

PLANNING COMMISSION MEETING

In compliance with Americans with Disabilities Act, If you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500 ext. 113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM	REFERENCE
1. CALL TO ORDER	
2. PLEDGE OF ALLEGIANCE	
3. ORAL COMMUNICATIONS	
This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic).	
4. CONSENT CALENDAR	
4a. Minutes of the October 20, 2010 Regular Planning Commission meeting.	Copy
5. PUBLIC HEARINGS	
5a. Conditional Use Permit 10-02 (CUP10-02), Automobile Service/ Repair (Minor).	Memo
<b>Location:</b> 300 Santa Clara St.	
<b>Zoning:</b> Central Business District (CBD – transitional area)	
<b>Applicant:</b> Sovantana Tan, 410 Lakeview Ct., Oxnard, CA 93036.	
<b>Applicant:</b> Jose Palacios, 371 E. Surfside Dr., Port Hueneme, CA 93041.	
<b>Purpose:</b> Review project and conditions and receive public testimony.	
<b>Recommendation:</b> Adopt Planning Commission Resolution 10-857, Grant CUP 10-02, subject to Conditions of Approval.	
	Reso

- 5b. Vesting Tentative Tract Map 5844, Convert El Dorado Mobile Home Estates, a mobile home park for seniors, consisting of 302 spaces into a 302 lot subdivision with one common lot. **Memo**

**Location:** 250 E. Telegraph Road.

**Zoning:** Residential Medium (RM)

**Applicant:** El Dorado Estates, C/O The Star Companies, 1400 E. Fourth St. Santa Ana, CA 92701

**Purpose:** Review project and conditions and receive public testimony.

**Recommendation:** Adopt Planning Commission Resolution 10-858, recommending the City Council approve Vesting Tentative Tract Map 5844 **Reso**

**6. REPORTS and COMMUNICATIONS**

- 6a. Community Development Director **Oral**
- 6b. Planning Commission **Oral**
- 6c. Planning Commission meeting schedule **Copy**

**7. CLOSED SESSION**

- 7a. Conference with Legal Council - Existing Litigation (subdivision (a) of Section 54956.9): El Dorado Estates v. City of Fillmore, Case No. 56-2009-00358555-CU WM-VTA, Ventura County Superior Court.

**8. ADJOURNMENT**

- 8a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for January 19, 2011, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting  
December 14, 2010**

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6.

**PLANNING COMMISSION  
CITY OF FILLMORE  
250 CENTRAL AVENUE  
FILLMORE, CA 93015**

**OCTOBER 20, 2010  
REGULAR MEETING  
6:30 PM**

**MINUTES**

**CALL TO ORDER**

6:30 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and Commissioner McCall led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Mark Austin, Vance Johnson and Dianne McCall. City Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott and Planning Secretary Denise Beauduy.

**ORAL COMMUNICATIONS**

Howell Tumlin, 638 Trophy Trail, Topanga, CA 90290 and Scott Beylik, 8796 Old Telegraph Rd., Fillmore, CA 93015.

Mr. Tumlin and Mr. Beylik invited the Planning Commission to the Farmer's Market, which takes place on Main Street, Friday's from 3:00 – 7:00 p.m. Mr. Tumlin said he is involved with other markets throughout Southern California, and he said it is a great opportunity for the community to gather and enjoy the harvests from local farmers. Mr. Beylik said he grows tomatoes, and he has a booth at the market. Mr. Tumlin said he welcomes suggestions as to how to make the market better.

Commissioner Tucker said he has heard wonderful things about the Farmer's Market, and he said it is a great event for the community.

**CONSENT CALENDAR - Approved**

The Consent Calendar consisted of:

- a. Minutes of the June 23, 2010 Special Planning Commission meeting.  
It was moved by Commissioner McCall and seconded by Commissioner Austin to approve the minutes as submitted. Ayes: Austin, Fennell, McCall and Tucker. Noes: None. Abstain: Johnson. Absent: None. Motion Carried: 4:0.
- b. Minutes of the July 12, 2010 Special Planning Commission meeting.  
It was moved by Commissioner McCall and seconded by Commissioner Tucker to approve the minutes as submitted. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: Austin. Absent: None. Motion Carried: 4:0.
- c. Minutes of the September 22, 2010 Regular Planning Commission meeting. It was moved by Commissioner Tucker and seconded by Commissioner McCall to approve the minutes. Commissioner Tucker amended his motion to approve the minutes but correct the page

headings to read regular meeting instead of special meeting. Ayes: McCall, Johnson and Tucker. Noes: None. Abstain: Austin and Fennell. Absent: None. Motion Carried 3:0.

## **PRESENTATION**

*CEQA Overview, PowerPoint Presentation.*

6:35 p.m. Mr. McSweeney, requested to move this item to another Planning Commission meeting. Commissioner Austin said he was very busy and did not have time to prepare the presentation, said he would like to do it in the near future.

## **REPORTS and COMMUNICATIONS**

The Community Development Dept includes Building & Safety and Code Enforcement. A lot of code enforcement happening. There have been complaints about code enforcement. Mr. McSweeney said staff does follow up on complaints and outlined the procedure: call the offending party first; send a certified letter to the offender describing the violation and the time line in which to correct the violation; if there is no response a citation is issued, and the final step is Administrative Remedies with a hearing .

Commissioner Johnson asked if staff does a follow-up with the reporting party. Mr. McSweeney responded not always, but we try. Commissioner Johnson said it is important to follow up so the reporting party knows that the issue has been resolved.

## **CLOSED SESSION**

*Conference with Legal Council - Existing Litigation (subdivision (a) of Section 54956.9): El Dorado Estates v. City of Fillmore, Case No. 56-2009-00358555-CU WM-VTA, Ventura County Superior Court.*

6:42 p.m., Chair Tucker adjourned the Planning Commission to closed session.

7:24 p.m., Chair Tucker reconvened the Planning Commission meeting. No action was taken in closed session.

## **ADJOURNMENT – 7:24 PM**

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for November 17, 2010, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy  
Planning Secretary



**CITY OF FILLMORE**  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

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**TO:** Planning Commission                      **DATE:** November 17, 2010

**THROUGH:** Kevin McSweeney, Community Development Director *[Signature]*

**FROM:** Manuel Minjares, Assistant Planner

**SUBJECT:** **Conditional Use Permit (CUP) 10-02, 300 Santa Clara Street,  
Sovatana Tan & Jose Palacios, Applicants;  
Minor Automobile Service & Repair.**

**SUMMARY:**

The applicants, Sovatana Tan and Jose Palacios submitted a Planning Permit Application for a CUP to permit the use of the property at 300 Santa Clara Street as a minor automobile repair/service shop. The property is currently developed with an existing 2,280 sq. ft. industrial building and is located within the Central Business District. Per 1994 Zoning Ordinance Article IV, Section 6.04.50, Administration, the Planning Commission is the Review Authority for Conditional Use Permits

**RECOMMENDATION:**

The Planning Department staff recommends the Planning Commission take the following action:

1. Adopt Planning Commission Resolution 10-857, approving Conditional Use Permit 10-02, subject to the conditions of approval.

**BACKGROUND AND ANALYSIS:**

The applicants submitted a Planning Permit application for a Conditional Use Permit to request approval to operate a minor automobile repair/service shop at 300 Santa Clara St. The 6,250 sq. ft. property is currently developed with a 2,280 sq. ft. vacant industrial building and is located within the boundaries of the Central Business District Zone of Transition. The applicant is not proposing any additions to the footprint of the existing structure.

### Zoning & General Plan

Zoning Ordinance Section 6.04.0610 identifies Automobile Service/Repair Minor as a conditionally permitted use within the Central Business District. This zoning classification is consistent with the General Plan Land Use Designation of Central Business District.

Minor automobile repair and services activities include, but are not limited to, oil changes, tune ups, brake replacement, diagnostics; distributor cap, rotor, belt, hose, thermostat, fuse, and battery replacement; timing belt adjustment, etc. Major automobile service/repair such as bodywork, engine and drive train, transmission repair, and painting would not be permitted.

### Parking:

Zoning Ordinance Section 6.04.34 states that off-street parking lot improvements shall be provided for:

1. Any new use established or change of use;
2. Following any discontinuance of a use for 6 or more consecutive months.

A search of the Finance Department's Springbrook database shows that the use of the property has been discontinued for more than 6 consecutive months. Additionally, the operation of a minor automobile repair/service shop on the property will result in the establishment of a new use. The project has therefore been required to provide off street parking improvements, as shown in Exhibit "S" Site Plan. Commercial/Office uses in the CBD Zoning District require 1 space for every 500 sq. ft. of gross floor area. This requires the applicant to provide a total of five (5) parking spaces. The applicant is proposing to locate three (3) parking spaces in the parking lot and 2 spaces within the existing building.

### Surrounding Land Uses:

North – Central Business District, Train Yard

South – Commercial Highway, Single Family Dwelling

East – Commercial Highway, Mixed Use (Commercial & Residential)

West – Central Business District, Commercial

There are compatibility concerns with the residential uses located adjacent to the property and directly across the street. The applicant is proposing to screen his parking lot with a 6 ft. high wood fence located along the Mountain View Street side. To address noise concerns, the applicant has been conditioned to install sound attenuating materials within the existing structure and to keep doors and windows closed during any noise generating activity.

### California Environmental Quality Act (CEQA)

As proposed this project is exempt from further review under Section 15301, Class 1, Existing Facilities.

