifying that the subdivider is to provide a survey of support. (Stats. 1995, ch. [\*\*\*24] 256, § 5, p. 883.) The second version of section 66427.5 was the one considered by the Court of Appeal in El Dorado Palm Springs, Ltd. v. City of Palm Springs (2002) 96 Cal.App.4th 1153 [118 Cal. Rptr. 2d 15] (*El Dorado*).

At issue in *El Dorado* was a mobilehome park owner's application to convert its units from rental to resident owned. The renters opposed the conversion, "contending that they do not have enough information to decide whether to purchase or not, and the proposed conversion is merely a sham to avoid [Palm Springs'] rent control ordinance." (*El Dorado, supra*, 96 Cal.App.4th 1153, 1159.) The Palm Springs City Council approved the application, but made its approval subject to three conditions, requiring: "(1) the use of a 'Map Act Rent Date,' defined as the date of the close of escrow of not less than 120 lots; (2) the use of a sale price established by a specified appraisal firm, the appraisal costs to be paid by [the owner-subdivider]; and (3) financial assistance to all residents in the park to facilitate their purchase of the lots underlying their mobilehomes." (*Id.* at p. 1157.)

The trial court denied the park owner's petition for a writ of administrative mandamus. [\*\*680] The owner appealed, contending [\*\*\*25] "that its application for subdivision is governed by section 66427.5. It relies on subdivision (d) [now subdivision (e)] of that section, which states, in part, that the scope of the City Council's hearing is limited to the issue of compliance with the requirements of that section." (*El Dorado, supra*, 96 Cal.App.4th 1153, [\*\*\*1285] 1157-1158.) Palm Springs took the position that the conditions were authorized by Government Code section 66427.4, subdivision (c),<sup>4</sup> which authorized the city council to "require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park." (96 Cal.App.4th at p. 1158.)

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<sup>4</sup> Subsequent statutory references are to the Government Code unless otherwise indicated.

The Court of Appeal agreed with the owner and reversed. It rejected Palm Springs's argument about section 66427.4,<sup>5</sup> concluding that it applied only when the mobilehome park is being converted to another use: "[I]t 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 [\*\*\*26] 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." (*El Dorado, supra*, 96 Cal.App.4th 1153, 1161.) The court also held the language of subdivision (e) of section 66427.4 dispositive on this point. (96 Cal.App.4th at pp. 1161-1163.)

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<sup>5</sup> At all relevant times, section 66427.4 has provided:

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

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

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"(c) The legislative body, or an advisory agency which is authorized by local ordinance [\*\*\*27] to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park.

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

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

CA(6) ¶(6) But, and as particularly apt here, the court sustained the park owner's argument about section 66427.5, subdivision (d), concluding that <sup>HN9</sup> under it the city council "only had the power to determine if [the subdivider] had complied with the requirements of the section." (*El Dorado, supra*, 96 Cal.App.4th 1153, 1163-1164.) Although the court did appear concerned that the conversion process might be used for improper purposes—such as the bogus purchase of a single unit by the subdivider/owner to avoid local rent control—it believed the language of section 66427.5, subdivision (d), did not allow such considerations [\*\*\*28] to be taken into account: "[T]he City lacks [\*1286] authority to investigate or impose additional conditions to prevent sham or fraudulent transactions at the time it approves the tentative [\*681] or parcel map. Although the lack of such authority may be a legislative oversight, and although it might be desirable for the Legislature to broaden the City's authority, it has not done so. We therefore agree with appellant that the argument that the Legislature should have done more to prevent partial conversions or sham transactions is a legislative issue, not a legal one." <sup>6</sup> (96 Cal.App.4th at p. 1165.) And, the court later noted, "there is no evidence that [the owner's] filing of an application for approval of a tentative parcel map is not the beginning of a bona fide conversion to resident ownership ... ." (*Id.* at p. 1174, fn. 17.)

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<sup>6</sup> Nevertheless, the *El Dorado* court did seem to indicate that there was an available remedy for Palm Springs's fears concerning evasion of its rent control ordinance. Although local authorities could not themselves use section 66427.5 to halt "sham or failed transactions in which a single unit is sold, but no others" (*El Dorado, supra*, 96 Cal.App.4th at p. 1166, fn. 10), there was no such restriction [\*\*\*29] on the judiciary. "[T]he courts will not apply section 66427.5 to sham or failed transactions" (*id.* at p. 1165), which the *El Dorado* court apparently equated with situations where "conversion fails" or "if the conversion is unsuccessful" (*id.* at p. 1166). The court also agreed with an earlier decision that held section 66427.5 does not apply unless there is an actual sale of at least one unit. (*El Dorado, at pp. 1166, 1177-1179*, citing *Donohue v. Santa Paula West Mobile Home Park* (1996) 47 Cal.App.4th 1168 [55 Cal. Rptr. 2d 282].)

CA(7) ¶(7) One other point of *El Dorado* is significant. <sup>HN10</sup> The court specifically rejected arguments that would require a numerical threshold before a conversion could proceed, there being no statutory support for the claim that conversion only occurred if more than 50 percent of the lots have been sold before a tentative or parcel map is filed. (*El Dorado, supra*, 96 Cal.App.4th 1153, 1172-1173.) The court refused to require a subdivider to demonstrate that the proposed subdivision has the support of a majority of existing residents—fixed at either one-half or two-thirds—thus satisfying the local authority that this was not a "forced conversion." <sup>7</sup> (96 Cal.App.4th at pp. 1181-1182.) The court concluded: "The [\*\*\*30] legislative intent to encourage [\*1287] conversion of mobilehome parks to resident ownership would not be served by a requirement that a conversion could only be made with resident consent." (*Id.* at p. 1182.)

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<sup>7</sup> The 50 percent argument was based on Health and Safety Code section 50781, subdivision (m), which specifies that one of the definitions of "resident ownership" is "ownership by a resident organization of an interest in a mobilehome park that entitles the resident organization to control the operations of the mobilehome park." The argument was that "resident ownership of the park, and control of operations of the park, can only occur when the purchasing residents have the ability to control, manage and own the common facilities in the park, i.e., when 50 percent plus 1 of the lots have been purchased by the residents." (*El Dorado, supra*, 96 Cal.App.4th 1153, 1172, 1181.) The two-thirds figure was taken from Government Code section 66428.1, which provides that "When at least two-thirds of the owners of mobilehomes who are tenants in the mobilehome park sign a petition indicating their intent to purchase the mobilehome park for purposes of converting it to resident ownership, and a field [\*\*\*31] survey is performed, the requirement for a parcel map or a tentative and final map shall be waived ... ," subject to specified exceptions.

Following *El Dorado*, the continuing problem of mobilehome park conversion, and the phrase "bona fide," again engaged the Legislature's attention. That same year the Legislature amended section 66427.5 by adding what is now subdivision (d) and the requirement of a "survey of support of residents" whose results were to be filed with the tentative or parcel [\*682] map. As it did so, the Legislature enacted the following language, but did not include it as part of section 66427.5: "It is the intent of the Legislature to address the conversion of a mobilehome park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153. The court in this case concluded that the subdivision map approval process specified

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in Section 66427.5 of the Government Code may not provide local agencies with the authority to prevent nonbona fide resident conversions. The court explained how a conversion of a mobilehome park to resident ownership could occur without **\*\*\*32** the support of the residents and result in economic displacement. It is, therefore, the intent of the Legislature in enacting this act to ensure that conversions pursuant to Section 66427.5 of the Government Code are bona fide resident conversions." (Stats. 2002, ch. 1143, § 2.) \*

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\* This is what is known as "plus section," which our Supreme Court termed "a provision of a bill that is not intended to be a substantive part of the code section or general law that the bill enacts, but to express the Legislature's view on some aspect of the operation or effect of the bill. Common examples of 'plus sections' include severability clauses, saving clause, statements of the fiscal consequences of the legislation, provisions giving the legislation immediate effect or a delayed operative date or a limited duration, and provisions declaring an intent to overrule a specific judicial decision or an intent not to change existing law." (*People v. Allen* (1999) 21 Cal.4th 846, 858-859, fn. 13 [89 Cal. Rptr. 2d 279, 984 P.2d 486].) The court subsequently explained that "statements of the intent of the enacting body ... , while not conclusive, are entitled to consideration. [Citations.] Although such statements in an uncodified section **\*\*\*33** do not confer power, determine rights, or enlarge the scope of a measure, they properly may be utilized as an aid in construing a statute." (*People v. Canty* (2004) 32 Cal.4th 1266, 1280 [14 Cal. Rptr. 3d 1, 90 P.3d 1168].)

#### The Ordinance

The Ordinance has eight sections, but only three—sections I, II, and III—are pertinent to this appeal. \*

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\* Section IV of the Ordinance declares that the measure is "categorically exempt from environmental review" under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.). Section V is a severability provision. Section VI establishes the effective date of the Ordinance as "30 days after the date of its passage." Section VII repeals an existing ordinance. Section VIII (misabeled as "Section VI") provides for publication of the Ordinance in a specified newspaper of general circulation in the county.

**[\*1288]**

Section I declares the purposes of the Ordinance. It opens with the supervisors' finding that "the adoption of this Ordinance is necessary and appropriate to implement certain policies and programs set forth within the adopted General Plan Housing Element, and to comply with state laws related to the conversion of mobile home parks to resident ownership." Specific purposes included: (1) "To implement state **\*\*\*34** laws with regard to the conversion of mobile home parks to resident ownership"; (2) "To ensure that conversions of mobile home parks to resident ownership are bona fide resident conversions in accordance with state law"; (3) "To implement the goals and policies of the General Plan Housing Element"; (4) "To balance the need for increased homeownership opportunities with the need to protect existing rental housing opportunities"; (5) "To provide adequate disclosure to decision-makers and to prospective buyers prior to conversion of mobile home parks to resident ownership"; (6) "To ensure the public health and safety in converted parks"; and (7) "To conserve the County's affordable housing stock."

Section II deals with the "Applicability" of the Ordinance by declaring that "These **\*\*683** provisions apply to all conversions of mobile home parks to resident ownership, except those conversions for which mapping requirements have been waived pursuant to Government Code [Section] 66428.1 These provisions do not apply to the conversion of a mobile home park to an alternate use, which conversions are regulated by Government Code Sections 65863.7 and 66427.4, and by Section 26-92-090 of Chapter 26 of the **\*\*\*35** Sonoma County Code."

Section III opens by providing several definitions of terms used in the Ordinance and in chapter 25 of the Sonoma County Code.

"**Mobile Home Park Conversion to Resident Ownership** means the conversion of a mobile home park composed of rental spaces to a condominium or common interest development, as described in and/or regulated by Government Code Sections 66427.5 and/or 66428.1."

"**Mobile Home Park Closure, Conversion or Change of Use** means changing the use of a mobile home park such that it no longer contains occupied mobile or manufactured homes, as described in and regulated by Government Code Section 66427.4."

"**Subdivision**" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, financing, conveyance, transfer or any other purpose, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility **[\*1289]** easement or railroad rights-of-way. Subdivision includes a condominium project or common interest development, as defined in Section 1351 of the Civil Code or a community apartment project, **\*\*\*36** as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels."

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The heart of the Ordinance is subdivision (d) of Section III, which adds "a new Article IIIB" to chapter 25 of the Sonoma County Code. Because of its importance, we quote it in full:

"Article IIIB. Mobile Home Park Conversions to Resident Ownership.

"25-39.7 (a) Applicability. The provisions of this Article IIIB shall apply to all conversions of mobile home parks to resident ownership except those conversions for which mapping requirements have been waived pursuant to Government Code § 66428.1.

"25-39.7 (b) Application Materials Required.

"(1) In addition to any other information required by this Code and/or other applicable law, the following information is required at the time of filing of an application for conversion of a mobile home park to resident ownership:

"a) A survey of resident support conducted in compliance with subdivision (d) of Government Code Section 66427.5 The subdivider shall demonstrate that the survey was conducted in accordance **\*\*\*37** with an agreement between the subdivider and an independent resident homeowners association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobile home space had one vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represent **\*\*684** the greatest number of resident homeowners in the park.

"b) A report on the impact of the proposed conversion on residents of the mobile home park. The tenant impact report shall, at a minimum include all of the following:

"i) Identification of the number of mobile home spaces in the park and the rental rate history for each such space over the four years prior to the filing of the application; **\*1290**

"ii) Identification of the anticipated method and timetable for compliance with Government Code Section 66427.5 (a), and, to the extent available, identification of the number of existing tenant households expected to purchase their units within the first four (4) years after conversion;

"iii) Identification **\*\*\*38** of the method and anticipated time table for determining the rents for non-purchasing residents pursuant to Government Code Section 66427.5 (f)(1), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;

"iv) Identification of the method for determining and enforcing the controlled rents for non-purchasing households pursuant to Government Code Section 66427.5 (f)(2), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;

"v) Identification of the potential for non-purchasing residents to relocate their homes to other mobile home parks within Sonoma County, including the availability of sites and the estimated cost of home relocation;

"vi) An engineer's report on the type, size, current condition, adequacy, and remaining useful life of common facilities located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, community buildings and the like. A pest report shall be included for all common buildings and structures. 'Engineer' means a registered civil or structural engineer, **\*\*\*39** or a licensed general engineering contractor;

"vii) If the useful life of any of the common facilities or infrastructure is less than thirty (30) years, a study estimating the cost of replacing such facilities over their useful life, and the subdivider's plan to provide funding for the same;

"viii) An estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, including replacement costs as necessary, over the next thirty (30) years, and the subdivider's plan to provide funding for same.

"ix) Name and address of each resident, and household size.

"x) An estimate of the number of residents in the park who are seniors or disabled. An explanation of how the estimate was derived must be included.

"(c) A maintenance inspection report conducted on site by a qualified inspector within the previous twelve (12) calendar months demonstrating **\*1291** compliance with Title 25 of the California Code of Regulations ('Title 25 Report'). Proof of remediation of any Title 25 violations shall be confirmed in writing by the California Department of Housing and Community Development (HCD).

"25-39.7 (c) Criteria for Approval of Conversion Application.

"(1) An application **\*\*\*40** for the conversion of a mobile home park to resident ownership shall be approved only if the decision maker finds that:

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"a) A survey of resident support has been conducted and the results filed with **[\*\*685]** the Department in accordance with the requirements of Government Code Section 66427.5 and this Chapter;

"b) A tenant impact report has been completed and filed with the Department in accordance with the requirements of Government Code Section 66427.5 and this Chapter;

"c) The conversion to resident ownership is consistent with the General Plan, any applicable Specific or Area Plan, and the provisions of Chapter 26 of the Sonoma County Code;

"d) The conversion is a bona-fide resident conversion;

"e) Appropriate provision has been made for the establishment and funding of an association or corporation adequate to ensure proper long-term management and maintenance of all common facilities and infrastructure; and

"f) There are no conditions existing in the mobile home park that are detrimental to public health or safety, provided, however, that if any such conditions exist, the application for conversion may be approved if: (1) all of the findings required under subsections (a) through (e) are made and (2) the **[\*\*\*41]** subdivider has instituted corrective measures adequate to ensure prompt and continuing protection of the health and safety of park residents and the general public.

"(2) For purposes of determining whether a proposed conversion is a bona-fide resident conversion, the following criteria shall be used:

"a) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that more than 50% of resident households support the conversion to resident ownership, the conversion shall be presumed to be a bona-fide resident conversion. **[\*1292]**

"b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that at least 20% but not more than 50% of residents support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona-fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within **[\*\*\*42]** a reasonable period of time.

"c) Where the survey of support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that less than 20% of residents support the conversion to resident ownership, the conversion shall be presumed not to be a bona-fide resident conversion.

"25-39.7 (d) Tenant Notification. The following tenant notifications are required:

"(1) Tenant Impact Report. The subdivider shall give each resident household a copy of the impact report required by Government Code Section 66427.5 (b) within fifteen days after completion of such report, but in no case less than fifteen (15) days prior to the public hearing on the application for conversion. The subdivider shall also provide a copy of the report to any new or prospective residents following the original distribution of the report.

"(2) Exclusive Right to Purchase. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit of space it occupies at the same or more favorable terms and conditions than those on which such unit or **[\*\*686]** space shall be initially **[\*\*\*43]** offered to the general public. The right shall run for a period of not less than ninety (90) days from the issuance of the subdivision public report ('white paper') pursuant to California Business and Professions Code § 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.

"(3) Right to Continue Residency as Tenant. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code § 66427.5 (a)."