Prepared By:

Reviewed By:

  
Manuel Minjares, Assistant Planner  
Planning Department

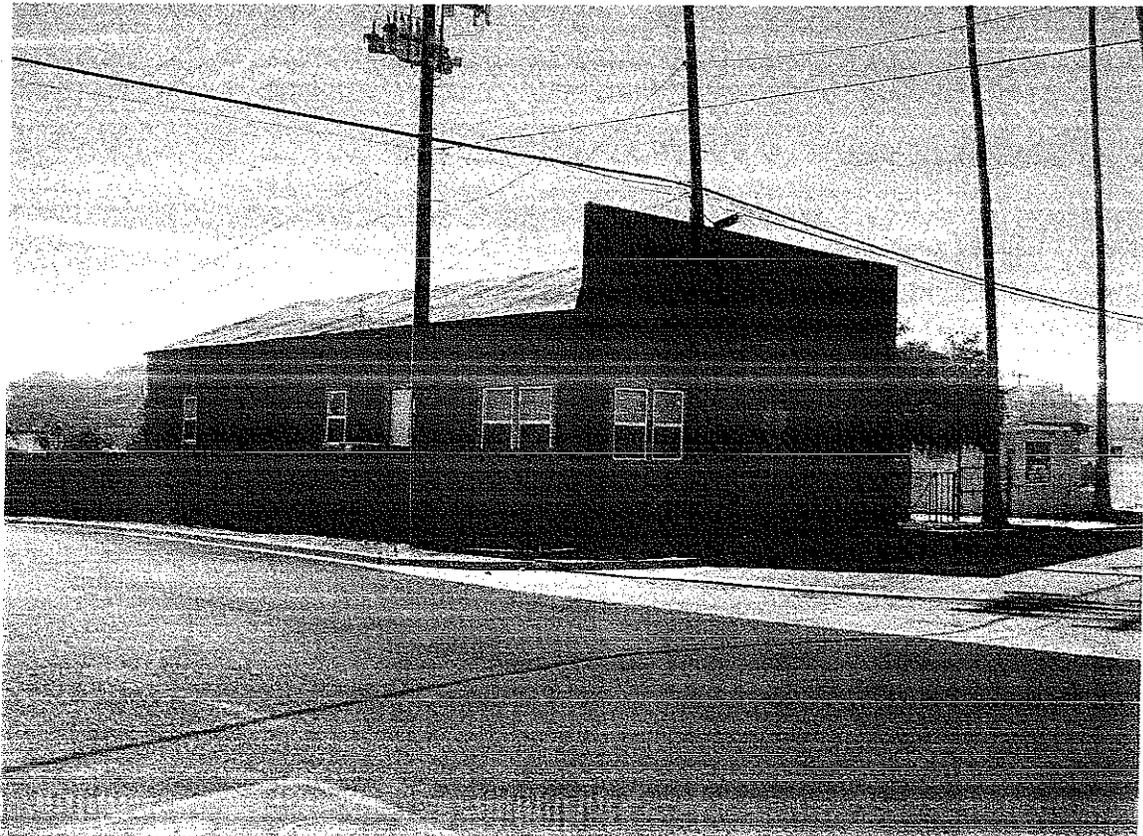
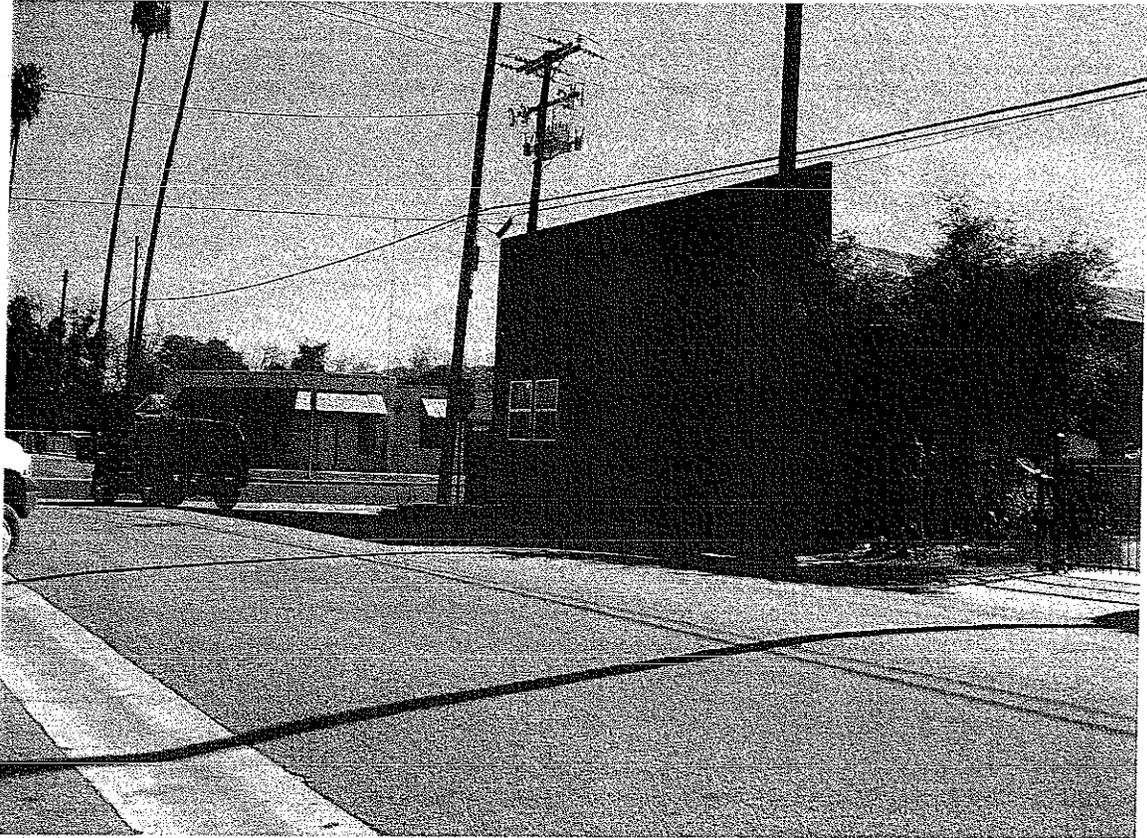
  
Kevin McSweeney, Community Development Director  
Planning Department

Attachment 1: Site Plan, Floor Plan & Topographical Survey

Attachment 2: Photographs

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# Attachment 2



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**CITY OF FILLMORE  
PLANNING COMMISSION RESOLUTION 10-857**

**GRANTING  
CONDITIONAL USE PERMIT 10-02  
MINOR AUTOMOBILE SERVICE/REPAIR**

**300 SANTA CLARA STREET  
SOVATANA TAN & JOSE PALACIOS, APPLICANTS**

**WHEREAS**, The Planning Commission has been petitioned to grant Conditional Use Permit 10-02 for the purpose of on-sale beer & wine for a restaurant located at 300 Santa Clara Street; and

**WHEREAS**, The Community Development Director caused a notice of date, hour and place for a public hearing on November 17<sup>th</sup>, 2010 before the Planning Commission published on November 4<sup>th</sup>, 2010 in the Fillmore Gazette and mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.8015 of the Fillmore Zoning Ordinance; and

**WHEREAS**, the City of Fillmore Planning Commission finds the following as fact:

1. The Conditional Use Permit is specifically for the property located at 300 Santa Clara St., A.P.N. 053-0-104-060, and is not transferable to another property.
2. The applicants are Sovatana Tan, 410 Lakeview Ct., Oxnard, CA 93036 and Jose Palacios, 371 E. Surfside Dr., Port Hueneme, CA 93041.
3. The property owner is Gerrit Green, 315 Marathon Street, Los Angeles, CA 90026.
4. The project consists of the approval of a Minor Automobile Repair/Service shop.
5. The "project" was properly reviewed and documented per the requirements of the California Environmental Quality Act (CEQA) in that, the project is considered categorically exempt per CEQA Section 15301 Existing Facilities.
6. All written and oral comments and correspondence on the project have been responded to and all incorporated accordingly.
7. The proposed project as conditioned per exhibit "COA" complies with the Zoning Ordinance.
8. The Section 6.04.70 of the 1994 Zoning Ordinance identifies findings that are required for the granting of Conditional Use Permits. These findings are hereby incorporated by reference and are summarized below:

- a. The project is permitted within the subject zoning district and complies with all applicable requirements in that Minor Automobile Repair/Service is a conditionally permitted activity in the Central Business District per Zoning Ordinance Section 6.04.0610.B.4.
- b. The project is consistent with the General Plan in that the property is designated as Central Business District (CBD) and Minor Automobile Repair/Service is a conditionally permitted use.
- c. The project shall be compatible with existing and future projects in the area in that the project has been conditioned to comply with noise ordinance and will screen the parking lot from public view.
- d. Approval of the project is in compliance with the requirements of CEQA in that the project is categorically exempt per section 15301 Existing Facilities.
- e. There will be no potential significant adverse effects from the project on the environment in that the on sale of beer & wine associated with a restaurant has been determined to be categorically exempt per section 15301(a) Existing Facilities of the California Environmental Quality Act.
- f. The project site is physically suitable for the type and density/intensity of the proposal in that the proposed use will be operate within an existing building which is not proposed to expand.
- g. There are adequate provisions for utilities and public health/safety in that the existing structure is served by existing utilities.
- h. The project will not be detrimental to the public health/safety in that the use of the building has been appropriately conditioned the Engineering Department, Fire Department, the Building and Safety Department and Planning Department.

According to the Fillmore Municipal Code, all of the above findings must be made by the Planning Commission in order to grant a Conditional Use Permit. Based on the public testimony, staff report, conditions, environmental documentation and, the record as a whole, the Planning Commission finds that the project satisfies the required findings.

**NOW, THEREFORE, BE IT RESOLVED**, that based upon the above facts, the Fillmore Planning Commission does hereby adopt Planning Commission Resolution 10-857 for the purpose of approving Conditional Use Permit 10-02.

**PASSED AND ADOPTED** by the Planning Commission of the City of Fillmore on this 17<sup>th</sup> day of November, 2010 by the following votes:

\_\_\_\_\_  
Douglas Tucker, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Denise Beauduy  
Planning Secretary

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**EXHIBIT "COA"**

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT NO. 10-02  
MINOR AUTOMOBILE SERVICE/REPAIR  
SOVANTANA TAN & JOSE PALACIOS, APPLICANTS**

**RECITALS**

**A. AUTHORITY FOR THIS DOCUMENT**

The conditions and terms contained in this exhibit are applied to permit "CONDITIONAL USE PERMIT No. 10-02" (THIS PERMIT) and are applied under the City's authority regarding discretionary permits (Section 6.04.70 of the Fillmore Municipal Code).

**B. IDENTIFICATION OF THE SUBJECT PROPERTY**

The subject property is located at **300 Santa Clara Street** and is identified as Assessor Parcel Number 053-0-104-060. The subject property is subject to the conditions and terms contained in this exhibit.

**C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT**

The PROJECT consists of the establishment of a Minor Automobile Service/Repair Shop to be implemented in one phase. All conditions of this permit are applicable upon implementation of Phase I, unless so specified in this document.

**D. RESPONSIBILITY OF APPLICANT**

The following conditions are the responsibility of the Applicants (Sovatana Tan and Jose Palacios), or any of their successors or assigns.

**E. BASIS UPON GRAPHIC ILLUSTRATIONS ("THE PLANS")**

THIS PERMIT is based on the following graphic illustrations referred to as EXHIBITS "A" (SITE PLAN), "B" (FLOOR PLAN), "C" (Survey). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits (dated November 17, 2010).

**F. BASIS UPON WRITTEN DOCUMENTS**

THIS PERMIT is based on the following written documents referred to as EXHIBITS "COA" (CONDITIONS OF APPROVAL) and "SR" (STAFF REPORTS). All activity on the subject property is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

G. LIFE OF THIS DOCUMENT

The conditions and terms contained in this document apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

H. TIME TO EXERCISE PERMIT

THIS PERMIT shall be substantially initiated or it shall expire on (two years from the date of project approval November 17, 2012). Substantial initiation of THIS PERMIT shall be determined at the sole discretion of the CITY. Any extension of THIS PERMIT shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

I. PROCEDURE FOR MODIFICATION OF THIS DOCUMENT

Any proposed modification of this document shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT

The APPLICANT shall indemnify, exonerate and hold harmless, the CITY and all officers and employees thereof, against all claims, demands, and causes of action arising out of improvements constructed within the project.

The APPLICANT agrees as a condition of approval of this permit, to defend, at the sole expense of the APPLICANT, any action brought against the CITY based upon approval of this permit. The APPLICANT shall reimburse the CITY for any costs and attorney's fees that the CITY may be required to pay as a result of any such action. The CITY may, as its sole discretion, participate in the defense of such action, but such participation shall not relieve the APPLICANT of the above obligations.

Any activity or structure pursued by the APPLICANT, authorized by this permit shall further constitute acceptance of all conditions and obligations imposed by the CITY on this permit. The APPLICANT, by said acceptance, waives any challenges as to the validity of these conditions.

K. COMPLIANCE WITH THIS DOCUMENT PRIOR TO AUTHORIZED ACTIVITY/USE

The APPLICANT shall comply with and satisfy all applicable conditions of this permit prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction is to be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy is to be granted by the Building Official upon having a final occupancy inspection conducted by the Project Planner, the Building Inspector, and the Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any required public improvements are to be completed to the satisfaction of the City Engineer prior to the

Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS

All activity and construction pursuant to this permit shall comply with all applicable codes and regulations including, but not limited to, the Fillmore General Plan, the Fillmore Zoning Ordinance, the Downtown Specific Plan, the California Building Code (2007 version), the Uniform Fire Code, the Subdivision Map Act, and the "Standard Specifications for Public Works Construction".

M. PAYMENT OF FEES/DEPOSITS

All required Fees shall be paid by the APPLICANT prior to the issuance of a building permit.

CONDITIONS

The following conditions are organized by CITY Department.

ENGINEERING AND PUBLIC WORKS

WATER

E1. A backflow prevention device shall be installed on the water service after the water meter and before the building to prevent possible cross connections. The Ventura County Cross-Connected Control Inspector shall be notified for inspection and addition to the inventory of backflow prevention devices within the City.

DRAINAGE

E2. The Applicant shall procure easements or consent from all affected landowners for any diversion of historical flows, changes in drainage conditions or acceptance of any additional water flowing over the subject party.

FIRE

F1. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.

F2. On site and/or boundary water mains, fire hydrants and services shall be installed according to City of Fillmore Public Works Department specification.

F3. The Applicant shall obtain two certified fire flow test at the Applicant's expense to determine and check for compliance with fire flow requirements. The first test shall be conducted prior to approval of improvement plans and the second test after construction of the subject improvements but prior to issuance of a certificate of occupancy. The tests must be certified by a Fire Protection Engineer. A minimum fire flow of 1,500 gallons per minute shall be provided at the subject site.

F4. Fire hydrants shall be installed and be in service prior to any combustible construction and shall conform to the minimum standards of the Ventura County Water Works Manual and the City of Fillmore Public Works Department Standards.

Each hydrant shall be a Clow model 960, or equivalent, with two, 2 ½ inch outlets and one, 4-inch outlet for Commercial construction or A Clow model 950, or equivalent, with one 2 ½ inch outlet and one 4 inch outlet for residential construction. Required flow shall be achieved at no less than 20 psi (pounds per square inch) residual pressure. Fire Hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from one hydrant. Hydrants shall be located no less than three (3) feet nor more than five (5) feet from any curb.

F5. All roof covering materials shall consist of State Fire Marshall-approved, noncombustible, fire retardant materials.

F6. Address numbers, a minimum of six (6) inches in height, shall be installed prior to occupancy and shall be illuminated and readily visible at night. The Fire Chief shall approve the method of illumination.

F7. All required street signs shall be installed prior to the City's acceptance of the development and public improvements.

F8. The Applicant shall provide on-site fire protection, as determined by the Fire Chief. Adequate fire protection shall be installed and be in service, prior to obtaining any building permits. The Applicant shall maintain passable vehicular access to all buildings and fire hydrants as required by the Fire Chief.

F9. Smoke detectors, approved by the State Fire Marshall, shall be installed in all areas leading to sleeping rooms.

F10. Automatic fire sprinklers shall be provided as required by the Fillmore Fire Chief.

F11. All brush and grass determined to be a fire hazard by the Fire Chief, shall be cleaned be cleared to a minimum distance of 100 feet from all proposed structures, prior to beginning framing of any combustible construction.

F12. In accordance with the California Administrative Code, Title 24, Section B1419, an approved spark arrester shall be installed on the chimney of any structure.

F13. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.

F14. All driveways and canopies shall have a minimum vertical clearance of 13 feet, 6 inches.

F15. No burning of combustible refuse material shall be permitted the subject property.

F16. A permit shall be obtained from the Fillmore Fire Chief and the Ventura County Air Pollution Control District (APCD) for the handling, storage and use of all flammable, combustible and hazardous materials.

### **BUILDING & SAFETY**

B1. With the first submittal of construction documents, a reproduction of this document (Exhibit "COA") shall be incorporated as a full-sized page into all sets of the construction documents.

B2. Before starting any work, the Applicant shall designate in writing an authorized representative who shall have complete authority to represent and act for the applicant. Such written authorized shall be submitted to the Community Development Department. Said authorized representative shall be present at the site of work at all times while work is actually in process on the development. During periods when work is suspended, arrangements acceptable to the City shall be made for any emergency work that may be required.

**URGENT WORK** – Whenever orders by the City to the applicant's representative, Superintendent, or Foreman, to do work required for the convenience and safety of the general public because of inclement weather or any other dangerous condition, and said orders are not immediately acted upon by such person, the City may do, or have such work done, by others at the applicant's expense.

**NUISANCE WORK** – When the project causes a nuisance to the public and the City notifies the Applicant in writing of the nuisance, the Applicant shall resolve the problem causing the nuisance within 36 hours. If the Applicant fails to correct the nuisance in a timely manner the City may do or have such work done by others at the Applicant's expense.

### ***FUGITIVE DUST***

The applicant shall be required to comply with the provisions of Rule 55, Fugitive Dust, as adopted by the Ventura County Air Pollution Control Board on June 8<sup>th</sup>, 2008. Rule 55 applies to any disturbed surface area, or man-made condition capable of generating fugitive dust, including bulk material handling, earth-moving, construction, demolition, storage piles, unpaved roads, track-out, or off-field agricultural operations.

Copies of Rule 55 may be obtained at [www.vcapcd.org](http://www.vcapcd.org) under Rule Development (Current Rules and Regulations).

**PLANNING**

P1. No lighting shall be of the type or in location such that it will constitute a hazard to vehicular traffic, on either private or public streets. To prevent damage from automobiles, light standards shall be mounted on reinforced concrete pedestals or be otherwise protected.

**RESOURCE MANAGEMENT**

R1. A Construction and Demolition Debris Resource Recovery Plan shall be completed and approved prior to approval of plans for construction. The requirements outlined in the Construction and Demolition Debris Resource Recovery and Recycling Plan shall be printed on the construction plans.

R2. As part of initial project description and design all solid waste components and management plans for those materials that will enter the waste stream, as defined in chapter 8.04 of the City Municipal Code, shall be identified. The subsequent management plan which is developed shall be included as part of the specific notes both in the project description and as part of the plans for the project under the heading Resource Recovery, Recycling and Trash Management (plan). This plans and notes placement shall conform to the requirements of City Council Resolution 99-2369.

R3. Design of Waste Stream Material Storage and Handling shall conform to Section 8.04.050c of the City Municipal Code and The City of Fillmore Zoning Ordinance section 6.04.18 pages III 21, 22, 23, and 24.

R4. Prior to Plan Check Clearance conditions R1 and R2 shall be completed or, a specific Resource Recovery, Recycling and Trash Management Plan shall be approved.

R5. The applicant shall follow the Resource Recovery and Recycling Plan and document the results during construction and/or demolition.

R6. Prior to completion or occupancy clearance, any and all documentation required by the Resource Recovery, Recycling and Trash plan shall be filed and approved.

R7. Prior to occupancy clearance, a subsequent Resource Recovery, Recycling and Trash plan shall be submitted and approved for project operations. This plan shall conform to the requirements set forth in City Council Resolution 99-2369

R8. All Resource Recovery, Recycling and Trash plans will include any requirements of other departments.

R9. If the use for the project includes both commercial and residential aspects, Waste Stream

Planning Commission Resolution 10-857

Conditional Use Permit 10-02

November 17, 2010

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R10. Any special waste streams that are identified and managed in a method different or unique must be quantified for the purposes of the Resource Recovery, Recycling and Trash Plan. This quantification should include quantity or weight, and disposition.

### SPECIAL CONDITIONS

#### ENGINEERING AND PUBLIC WORKS

##### *Sewer*

S1. If no gravity separation device or grease interceptor exists, the Applicant shall install a gravity separating device designed to prevent the discharge of sand, silt, oil and grease to the sewerage system.

S2. The gravity separating device shall be readily accessible for inspection and properly maintained to assure that accumulations of grease, sand, or oil do not impair its efficiency or pass out with the effluent. The City Engineer shall approve the location prior to approval of construction plans. The Applicant shall maintain a maintenance record showing the date, the name of the person who cleaned it and the disposal site of the waste. The report shall be reviewed by the City Manager at each routine inspection. Persons hauling waste and wastewater removed from gravity separating devices shall be registered to do so by the City of Fillmore.

##### *Storm Drain Discharge*

S3. The Applicant shall install concrete driveway per the "Green Book" Standard Plans for Public Works Construction, latest edition to prevent silt and sediment from entering the storm drain system caused by activity and use of this property.

#### PLANNING

S4. All stored, damaged or wrecked vehicles shall be completely screened so as not to be visible from adjoining properties or public rights-of-way.

S5. Repair/service activities and vehicle loading and unloading shall only occur on-site and not in adjoining streets or alleys;

S6. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.

S7. All repair/service activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited;

S8. The applicant shall be required to install sound attenuating materials throughout the existing building prior to building permit issuance. Sound attenuating/proofing materials may

include sound absorbing foam, panels, Wavebar®, or other legitimate sound attenuating/proofing material, subject to the review and approval of the Community Development Director.

S9. All repair/service activities shall maintain closed windows when performing any noise-generating activity. Exterior noise shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation).

S10. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights of way.

S11. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards) and the “CBD Transitional Area Sign Design Guidelines” as specified within Chapter 4, “CBD Transitional Area Building Design Guidelines” of the City of Fillmore Downtown Specific Plan.

S12. No work shall be performed on vehicles between the hours of 8:00 P.M. and 7 A.M. Monday through Saturday; or until 8:00 A.M. on Sundays;

S13. The premises shall be kept in a neat and orderly condition at all times.

S14. All discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be removed from the premises in a timely manner; and

S15. All hazardous materials resulting from the repair/services operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable local, State, and Federal regulations.

S16. All hazardous materials resulting from the repair/services operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable local, State, and Federal regulations.

S17. The applicant shall be required to comply with F.M.C. Chapter 15.25 Graffiti. Prior to building permit issuance, the applicant shall indicate on plans submitted for plan check, a graffiti prevention method to be used on the wooden wall consisting of the use of a protective coating to provide for the expeditious removal of graffiti; or the use of additional lighting; or the use of landscaping such as ivy or similar clinging vegetation; or a combination thereof, subject to the review and approval of the Community Development Director.