#### **The Ordinance Is Expressly Preempted by Section 66427.5**

*CA(8)\****(8)** It is a given that <sup>HN11</sup>regulation of the uses of land within its territorial jurisdiction is one of the traditional powers of local government. (E.g., Big **[\*1293]** Creek, supra, 38 Cal.4th 1139, 1151; IT Corp. v. Solano County Board of Supervisors (1991) 1 Cal.4th 81, 85, 95, 99 [2 Cal. Rptr. 2d 513, 820 P.2d 1023]; City of Burbank v. Burbank-Glendale-Pasadena Airport Authority (1999) 72 Cal.App.4th 366, 376 [85 Cal. Rptr. 2d 28].) We are also mindful that our Supreme Court has twice held, prior to enactment of section 66427.5, that the Subdivision Map Act did not preempt local authority to regulate residential condominium conversions. **[\*\*\*44]** (Griffin Development Co. v. City of Oxnard (1985) 39 Cal.3d 256, 262-266 [217 Cal. Rptr. 1, 703 P.2d 339]; Santa Monica Pines, Ltd. v. Rent Control Board (1984) 35 Cal.3d 858, 868-869 [201 Cal. Rptr. 593, 679 P.2d 27].) Given the presumption against preemption (Big Creek, supra, 38 Cal.4th 1139, 1149), we start by assuming that the Ordinance is valid.

However, this attitude does not long survive. The survey of state legislation already undertaken demonstrates that the state has taken for itself the commanding voice in mobilehome regulation. Localities are allowed little scope to improvise or deviate from the Legislature's script. The state's dominance was in place before the subject of mobilehome park conversion was introduced into the Subdivision Map Act in 1991. (See Stats. 1991, ch. 745, §§ 1-2, 4, pp. 3323, 3324, 3325, adding §§ 66427.5, 66428.1 & amending § 66427.4 to cover mobilehome park conversions.) This was seven years

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after the state had declared itself in favor of converting mobilehome parks to resident ownership, and at the same time established the Mobilehome Park Purchase Fund from which the HCD could make loans to low-income residents and resident organizations to facilitate conversions. (Stats. 1984, ch. 1692, § 2, p. 6114, adding Health & Saf. Code, §§ 50780-50786.)

Although **\*\*\*45** the Court of Appeal in *El Dorado* did not explicitly hold that section 66427.5 was an instance of express preemption, that is clearly how it read the statute. And although there is nothing in the text of section 66427.5 that at first glance looks unambiguously like a stay-away order from the Legislature to cities and counties,<sup>10</sup> there is no doubt that the *El Dorado* court construed the operative language as precluding addition by cities or counties. That operative language reads: "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 [tentative or parcel] map. **\*\*\*687** *The scope of the hearing shall be limited to the issue of compliance with this section.*" (§ 66427.5, subd. (e), italics added.) The **\*\*\*1294** italicized language is, in its own way, comprehensive. But the contrasting constructions the parties give it could not be more starkly divergent.

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<sup>10</sup> Such as the provision of the Mobilehome Parks Act directing that "This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable **\*\*\*46** to this part." (Health & Saf. Code, § 18300, subd. (a).)

According to Sequoia, section 66427.5 has an almost ministerial operation. The words of the statute "communicate unambiguously that local agencies must approve a mobilehome park subdivision map if the applicant complies with 'this section' alone." The County and supporting amici curiae argue that section 66427.5 and *El Dorado* are not dispositive here. Indeed, they almost argue that the statute and the decision are not relevant. As they see it, section 66427.5—both before and after *El Dorado*—is a statute of very modest scope, addressing itself only to the issue of avoiding and mitigating the economic displacement of residents who will not be purchasing units when the mobilehome park is converted. All the Ordinance does, they maintain, is "implement" and flesh out the details of the Legislature's directive in a wholly appropriate fashion, leaving unimpaired the traditional local authority over land uses. As the amici curiae state it: "Ordinance No. 5725 does not purport to impose any additional economic restrictions to preserve affordability or to avoid displacement."

We admit that there is no little attraction to the County's approach. Beginning **\*\*\*47** 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.<sup>11</sup> For example, a subdivider is required to "file a report on the impact of the conversion upon residents" (§ 66427.5, subd. (b)), 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 curiae: "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."

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<sup>11</sup> The County and supporting amici curiae note our Supreme Court stating that the Subdivision Map Act "sets suitability, design, improvement and procedural requirements [citations] and allows local governments to impose *supplemental requirements of the same kind.*" (*The Pines v. City of Santa Monica* (1981) 29 Cal.3d 656, 659 [175 Cal. Rptr. 336, 630 P.2d 521], italics added.) **\*\*\*48** It must be emphasized, however, that the court's comments were made in the context of a local tax—and a decade before the subject of mobilehome park conversion began appearing in the Subdivision Map Act.

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 **\*\*\*1295** they are, as the three mobilehome conversion statutes in the Subdivision Map Act<sup>12</sup>—a coherent logic begins to emerge.

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<sup>12</sup> Because sections 66427.4, 66427.5, and 66428.1 all deal with the subject of mobilehome park conversions, it is appropriate to consider them together. (E.g., *Walker v. Superior Court* (1988) 47 Cal.3d 112, 124, fn. 4 [253 Cal. Rptr. 1, 763 P.2d 852]; *County of Los Angeles v. Frisbie* (1942) 19 Cal.2d 634, 639 [122 P.2d 526]; *In re Washer* (1927) 200 Cal. 599, 606 [254 P. 951].)

It must be recalled that the predicate of the statutory examination is a functioning **\*\*\*688** park with existing tenants with all necessary permits and inspections needed for current operation. As Sequoia points out: "Mobilehome parks being converted under section 66427.5 have already been mapped out, plotted out, approved under zoning and general **\*\*\*49** plans, and subjected to applicable health and safety regulations." Moreover, the park has been inspected and

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relicensed on an annual basis. But the owner has decided to change. If the change is to close the park and devote the land to a different use, section 66427.4 governs. If the change is a more modest switch to residential conversion, sections 66427.5 and 66428.1 are applicable.

These statutes form a rough continuum. If the owner is planning a new use, that is, leaving the business of operating a mobilehome park, section 66427.4 (quoted in full at fn. 5, *ante*) directs the owner to prepare a report on the impact of the change to tenants or residents. (§ 66427.4, subd. (a).) The relevant local authority "may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park" as a condition of approving or conditionally approving the change. (*Id.*, subd. (c).) But in this situation—where the land use question is essentially reopened de novo—section 66427.4 explicitly authorizes local input: "This section establishes a *minimum standard for local regulation* of conversions of mobilehome [\*\*\*50] parks into other uses *and shall not prevent a local agency from enacting more stringent measures.*" (*Id.*, subd. (d), italics added.)

At the other end of the continuum is the situation covered by section 66428.1, subdivision (a), which provides: "When at least two-thirds of the owners of mobilehomes who are tenants in the mobilehome park sign a petition indicating their intent to purchase the mobilehome park for purposes of converting it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following conditions exist: [¶] (1) There are design or improvement requirements necessitated by significant health or safety concerns. [¶] (2) The local agency determines that there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map. [¶] (3) The existing parcels which exist prior to the proposed conversion [\*\*\*1296] were not created by a recorded parcel or final map. [¶] (4) The conversion would result in the creation of more condominium units or interests than the number of tenant lots or spaces that exist prior to conversion."

So, if the conversion essentially [\*\*\*51] maintains an acceptable status quo, the conversion is approved by operation of law. And the locality has no opportunity or power to stop it, or impose conditions for its continued operation.

Section 66427.5 occupies the midway point on the continuum. It deals with the situation where the mobilehome park will continue to operate as such, merely transitioning from a rental to an ownership basis, and there is not two-thirds tenant support for the change—in other words, conversions that enjoy a level of tenant concurrence that does not activate the free ride authorized by section 66428.1. In those situations, the local authority enjoys less power than granted by section 66427.4, but more than conversions governed by 66428.1. It is not surprising that in this middle situation that the Legislature would see fit to grant local authorities some power, but circumscribe the extent of that power. That is what section 66427.5 does. It says in effect: Local authority, you have this power, but no more.

[\*\*\*689] As previously mentioned, the Legislature amended section 66427.5 in the wake of *El Dorado*. Two features of that amendment are notable. First, the Legislature added what is now the requirement in subdivision (d) [\*\*\*52] of a survey of tenant support for the conversion, when the level of that support does not reach the two-thirds mark at which point section 66428.1 kicks in. But the Legislature did not address the point noted in *El Dorado* that there is no minimum amount of tenant support required for a conversion to be approved. (See *El Dorado, supra*, 96 Cal.App.4th 1153, 1172–1173.) As this was the only addition to the statute, it follows that it was deemed sufficient to address the problem of "bona fide" conversions mentioned in the unmodified portion of the enactment that accompanied the amendment.

CA(9) ¶(9) Second, and even more significant for our purposes, the *El Dorado* court expressly read section 66427.5 as not permitting a local authority to inject any other consideration into its decision whether to approve a subdivision conversion.<sup>13</sup> (*El Dorado, supra*, 96 Cal.App.4th 1153, 1163–1164, 1166, [\*\*\*1297] 1182.) And when it amended section 66427.5, the Legislature did nothing to overturn the *El Dorado* court's reading of the extent of local power to step beyond the four corners of that statute. This is particularly telling: <sup>HN12</sup> [W]hen the Legislature amends a statute without altering portions of the provision that [\*\*\*53] have previously been judicially construed, the Legislature is presumed to have been aware and to have acquiesced in the previous judicial construction. Accordingly, reenacted portions of the statute are given the same construction they received before the amendment." (*Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, 1156 [278 Cal. Rptr. 614, 805 P.2d 873], quoting *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721, 734 [180 Cal. Rptr. 496, 640 P.2d 115]; accord, *People v. Meloney* (2003) 30 Cal.4th 1145, 1161 [135 Cal. Rptr. 2d 602, 70 P.3d 1023]; *People v. Ledesma* (1997) 16 Cal.4th 90, 100–101 [65 Cal. Rptr. 2d 610, 939 P.2d 1310].)

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<sup>13</sup> *El Dorado* is also authority for rejecting the County's attempt to narrow the scope of the section 66427.5 hearing to just the issue of tenant displacement, thereby presumably leaving other issues or concerns of the conversion application to be addressed at a different hearing. The *El Dorado* court treated the section 66427.5 hearing as the equivalent of "El Dorado's application for approval of the tentative subdivision map." (*El Dorado, supra*, 96 Cal.App.4th 1153, 1163–1164; see also *id.*, at pp. 1174 ["section 66427.5 applies to El Dorado's application for tentative map approval ..."], 1182 [absence of majority tenant support for conversion not dispositive because "The owner can still subdivide [\*\*\*54] his property by following ... section 66427.5"; judgment reversed "with directions to require the City Council to promptly determine the sole issue of whether El Dorado's application for approval of a tentative parcel map complies with section 66427.5"].) Even more germane is that, to judge from the language used in the uncodified provision enacted with the amendment of section 66427.5, the Legislature clearly appeared to equate compliance with section 66427.5 with the conversion approval process.

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CA(10) ¶(10) The foregoing analysis convinces us that the *El Dorado* construction of section 66427.5 has stood the test of time and received the tacit approval of the Legislature. We therefore conclude that what is currently <sup>HN13</sup> 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.

### **[\*\*690] The Ordinance Is Impliedly Preempted**

As previously shown, local law is invalid if it enters a field fully occupied by state law, or if it duplicates, contradicts, or is inimical, to state law. (*O'Connell v. City of Stockton, supra*, 41 Cal.4th 1061, 1068; **[\*\*55]** *Big Creek, supra*, 38 Cal.4th 1139, 1150.) The three tests for implied preemption are: (1) has the issue been so completely covered by state law as to indicate that the issue is now exclusively a state concern; (2) the issue has been only partially covered by state law, but the language of the state law indicates that the state interest will not tolerate additional local input; and (3) the issue has been only partially covered by state law, but the negative impact of local legislation on the state interest is greater than whatever local benefits derive from the local legislation. (*O'Connell v. City of Stockton, supra*, at p. 1068; *Morehart v. County of Santa Barbara, supra*, 7 Cal.4th 725, 751; *People ex rel. Deukmejian v. County of Mendocino, supra*, 36 Cal.3d 476, 485.) We conclude that the County's Ordinance is also vulnerable to two of the tests for implied preemption. **[\*1298]**

The overview of the regulatory schemes touching mobilehomes undertaken earlier in this opinion demonstrates that the state's involvement is extensive and comprehensive. Grants of power to cities and counties are few in number, guarded in language, and invariably qualified in scope. Nevertheless, those grants do exist. **[\*\*56]** Section 66427.5 shows that the state is willing to allow some local participation in some aspects of mobilehome conversion; and section 66427.4 shows that in one setting—when a mobilehome park is converted to a different use—it is virtually expected that the state role will be secondary. The first test for implied preemption cannot be established.

But the three-statute continuum discussed earlier in connection with express preemption also shows that the second and third tests for implied preemption are.

For 25 years, the state has had the policy "to encourage and facilitate the conversion of mobilehome parks to resident ownership." (Health & Saf. Code, § 50780, subd. (b).) The state is even willing to use public dollars to promote this policy. (Health & Saf. Code, § 50782 [establishing the Mobilehome Park Purchase Fund].) The state clearly has an interest in mobilehome park conversions, but is willing to have local governments occupy some role in the process. The extent of local involvement is calibrated to the situation. However, when the subject is narrowed to conversions that merely affect the change from rental to residential ownership, local involvement is strictly limited. If **[\*\*57]** the proposed conversion has the support of two-thirds or more of the park tenants, section 66428.1 prevents the city or county from interfering except in four very specific situations. If the tenant support is less than two-thirds, section 66427.5 directs that the role of local government "shall be limited to the issue of compliance with this section." (§ 66427.5, subd. (e).)

In sum, the fact that the situations where localities could involve themselves in conversions have been so carefully delineated shows that the Legislature viewed the subject as one where the state concern would not be advanced if parochial interests were allowed to intrude. Accordingly, we conclude that the second and third tests for implied preemption are present.

There is more. "Local legislation in conflict with general law is void. Conflicts **[\*\*691]** exist if the ordinance duplicates ... general law ... ." (*Lancaster v. Municipal Court* (1972) 6 Cal.3d 805, 807-808 [100 Cal. Rptr. 609, 494 P.2d 681], citations omitted; accord, *Big Creek, supra*, 38 Cal.4th 1139, 1150; *Morehart v. County of Santa Barbara, supra*, 7 Cal.4th 725, 747.) The Ordinance is plainly duplicative of section 66427.5 in several respects, as the County candidly admits: the Ordinance "sets forth minimum **[\*\*58]** ... requirements" for the conversion application, "including: (a) submission of a survey of resident support in compliance with section 66427.5; (b) submission of a **[\*1299]** report on the impact of the proposed conversion on park residents as required by section 66427.5; and (c) submission of a copy of the annual maintenance inspection report already required by Title 25 of the California Code of Regulations." (Italics added.) The Ordinance also purports to require the subdivider to provide residents of the park "written notice of [the] right to continue residency as a tenant in the park as required by Government Code Section 66427.5(a)" and "a copy of the impact report required by Government Code Section 66427.5(b)." (Sonoma County Code, § 25-39.7(d), subd. (3), (1).)

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 **[\*\*59]** be approved "only if the decision maker finds that," in addition to satisfying the survey and tenant impact report requirements imposed by section 66427.5, 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"; and (4) the proposed conversion "is a bona-fide resident conversion" as measured against the percentage-based presumptions established by the Ordinance. <sup>14</sup> (Sonoma County Code, § 25.39-7(c), subds. (1)(c)-(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

ATTACHMENT NO. 5.47

[\*\*\*60] days "from the issuance of the subdivision public report ... pursuant to California Business and Professions Code Section 11018.2." (*Id.*, § 25-39.7(d), subd. (2).)

#### FOOTNOTES

14 Although it is not discussed in the briefs, a recent decision by Division Three of this district suggests these provisions might also be vulnerable to the claim that they amount to a burden of proof presumption that would be preempted by Evidence Code section 500. (See *Rental Housing Assn. of Northern Alameda County v. City of Oakland* (2009) 171 Cal.App.4th 741, 751, fn. 5, 754-758 [90 Cal. Rptr. 3d 181].)

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" [\*1300] according to the Ordinance appears to authorize—if not actually [\*692] invite—a purely subjective inquiry, one which is not truly reduced by reference to the Ordinance's presumptions. <sup>15</sup> 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 [\*61] deemed "appropriate" to "ensure proper long-term management and maintenance"? Such imprecision stands in stark contrast with the clear directives in section 66427.5.