IN ACKNOWLEDGEMENT AND UNDERSTANDING:

\_\_\_\_\_  
Douglas Tucker, Chairman  
Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sovatana Tan, Business Owner  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jose Palacios, Business Owner  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gerrit Green,  
Property Owner

\_\_\_\_\_  
Date

**END OF CONDITIONS**

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**CITY OF FILLMORE**  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

TO: Planning Commissioners DATE: November 17, 2010

THROUGH: Yvonne Quiring, City Manager

FROM: Kevin McSweeney,  
Community Development Director

A handwritten signature in black ink, appearing to be "KM", is written over the name "Kevin McSweeney".

**SUBJECT: Request to Approve Vesting Tentative Tract Map 5844; Subdividing the Existing El Dorado Mobilehome Park into 302 Condominium Lots and One (1) Common Area.**

**SUMMARY:**

Application VTTM 5844 proposes to convert the existing mobile home park from a rental park to a resident ownership park; residents would be given the option to purchase the lot(s) on which their coach sits.

Expansion of the park, change of use, or new construction is not proposed.

The City of Fillmore's review is governed by Government Code 66427.5, case law interpreting Section 66427.5, and federal mandate as specified herein. The local property Development standards of the 1994 Zoning Ordinance does not apply to the existing mobile home park.

**RECOMMENDATION:**

1. Open the public hearing and receive public testimony;
2. Adopt Planning Commission Resolution 10-858, recommending approval of Vesting Tentative Tract Map 5844 subject to the following Condition(s) of Approval.
3. Conditions of Approval:
  - a. Applicant Must Comply with Government Code section 66427.5(f);
  - b. Applicant Must Comply with FEMA and FMC Mandate as follows:

- i. Each occupied parcel shall be protected from a 100-year frequency storm.
- ii. A 100-year frequency storm shall be defined as the flow established by the Ventura County Watershed Protection District for the Santa Clara River and Pole Creek. The local 100-year water and/or debris flows shall be determined using the Ventura County Watershed Protection District Hydrology Manual.
- iii. Prior to Final Map recordation, the Applicant shall obtain from FEMA a Letter of Map Revision (LOMR) removing TTR 5844 from all FEMA "A" Flood Zones. The Application to FEMA for the LOMR shall include 100-year flood analysis of the flood risk posed by the Santa Clara River, Pole Creek and local flooding from the drainage area north of TTR 5844. The Applicant shall pay all costs associated with the LOMR including, but not limited to, review costs by the City of Fillmore, its technical consultants, the Ventura County Watershed Protection District, and cost of physical improvements, if any.
- iv. Prior to Final Map recordation, the Applicant shall approve ballots for zone change for this property from Zone A to Zone B in current Storm Drain Assessment District No. 7 or or establish a new Storm Drain Maintenance Assessment District to pay TRR 5844's fair share of costs for maintenance, upgrade, replacement, and adjustments for inflation for all offsite flood protection facilities that provide 100-year flood protection for the property. The Applicant shall reimburse the City all costs associated with the formation of the District.

- OR -

**OPTIONS:**

Recommend approval of vesting tentative map without condition.

-OR-

Recommend denying the proposed vesting tentative map.

**BACKGROUND:**

El Dorado Estates (the "Applicant") submitted an application on March 5, 2009 to subdivide one 37.50 acre lot consisting of 302 existing mobile spaces and create

through a condominium map a 302 resident owned lots and one (1) common area (the "Application").

City staff reviewed the Application based upon submittal requirements, the 1994 Zoning Ordinance and input from various City Departments, and determined the application was incomplete.

The Applicant appealed Staff's determination of Application incompleteness to the Planning Commission. On October 21, 2009, the Planning Commission heard and denied the appeal. (**See Attachment No. 1, Planning Commission Resolution 09-845**). The Applicant then appealed to the City Council, which appeal the Council heard and denied on October 27, 2009. (**See Attachment No. 2, City Council Resolution 09-3214**). The Council denied the Applicant's appeal based in part on recommendation from the Planning Commission, and deemed the Application incomplete on a number of grounds. As relevant for purposes of this Staff Report, the Council deemed the Application incomplete for the Applicant's failure to show its compliance with Government Code section 66427.5 at subsections (a) and (d), and the Applicant's refusal to provide the City with FEMA-mandated flood plain information.

On September 28, 2009, after the Applicant submitted its Application, but prior to receiving the incompleteness determination from the City, the Applicant filed a lawsuit, which included a petition for a writ of mandate. In its Petition, the Applicant sought an order that would deem its Application complete, and set the project for hearing.

On July 9, 2010, after extensive briefing by the City and Applicant, the Court denied the Applicant's Petition, and also directed the City to restrict its review of the Application to whether the Applicant complied with Government Code section 66427.5. (**See Attachment No. 3, Tentative Ruling**). As a result of the July 9 ruling, many of the incompleteness items were removed. Thereafter, the Applicant submitted additional information to the City to demonstrate the Applicant's compliance with Section 66427.5 at subsections (a) and (d). The Applicant also filed objections to the Court's July 9 Ruling, to which the City filed a response.

On August 24, 2010, City Staff deemed the Application complete, after providing the Applicant with an opportunity to submit additional information for the City to be able to evaluate the Applicant's compliance with subsections (a) & (d) of Section 66427.5 in accord with the Court's July 9 Order. (**See Attachment No. 4, K. McSweeney, Letter of Completion, see also Attachments No. 5, Post-Writ Applicant Submissions**). In the same August 24, 2010 letter of completion, the City advised the Applicant the City would refrain from processing the Application until after the Court ruled on the Applicant's objections given the likelihood that the Court's ruling on the objections might change the scope and manner of the City's review of the Application and proposed project.

On August 31, 2010, the California Courts of Appeal issued two opinions, *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles*, 187 Cal. App. 4<sup>th</sup> 1461

(2010) and *Colony Cove Properties, LLC v. City of Carson*, 187 Cal. App. 4<sup>th</sup> 1487 (2010). These two opinions clarify a local government's role and authority to process a mobilehome park conversion application under Government Code section 66427.5. In particular, the *Pacific Palisades* opinion expressly authorizes a local government to consider mandates imposed by state law that conflict with Government Code section 66427.5.

The Applicant's objections and City's response thereto prompted the Court to hold a further hearing on the Applicant's Petition on October 4, 2010. At the hearing, the Court ruled on the Applicant's objections. In addition, in light of the *Pacific Palisades* and *Colony Cove* opinions, the Court instructed the City to process the Application "in accordance with the law" rather than conduct a narrow evaluation of the Applicant's compliance just with Section 66427.5.

Following the Court's October 4, 2010 ruling, City Staff began to process the Application. In addition to reviewing the new information submitted by the Applicant, City Staff conducted its own informal survey of park residents to gauge the Applicant's compliance with Section 66427.5. **(See Attachment No 6)**

City Staff complied with the Permit Streamlining Act and the Subdivision Map Act in conducting the Application review. In accordance with the Permit Streamlining Act, the City had 30 days to conduct the environmental review after the Application was deemed complete.

Staff determined the proposed project to be exempt from California Environmental Quality Act, per CEQA Section 15301(k) Existing Facilities. In accordance with the Permit Streamlining Act, Staff prepared the project for public hearing, scheduled on and noticed for November 17, 2010. **(See Attachment No. 7, Notice of CEQA Exemption).**

## ANALYSIS

As set forth in Government Code section 66427.5, the subdivider of a mobilehome park from a landlord-owned park to a resident-owned park, "shall avoid the economic displacement of all nonpurchasing residents" by doing the things required by the Section. Under the express language of Section 66427.5, the City's review of the mobile home park conversion is limited to whether the Applicant complied with Government Code Section 66427.5. Section 66427.5 does not, however, preclude the City from imposing conditions and requirements mandated by certain federal and state laws, even though such laws may conflict with the narrow requirements of Section 66427.5. Based on the foregoing, the below analysis examines both the Applicant's compliance with Government Code section 66427.5, and with applicable federal law.

### Applicant's Compliance with Government Code Section 66427.5

#### 1. Resident's Option to Purchase: Government Code Section 66427.5(a)

Subdivision (a) of Section 66427.5 requires that "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."

Applicant's Compliance & Recommendation:

The applicant submitted a letter on August 9, 2010 that includes the following:

1. Declarations by Mike Cirillo regarding 2 surveys (**See Attachment No. 8**);
2. Tenant Survey dated April 18, 2009 with Exhibit 1 Frequently Asked Questions (**See Attachment No. 8**); and,
3. Second Residential Survey dated November 30 2009 (**See Attachment No. 9**).

Applicant has advised the City that each survey had the same Frequently Asked Question (FAQ) attached, which contains language that Staff believes is sufficient to advise residents that they will have the option to purchase the lot upon which their coach sits, or continue renting their space. Given the inclusion of the FAQ document with each resident survey, Staff recommends the Planning Commission find the applicant met its obligation under subsection (a)

**2. Report of Conversion's Impact on Park Residents: Government Code section 66427.5(b)**

Subdivision (b) of Government Code section 66427.5 provides that "The subdivider shall file a report on the impact of the conversion upon residents of the mobile home park to be converted to resident owned subdivided interest."

Applicant's Compliance & Recommendation:

The applicant submitted the impact report with the application on March 5, 2009 and submitted on November 8 "proof of service" that the report was sent to the tenants. (**See Attachment No. 10**). Accordingly, Staff recommends the Planning Commission find the Applicant complied with subsection (b).

**3. Report Made Available to Residents: Government Code Section 66427.5(c)**

Subdivision (c) of Government Code section 66427.5 provides that: "The subdivider shall make a copy of the report available to each resident of the mobile home 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."

Applicant's Compliance & Recommendation:

The applicant submitted the impact report with the application on March 5, 2009 and submitted "proof of service" that the report was sent to the tenants on October 19, 2009. **(See Attachment No. 10)**. Accordingly, Staff recommends the Planning Commission find the Applicant complied with subsection (c).

#### **4. Survey of Resident Support: Government Code Section 66427.5(d)**

Subdivision (d) of Government Code section 66427.5 provides as follows:

- (1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.
- (2) 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.

#### *Applicant's Compliance & Recommendation:*

The Applicant conducted 2 resident surveys **(See Attachments Nos. 9)**.

The Applicant's first survey did not comply with subdivision (d). While the Applicant apparently maintains the survey was conducted in accordance with subdivision (d), the Court expressly disagreed with the Applicant in its July 9 Ruling. In that ruling, the Court found that the Applicant had not made a good faith effort to comply with subdivision (d). In particular, the Court found the Applicant had attempted to circumvent "the established homeowners association that is the voice of the mobile home park residents. . . ." Accordingly, the Court wrote "that El Dorado should have and is now required to conduct the survey using the proper homeowners association, i.e., El Dorado Homeowners Association, in order to ensure the mobile home park residents' collective voice is heard because [El Dorado] failed to meet the requirements of Section 66427.5(d).

The Applicant conducted a second resident survey on March 11, 2010. Applicant asserts, through the declaration of Mike Cirillo, that such survey was conducted in accordance with an agreement with El Dorado Homeowners Association. In support of its assertion, Applicant provided the City with documentation, including correspondence between Applicant and Sandy Pella, who Applicant asserts is a representative of the HOA, which correspondence includes discussion of the timing and form of the second survey. The Applicant further represents that the second survey was thereafter conducted.

The March 11 Survey, entitled "El Dorado Estates Resident Survey Regarding Subdivision" provided residents with an option to indicate either "I support conversion of El Dorado Estates from a rental mobilehome community to a resident-owned mobilehome community subdivision" or "I do not support conversion of El Dorado Estates from a rental mobilehome community to a resident-owned mobilehome community subdivision." Of the 221 survey responses received, the Applicant reports that 195 residents oppose the proposed conversion, 20 residents support the conversion, and 6 votes were deemed "invalid." In addition to this response from park residents, the HOA has submitted, and Staff attaches to this report, a list of questions the HOA would like posed to the Applicant at the hearing.

Given that more than 88 percent of the residents who responded to the Survey oppose the proposed conversion, and that the number of residents who responded in opposition to the proposed conversion comprises 64 percent of the 302 spaces/votes available in the mobilehome park, City Staff concludes that it is clear that park residents oppose the conversion. And, if approval of the conversion project depended on the approval of park residents, Staff would recommend that the Planning Commission deny the proposed conversion project in its entirety. However, while the Planning Commission may consider the results of the resident survey in its decision to approve, deny or conditionally approve the project, Staff is not aware of any authority that would allow the Planning Commission to deny the project based on resident opposition. Further, Staff finds that on the information submitted solely by the Applicant, and based on Staff's third party verification that the second resident survey was in fact conducted, Staff recommends that the Planning Commission find the Applicant complied with subdivision (d).

#### **5. Project Hearing: Government Code section 66427.5(e)**

Subdivision (e) of Government Code section 66427.5 provides that, "[t]he 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."

#### *Applicant's Compliance & Recommendation:*

The Planning Commission Public Hearing is November 17, 2010. **(See Attachments 11, Public Notice of Hearing)**. Once the Planning Commission makes a recommendation, a City Council public hearing will be set, and the City Council will make a final decision on the Vesting Tentative Tract Map 5488 based upon compliance with Government Code Section 66427.5 and any other relevant state or federal mandates.

Subdivision (e) of Section 66427.5 provides that the City can "conditionally" approve the project, as such the City Council can impose Conditions of Approval on the application in compliance with the law. As explained below, City staff recommends a condition be imposed regarding FEMA flood analysis prior to recordation of the VTTR 5488.

**6. Avoidance of Economic Displacement of Nonpurchasing Residents: Government Code Section 66427.5(f).**

Subsection (f) of Government Code section 66427.5 provides as follows:

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.

*Applicant's Compliance & Recommendation:*

Staff recommends that Applicant's compliance with subsection (f) of Government Code section 66427.5 should be a condition of approval of the Project.

### Applicant's FEMA Compliance (Federal Mandate)

El Dorado Mobile Home Park is known by FEMA and the Public Works Director of the City of Fillmore to be at **risk of flooding that poses a significant threat to the life and property of park residents**. The Public Works Director strongly recommends that this significant flood threat be mitigated prior to the Final Map being approved by the City. The recommended Conditions of Approval set forth above at section 3b will accomplish this goal.

The Fillmore Municipal Code ("FMC") contains ordinances, which ordinances' enactment were expressly authorized by federal law under the Federal Emergency Management Agency and related statutes and regulations, that *require* the City to take into consideration flood plain information in connection with any land use decision. Specifically, the FMC, and FEMA mandate, codified in title 44 of the Code of Federal Regulations, to which the City is subject, requires that the City "*must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use.*" 44 C.F.R. § 60.1(c) (emphasis added). Further, the regulations provide that "The criteria set forth in this subpart are *minimum* standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. *Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations . . .*" 44 C.F.R. § 60.1(d) (emphasis added). The City has enacted such regulations. Section 6.08.060(h) of the FMC, for example, requires the map to show all areas subject to flood or storm-water overflow and the direction of flow and each watercourse. Furthermore, per section 6.085.060(b)(7) of the FMC, the City requires that flood areas be based on FEMA information and therefore, the map must show FEMA flood hazard zone and areas subject to 100-year flooding, if any, and appropriate calculations must be provided. The City's approval of a tentative map converting one lot into 302 lots is unquestionably an "official action relating to land management and use." (emphasis added).

### Applicant's Compliance & Recommendation:

The vesting tentative map must identify all areas subject to flood or storm water overflow and the location, width and direction of flow and each watercourse, along with calculations for the 100-year local flood path overland flow across the property, as identified by the to-be conducted engineering reports, if any.

Further, based upon the current flood plain information depicted on the tentative map, and any additional flood plain information identified in the to-be conducted engineering reports, Staff recommends that Applicant comply with the condition of approval as set forth above.

Although FEMA requirements conflict with Government Code section 66427.5's proviso that the City must limit its review of the proposed project to compliance

with Section 66427.5, the City Attorney has advised Staff that federal law preempts the state law in this regard. Further, the City Attorney advises that the condition of approval is sanctioned by the recent case identified above, *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles*, 187 Cal. App. 4th 1461 (2010).

Accordingly, Staff recommends that the Planning Commission require, and impose as a condition of approval, the Applicant's compliance with FEMA-mandated requirements, as set forth above, given the significant health and safety concerns attendant to the FEMA-related flooding hazards.

**FISCAL IMPACT:**

The City of Fillmore legally defended the "incompleteness" letters at a cost to the City of Fillmore. In further legal challenges will continue to be paid by the City of Fillmore. The review of the application by City staff and the City attorney is paid by the applicant.

Prepared By:

Reviewed By:



Kevin McSweeney  
Community Development Department

Yvonne Quiring  
City Manager

Attachments

1. Planning Commission Resolution 09-845
2. City Council Resolution 09-3214
3. July 9, 2010 Tentative Ruling
4. August 24, 2010, Letter of Completion
5. July 20, 2010 letter
6. City staff Survey
7. Notice of Exemption
8. August 9, 2010 Declaration by Mike Cirillo regarding survey
9. March 2010 second Survey and results
10. City of Fillmore Planning Commission public hearing notice
11. Applicant's Notice of Public Hearing and Conversion Impact Report dated mailed October 19, 2010

# ATTACHMENT #1

**CITY OF FILLMORE  
PLANNING COMMISSION RESOLUTION NO. 09-845**

**DENIAL OF APPEAL  
FROM PLANNING DEPARTMENT STAFF'S DECISION  
DEEMING APPLICATION FOR  
VESTING TENTATIVE MAP (VTTM) 5844 INCOMPLETE**

**APPLICANT:  
MIKE CIRILLO OF STAR COMPANIES FOR  
NANCY WATKINS, EL DORADO ESTATES,  
250 E. TELEGRAPH ROAD**

**WHEREAS**, The Applicant petitioned the Planning Commission to overturn the City Planning Department's determination deeming application VTTM 5844 (the "Application") "incomplete" for processing. Said application proposes to subdivide an existing 302-space mobile home park known as El Dorado Mobile Home Park to convert it from a rental park into a resident ownership park (the "Property");

**WHEREAS**, pursuant to Applicant's petition, the records and discussion presented to this Commission, the Planning Commission resolves the following issues related to the completeness determination of the Application:

- A. Whether the Applicant must provide information related to Property tenants' option to purchase the sites they rent currently;
- B. Whether the Applicant is required to provide Property tenants with a 60-day notice pursuant to Government Code sections 66427.1 and 66452.18 prior to filing the tentative map;
- C. Whether the Applicant must indicate on the tentative map the location of 43 additional guest-parking spaces;
- D. Whether the Applicant must provide a Property report prepared by a licensed architect, engineer or building inspector; and,
- E. Whether the Applicant must provide flood zone information and engineering calculations.

**WHEREAS**, The City reviews and processes proposed development and subdivision applications in accordance with the Fillmore Municipal Code ("FMC"), the Permit Streamlining Act ("PSA"), the Subdivision Map Act ("SMA"), and other applicable state and federal laws;

**WHEREAS**, Government Code Section 65943(c) of the PSA requires the City to provide the Applicant a process to appeal a determination of application incompleteness, and where an applicant has requested such an appeal, to render a final written determination on the appeal not later than 60 calendar days after receipt of the applicant's written appeal;

**WHEREAS**, Government Code Section 65943, which is part of the PSA, does not require the City to hold a noticed public hearing on this matter; and

**WHEREAS**, Based upon the evidence presented, which includes, but is not limited to, the Application, all related documentation and the City's responses thereto, submitted by the Applicant on March 5, 2009, resubmitted on June 5, July 23, and August 31, 2009, and the matters discussed at the hearing held on October 21, 2009, the Planning Commission makes the following findings of fact:

1. The address for the subject property is 250 East Telegraph Road, APN 041-0-330-035, and currently operates as a 302-space mobile-home park, which the Applicant seeks to convert to a 302—subdivided-space mobile-home park with one common lot (defined previously as the "Property").
2. The Applicant and current owner of the Property is El Dorado Estates, a California Limited partnership.
3. The Applicant attended, and actively participated in, the Planning Commission hearing on October 21, 2009.
4. The Applicant's representative is Mike Cirillo of The Star Companies, 1400 East 4<sup>th</sup> Street, Santa Ana, CA 92701.
5. The Property is in the Residential Medium (R-M) zone.
6. According to the tentative map submitted by Applicant, the Property has 108 guest-parking spaces currently.
7. The Applicant has not provided either an approximate proposed price, or proposed price for which each unit/lot would be sold, and asserts that the Department of Real Estate regulates the lot-sale process to the exclusion of any requirement by the City. Instead, the Applicant promised it will give all tenants renting space the option to purchase following recordation of the vesting tentative map. To date, the Applicant has not shown it has advised Property tenants they will be given an option to either purchase their sites, or continue renting them. Specifically, the "El Dorado Mobile Home Park Survey of Community Residents Ballot Form," which Applicant provided to the City, does not contain such an admonition.
8. The Applicant has not provided the City with proof that it gave tenants a 60-day notice of intent-to-file for tentative map conversion prior to the filing of its

Application.

9. The Applicant has not provided a property report prepared by a licensed state civil engineer, architect, or other qualified person approved by the City's building official, and instead submitted a report prepared by "Jim Farmer – Legal Support & Expert Witness Service." The Applicant refuses to have its Report peer-reviewed by a licensed architect, engineer or certified building inspector.
10. The Applicant has not provided a vesting tentative map that identifies all areas subject to flood or storm water overflow and the location, width and direction of flow and each watercourse, along with calculations for the 100-year local flood path overland flow across the property.
11. The easterly portion of the Property is in a flood zone AE.
12. The Applicant re-submitted its Application pursuant to the City's requests, which requests comprised the Staff's responsive explanations and clarifications as to why the Staff deemed each submittal incomplete.
13. Sections 6.04.80 *et seq.* of the FMC contain a procedure pertaining to appeals of decisions rendered by the Planning Director, such as a determination that an application is incomplete.
14. In accordance with FMC sections 6.04.80 *et seq.*, and Government Code section 65943(c), the Planning Commission held an appeal hearing regarding the Planning Director's determination that the Application was incomplete.
15. In order for the City to conduct a thorough review and process the Application in compliance with the FMC, the SMA, and the PSA, the information outlined in Section 1 of the City's Incompleteness letter dated August 19, 2009 as contained in the staff report is needed.