#### FOOTNOTES

15 That uncertainty may be illustrated by how Sequoia perceives one part of the Ordinance. With respect to instances where tenant support for conversion is between 20 percent and 50 percent, the Ordinance provides: "In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success ... is in place to convey the majority of the lots to current residents of the park within a reasonable period of time." (Sonoma County Code, § 25-39.7(c), subd. (2)(b).) Sequoia treats this as a requirement that the subdivider come forth with "financial assistance" to assist tenants to purchase their units.

The County, ably supported by an impressive array of amici curiae, stoutly defends its corner with a number of arguments as to why the Ordinance should be allowed to operate. The County lays particular emphasis on the need for ensuring that the conversion must comport with the general plan, especially its housing element, because that is where the economic dislocation will be manifest, by reducing [\*62] the inventory of low-cost housing. (See Health & Saf. Code, § 50780, subd. (a)(1), (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 nonpurchasing lower income households to remain. In any event, we cannot read section 66427.5 as granting localities the same powers expressly enumerated in section 66427.4 that are so conspicuously absent from the plain language of section 66427.5.

CA(11) (11) We assume the County was motivated by the laudable purposes stated in the first section of the Ordinance. And we have acknowledged that the County's construction of section 66427.5 can find some plausibility from the statutory language. Nevertheless, and after a most careful consideration of the arguments presented, we have concluded that the Ordinance crosses the line established by the Legislature as marking territory reserved for the state. As we recently stated in a different statutory context: "There are weighty arguments and worthy goals arrayed on each side ... [and] ... issues of high public policy. To choose between them, or to strike a balance between them, is the essential [\*63] function of the Legislature, not a court." (*State Building & Construction Trades Council of California v. Duncan* (2008) 162 Cal.App.4th 289, 324 [76 Cal. Rptr. 3d 507].) Of course, if the Legislature disagrees with our conclusion, or if it wishes to grant cities and counties a greater measure of power, it can amend the language of section 66427.5. [\*1301]

#### DISPOSITION

The order is reversed, and the cause is remanded to the trial court with directions to enter a new order or judgment consistent with this opinion. Sequoia shall recover its costs.

Haerle, Acting P. J., and Lambden, J., concurred.

Source: [Legal > / ... / > CA State Cases, Combined](#)

Terms: **name(sequoia park associates)** ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Thursday, February 18, 2010 - 5:18 PM EST

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ATTACHMENT NO. 5.49

December 15, 2009

File No. 36014.112/4837-1724-7749v.1

TO: Huntington Shorecliffs Mobilehome Park Residents

Re: **Huntington Shorecliffs Mobilehome Park**  
**Application for Tentative Tract Map to Subdivide Park**  
**Conversion Impact Report**

Dear Resident:

Please take notice that Shorecliff, LP, Huntington BSC Park, LP, JS Stadium, LLC and Shorecliff Main, LP, the Owners of the Huntington Shorecliffs Mobilehome Park, will submitting within the next two to three weeks an Application to the City of Huntington Beach for a Tentative Tract Map to subdivide the Park.

The purpose of the subdivision will be to give the residents the option if they so choose to purchase their spaces that they are currently renting. No resident one will be forced to purchase his or her space, and the residents may continue renting their spaces.

We are providing the residents with the enclosed "Report on Impact of Conversion Upon Residents" that will be filed as part of the Application. The Report explains the legal protections against economic displacement for those residents who will continue renting their spaces following the conversion.

You will also soon receive from the Huntington Shorecliffs Homeowner's Association a tenant survey form that will ask your opinion about the conversion. Please promptly complete and return that survey.

Once the Application has been submitted to and accepted by the City, there will be public meetings and a hearing before the City Planning Commission. We will provide you with advance notice of the hearing once it is scheduled.

We also anticipate having one or more meetings with the residents to discuss the conversion and its implications prior to the City hearing. We will keep you posted.

Very truly yours,

HART, KING & COLDREN

Robert S. Coldren

Enclosure: Report on Impact of Conversion Upon Residents

**REPORT ON IMPACT OF CONVERSION UPON RESIDENTS**

**Huntington Shorecliffs Mobilehome Park**

**December 15, 2009**

**SECTION I. SCOPE OF REPORT**

This "Report on Impact of Conversion upon Residents" ("**Report**") is submitted by the "**Applicant**" for a Tentative Tract Map subdividing the Huntington Shorecliffs Mobile Home Park ("**Park**") located at 20701 Beach Boulevard, Huntington Beach, CA 92648. The subdivision will be created by the conversion of the Park from rental spaces to resident owned lots. This Report is being filed with the City of Huntington Beach ("**City**") as part of the "**Application**" and is being made available to the Park residents prior to the City's hearing on the Application, pursuant to California Government Code Section 66427.5, a copy of which is attached hereto as Exhibit "A."

This Report contains the Applicant's assessment of the economic impact upon non-purchasing Park residents of conversion to resident ownership as required by Government Code Section 66427.5 (b). The Applicant's assessment is that non-purchasing residents will not be economically displaced because they can continue renting the home site. Rents will not be increased due to the conversion. There are statutory limits on post-conversion rent increases for those non-purchasing residents.

Government Code Section 66427.5 (b) does not require that this Report discuss economic impacts of conversion upon Park residents who choose to purchase their rental spaces. Those residents are not being forced to purchase their spaces. The Applicant need not and indeed is arguably prohibited under the Subdivided Lands Act from disclosing potential lot purchase prices or homeowner association assessments. (*El Dorado Palm Springs Ltd. v. City of Palm Springs, supra*, 96 Cal.App.4th at 1177)

Notwithstanding the limited requirements for this Report, the City and Homeowner's Association ("HOA") have requested that it include additional information that might assist Park residents choosing to purchase their spaces. By including that additional information, the Applicant does not admit that such information can lawfully required to be included and does not waive its legal rights to contend that the Report complies with Government Code Section 66427.5 without that additional information. That additional information does not constitute a legally binding commitment or offer on the part of the Applicant.

**SECTION II            DEFINITIONS**

**2.1    Conversion Date:** The “**Conversion Date**” is the date after the subdivision final map has been approved by the City and after the Department of Real Estate has approved the subdivision for sale and is the date on which the first Lot in the Park is sold. The Applicant is not by this Report committing to make such applications or to any certain Conversion Date.

**2.2    Hearing Date:** The “**Hearing Date**” is the date on which the subdivision Application is first heard by the City Planning Commission.

**2.3    Home:** The “**Home**” is the manufactured home that occupies the Space where the Resident is living as of the Hearing Date

**2.4    Lot:** A “**Lot**” is the land and fixed improvements within the Space on which the Resident’s Home is located as of the Hearing Date.

**2.5    Resident:** A “**Resident**” is a person living in a Home in the Park who meets the requirements for receiving protections afforded by applicable law.

**2.6    Space:** The “**Space**” is the leased premises on which the Resident’s Home is located as of the Hearing Date.

**SECTION III            NON-PURCHASING RESIDENTS WILL NOT BE ECONOMICALLY DISPLACED BY CONVERSION**

Non-purchasing Residents will not be economically displaced as a result of conversion. Following the Conversion Date, all Residents will have the opportunity to either purchase the Lot on which their Home is situated or to continue renting their Space. (Govt. Code § 66427.5 (a)) The Application does not encompass rent increases for non-purchasing Residents.

Non-purchasing residents enjoy statutory protections against post conversion rent increases that would not otherwise be available without conversion. (Govt. Code § 66427.5 (f)) Therefore, upon conversion of the Park to resident ownership, non-purchasing Residents are protected against economic displacement, assuming that rent increases could result in economic displacement

**3.1 Non-Purchasing Residents Are Protected From Displacement by the Option to Continue Leasing with Statutory Protections Pertaining to Rent Increases**

Following the Conversion Date, Residents who do not exercise the option to purchase their Lots and instead exercise the option to continue renting their Spaces are protected from economic displacement by statutory restrictions on rent increases. The statutory provisions limit the amount and timing of rent increases following conversion. (Govt. Code, § 66427.5 (f))

For non-purchasing Residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, initially following the Conversion Date may only increase to market levels as determined by appraisal, and then only over a period of four years.

For non-purchasing Residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may only increase following the Conversion Date by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion. Post Conversion Date rent increases for lower income households are further limited in that the monthly rent cannot be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

To qualify as a Low Income Household in Orange County, the following income limits were established for calendar year 2008.

Household Size (# of Persons)	1	2	3	4
Income Must be at or Below:	\$52,100	\$59,500	\$66,950	\$74,400

Thus, under the current statutory scheme, the Legislature has defined the exclusive and preempted scope of “mitigations” respecting any “economic displacement” to Residents, assuming, without admitting, that increases in rent can be considered an economic displacement.

**3.2 Residents Cannot Be Economically Displaced by Purchase of Their Spaces Because They Are Not Forced to Purchase**

Government Code Section 66427.5 (b) does not require that this Report address potential economic displacement upon residents who intend to purchase the Lots on which their Home is situated. The language of Government Code Section 66427.5 is expressly

**Report on Impact of Subdivision to Residents**  
**December 15, 2009**  
**Page 4**

limited to steps intended to avoid economic displacement from conversion upon non-purchasing residents.

The Residents are protected from economic displacement pertaining to potential sale of the Lots upon conversion by having both the option to purchase their Lots at the eventual sales price and the option to continue renting their Space following the Conversion Date. Government Code Section 66427.5 (a) requires the subdivider to “offer each Resident an option to either purchase his or her ... subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant.” Thus, if the Resident cannot purchase his or her Lot, the Resident is not required to move and may continue to rent his or her Space following the Conversion Date.

This Report cannot make determinations about economic impacts to the purchasing Residents. That is because any sale price for the Lots and HOA assessments will not be established until some time after the tentative map subdivision approval. After tentative map approval, the subdivider must next follow procedures and obtain approval for the subdivision from the Department of Real Estate under the Subdivided Lands Act. Only after approval by the Department of Real Estate will all of the factors that affect the purchasing Residents be established. The purchasing Residents will then learn the price for their Lot only after the Department of Real Estate approves the subdivision and issues its public report on the subdivision. Of course, all of this will also require appropriate financing accommodations.

Nevertheless, as previously explained, because the Resident has the option to either purchase his or her Lot or to continue renting his or her Space under whatever rental arrangement may be existing on the Conversion Date, with the statutory rental rate protections discussed below, the Residents will be protected against economic displacement from sale of the Lots upon conversion.

By way of accommodation to the HOA and the City, and without waiving any rights to claim that this Report is adequate without any information pertaining to purchasing residents or to estimates of value as of the yet unidentified Conversion Date, the Applicant provides the following information requested by the City and the HOA:

- a. Current estimate of potential Lot value: Approximately \$275,000-385,000, depending on the size and location of the lot.
- b. Current estimate of potential monthly assessment: “Base” assessment of approximately \$210 per Lot, with an additional “utility” assessment of approximately \$80 per Lot, and a budgeted reserve contribution of approximately \$45 per Lot per month

(assuming the accrued reserves are fully funded prior to close of the first escrow)

- c. Current estimate of potential market rent: Approximately \$1,600 to \$1,850, inclusive of the approximately \$250 in “pass-throughs” many residents currently pay.
- d. Statement re Water Drainage Issues. The City and residents are concerned about surface and percolating groundwater drainage from the Park. The Applicant has retained an expert to analyze Park water drainage and will consider reasonable and economically feasible measures in cooperation with the City and HOA to address water drainage issues that might exist within the Park.

### **3.3 Benefits of Conversion**

Subdivision provides Residents with a choice to own the Lot on which their Home is located. Lot ownership gives the Residents greater flexibility with regard to financing for their Homes and other credit opportunities. The Applicant will try to arrange for preferred lenders who will provide favorable financing terms for the Residents.

Lot ownership allows the Residents to control their economic future. Residents do not have to be tied to monthly rental payments if they choose. Lot ownership also gives the Residents the freedom to use their Lot without all of the restrictions or costs that a landlord might impose. The Residents will have the opportunity to control the Park amenities that they will enjoy and pay for through the HOA.

## **SECTION IV NO CLOSURE OR CHANGE IN ZONING**

### **4.1 No Change in Zoning or Closure**

The Park is currently zoned MHP. The Application does not request a zoning change. The Application does not request closure of the Park. The Application seeks merely to convert the existing Spaces to Lots available for purchase. Therefore, the conversion to Resident ownership will not result in economic displacement that might occur with a zoning change or closure of the Park.

This Report is not required to discuss or provide mitigation against any unlikely future closure or change of use application. It will be unlikely for the Park to close or change use following the conversion because of the subdivision of the individual lots and the common area interests. A subsequent closure or change in use would have to take into

**Report on Impact of Subdivision to Residents**  
**December 15, 2009**  
**Page 6**

account rights that Lot owners and the Homeowners' Association will have in their lots and in the common areas following conversion. A different report containing express mitigation pertaining to relocation would be required for any future closure or change of use application, as discussed in Section 4.3 below.

**4.2 Technical "Conversion" or "Change in Use" Only**

The term "conversion" relating to a mobilehome park sometimes is used to describe the closure of the park to enable an alternative use. This is NOT what is occurring as a result of subdivision of the Park. The Park will remain a manufactured housing community, with the existing Residents having the right to either buy their Lot or to remain and rent their Space.

While conversion of a rental mobilehome park to a Resident-owned mobilehome park is identified as a "change of use" under California Mobilehome Residency law and under the Chapter 234 of the City's Ordinance, it is more accurately described under the Subdivision Map Act as a change in the form of ownership. The Park is not being closed and the Residents are not being required to vacate the property.

**4.3 Relocation Assistance Not Applicable**

When a subdivision is created from conversion of a rental mobilehome park to resident ownership, a different type of impact report is required than when a subdivision created from a change of use to a non-mobilehome park use or when the mobilehome park is closed.

Government Code Section 66427.5 governs the type of report that must be prepared for a subdivision which is created from conversion of a rental mobilehome park to resident ownership. This Government Code Section 66427.5 Report, which does not deal with a change in use of the property or closure of the Park, is simply required to explain the options of the Residents regarding their choice to purchase their Lot or to rent their Space.

This Report need not discuss displacement of Residents, replacement housing or mitigation of the reasonable costs of relocation, which issues would be involved in any subdivision resulting from a change of use of a mobilehome park or from closure of a mobilehome park. In fact Government Code Sections 66427.4 and 65863.7, which apply to subdivisions created from change of use to a non-mobilehome park use or to closure of a mobilehome park, expressly exempt from their requirements subdivisions that are created from conversion of a rental mobilehome park to resident ownership. (See Govt. Code §§ 66427.4 (e), 65863.7 (a))

**SECTION V.            CONCLUSION**

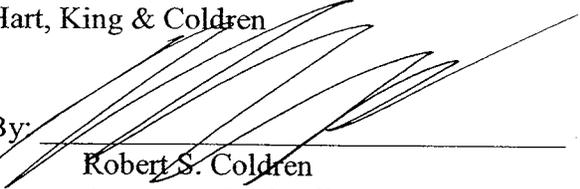
This Report discusses the impacts upon the Residents of conversion to Resident ownership pursuant to subdivision of the Park. Upon conversion, the Residents are statutorily protected from economic displacement by the option to either purchase their Lots or continue renting their Spaces with statutory restrictions on rent increases. Residents with long-term leases will continue to have their rights under the leases after the Conversion Date.

All of the Resident protections discussed in this Report are based upon the Applicant's assessment of the currently existing statutory scheme and facts believed to be true, and are not a promise, representation, or warranty on the part of the Applicant or its agents. The operative date for the time frame and protections described above is the Conversion Date as described in Section 2.1 above. Of course, should the law change, the Applicant reserves the right to implement the conversion in accordance with the applicable valid and enforceable laws.