**NOW, THEREFORE BE IT RESOLVED**, that on the above facts, and in consideration of applicable local, state and federal laws and regulations, including Government Code section 65943 of the PSA, and as advised by the City Attorney, the Planning Commission finds the application to be incomplete for processing. As set forth below, the Planning Commission concurs with the Planning Director's determination in some respects, and disagrees in other respects:

- A. Property Tenants' Option to Purchase.** Pursuant to section 66427.5 of the SMA, the Planning Director required the Applicant to verify it will offer each existing park tenant, at the time of filling the application, an option to either purchase or continue renting his or her lot. On the advice of the City Attorney, the Planning Commission finds that the City cannot require the Applicant to provide an estimated purchase price for each lot prior to deeming the Application complete. However, the City can and will require the Applicant to notify residents that they will have an option to purchase their sites, or to continue to rent them at the time of filing of the application for approval of the tentative map. The Planning Commission finds that the Applicant has not shown that the Property tenants have been so advised. Accordingly, the Application is deemed incomplete on this basis.
- B. 60-Day Notice Pursuant to Government Code sections 66427.1 and 66452.18.** Under sections 66427.1 and 66452.9 (now 66452.18) of the SMA, the Planning Director required the Applicant to give existing park residents at least 60-days notice before filing its tentative map, and provide the City with verification of said notice. The Planning Commission concurs with the Planning Director's determination. The Applicant has refused to provide the required 60-day notice. Accordingly, the Application is incomplete on this ground.
- C. 43 Additional Guest-Parking Spaces.** The Planning Commission finds that under section 6.04.3415 of the FMC, a 302-lot mobile home park is required to identify 151 guest parking spaces, of which only 108 are shown in the map. The additional 43 spaces must be shown before the application can be deemed "complete". Upon advice of counsel, the Planning Commission finds this requirement is permissible in that the City's power to regulate the number of parking spaces is within its police power and permitted under Health & Safety Code section 18300(g)(1), which expressly grants the City the power to regulate vehicle parking within mobile home parks. As the bulletin provided by Applicant provides, the City may not dictate the specific location of the parking spaces, but may permissibly regulate "a specified number of spaces reasonably required within the boundaries of the park." See State of Cal. Bus. Trans. & Housing Agency, Dept. of Hous. & Comty Devp't, Info. Bull. 2008—10 (MP), (April 21, 2008). The Application is incomplete on this ground.
- D. Report Authored by a Licensed Professional.** Per Section 6.04.0416 (E) (7) of the FMC, the Applicant is required to provide a property report prepared or peer-reviewed by a licensed engineer, architect, or certified building inspector before the application can be deemed as "complete." The Planning Commission concurs with Staff's determination that rather than require the Applicant to provide a new report, peer-review of Applicant's report by a licensed professional is acceptable. Further, the Planning Commission determines that such requirement may be imposed under the City's power to regulate health and safety issues in this context. Accordingly, the Application is not complete on this basis.

**E. Identification of FEMA Flood Zones & Calculations.** The Property is partially located in a flood zone AE. The Planning Commission finds that the FMC accords with mandatory FEMA obligations, and outlines the requirements for tentative maps of City areas in flood zones. Section 6.08.060(h) of the FMC, for example, requires the map to show all areas subject to flood or storm-water overflow and the direction of flow and each watercourse. Furthermore, per section 6.085.060(b)(7) of the FMC, the City requires that flood areas be based on FEMA information and therefore, the map must show FEMA flood hazard zone and areas subject to 100-year flooding, if any, and appropriate calculations must be provided. The Applicant's proposed map does not show flood or overflow areas in accordance with FEMA. Even if, as Applicant contends, Section 66427.5 is inconsistent with this FMC requirement, the FMC requirements are FEMA-mandated. As advised by the City Attorney, FEMA requirements preempt the state law in this regard. Accordingly, the Planning Commission concurs with Staff's determination that the Applicant must comply with FEMA-mandated requirements given the significant health and safety concerns attendant to the FEMA-related flooding hazards. The Application is incomplete on this basis.

**PASSED AND ADOPTED** by the Planning Commission of the City of Fillmore this 21st day of October 2009 by the following votes:

Ayes: Austin, Johnson and Tucker  
Noes: None  
Abstain: None  
Absent: Fennell and McCall



Douglas Tucker, Chair  
Planning Commission

ATTEST:



Denise Beauduy  
Planning Secretary

# ATTACHMENT #2

**CITY OF FILLMORE  
CITY COUNCIL RESOLUTION NO. 09-3214**

**DENIAL OF APPEAL  
FROM PLANNING COMMISSION'S RESOLUTION  
TO UPHOLD CITY STAFF'S DETERMINATION  
THAT APPLICATION FOR VESTING TENTATIVE MAP (VTTM) 5844  
IS INCOMPLETE**

**APPLICANT:  
MIKE CIRILLO OF STAR COMPANIES FOR  
NANCY WATKINS, EL DORADO ESTATES,  
250 E. TELEGRAPH ROAD**

**WHEREAS**, the Applicant petitioned the City Council to overturn Planning Commission's decision, which affirmed the City Planning Department's determination, that application VTTM 5844 (the "Application") is "incomplete" for processing. Said Application proposes to subdivide an existing 302-space mobile home park known as El Dorado Mobile Home Park to convert it from a rental park into a resident ownership park (the "Property");

**WHEREAS**, on October 21, 2009, the City Planning Commission adopted Resolution 09-845 to uphold the City Planning Department's determination to deem application VTTM 5844 "incomplete" for further processing;

**WHEREAS**, pursuant to Applicant's petition, the independent review of the City Council, the records and discussion presented to this Council, the City Council resolves the following issues related to the completeness determination of the Application:

- A. Whether the Applicant must provide information related to Property tenants' option to purchase the sites they rent currently;
- B. Whether the Applicant is required to provide Property tenants with a 60-day notice pursuant to Government Code sections 66427.1 and 66452.18 prior to filing the tentative map;
- C. Whether the Applicant must indicate on the tentative map the location of 43 additional guest-parking spaces;
- D. Whether the Applicant must provide a Property report prepared by a licensed architect, engineer or building inspector; and,
- E. Whether the Applicant must provide flood zone information and engineering calculations.
- F. Whether the Applicant provided the required statement indicating whether the project is located on a site that is included on the list prepared by the

California Integrated Waste Management Board of all solid waste disposal facilities from which there is a known migration of hazardous waste.

- G. Whether the City Staff's April 1, 2009 Response Letter was timely and sufficient under the Permit Streamlining Act.
- H. Resolution of these issues relates only to whether the Application is complete, and does not represent the City's decision on any substantive requirements or conditions that may or may not be imposed upon the project, nor is this is a decision on the conversion itself.
- I. Whether the Applicant conducted the resident survey of support in accordance with an agreement with the resident homeowner's association ("HOA").

**WHEREAS**, The City reviews and processes proposed development and subdivision applications in accordance with the Fillmore Municipal Code ("FMC"), the Permit Streamlining Act ("PSA"), the Subdivision Map Act ("SMA"), and other applicable state and federal laws;

**WHEREAS**, Government Code Section 65943(c) of the PSA requires the City to provide the Applicant a process to appeal a determination of application incompleteness, and where an applicant has requested such an appeal, to render a final written determination on the appeal not later than 60 calendar days after receipt of the applicant's written appeal;

**WHEREAS**, Government Code Section 65943, which is part of the PSA, does not require the City to hold a noticed public hearing on this matter; and

**WHEREAS**, Based upon the evidence presented, which includes, but is not limited to, the Application, all related documentation and the City's responses thereto, submitted by the Applicant on March 5, 2009, resubmitted on June 5, July 23, and August 31, 2009, the matters discussed at the hearing held on October 21, 2009, and the resolution of the Planning Commission, the City Council makes the following findings of fact:

1. The address for the subject property is 250 East Telegraph Road, APN 041-0-330-035, and currently operates as a 302-space mobile-home park, which the Applicant seeks to convert to a 302—subdivided-space mobile-home park with one common lot (defined previously as the "Property").
2. The Applicant and current owner of the Property is El Dorado Estates, a California Limited partnership.
3. The Applicant attended, and actively participated in, the Planning Commission hearing on October 21, 2009.

4. The Applicant attended, and actively participated in, the City Council's hearing to decide whether the Application was complete, on October 27, 2009.
5. The Applicant's representative is Mike Cirillo of The Star Companies, 1400 East 4<sup>th</sup> Street, Santa Ana, CA 92701.
6. The Property is in the Residential Medium (R-M) zone.
7. According to the tentative map submitted by Applicant, the Property has 108 guest-parking spaces currently.
8. The City's April 1, 2009 letter responding to the Application, which was received March 5, 2009, comports with the PSA in that it is both timely and substantively sufficient. In addition, the Applicant re-submitted materials in response to the City's April 1 letter on June 10, 2009, and again on July 23, 2009, and in doing so, expressly and impliedly acknowledged its understanding that the information sought by the City was for the express purpose of completing its Application.
9. The Applicant has not provided either an approximate proposed price, or proposed price for which each unit/lot would be sold, and asserts that the Department of Real Estate regulates the lot-sale process to the exclusion of any requirement by the City. Instead, the Applicant promised it will give all tenants renting space the option to purchase following recordation of the vesting tentative map. To date, the Applicant has not shown it has advised Property tenants they will be given an option to either purchase their sites, or continue renting them. Specifically, the "El Dorado Mobile Home Park Survey of Community Residents Ballot Form," which Applicant provided to the City, does not contain such an admonition.
10. The Applicant has not provided the City with proof that it gave tenants a 60-day notice of intent-to-file for tentative map conversion prior to the filing of its Application.
11. The Applicant has not provided a property report prepared by a licensed state civil engineer, architect, or other qualified person approved by the City's building official, and instead submitted a report prepared by "Jim Farmer – Legal Support & Expert Witness Service." The Applicant refuses to have its Report peer-reviewed by a licensed architect, engineer or certified building inspector.
12. The Applicant has not provided a vesting tentative map that identifies all areas subject to flood or storm water overflow and the location, width and direction of flow and each watercourse, along with calculations for the 100-year local flood path overland flow across the property.
13. The easterly portion of the Property is in a flood zone AE.

14. The Applicant did not submit a signed statement indicating whether the project is located on a site that is included on any of the local lists prepared by the California Integrated Waste Management Board of all solid waste disposal facilities from which there is a known migration of hazardous waste.
15. The Applicant re-submitted its Application pursuant to the City's requests, which requests comprised the Staff's responsive explanations and clarifications as to why the Staff deemed each submittal incomplete.
16. Sections 6.04.80 *et seq.* of the FMC contain a procedure pertaining to appeals of decisions rendered by the Planning Director, such as a determination that an application is incomplete.
17. In accordance with FMC sections 6.04.80 *et. seq.*, and Government Code section 65943(c), the Planning Commission held an appeal hearing regarding the Planning Director's determination that the Application was incomplete.
18. In order for the City to conduct a thorough review and process the Application in compliance with the FMC, the SMA, and the PSA, the information outlined in Section 1 of the City's Incompleteness letter dated August 19, 2009 as contained in the staff report is needed.
19. The Applicant did not conduct the resident impact survey in accordance with an agreement with the Property's HOA. There is only one HOA for the Property.
20. Assuming the application is ultimately deemed complete, City staff will continue to process the application after it is deemed complete, which may include, but is not limited to an environmental review aspect pursuant to CEQA. Under CEQA guidelines, at Title 14 of the California Code, Division 6, Chapter 2, at section 15060(a), "Accepting an application as complete does not limit the authority of the lead agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application."

**NOW, THEREFORE BE IT RESOLVED**, that on the above facts, and in consideration of applicable local, state and federal laws and regulations, including Government Code section 65943 of the PSA, and as advised by the City Attorney, the City Council finds the application to be incomplete for processing:

- A. Property Tenants' Option to Purchase.** Pursuant to section 66427.5 of the SMA, the Planning Director required the Applicant to verify it will offer each existing park tenant, at the time of filling the application, an option to either purchase or continue renting his or her lot. The City Council finds that the Applicant has not shown that the Property tenants have been so advised. Accordingly, the Application is deemed incomplete on this basis.

**B. 60-Day Notice Pursuant to Government Code sections 66427.1 and 66452.18.**

Under sections 66427.1 and 66452.9 (now 66452.18) of the SMA, the Planning Director required the Applicant to give existing park residents at least 60-days notice before filing its tentative map, and provide the City with verification of said notice. The City Council concurs with the Planning Commission's recommendation to uphold the Planning Director's determination. The Applicant has refused to provide the required 60-day notice. Accordingly, the Application is incomplete on this ground.

**C. 43 Additional Guest-Parking Spaces.** The City Council finds that under section 6.04.3415 of the FMC, a 302-lot mobile home park is required to identify 151 guest parking spaces, of which only 108 are shown in the map. The additional 43 spaces must be shown before the application can be deemed "complete". Upon advice of counsel, the City Council finds this requirement is permissible in that the City's power to regulate the number of parking spaces is within its police power and permitted under Health & Safety Code section 18300(g)(1), which expressly grants the City the power to regulate vehicle parking within mobile home parks. As the bulletin provided by Applicant provides, the City may not dictate the specific location of the parking spaces, but may permissibly regulate "a specified number of spaces reasonably required within the boundaries of the park." See State of Cal. Bus. Trans. & Housing Agency, Dept. of Hous. & Comty Dev't , Info. Bull. 2008—10 (MP), (April 21, 2008). The Application is incomplete on this ground.

**D. Report Authored by a Licensed Professional.** Per Section 6.04.0416 (E) (7) of the FMC, the Applicant is required to provide a property report prepared or peer-reviewed by a licensed engineer, architect, or certified building inspector before the application can be deemed as "complete." The City Council concurs with Planning Commission's recommendation to uphold Staff's determination that rather than require the Applicant to provide a new report, peer-review of Applicant's report by a licensed professional is acceptable. Further, the City Council determines that such requirement may be imposed under the City's power to regulate health and safety issues in this context. Accordingly, the Application is not complete on this basis.

**E. Identification of FEMA Flood Zones & Calculations.** The Property is partially located in a flood zone AE. The City Council finds that the FMC accords with mandatory FEMA obligations, and outlines the requirements for tentative maps of City areas in flood zones. Section 6.08.060(h) of the FMC, for example, requires the map to show all areas subject to flood or storm-water overflow and the direction of flow and each watercourse. Furthermore, per section 6.085.060(b)(7) of the FMC, the City requires that flood areas be based on FEMA information and therefore, the map must show FEMA flood hazard zone and areas subject to 100-year flooding, if any, and appropriate calculations must be provided. The Applicant's proposed map does not show flood or overflow areas in accordance with FEMA. Even if, as Applicant contends, Section 66427.5 is inconsistent with this FMC requirement, the FMC requirements are FEMA-mandated. As advised by the City Attorney, FEMA requirements preempt the state law in this regard. Accordingly, the City Council concurs with the Planning Commission's recommendation to uphold Staff's determination that the Applicant must comply

with FEMA-mandated requirements given the significant health and safety concerns attendant to the FEMA-related flooding hazards. The Application is incomplete on this basis.

The Applicant submitted a new map on October 26, 2009, which, under the PSA, provides the City with 30 days from the new submission to determine whether this item is still a ground upon which to deem the application complete.

**F. Noncompliance with California Integrated Waste Management Board Statement.** The Council finds that the Application did not include the required statement, pursuant to Government Code sections 65962.5 and 65850.2. Accordingly, the Application is incomplete on this basis.

**G. The City's April 1, 2009 Letter Complied with the PSA.** Government Code section 65943(a) of the PSA provides that, "If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description." The Applicant argued that its Application should be deemed complete for the City's failure to comply with this PSA requirement in the City's April 1, 2009 letter. The Council finds that City's April 1 letter comports with the PSA in that it is both timely and substantively sufficient. Moreover, the record shows the Applicant re-submitted materials in response to the City's April 1 letter on June 10, 2009, and again on July 23, 2009. In its June 10 response, the Applicant wrote, "Regarding the specific documents claimed to be required to 'complete' the application..." It is apparent from the Applicant's response that the Applicant understood the information sought by the City was for the express purpose of completing its application. Consequently, the Applicant's argument, asserted for the first time at the October 21 hearing, that the City's April 1 letter was untimely and insufficient, is without merit. The Application is not deemed complete on this basis.

**H. No Decision on Project's Approval or Disapproval.** The City Council's resolution is solely related to whether the Application is complete. Upon an ultimate determination of the Application's completeness, City Staff will continue to process the Application, and the City will then decide whether to approve or disapprove the project. The completeness determination is not a decision on any substantive requirements or conditions that may or may not be imposed upon the project, nor is this a decision on the conversion itself.

**I. Applicant's Compliance with Government Code section 66472.5(d)(2).** In order to complete its Application, the Applicant should provide evidence that it complied with section 66427.5(d)(2) regarding the conduct of the survey of support. The Application is deemed incomplete on this basis.

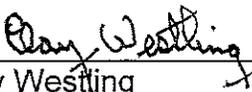
**PASSED AND ADOPTED** by the City Council of the City of Fillmore this 27<sup>th</sup> day of October 2009 by the following votes:

Ayes: Brooks, Conaway, Hernandez, Walker, Washburn  
Noes: None  
Abstain: None  
Absent: None



Patti Walker, Mayor  
City Council

ATTEST:

  
Clay Westling  
City Clerk

# ATTACHMENT #3

VENTURA  
SUPERIOR COURTS  
**FILED**

JUL 09 2010

MICHAEL D. PLANET  
Executive Officer and Clerk  
BY *Christine Schappert*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

EL DORADO ESTATES, a California Limited  
Partnership,

Petitioner/Plaintiff,

vs.

CITY OF FILLMORE, a California Municipal  
Corporation, by and through its elected City  
Council; and DOES 1 – 50;

Respondents/Defendants.

Case No:  
56-2009-00358555-CU-WM-VTA

TENTATIVE STATEMENT  
OF DECISION

INTRODUCTION

This matter came on for hearing on Petition for Writ of Mandate on April 12, 2010, in Department 41 of the above-entitled court before the Honorable Frederick H. Bysshe, Judge of the Superior Court. Petitioner, El Dorado Estates, appeared through its counsel Mark D. Alpert. Respondents, City of Fillmore, appeared through its counsel Charmaine Hilton Buehner and J. Roger Myers. After counsel duly argued and submitted the matter to the Court for its consideration, the Court ordered this matter to stand submitted. The Court now issues its Tentative Statement of Decision.

///

///

1 FACTS

2 El Dorado Estates (hereafter, El Dorado) owns and operates a 302-space rental mobile home  
3 park in Fillmore, California. In March of 2009, El Dorado applied to the City of Fillmore (hereafter,  
4 City) for a tentative subdivision map for the park to be converted from rental to resident ownership.  
5 Shortly after the application was submitted, El Dorado submitted a Tentative Impact Report, which  
6 stated El Dorado's agreement to comply with the requirements of Govt. Code §66427.5, including  
7 providing the current residents an option to purchase their respective lots.  
8

9 On April 1, 2009, the City, claiming that El Dorado had provided insufficient information to  
10 allow the City to determine whether El Dorado had met all of the applicable statutory criteria, responded  
11 with a letter to El Dorado, making 33 new separate demands for additional information so it could rule  
12 on the merits. Specifically, the City asked for the results of a residence survey.  
13

14 On June 20, 2009, in response to the City's demands, El Dorado made a supplemental  
15 submission. On July 10, 2009, the City responded to El Dorado's June 20, 2009 submission by  
16 informing El Dorado that the City still had not received all of the information it had requested back on  
17 April 1, 2009, plus the City requested 17 new items.  
18

19 After a series of hearings, on October 27, 2009, the City made a final determination that the  
20 tentative subdivision map was incomplete and could not be processed unless El Dorado provided 7 listed  
21 items.  
22

23 Thereafter, El Dorado filed a CCP §1085 writ with this Court seeking an order to compel the  
24 City to deem El Dorado's application complete and set the application for hearing as soon as it can be  
25 heard consistent with appropriate notice. In its application for the writ, El Dorado contended that the  
26 City exceeded its authority under the law in determining that the application was incomplete because El  
27 Dorado had fully complied with the controlling statute Govt. Code §66427.5.  
28

1 In response, the City argued, that in addition to Govt. Code §66427.5, there were a number of  
2 statutes and regulations that controlled its decision making process, many of which El Dorado had failed  
3 to comply; therefore, the writ should be denied.  
4

### 5 DISCUSSION

#### 6 1. IS § 66427.5 THE EXCLUSIVE CONTROLLING STATUTE?

7 Subsection (e) of § 66427.5 states: “[t]he subdivider shall be subject to a hearing by a legislative  
8 body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or  
9 disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this  
10 section” (emphasis added). Based on this subsection, petitioner contends that the City can *only* look to  
11 the criteria found in § 66427.5, while the City, based on its contention that this section is not the  
12 exclusive controlling statute, argues that additional requirements can be imposed.  
13

14 Section 66427.5(a-e) reads, in its entirety:

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

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

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

23 (d)

24 (1) The subdivider shall obtain a survey of support of residents of the mobile home park  
25 for the proposed conversion.