Dated: December 15, 2009

Hart, King & Coldren

By: \_\_\_\_\_

  
Robert S. Coldren  
Attorneys for Applicant  
Shorecliff L.P.  
JS Stadium, LLC  
Huntington BSC Park, LP  
Shorecliff Main, LP

**Exhibit A**  
**California Government Code Section 66427.5**

**Section 66427.5 of the Government Code:**

66427.5. 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.  
(4) The survey shall be conducted so that each occupied mobilehome space has one vote.  
(5) The results of the survey shall be submitted to the local agency upon filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).
- (e) 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 scope of the hearing shall be limited to the issue of compliance with this section.
- (f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:
  - (1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.
  - (2) As to nonpurchasing residents who are lower income households, as defined in Sec. 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

Huntington Shorecliffs Homeowners Association  
20701 Beach Blvd.  
Huntington Beach, Ca. 92648

January 18, 2010

Mr. Ethan Edwards  
City of Huntington Beach Planning Department  
100 S. Main Street  
Huntington Beach, Ca. 92648

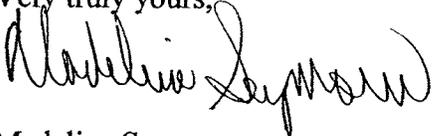
RE: Huntington Shorecliffs Sub-Division Application  
Resident Survey Results 1-15-2010

Dear Mr. Edwards:

Attached please find the results of the current survey from the residents of Huntington Shorecliffs with a re-cap attached.

Thanking you in advance for your attention to this matter.

Very truly yours,



Madeline Seymour  
Huntington Shorecliffs Homeowners Association  
Board Member



Huntington Shorecliffs  
Survey 1-15-10

Sp. #	Name	Sup.	Op.	Decline	Vacant	P. O.	No Info	Comment
1	Baur	1						
2	Heinl		1					
3	Evans		1					
4	Edwards			1				
5	Ladow			1				
6	Liberatore		1					
7	Colletta							
8	Seymour		1					
9	Schock			1				
10	Edwards			1				
11	Fordell			1				
12	Fribley			1				
13	Long	1						
14	Wells							
15	Bell			1				
16	Mills							
17	Hill		1					
18	Nielsen		1					
19	Sanders		1					
20	Iovan		1					
21	Calderon		1					
22	Clyde							
23	Brown							
24					1			
25					1	1		
26	Curatola	1						
27	Thompson			1				
28	Stover/Whissen	1						
29	Crew			1				
30	McGowan			1				
31	Haarbison	1						
32	Huffman	1						
33	Morgan		1					
34	Primromse		1					
35	Morhouse	1						
36	Hammer							
37	Steele							
38	Keenum			1				
39	Mallard		1					
40	Sturock							
41	LaChapelle			1				
42							1	
43	Dahlen		1					
44							1	
45	Tague	1						1
46	Cluff		1					
47	Sykes	1						
48	Simms		1					1
49						1		

Huntington Shorecliffs  
Survey 1-15-10

Sp. #	Name	Sup.	Op.	Decline	Vacant	P. O.	No Info	Comment
50						1		
51	Bennett							
52	Hogan							
53	Plummer		1					
54	Kini			1				
55	Laurin							
56	Gywnn			1				
57	Williams			1				
58	Jordan		1					1
59							1	
60	Smith		1					
61	Hanson		1					1
62	Kershaw		1					
63	Speiser			1				1
64	Ewald			1				
65	Burki							
66	Warren		1					
68	Argirakis		1					
69	Hadden		1					
70							1	
72	Wiessmer			1				
73	O'Brien							
74	Atchur							
75	Butts	1						
76	Hamel		1					
77	Schumacher		1					
78	Bennett							
79	Zeller		1					
81	Rasmussen		1					
82							1	
83	Sheneman		1					
85	Vaughn			1				
86	Schwenneber							
87					1			
88	Merritt			1				
89	Bergeron			1				
90	Krueger	1						
91	Ford		1					1
92	Bohl				1			
93	Warren							
94							1	
95	Tran	1						
96	Roberts		1					
97	Gordon		1					
98							1	
99	Dalton		1					
100	Long		1					
101	Jaffe							
102	Richter		1					
103	Van Horn		1					

Huntington Shorecliffs  
Survey 1-15-10

Sp. #	Name	Sup.	Op.	Decline	Vacant	P. O.	No Info	Comment
104	Dellosso							
105	Mascorro							
106	Weber							
107	Crandlemire			1				
108	Bewley			1				
109	Festini							
110	Harris							
111							1	
112	Harrington			1				
113	Fieweger			1				1
114	Buckland							
115	Morgan							
116	Kent							
117	Gross		1					
118	Slavin							
119	Asendorf							No vote
120	Potter		1				1	
121	Champion		1					
122	Rasch							
123	Lyons		1					
124	Berry			1				
125	Bondick			1				
126	King	1						
127							1	
128	Hetrick	1						
129	Ludt		1					
130						1		
131							1	
132	McCabe		1					
133	Goodman	1						
134					1			
135	Clark		1					
136							1	
137					1			
138							1	
139	Evans							
140	Stanton		1					
141	Mc Culloch							
142	Logins		1					
143	Sullivan			1				
144							1	
145	Bradford							
146	Moskewich							
147	Carlson		1					
148							1	
149	Peach		1					
150	Smith		1				1	
151	Reese							
152	Crosby							
153							1	

Huntington Shorecliffs  
Survey 1-15-10

Sp. #	Name	Sup.	Op.	Decline	Vacant	P. O.	No Info	Comment
249	Smith		1					
250	Lewis		1					
251	Mulloy		1					
252	Terjenian							
253	Gardner		1					
254	Morrey		1					
255	Rogers		1					
256	Haney		1					
257	Luckham		1					
258	Cannon			1				
259	Mc Kennell	1						
260	Hall							
261	Razanskas			1				
262							1	
263					1			
264	Walker			1				
265	Gardner		1					1
266	Richardson							
267	Porch							
268	Hamilton			1				
269	Calderone			1				
270	Palmer							
271	Myer		1					
272	Reed			1				
273	Fieldhouse	1						
274	Coscione			1				
275	Van Orden							
276	Davison							
277	Knutson	1						
278	McGrew			1				
279	Stockton		1					
280	Rasmussen		1					
281	Athey							
282	Lytle		1					
283	Miller		1					
284	Moore		1					
285	Casino		1					
286					1			
287	Lippard							
288	Eberly			1				
289	Bradley		1					1
290	Seymour		1					1
291	Lohert		1					
292	Turrill							
293	Gargano							
294	Krafka		1					
295	Bowers		1					
296	Hames							
297	Daquila	1						
298	Faber							

Huntington Shorecliffs  
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Sp. #	Name	Sup.	Op.	Decline	Vacant	P. O.	No Info	Comment
299	Ritter		1					
300	Garfield			1				
301	O'Neil		1					
302	Bonillas							
303	Runnels							
304	Kallister							
305	Maloney							
306	Stephenson			1				1
307					1			
308					1			
		25	105	52	18	6	34	15

**Total Returns**      182

Certification of Mailing of Report on Impact of Subdivision to Residents  
(Government Code Sections 66427.5 (c))

I, Mike Cirillo, am the President of Star Mobilehome Park Management, which is the Property Manager for the Huntington Shorecliffs Mobilehome Park.

On behalf of Shorecliff, LP, Huntington BSC Park, LP, JS Stadium, LLC, and Shorecliff Main, LP, the owners of Huntington Shorecliffs Mobilehome Park, I certify that on December 15, 2009, I mailed the attached "Report on Impact of Subdivision to Residents," to all Huntington Shorecliffs Residents as shown on the attached mailing list. I did so by placing true copies of the Report in envelopes addressed to each homeowner and deposited such envelopes in the United States Mail at Santa Ana, California.

I also certify that the attached mailing list is a true and correct list of the names and address of all tenants residing in Huntington Shorecliffs Mobilehome Park.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct of my own knowledge. Executed on December 29, 2009 at Santa Ana, California.



\_\_\_\_\_  
Mike Cirillo

Charles Baur Dreama Baur 20701 Beach Boulevard Space 1 Huntington Beach, CA 92648-4908	Barbara Heint Sharon Heint 20701 Beach Boulevard Space 2 Huntington Beach, CA 92648-4908	Thelma Evans 20701 Beach Boulevard Space 3 Huntington Beach, CA 92648-4908
Donna Edwards 20701 Beach Boulevard Space 4 Huntington Beach, CA 92648-4908	Donna Ladow 20701 Beach Boulevard Space 5 Huntington Beach, CA 92648-4908	Constance Liberatore 20701 Beach Boulevard Space 6 Huntington Beach, CA 92648-4908
Lou Colletta Hyunok Colletta 20701 Beach Boulevard Space 7 Huntington Beach, CA 92648-4908	William Seymour 20701 Beach Boulevard Space 8 Huntington Beach, CA 92648-4908	Charles Schock 20701 Beach Boulevard Space 9 Huntington Beach, CA 92648-4908
John Edwards Evelyn Edwards c/o Deborah Edwards 9291 Power Drive Huntington Beach, CA 92646	Jeff Fordell 20701 Beach Boulevard Space 11 Huntington Beach, CA 92648-4908	Jim Fribley Jeannine Fribley 20701 Beach Boulevard Space 12 Huntington Beach, CA 92648-4908
Eileen Long 20701 Beach Boulevard Space 13 Huntington Beach, CA 92648-4908	Dave Wells 20701 Beach Boulevard Space 14 Huntington Beach, CA 92648-4908	Dee Bell 20701 Beach Boulevard Space 15 Huntington Beach, CA 92648-4908
Patti Mills Jo Sean Mills 19744 Beach Blvd., Suite 339 Huntington Beach, CA 92648	Beverly Hill 20701 Beach Boulevard Space 17 Huntington Beach, CA 92648-4908	Kathleen Nielsen 20701 Beach Boulevard Space 18 Huntington Beach, CA 92648-4908
Joseph Sanders Susan De Bord Sanders 20701 Beach Boulevard Space 19 Huntington Beach, CA 92648-4908	Stevan Iovan Ann Iovan 20701 Beach Boulevard Space 20 Huntington Beach, CA 92648-4908	Ralph Calderon Ramona Calderon 20701 Beach Boulevard Space 21 Huntington Beach, CA 92648-4908
Mary Clyde C/O Sharon Lynn 8321 Cade Circle Huntington Beach, CA 92646	Catherine Brown 20701 Beach Boulevard Space 23 Huntington Beach, CA 92648-4908	Dianna Whitley 20701 Beach Boulevard Space 24 Huntington Beach, CA 92648-4908
Gelsomine Curatola 20701 Beach Boulevard Space 26 Huntington Beach, CA 92648-4908	Nancy Contilli-Thompson 20701 Beach Boulevard Space 27 Huntington Beach, CA 92648-4908	Jerry Stover 20701 Beach Boulevard Space 28 Huntington Beach, CA 92648-4908
Nellie Crew 20701 Beach Boulevard Space 29 Huntington Beach, CA 92648-4908	Mary McGowan 20701 Beach Boulevard Space 30 Huntington Beach, CA 92648-4908	Billy Harbison Irene Harbison 20701 Beach Boulevard Space 31 Huntington Beach, CA 92648-4908

Henry Huffman  
Florence Huffman  
20701 Beach Boulevard  
Space 32  
Huntington Beach, CA 92648-4908

Dorothy Morehouse  
20701 Beach Boulevard  
Space 35  
Huntington Beach, CA 92648-4908

Thelma Keenum  
20701 Beach Boulevard  
Space 38  
Huntington Beach, CA 92648-4908

Alberta La Chapelle  
20701 Beach Boulevard  
Space 41  
Huntington Beach, CA 92648-4908

James Greulich  
20701 Beach Boulevard  
Space 44  
Huntington Beach, CA 92648-4908

Vida Sykes  
20701 Beach Boulevard  
Space 47  
Huntington Beach, CA 92648-4908

Vicki Guenther  
20701 Beach Boulevard  
Space 50  
Huntington Beach, CA 92648-4908

Richard Plummer  
Inez Plummer  
20701 Beach Boulevard  
Space 53  
Huntington Beach, CA 92648-4908

Catherine Gwynn  
20701 Beach Boulevard  
Space 56  
Huntington Beach, CA 92648-4908

Murphy Bank  
Attn: Jon Dominguez  
PO Box 9725  
Fresno, CA 93794

Vivian Morgan  
20701 Beach Boulevard  
Space 33  
Huntington Beach, CA 92648-4908

Sharon Hammer  
20701 Beach Boulevard  
Space 36  
Huntington Beach, CA 92648-4908

Joseph Mallard  
20701 Beach Boulevard  
Space 39  
Huntington Beach, CA 92648-4908

Robert Sweet  
Hila Sweet  
20701 Beach Boulevard  
Space 42  
Huntington Beach, CA 92648-4908

Kathy Tague  
20701 Beach Boulevard  
Space 45  
Huntington Beach, CA 92648-4908

Lauren Simms  
20701 Beach Boulevard  
Space 48  
Huntington Beach, CA 92648-4908

Ken Bennett  
Lana Bennett  
20701 Beach Boulevard  
Space 51  
Huntington Beach, CA 92648-4908

Buster Kini  
Margaret Kini  
20701 Beach Boulevard  
Space 54  
Huntington Beach, CA 92648-4908

Doris Williams  
20701 Beach Boulevard  
Space 57  
Huntington Beach, CA 92648-4908

Ron Smith  
Kathy Smith  
20701 Beach Boulevard  
Space 60  
Huntington Beach, CA 92648-4908

Darrell Primrose  
20701 Beach Boulevard  
Space 34  
Huntington Beach, CA 92648-4908

Arnold Steele  
Marlene Steele  
20701 Beach Boulevard  
Space 37  
Huntington Beach, CA 92648-4908

Robert Sturrock  
Lorie Sturrock  
1230 E. Windsor Road  
#116  
Glendale, CA 91205

Merv Dahlen  
Rosemary Dahlen  
20701 Beach Boulevard  
Space 43  
Huntington Beach, CA 92648-4908

Lynne Cluff  
20701 Beach Boulevard  
Space 46  
Huntington Beach, CA 92648-4908

Shelley Green  
20701 Beach Boulevard  
Space 49  
Huntington Beach, CA 92648-4908

Kathleen Hogan  
19821 Windjammer Lane  
Huntington Beach, CA 92648

Lucille Laurin  
20701 Beach Boulevard  
Space 55  
Huntington Beach, CA 92648-4908

Gail Jordan  
20701 Beach Boulevard  
Space 58  
Huntington Beach, CA 92648-4908

Barbara Hanson  
20701 Beach Boulevard  
Space 61  
Huntington Beach, CA 92648-4908

Jim Constantine Ede Kershaw 20701 Beach Boulevard Space 62 Huntington Beach, CA 92648-4908	Bob Speiser Evelyn Speiser 20701 Beach Boulevard Space 63 Huntington Beach, CA 92648-4908	Sharon Ewald 20701 Beach Boulevard Space 64 Huntington Beach, CA 92648-4908
Joe Burki 20701 Beach Boulevard Space 65 Huntington Beach, CA 92648-4908	Donald Warren 20701 Beach Boulevard Space 66 Huntington Beach, CA 92648-4908	Charlaine Argirakis 20701 Beach Boulevard Space 68 Huntington Beach, CA 92648-4908
Steve Hedden Cheryle Hedden 20701 Beach Boulevard Space 69 Huntington Beach, CA 92648-4908	Steryn Nick Nannes c/o Allen M Reedy 4590 MacArthur Blvd STE 370 Newport Beach, CA 92660	Albert Wiessmer Billi Wiessmer 20701 Beach Boulevard Space 72 Huntington Beach, CA 92648-4908
Frank O'Brien Sheila O'Brien 20701 Beach Boulevard Space 73 Huntington Beach, CA 92648-4908	Robert Atchue Nancy Atchue 20701 Beach Boulevard Space 74 Huntington Beach, CA 92648-4908	Carolyn Butts 20701 Beach Boulevard Space 75 Huntington Beach, CA 92648-4908
Peter Hamel Nadine Hamel 20701 Beach Boulevard Space 76 Huntington Beach, CA 92648-4908	Christine Schumacher 20701 Beach Boulevard Space 77 Huntington Beach, CA 92648-4908	Bonnie Bennett 20701 Beach Boulevard Space 78 Huntington Beach, CA 92648-4908
Julia Johnson Joyce Zeller 20701 Beach Boulevard Space 79 Huntington Beach, CA 92648-4908	Don Rasmussen Lea Ann Young 20701 Beach Boulevard Space 81 Huntington Beach, CA 92648-4908	Leida Untoria 20701 Beach Boulevard Space 82 Huntington Beach, CA 92648-4908
John Guesno 20701 Beach Boulevard Space 83 Huntington Beach, CA 92648-4908	Mary Vaughn 20701 Beach Boulevard Space 85 Huntington Beach, CA 92648-4908	Dee Rey 20701 Beach Boulevard Space 86 Huntington Beach, CA 92648-4908
James Greulich 20701 Beach Boulevard Space 87 Huntington Beach, CA 92648-4908	Mike Merritt Lois Merritt 20701 Beach Boulevard Space 88 Huntington Beach, CA 92648-4908	Billy Bergeron Margaret Bergeron 20701 Beach Boulevard Space 89 Huntington Beach, CA 92648-4908
Frederick Krueger Nancy Krueger 20701 Beach Boulevard Space 90 Huntington Beach, CA 92648-4908	Linda Ford 20701 Beach Boulevard Space 91 Huntington Beach, CA 92648-4908	David Schlack Deborah Schiack 3645 South 3850 West West Haven, UT 84401
David Schlack Deborah Schlack 3645 South 3850 West West Haven, UT 84401	Joanne Gravitt 20701 Beach Boulevard Space 94 Huntington Beach, CA 92648-4908	Hoan Dinh Tran Mai T. Pham 20701 Beach Boulevard Space 95 Huntington Beach, CA 92648-4908

William Roberts  
Estelle Roberts  
20701 Beach Boulevard  
Space 96  
Huntington Beach, CA 92648-4908

Ken Dalton  
20701 Beach Boulevard  
Space 99  
Huntington Beach, CA 92648-4908

Walter A. Richter  
Verna R. Richter  
606 N. Auburn Avenue  
Sierra Madre, CA 91024

Bob Mascorro  
Lana Mascorro  
20701 Beach Boulevard  
Space 105  
Huntington Beach, CA 92648-4908

Kent Bewley  
Karen Bewley  
20701 Beach Boulevard  
Space 108  
Huntington Beach, CA 92648-4908

Paul Ragains  
Cheryl Ragains  
2804 Hinton Circle  
Elk Grove, CA 95758

Karen Weidmann  
Cheryl Kruly  
20701 Beach Boulevard  
Space 114  
Huntington Beach, CA 92648-4908

Willi Gross  
20701 Beach Boulevard  
Space 117  
Huntington Beach, CA 92648-4908

Chuck Potter  
20701 Beach Boulevard  
Space 120  
Huntington Beach, CA 92648-4908

Don Lyons  
Sally Lyons  
20701 Beach Boulevard  
Space 123  
Huntington Beach, CA 92648-4908

Celia A. Gordon  
20701 Beach Boulevard  
Space 97  
Huntington Beach, CA 92648-4908

Sharan Long  
20701 Beach Boulevard  
Space 100  
Huntington Beach, CA 92648-4908

Joan Van Horn  
Patricia Bonner  
20701 Beach Boulevard  
Space 103  
Huntington Beach, CA 92648-4908

Roy Weber  
Karen Weber  
20701 Beach Boulevard  
Space 106  
Huntington Beach, CA 92648-4908

Jorge Festini  
Nancy Festini  
20701 Beach Boulevard  
Space 109  
Huntington Beach, CA 92648-4908

Steve Harrington  
Sandra Harrington  
20701 Beach Boulevard  
Space 112  
Huntington Beach, CA 92648-4908

Dixie Morgan  
20701 Beach Boulevard  
Space 115  
Huntington Beach, CA 92648-4908

Jim Chojokov  
C/O AAA-Action ATTN:Acctg Dept  
13101 Jefferson Street  
Garden Grove, CA 92844

Rob Champion  
20701 Beach Boulevard  
Space 121  
Huntington Beach, CA 92648-4908

Petronella Berry  
20701 Beach Boulevard  
Space 124  
Huntington Beach, CA 92648-4908

Elizabeth Rosenkranz  
20701 Beach Boulevard  
Space 98  
Huntington Beach, CA 92648-4908

Jeane Jaffe  
20701 Beach Boulevard  
Space 101  
Huntington Beach, CA 92648-4908

Johnny Dee Delloso  
20701 Beach Boulevard  
Space 104  
Huntington Beach, CA 92648-4908

Fran Crandlemire  
20701 Beach Boulevard  
Space 107  
Huntington Beach, CA 92648-4908

Florence Harris  
C/O Maureen Parco  
1450 N.W. Fresno Ave.  
Bend, OR 97701

Marion Fieweger  
20701 Beach Boulevard  
Space 113  
Huntington Beach, CA 92648-4908

Kathy Kent  
20701 Beach Boulevard  
Space 116  
Huntington Beach, CA 92648-4908

Charles Asendorf  
Phyllis Asendorf  
20701 Beach Boulevard  
Space 119  
Huntington Beach, CA 92648-4908

Bill Rasch  
Dorene Rasch  
20701 Beach Boulevard  
Space 122  
Huntington Beach, CA 92648-4908

Ron Bondick  
Jan Bondick  
20701 Beach Boulevard  
Space 125  
Huntington Beach, CA 92648-4908

Paula McIntosh King  
73124 Crosby Lane  
Palm Desert, CA 92260-6715

Larry Trautman  
20701 Beach Boulevard  
Space 127  
Huntington Beach, CA 92648-4908

Randal Hetrick  
Florence Erickson  
20701 Beach Boulevard  
Space 128  
Huntington Beach, CA 92648-4908

Frances Ludt  
Louise Green  
20701 Beach Boulevard  
Space 129  
Huntington Beach, CA 92648-4908

Felipe Zapata  
20701 Beach Boulevard  
Space 130  
Huntington Beach, CA 92648-4908

Sue Vanderwall  
20701 Beach Boulevard  
Space 131  
Huntington Beach, CA 92648-4908

Patricia McCabe  
20701 Beach Boulevard  
Space 132  
Huntington Beach, CA 92648-4908

Mark Goodman  
Judy Goodman  
20701 Beach Boulevard  
Space 133  
Huntington Beach, CA 92648-4908

Beverly Peterson  
20701 Beach Boulevard  
Space 134  
Huntington Beach, CA 92648-4908

Elizabeth Clark  
20701 Beach Boulevard  
Space 135  
Huntington Beach, CA 92648-4908

Gisele J. Fouts  
20701 Beach Boulevard  
Space 136  
Huntington Beach, CA 92648-4908

Verle Ankeny  
20701 Beach Boulevard  
Space 137  
Huntington Beach, CA 92648-4908

Joan Goodman  
20701 Beach Boulevard  
Space 138  
Huntington Beach, CA 92648-4908

Gary Rollins  
9812 Theresa Avenue  
Anaheim, CA 92804

Paul Stanton  
Margie Stanton  
20701 Beach Boulevard  
Space 140  
Huntington Beach, CA 92648-4908

Evora McCulloch  
20701 Beach Boulevard  
Space 141  
Huntington Beach, CA 92648-4908

Helen Logins  
20701 Beach Boulevard  
Space 142  
Huntington Beach, CA 92648-4908

Jack Sullivan  
20701 Beach Boulevard  
Space 143  
Huntington Beach, CA 92648-4908

George Nazaroff  
Susan Nazaroff  
16360 Chella Drive  
Hacienda Heights, CA 91745

Celia Bradford  
20701 Beach Boulevard  
Space 145  
Huntington Beach, CA 92648-4908

Jon G Moskewich  
Sandra J Moskewich  
20701 Beach Boulevard  
Space 146  
Huntington Beach, CA 92648-4908

Bev Carlson  
20701 Beach Boulevard  
Space 147  
Huntington Beach, CA 92648-4908

George Yates  
Donna Yates  
20701 Beach Boulevard  
Space 148  
Huntington Beach, CA 92648-4908

Ron Peach  
Vicki Peach  
20701 Beach Boulevard  
Space 149  
Huntington Beach, CA 92648-4908

George Smith  
20701 Beach Boulevard  
Space 150  
Huntington Beach, CA 92648-4908

Betty Reese  
Nancy Hall Reese  
20701 Beach Boulevard  
Space 151  
Huntington Beach, CA 92648-4908

Mary Crosby  
20701 Beach Boulevard  
Space 152  
Huntington Beach, CA 92648-4908

Jackie Jacobs  
20701 Beach Boulevard  
Space 153  
Huntington Beach, CA 92648-4908

Teresa Kelley-Brownell  
20701 Beach Boulevard  
Space 154  
Huntington Beach, CA 92648-4908

Judi Ibarra  
20701 Beach Boulevard  
Space 155  
Huntington Beach, CA 92648-4908

Mary Landin  
20701 Beach Boulevard  
Space 157  
Huntington Beach, CA 92648-4908

Vivian Brown  
20701 Beach Boulevard  
Space 160  
Huntington Beach, CA 92648-4908

Harold Jones  
Nanette Jones  
20701 Beach Boulevard  
Space 163  
Huntington Beach, CA 92648-4908

Carl Ackermann  
Jacque Ackermann  
20701 Beach Boulevard  
Space 166  
Huntington Beach, CA 92648-4908

Mike Steele  
Sheral Steele  
20701 Beach Boulevard  
Space 169  
Huntington Beach, CA 92648-4908

Harry Cargill  
Victoria Cargill  
20701 Beach Boulevard  
Space 172  
Huntington Beach, CA 92648-4908

Nadene Weber  
20701 Beach Boulevard  
Space 175  
Huntington Beach, CA 92648-4908

John McClinton  
Clarice McClinton  
C/O Tom McClinton  
PO Box 135  
Kailua, HI 96734

Gary Rollins  
9812 Theresa Avenue  
Anaheim, CA 92804

Robert Lupo  
Loretta Lupo  
20701 Beach Boulevard  
Space 184  
Huntington Beach, CA 92648-4908

Thomas Newland  
20701 Beach Boulevard  
Space 158  
Huntington Beach, CA 92648-4908

John McGrew  
20701 Beach Boulevard  
Space 161  
Huntington Beach, CA 92648-4908

Betty Evans  
20701 Beach Boulevard  
Space 164  
Huntington Beach, CA 92648-4908

Bob Truitt  
Arlene Truitt  
20701 Beach Boulevard  
Space 167  
Huntington Beach, CA 92648-4908

John Magennis  
Susie Magennis  
20701 Beach Boulevard  
Space 170  
Huntington Beach, CA 92648-4908

Dolores Smith  
20701 Beach Boulevard  
Space 173  
Huntington Beach, CA 92648-4908

Donald Prince  
Margaret Prince  
20701 Beach Boulevard  
Space 176  
Huntington Beach, CA 92648-4908

Ron Bastien  
Elinor Bastien  
20701 Beach Boulevard  
Space 179  
Huntington Beach, CA 92648-4908

Barbara Marousek  
Terri Marousek  
20701 Beach Boulevard  
Space 182  
Huntington Beach, CA 92648-4908

Marian Beck  
20701 Beach Boulevard  
Space 185  
Huntington Beach, CA 92648-4908

John Newman  
Linda Newman  
20701 Beach Boulevard  
Space 159  
Huntington Beach, CA 92648-4908

Bob Hall  
20701 Beach Boulevard  
Space 162  
Huntington Beach, CA 92648-4908

Bill Drew  
20701 Beach Boulevard  
Space 165  
Huntington Beach, CA 92648-4908

Joan Hudson  
20701 Beach Boulevard  
Space 168  
Huntington Beach, CA 92648-4908

Jerry Gilday  
20701 Beach Boulevard  
Space 171  
Huntington Beach, CA 92648-4908

Buster Cobb  
Jacqueline Cobb  
20701 Beach Boulevard  
Space 174  
Huntington Beach, CA 92648-4908

Madaline Edwards  
20701 Beach Boulevard  
Space 177  
Huntington Beach, CA 92648-4908

Norma Starnes  
20701 Beach Boulevard  
Space 180  
Huntington Beach, CA 92648-4908

Larry Schrock  
Maureen Schrock  
20701 Beach Boulevard  
Space 183  
Huntington Beach, CA 92648-4908

D Ellsworth  
J Smith  
20701 Beach Boulevard  
Space 186  
Huntington Beach, CA 92648-4908

Shirley Moss  
434 Larkin Lane  
Kaysville, UT 84037

Craig Roalf  
20701 Beach Boulevard  
Space 188  
Huntington Beach, CA 92648-4908

Greg Mansfield  
20701 Beach Boulevard  
Space 189  
Huntington Beach, CA 92648-4908

Earl Nelson  
Louise Nelson  
20701 Beach Boulevard  
Space 190  
Huntington Beach, CA 92648-4908

Bessie Burke  
20701 Beach Boulevard  
Space 191  
Huntington Beach, CA 92648-4908

Jeremy Deex  
12161 Oak Leaf Drive  
Los Alamitos, CA 90720

Rosa Dalton  
16276 Skyridge Drive  
Riverside, CA 92503

Katherine Elstad  
20701 Beach Boulevard  
Space 194  
Huntington Beach, CA 92648-4908

Donna Blackman  
20701 Beach Boulevard  
Space 195  
Huntington Beach, CA 92648-4908

Lois Mills  
20701 Beach Boulevard  
Space 196  
Huntington Beach, CA 92648-4908

Gary Hill  
Christina Hill  
20701 Beach Boulevard  
Space 197  
Huntington Beach, CA 92648-4908

Joe Kimes  
Linda Kimes  
20701 Beach Boulevard  
Space 198  
Huntington Beach, CA 92648-4908

John Strada  
20701 Beach Boulevard  
Space 199  
Huntington Beach, CA 92648-4908

Calvin Dana  
Sharon Dana  
20701 Beach Boulevard  
Space 200  
Huntington Beach, CA 92648-4908

Lee Cummings  
20701 Beach Boulevard  
Space 201  
Huntington Beach, CA 92648-4908

Roger Criswell  
Mindy Criswell  
20701 Beach Boulevard  
Space 202  
Huntington Beach, CA 92648-4908

Marina Wilson  
20701 Beach Boulevard  
Space 203  
Huntington Beach, CA 92648-4908

Scott Steeper  
Susan Hawk  
20701 Beach Boulevard  
Space 204  
Huntington Beach, CA 92648-4908

Diane Lomond  
20701 Beach Boulevard  
Space 205  
Huntington Beach, CA 92648-4908

Darlene Ruttman  
20701 Beach Boulevard  
Space 206  
Huntington Beach, CA 92648-4908

Eric Nelson  
20701 Beach Boulevard  
Space 207  
Huntington Beach, CA 92648-4908

Betsy Noss  
20701 Beach Boulevard  
Space 208  
Huntington Beach, CA 92648-4908

Jeremy Goldman  
Judy Goldman  
20701 Beach Boulevard  
Space 209  
Huntington Beach, CA 92648-4908

Sherry Sollazzo  
20701 Beach Boulevard  
Space 212  
Huntington Beach, CA 92648-4908

Shirley Crabtree  
20701 Beach Boulevard  
Space 213  
Huntington Beach, CA 92648-4908

Bob Vliss  
Claire Vliss  
20701 Beach Boulevard  
Space 214  
Huntington Beach, CA 92648-4908

Dick Mancinelli  
Dorothy Mancinelli  
20701 Beach Boulevard  
Space 215  
Huntington Beach, CA 92648-4908

Dixie Bright  
20701 Beach Boulevard  
Space 216  
Huntington Beach, CA 92648-4908

Robert Vandygriff  
Wendelyn Vandygriff  
20701 Beach Boulevard  
Space 217  
Huntington Beach, CA 92648-4908

Therese Young  
20701 Beach Boulevard  
Space 218  
Huntington Beach, CA 92648-4908

Daniel Rodriguez Patricia Manrique-Rodriguez 12761 Orange Avenue Chino, CA 91710	Rick Danell Martha Danell 20701 Beach Boulevard Space 220 Huntington Beach, CA 92648-4908	Sam Robinson Rosemary Robinson 20701 Beach Boulevard Space 221 Huntington Beach, CA 92648-4908
Charlie Brown Cynthia Brown 20701 Beach Boulevard Space 223 Huntington Beach, CA 92648-4908	Harold Lyons C/O Karen Dykema 9746 Cedar Court Cypress, CA 90630	Delia Sutherland 20701 Beach Boulevard Space 225 Huntington Beach, CA 92648-4908
Dave Schoenherz Christy Schoenherz 20701 Beach Boulevard Space 226 Huntington Beach, CA 92648-4908	Melvin Lewis Patricia Lewis 20701 Beach Boulevard Space 227 Huntington Beach, CA 92648-4908	Richard Reed Lynn Reed 20701 Beach Boulevard Space 228 Huntington Beach, CA 92648-4908
Alice Butler 20701 Beach Boulevard Space 229 Huntington Beach, CA 92648-4908	Vince Bove Esta Bove 20701 Beach Boulevard Space 230 Huntington Beach, CA 92648-4908	Joe Moore 20701 Beach Boulevard Space 231 Huntington Beach, CA 92648-4908
Sharon Robison 20701 Beach Boulevard Space 232 Huntington Beach, CA 92648-4908	Albertina Wiessmer 20701 Beach Boulevard Space 233 Huntington Beach, CA 92648-4908	Bob Kraehling Sherry Kraehling 20701 Beach Boulevard Space 234 Huntington Beach, CA 92648-4908
Doris Coppola Edward Baur 20701 Beach Boulevard Space 235 Huntington Beach, CA 92648-4908	Warren Zarnott Anne Coulter 20701 Beach Boulevard Space 236 Huntington Beach, CA 92648-4908	Jackie Visco-Gray 21171 Amerwick Lane Huntington Beach, CA 92646
John Davis Diane Davis 20701 Beach Boulevard Space 238 Huntington Beach, CA 92648-4908	John Berens Darleen Berens 20701 Beach Boulevard Space 239 Huntington Beach, CA 92648-4908	Jack Williams Claudia Williams 20701 Beach Boulevard Space 240 Huntington Beach, CA 92648-4908
Diane Alden 20701 Beach Boulevard Space 241 Huntington Beach, CA 92648-4908	Vicki Flood 20701 Beach Boulevard Space 242 Huntington Beach, CA 92648-4908	Alan Riley 20701 Beach Boulevard Space 243 Huntington Beach, CA 92648-4908
Richard Gillespie 20701 Beach Boulevard Space 244 Huntington Beach, CA 92648-4908	Gary Tiveron Linda Barnard 20701 Beach Boulevard Space 245 Huntington Beach, CA 92648-4908	Ronald Rennegarbe 20701 Beach Boulevard Space 246 Huntington Beach, CA 92648-4908
Jim Jordan Flora Jordan 20701 Beach Boulevard Space 247 Huntington Beach, CA 92648-4908	Marie Burns 20701 Beach Boulevard Space 248 Huntington Beach, CA 92648-4908	Glenn Smith Joyce Smith 20701 Beach Boulevard Space 249 Huntington Beach, CA 92648-4908

Shirley Lewis 20701 Beach Boulevard Space 250 Huntington Beach, CA 92648-4908	John Mulloy Sandi Mulloy 20701 Beach Boulevard Space 251 Huntington Beach, CA 92648-4908	Albert Terjenian 20701 Beach Boulevard Space 252 Huntington Beach, CA 92648-4908
Bob Gardner Doris Gardner 20701 Beach Boulevard Space 253 Huntington Beach, CA 92648-4908	Jack Morrey Maureen Morrey 20701 Beach Boulevard Space 254 Huntington Beach, CA 92648-4908	Crystal Rogers 20701 Beach Boulevard Space 255 Huntington Beach, CA 92648-4908
Dick Haney Betty Haney 20701 Beach Boulevard Space 256 Huntington Beach, CA 92648-4908	Don Luckham Lori Luckham 20701 Beach Boulevard Space 257 Huntington Beach, CA 92648-4908	Paul Cannon Doris Cannon 20701 Beach Boulevard Space 258 Huntington Beach, CA 92648-4908
Ronald McKennell Janet McKennell 20701 Beach Boulevard Space 259 Huntington Beach, CA 92648-4908	Bill Hall Leva Hall 20701 Beach Boulevard Space 260 Huntington Beach, CA 92648-4908	Frank Razanskas Lisa Razanskas 20701 Beach Boulevard Space 261 Huntington Beach, CA 92648-4908
Judy Adams 20701 Beach Boulevard Space 262 Huntington Beach, CA 92648-4908	Paul Lee Soon Park 20701 Beach Boulevard Space 263 Huntington Beach, CA 92648-4908	Joan Walker 20701 Beach Boulevard Space 264 Huntington Beach, CA 92648-4908
Bob Gardner Janice Gardner 20701 Beach Boulevard Space 265 Huntington Beach, CA 92648-4908	Beverly Richardson 20701 Beach Boulevard Space 266 Huntington Beach, CA 92648-4908	Dick Porch 20701 Beach Boulevard Space 267 Huntington Beach, CA 92648-4908
Dottie Hamilton 20701 Beach Boulevard Space 268 Huntington Beach, CA 92648-4908	Chuck Calderone Mary Calderone 20701 Beach Boulevard Space 269 Huntington Beach, CA 92648-4908	Bob Palmer Margie Palmer 20701 Beach Boulevard Space 270 Huntington Beach, CA 92648-4908
Shirley J. Myers Deborah G. Douglass 20701 Beach Boulevard Space 271 Huntington Beach, CA 92648-4908	Antonia (Toni) Reed 20701 Beach Boulevard Space 272 Huntington Beach, CA 92648-4908	Staff Fieldhouse Jill Fieldhouse 20701 Beach Boulevard Space 273 Huntington Beach, CA 92648-4908
Carol Cosione 20701 Beach Boulevard Space 274 Huntington Beach, CA 92648-4908	Terry Van Orden 20701 Beach Boulevard Space 275 Huntington Beach, CA 92648-4908	Patsy Davison 20701 Beach Boulevard Space 276 Huntington Beach, CA 92648-4908
Mel Knutson Suzanne Knutson 20701 Beach Boulevard Space 277 Huntington Beach, CA 92648-4908	Karen McGrew 20701 Beach Boulevard Space 278 Huntington Beach, CA 92648-4908	Frances Stockton 20701 Beach Boulevard Space 279 Huntington Beach, CA 92648-4908

Emil Rasmussen  
Mary Rasmussen  
20701 Beach Boulevard  
Space 280  
Huntington Beach, CA 92648-4908

Majel Miller  
20701 Beach Boulevard  
Space 283  
Huntington Beach, CA 92648-4908

Gladi Halpern  
C/O Lisa Halpern  
2945 S. Fairview Street, Unit A  
Santa Ana, CA 92704

Flo Bradley  
20701 Beach Boulevard  
Space 289  
Huntington Beach, CA 92648-4908

Curtis Turrill  
Susan Turrill  
20701 Beach Boulevard  
Space 292  
Huntington Beach, CA 92648-4908

Robin Bowers  
20701 Beach Boulevard  
Space 295  
Huntington Beach, CA 92648-4908

William Faber  
Norma Faber  
20701 Beach Boulevard  
Space 298  
Huntington Beach, CA 92648-4908

Delores O'Neil  
20701 Beach Boulevard  
Space 301  
Huntington Beach, CA 92648-4908

Junice Kallister  
C/O Joyce Grimm  
18514 Santa Cruz Circle  
Fountain Valley, CA 92708

Judith Johnson  
1908 W. Steinbeck  
Anthem, AZ 85086

Dale Athey  
Sandra Athey  
20701 Beach Boulevard  
Space 281  
Huntington Beach, CA 92648-4908

Gene Moore  
Stefanie Moore  
20701 Beach Boulevard  
Space 284  
Huntington Beach, CA 92648-4908

Richard Lippard  
Judith Lippard  
20701 Beach Boulevard  
Space 287  
Huntington Beach, CA 92648-4908

Madeline Seymour  
20701 Beach Boulevard  
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Huntington Beach, CA 92648-4908

George Riley  
Sandra Gargano  
20701 Beach Boulevard  
Space 293  
Huntington Beach, CA 92648-4908

Larry Hames  
Pamela Hames  
20701 Beach Boulevard  
Space 296  
Huntington Beach, CA 92648-4908

Michael Ritter  
Linda Ritter  
20701 Beach Boulevard  
Space 299  
Huntington Beach, CA 92648-4908

Adda Bonillas  
20701 Beach Boulevard  
Space 302  
Huntington Beach, CA 92648-4908

Monique Maloney  
Hien Nguyen  
20701 Beach Boulevard  
Space 305  
Huntington Beach, CA 92648-4908

Kathy Hanson  
20701 Beach Boulevard  
Space 308  
Huntington Beach, CA 92648-4908

Mike Lytle  
Lee Lytle  
20701 Beach Boulevard  
Space 282  
Huntington Beach, CA 92648-4908

Mary Jo Casino  
20701 Beach Boulevard  
Space 285  
Huntington Beach, CA 92648-4908

Myrrha Eberly  
20701 Beach Boulevard  
Space 288  
Huntington Beach, CA 92648-4908

Helga Lothert  
20701 Beach Boulevard  
Space 291  
Huntington Beach, CA 92648-4908

Frank Krafa  
Joanne Thomas  
20701 Beach Boulevard  
Space 294  
Huntington Beach, CA 92648-4908

Jerry Daquila  
Linda Daquila  
20701 Beach Boulevard  
Space 297  
Huntington Beach, CA 92648-4908

Arnold Garfield  
20701 Beach Boulevard  
Space 300  
Huntington Beach, CA 92648-4908

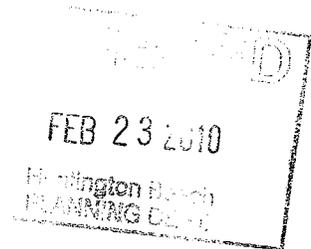
Lorraine Runnels  
20701 Beach Boulevard  
Space 303  
Huntington Beach, CA 92648-4908

Patricia (Pat) Stephenson  
20701 Beach Boulevard  
Space 306  
Huntington Beach, CA 92648-4908

ATTACHMENT NO. 7.16

Sharon Dana  
Huntington Shorecliffs Mobile Home Park  
20701 Beach Blvd. #200  
Huntington Beach, CA 92648  
February 23, 2010

Planning Commission  
and Sub-Committee on Subdivisions  
Department of Planning  
City of Huntington Beach  
2000 Main Street  
P. O. Box 190  
Huntington Beach, CA 92648



RE: HUNTINGTON SHORECLIFFS SUBDIVISION

ATTN: Huntington Beach Planning Commissioners

I vehemently oppose the subdivision of Huntington Shorecliffs Mobile Home Park at this time. Huntington Shorecliffs is a Senior Park, This means one of residents of the homes here must be 55 years of age or older. Many of the residents are in their 60's, 70's, and even in their 80's and 90's. These residents deserve the protection of the City of Huntington Beach.

Huntington Shorecliffs is in the middle of a lawsuit for the failure to maintain the Park. The Mobile Home Laws require property owners to be responsible to have a dry, safe bed on which to put mobile homes. There is always standing water around the Park, which is an open invitation to mosquitoes and vermin.

I have put together some pictures to show the deplorable conditions that some of the Huntington Shorecliffs homeowners have had to endure for years now. These pictures show only a small portion of the many homes that are suffering from water intrusion both under the homes and around the property, causing unhealthy conditions of molds and mildews. Because of the road conditions, the water cannot escape from the property. In many instances it remains in place for many weeks. It can also cause the homes to become unstable and begin to sink and collapse into the mud and muck under the homes. Many people in the Park are spending money every year to have their homes re-leveled and stabilized because of the water intrusion. There is also water intrusion every time a new home is placed in the Park, as these homes are installed at a higher level than the existing home, and the older homes around a newly installed home.

There is a storm drain in the Park that empties from several storm drains (perhaps as many as 8) located on Frankfurt Avenue, located above Huntington Shorecliffs. This water runs completely through the Park before draining out. This storm drain has a basin that always contains water, and the drain itself is always putting discharge into the Park, every time someone washes down their driveway or the street in front of their house into the street drain, it washes into Huntington Shorecliffs. When it rains, the water just gushes into the Park.

The drain in front of the Park has also overflowed this year on January 19, 2010. It overflowed through the brick wall on the Beach Blvd. side of the property, and allowed oily, greasy, grimy mucky water to flow into people's yards and under their houses. There is also a bus stop along this drainage ditch. If the bus driver pull up too close to the edge of the street, the person getting off the bus goes tumbling down

ATTACHMENT NO. 8.0

into the drainage ditch. This has happened on several occasions. This is a senior citizen bus stop, for all our residents that do not drive.

I understand that the City of Huntington Beach wants to make a sidewalk and curbing mandatory for the approval of the subdivision of Huntington Shorecliffs. I have to object. The property owners have always passed on all costs of doing business to the residents that live here. I believe that it is totally unfair to make the residents of the 304 homes located in this Park the only people responsible for paying for such an expensive improvement--an improvement that will benefit the appearance of Beach Blvd. for the whole City I might add. Also, the new street light that have just been installed--will they have to be ripped out and re-installed if such an improvement goes through? Who put the new street lights in, anyway? Who is responsible for such a dangerous bus stop? I would bet you could go all over Orange County and not find a more dangerous bus stop.

Perhaps the subdivision of Huntington Shorecliffs is inevitable, but I believe that this is not the time for it. The new owners purchased the property more than 2 years ago. They have done nothing to solve any of the problems. Because all costs are passed onto the residents, our cost for property taxes on the Huntington Shorecliffs Mobile Home Park have gone from approximately \$26.00 per space to \$179.74 per space. Now that they want resident support for the subdivision, they have hired an Hydrologist, or a water engineer. So far, no one has heard anything as far as resolutions to the many problems that beset Huntington Shorecliffs. The new owners have bought the property at top dollar, before the crash, and now want to get their money back as fast as possible. A subdivision would leave all the residents holding the bag for the costs and repairs that should have been made years ago. It's a question of take the money and run.

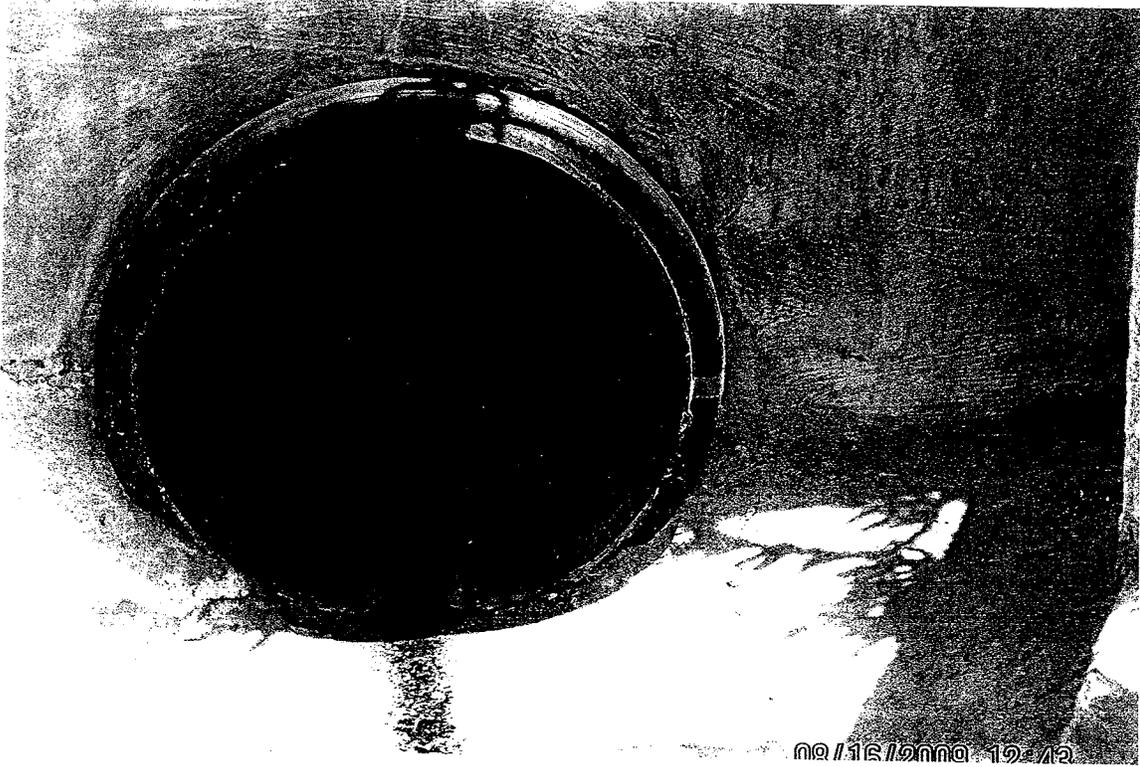
The resident survey has not shown support for a subdivision. A recent court decision by Santa Cruz County Superior Court Judge, the Hon. Paul P. Burdick, ruled that Government Code Section 66427.5 requires local jurisdictions **to consider** the results of resident support surveys, required by subsection 66427.5(e), in determining whether to approve or deny mobilehome park subdivision conversion applications.

Again I am asking that you deny the application for a conversion to a subdivision for Huntington Shorecliffs Mobile Home Park at this time. The Park owners have an obligation to act responsibly for the obligations they assumed when they purchased this land.

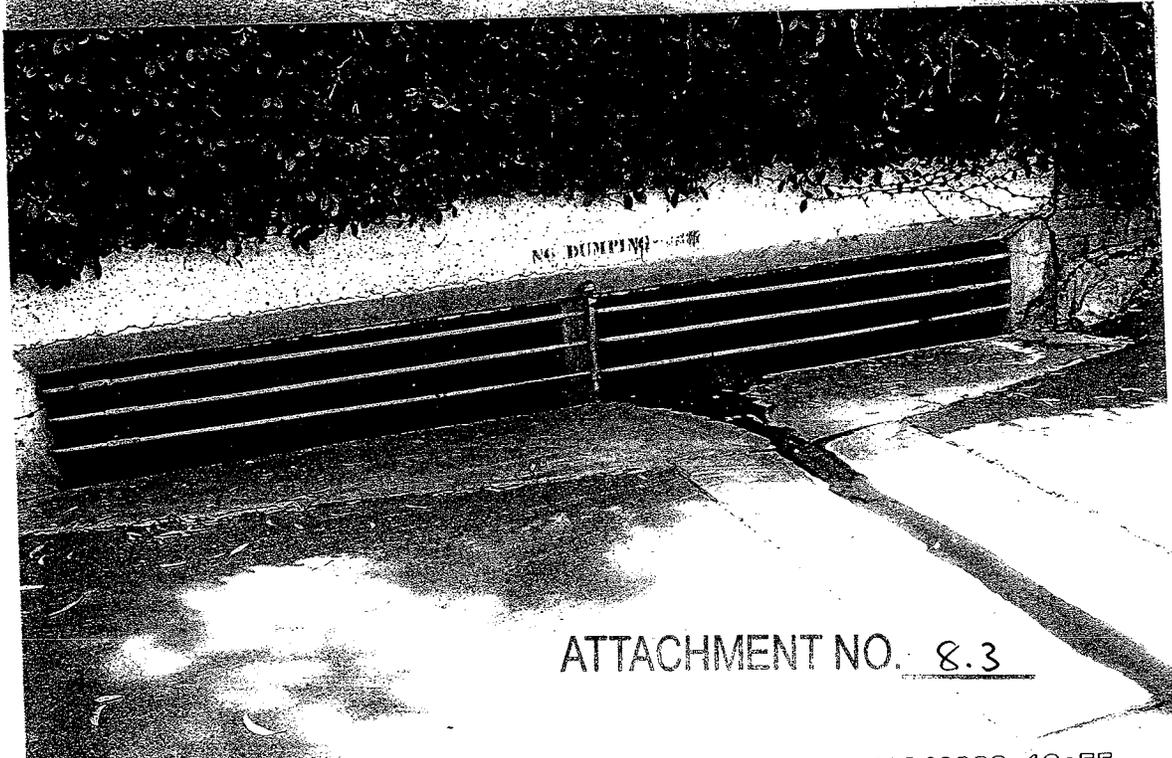
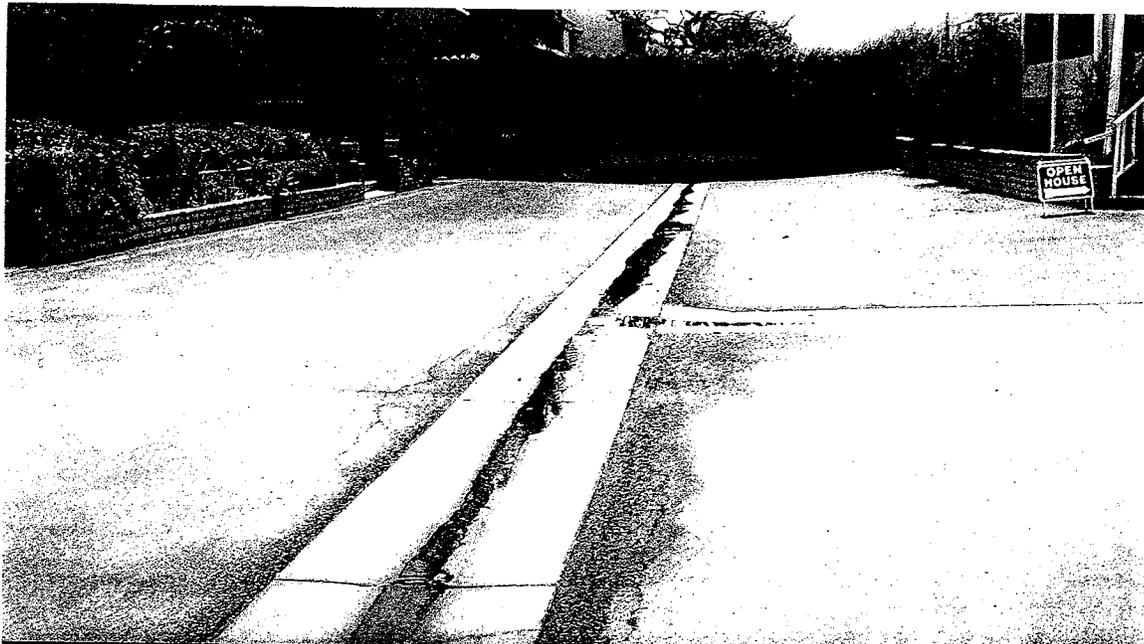
Very truly yours,



Sharon L. Dana



ATTACHMENT NO. 8.2



ATTACHMENT NO. 8.3



storm drain

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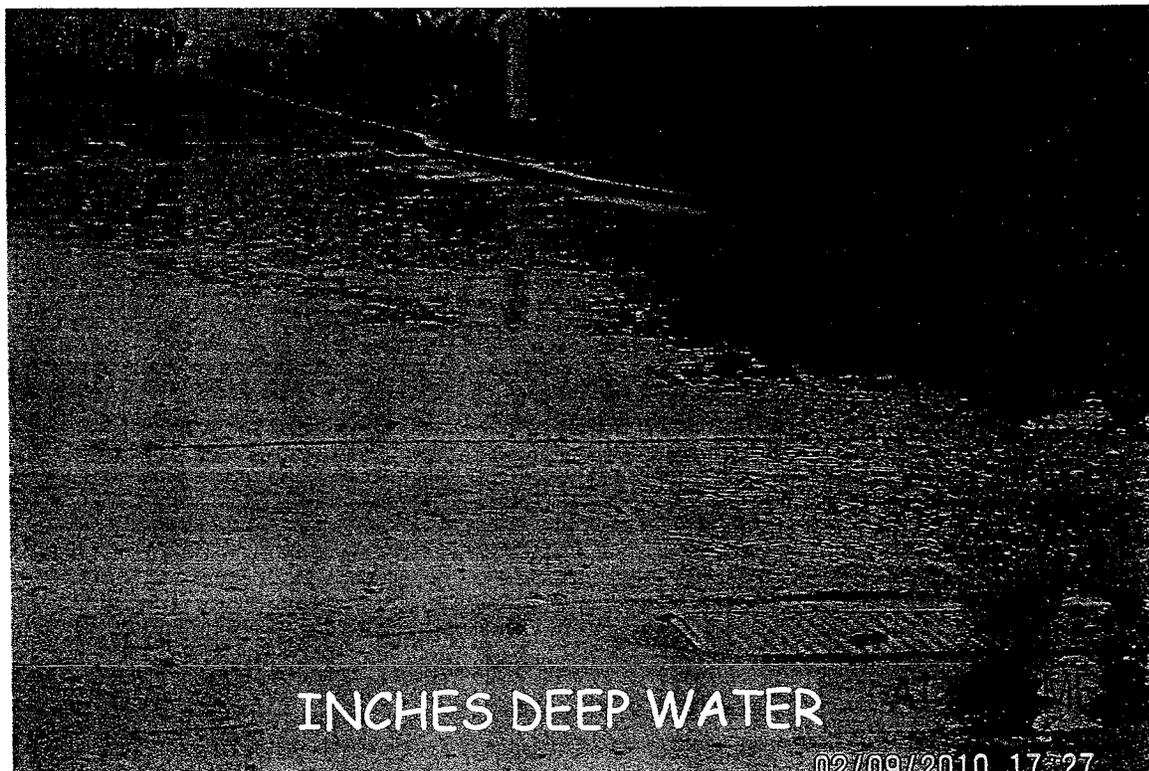
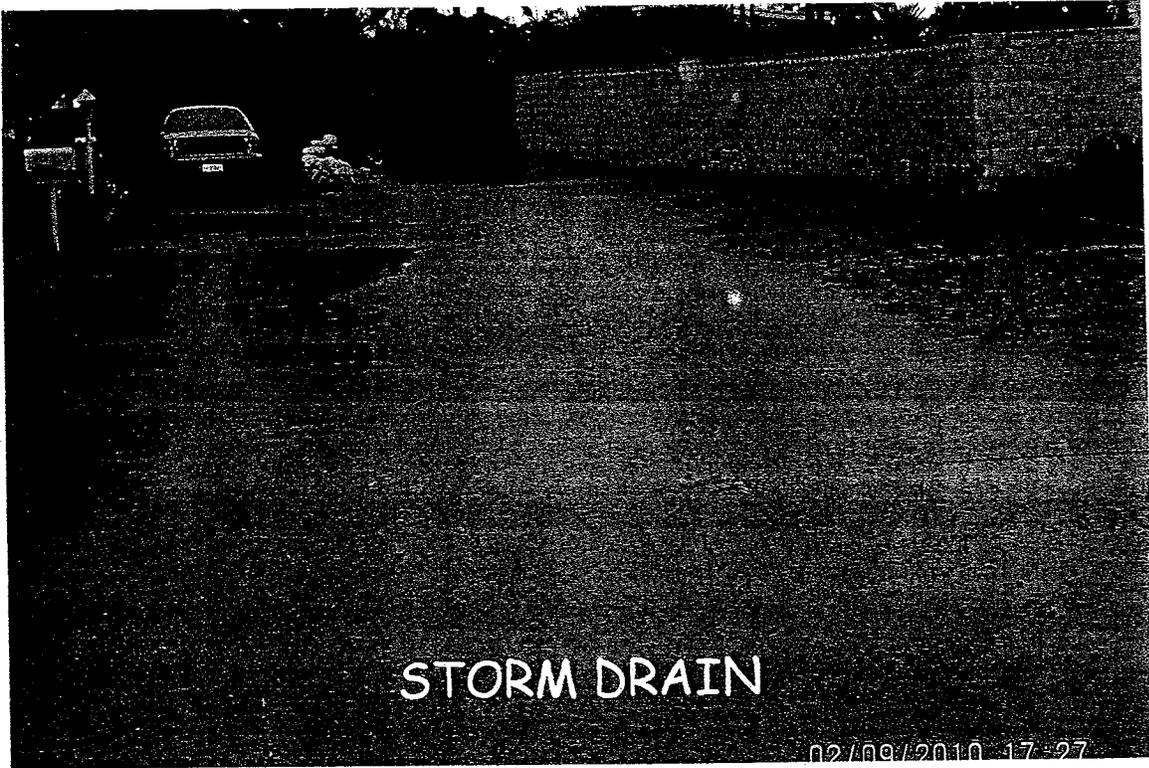


Franklin St water  
into HS

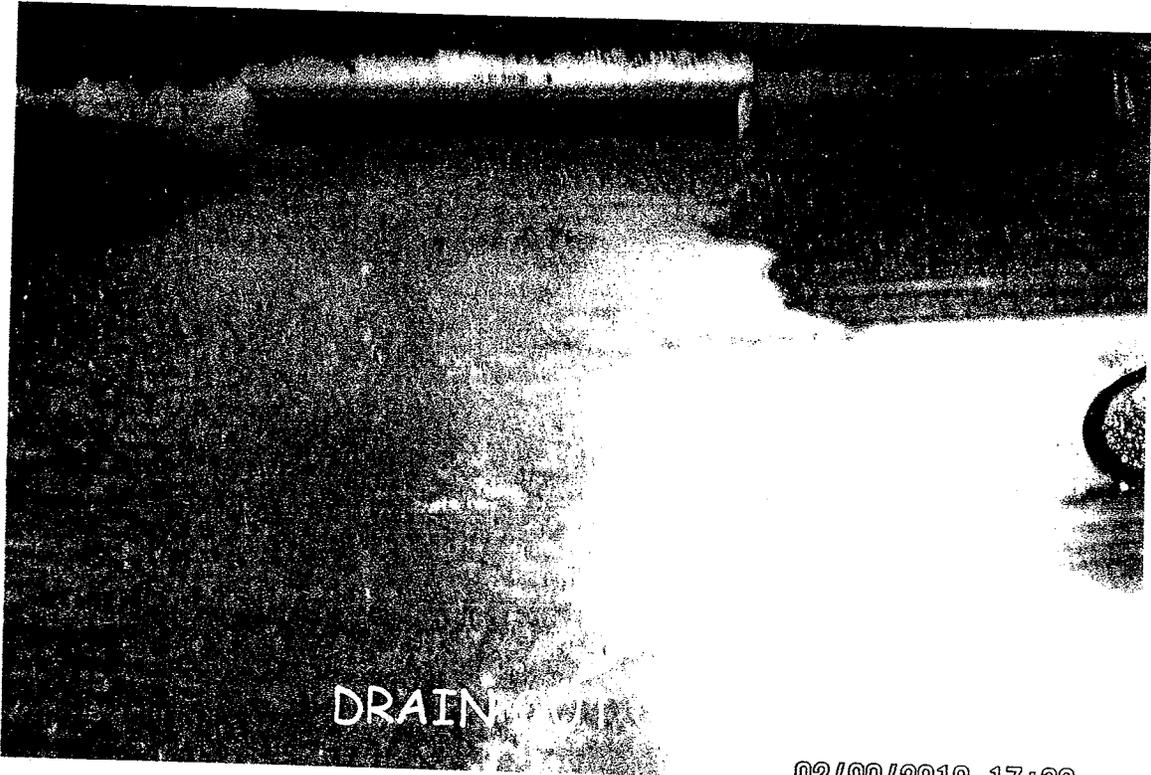
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storm drain



NO. 8.5



DRAIN OUT

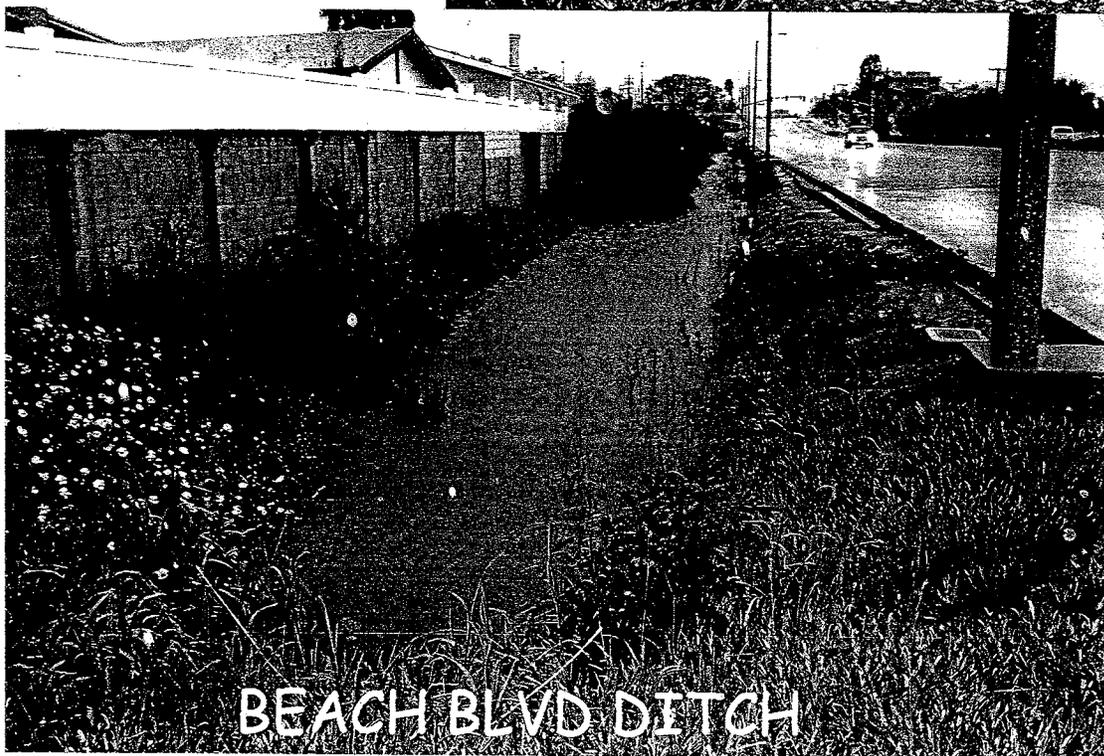
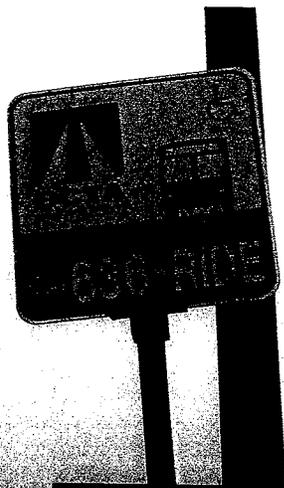
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DRAIN OUT OF HS

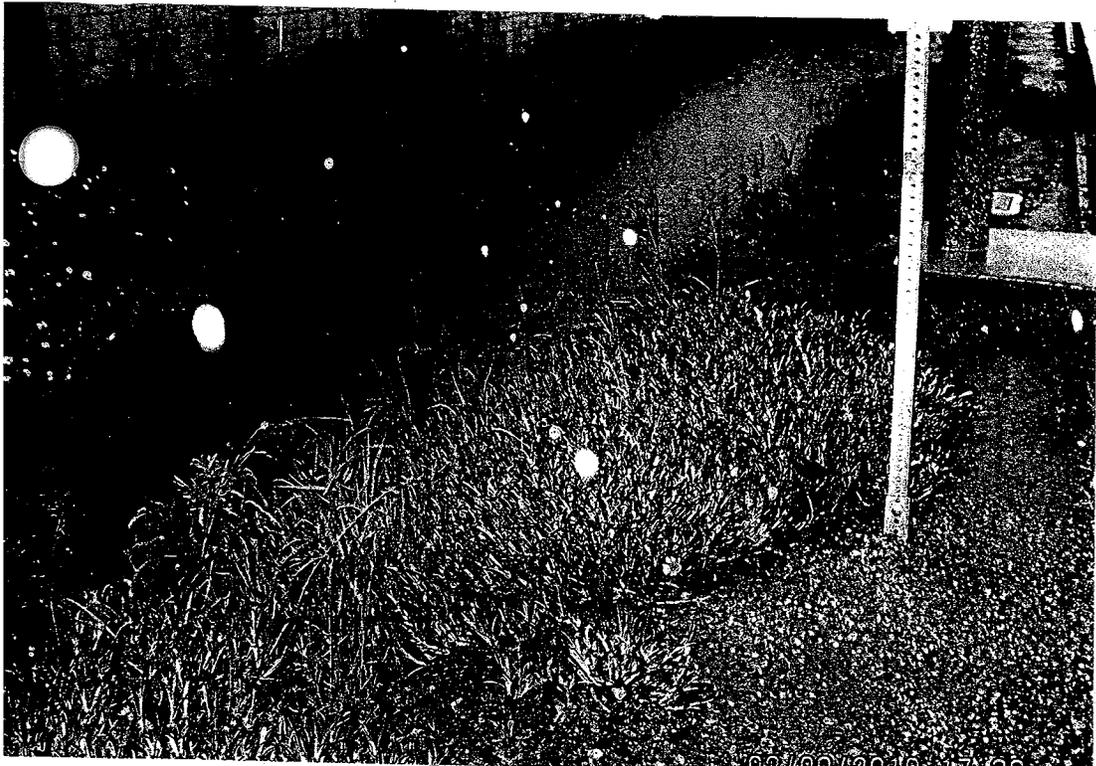
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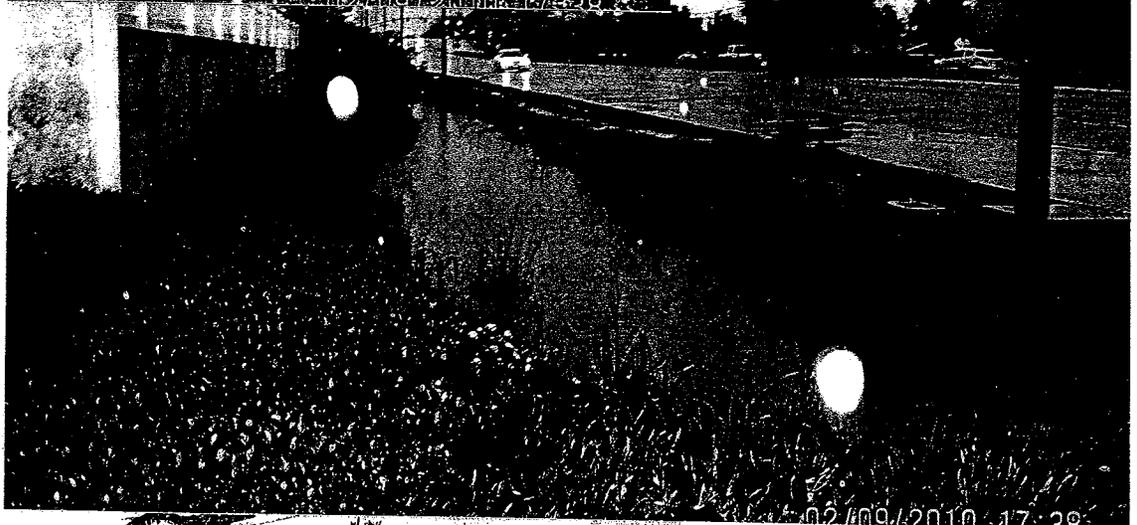


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BEACH BLVD DITCH



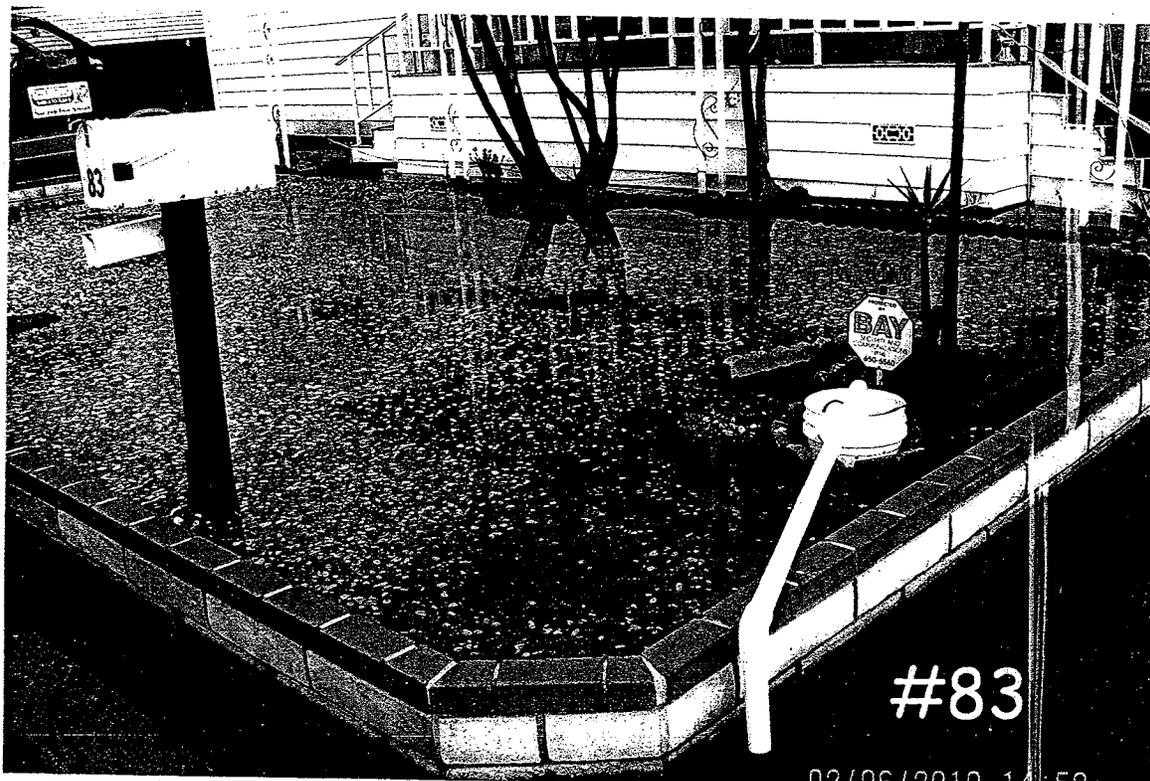
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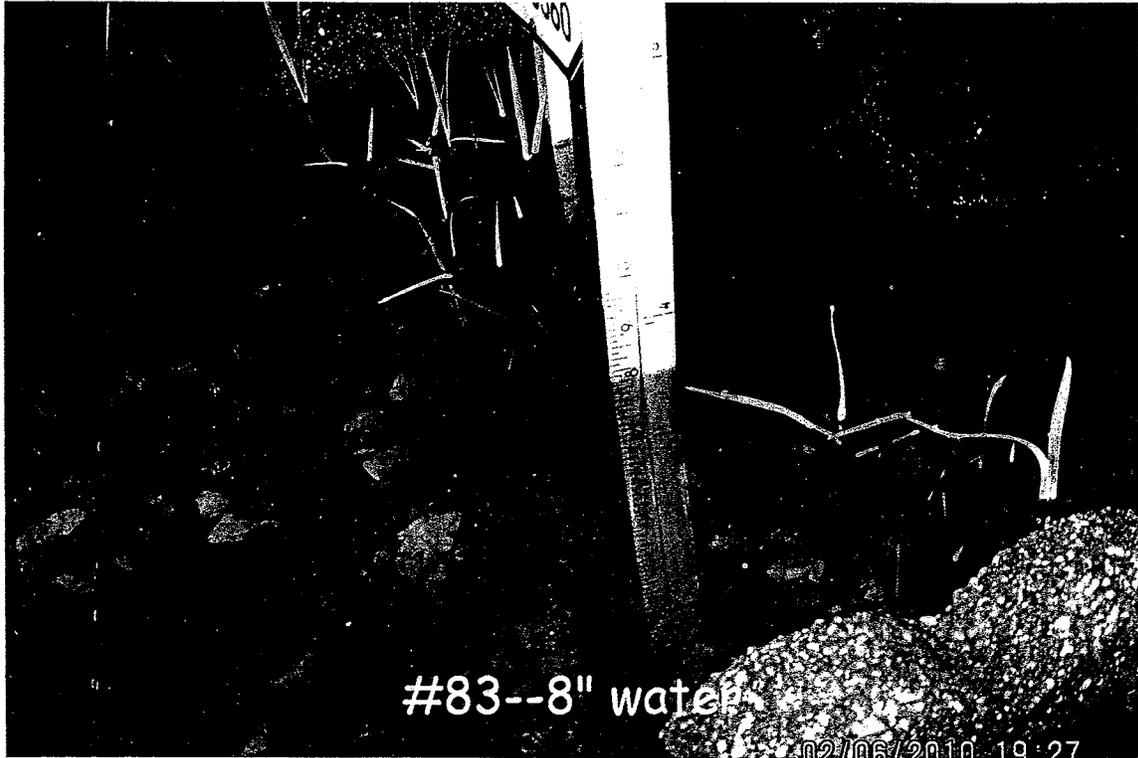


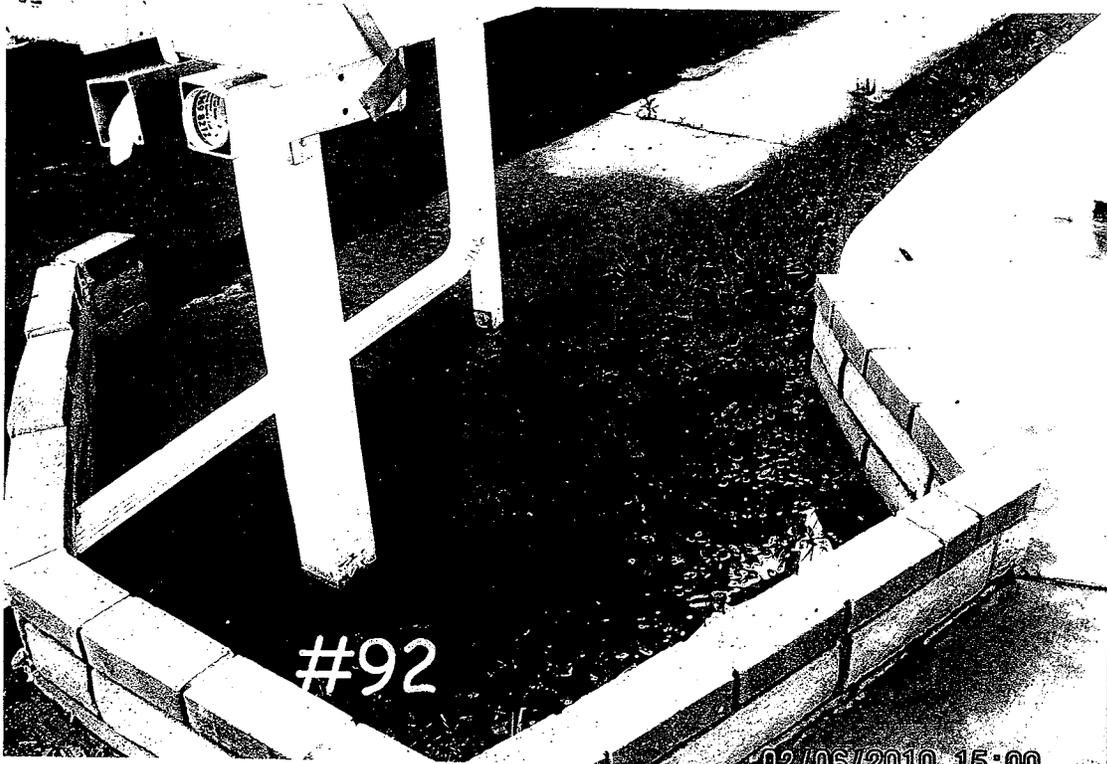
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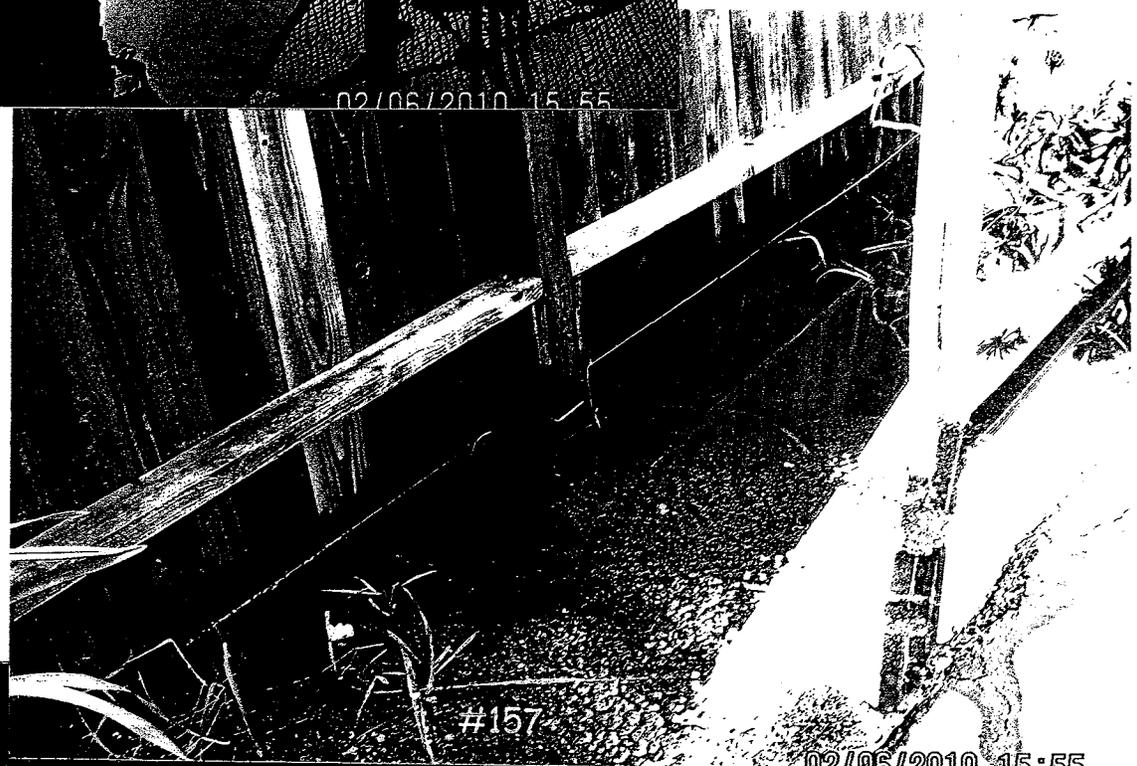
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