26 (2) The survey of support shall be conducted in accordance with an agreement between  
27 the subdivider and a resident homeowners' association, if any, that is independent of the  
28 subdivider or mobile home park owner.

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

(4) The survey shall be conducted so that each occupied mobile home 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).

1 (e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which  
2 is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The  
3 scope of the hearing shall be limited to the issue of compliance with this section.

4 Upon initially finding the application to be incomplete, on April 1, 2009, the City made a list of  
5 33 changes that El Dorado would have to make before the application could be processed (Vol. 1, Ex.  
6 4). Of those 33 changes, only one fell under the requirements of § 66427.5. Number 11 under the  
7 heading "Planning Department" requires El Dorado to provide the results of a support survey of the park  
8 tenants, which would meet the requirements of § 66427.5(d).

9 As the Court of Appeal of California has held numerous times, an application may be deemed  
10 complete or incomplete *solely* based on compliance with § 66427.5. See *El Dorado Palm Springs v.*  
11 *City of Palm Springs*, 96 Cal. App. 4th 1153, 1163-64 (Mar. 14, 2002) (holding that city council could  
12 only determine if El Dorado complied with the section); see also *Sequoia Park Associates v. County of*  
13 *Sonoma*, 176 Cal. App. 4th 1270, 1297 (Aug. 21, 2009) ("We therefore conclude that what is currently  
14 subdivision (e) of § 66427.5 continues to have the effect of an express preemption of the power of local  
15 authorities to inject other factors when considering an application to convert an existing mobile home  
16 park from a rental to a resident-owner basis").

17  
18  
19 **2. WHAT EFFECT DOES THE PERMIT STREAMLINE ACT HAVE ON THE**  
20 **ISSUES IN THIS CASE?**

21 As discussed above, the City responded to petitioners on April 1, 2009, stating that the  
22 application was deemed incomplete. Of the 33 incompleteness factors that were listed by the City, only  
23 one claimed to relate to § 66427.5. Number 11 under the heading "Planning Department" reads that  
24 petitioners must "[p]rovide the results of a "support survey" by park tenants to convert the mobile home  
25 park to a condominium conducted by an independent party as per state Government Code § 66427.5"  
26 (Vol. 1, Ex. 4). This request relates to § 66427.5(d); the other 32 requests went beyond the scope of §  
27 66427.5.  
28

1           When petitioners responded on June 10, 2009, each of the 33 requests were replied to. Under the  
2 response to request number 11, petitioners stated that a copy of the survey was enclosed, thereby hoping  
3 to satisfy their requirements under § 66427.5(d). On July 10, 2009, the City responded pursuant to Gov.  
4 Code. § 65943(b). The City decided to treat petitioners' response as a resubmittal, and gave a new set of  
5 11 incompleteness requirements. This time, they required compliance with § 66427.5(a) but failed to  
6 mention any other subdivisions of § 66427.5. Therefore, in reference to incomplete items under §  
7 66427.5, the City only included § 66427.5(d) on its first list of incomplete items, and only included §  
8 66427.5(a) on its second list.  
9

10  
11           The Permit Streamline Act (Gov. Code section 65920 et seq.) was enacted due to a "statewide  
12 need to ensure clear understanding of the specific requirements which must be met in connection with  
13 the approval of development projects and to expedite decisions on such projects." Gov. Code § 65921.  
14 In finding the original application to be incomplete, the City had a duty to specify the areas that were  
15 incomplete and indicate how they could be remedied. Gov. Code § 65943(a). When the City sent their  
16 list of 33 requirements of what the petitioners had to do in order to have their application completed on  
17 April 1, 2009, they had a duty to inform petitioners of *all* manners in which the application was  
18 incomplete. By failing to state all parts of the application which were incomplete, was the City estopped  
19 from raising those arguments at a later point? Petitioners argue that, if the City were able to add  
20 requests every time an application was resubmitted, it could lead to an endless cycle of the petitioners  
21 being "strung along."  
22

23  
24           Section 65943(c) initially seems to be a method of preventing an agency from "stringing along"  
25 an applicant. It provides a method of appeal for when an applicant and a public agency fail to see eye-  
26 to-eye on the completeness of an issue. When an applicant sends in an application and it is deemed  
27 incomplete, they are then instructed on what areas of the application must be fixed. Upon resubmitting  
28

1 the application, if it is deemed incomplete a second time, the applicant can then invoke subdivision (c),  
2 which opens an appeal process in writing to the governing body of the agency. However, this  
3 subdivision was *not* added for times when a public agency decides to string along an applicant. Instead,  
4 it was designed to decide whether a portion of a submitted application was sufficient to comply with the  
5 requirements of § 66427.5.  
6

7 **3. THEREFORE, WAS § 66427.5(a) WAIVED?**

8 In this case, the City did not ask petitioners to comply with § 66427.5(a) in their original request.  
9 The City failed to list this as part of their initial list of 33 factors of why the application was incomplete.  
10 The City had failed to inform petitioners that they needed to do anything additional to satisfy the  
11 requirements of § 66427.5(a).  
12

13 El Dorado contends that the City's oversight in this case means the requirement under §  
14 66427.5(a) is waived. If the burden falls on petitioners in meeting the requirements of § 66427.5, then it  
15 would appear that the City's oversight is not fatal. Therefore, including it on their second list of  
16 incomplete items would be permissible. From the opposite perspective, if the burden did not fall on the  
17 petitioners, then it would appear that the requirement under § 66427.5(a) was waived. The language of  
18 § 66427.5 does not make an explicit distinction. However, the answer might come from the perspective  
19 of what works in respect to public policy. § 66427.5(a) deals with the petitioners' requirement to give  
20 notice to their tenants regarding their options to purchase or to remain tenants. If this requirement were  
21 waived because of an oversight by the City, then the tenants of El Dorado would be left shouldering the  
22 burden. They would remain uninformed of their options in terms of renting or buying, and this would  
23 seem to be a policy nightmare.  
24  
25

26 The purpose of this section is to protect the residents as evidenced by the language at the outset:  
27 "... the subdivider shall avoid the economic displacement of all nonpurchasing residents in the  
28

1 following manner..." With this being said, the City's erroneous analysis of this section should not lead  
2 to punishment of the residents via waiving the requirements the statute imposes upon El Dorado.

3 Because of this, the court finds that the burden falls on El Dorado in terms of meeting the requirements  
4 of § 66427.5. The court interprets the Permit Streamlining Act as dealing with a public agency's duty  
5 not to create *new* standards to string applicants along. This is not such a case, as the requirements under  
6 § 66427.5 were available at all times to El Dorado. Therefore, they must all be met, regardless of  
7 whether the City includes them on their first list of incomplete items.  
8

9  
10 **4. DID PETITIONERS MEET THE REQUIREMENTS OF § 66427.5(a)?**

11 If a hearing should indeed have been conducted upon submission of the application in order to  
12 determine El Dorado's level of compliance with §66427.5, then an analysis of El Dorado's compliance  
13 with this section is in order to determine whether the application should have been deemed complete. If,  
14 as El Dorado contends, this section is controlling, then any incomplete subdivision of this section will  
15 render the application incomplete as the court has determined that the City did not waive any  
16 subdivisions.  
17

18 Petitioner failed to meet the requirements of § 66427.5(a). The first part of § 66427.5,  
19 subdivision (a), provides, "the subdivider shall offer each existing tenant an option to either purchase his  
20 or her condominium or subdivided unit, which is to be created by the conversion of the park to resident  
21 ownership, or to continue residency as a tenant." The City did not initially mark a violation of this  
22 subdivision as a cause of incompleteness but did so after El Dorado re-submitted their application after  
23 attempting to comply with the original 33 demands. This was the first time the City "added" new  
24 requirements and El Dorado reasonably took umbrage with the action.  
25

26 El Dorado makes no claim that it has complied with this subdivision. Rather, it argues that the  
27 City is barred from adding new incomplete items that were not identified within 30 days of the  
28

1 submission of the application due to the Permit Streamlining Act. On the one hand, El Dorado  
2 vehemently defends the proposition that § 66427.5 is the only section that controls the application, and  
3 on the other it argues that the Permit Streamlining Act waives the requirements of that very same section  
4 if the City fails to cite a specific subdivision as incomplete within 30 days of the original submission.  
5 This seems wholly disingenuous and unfair to the party whom § 66427.5 seeks to protect, i.e., the  
6 mobile home park residents. The Court finds that whether or not the City properly preserved the  
7 requirement in subdivision (a), El Dorado must still comply with this subdivision so that the City will  
8 have all of the information necessary to assess the economic displacement, if any, of the nonpurchasing  
9 residents of the mobile home park. If §66427.5 preempts all other statutes and provisions, as El Dorado  
10 argues, then the Permit Streamlining Act should be no exception.  
11

12  
13 **5. DID PETITIONERS MEET THE REQUIREMENTS OF SECTION 66427.5(d)?**

14 The Court finds that the Petitioner failed to meet the requirements of § 66427.5(d). This  
15 subdivision provides that “the subdivider shall obtain a survey of support of residents of the mobile  
16 home park for the proposed conversion,” which “shall be conducted in accordance with an agreement  
17 between the subdivider and a resident homeowners' association, if any, that is independent of the  
18 subdivider or mobile home park owner” giving each occupied mobile home space a vote. Furthermore,  
19 “the results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel  
20 map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).” The  
21 requirements of this subdivision were actually preserved by the City as they initially requested that this  
22 be done in item 11 of the Planning requirements in their first response to El Dorado deeming the  
23 application incomplete. (Vol. 1, Ex. 4) Clearly, if this issue has yet to be resolved, El Dorado’s  
24 application is incomplete because even if the City successfully waived their right to other issues, it has  
25 not waived this issue.  
26  
27  
28

1 El Dorado argues that this issue is complete as evidenced by its response to the original 33 items,  
2 saying that it had worked with an independent homeowners association to conduct a survey of support.  
3 (Vol. 1, Ex. 4) The Court finds that the purpose of this subdivision of § 66427.5 is to keep the residents  
4 informed at each step of the process and to allow them a say in the matter. El Dorado confuses the  
5 wording of the subdivision, taking it to mean an independent Homeowners Association rather than a  
6 homeowners association that is "independent of the subdivider or mobile home park owner." In this  
7 case, El Dorado went outside the established El Dorado Homeowners Association and used an  
8 independent association, which the Court finds does not serve the purpose of this subdivision at all. Paul  
9 Schifanelli, who represents the "El Dorado Homeowners Association", (the only duly constituted  
10 association for the residents of El Dorado) stated at the Fillmore City Council Meeting that not only did  
11 El Dorado not contact his association, but that El Dorado refused to discuss the issue with him when he  
12 contacted El Dorado directly in an attempt to get the residents involved. (Vol. 2, Ex. 5) Circumventing  
13 the established homeowners association that is the voice of the mobile home park residents is clearly not  
14 a good faith effort on the part of El Dorado. Thus, the Court finds that El Dorado should have and is  
15 now required to conduct the survey using the proper homeowners association, i.e., El Dorado  
16 Homeowners Association, in order to ensure the mobile home park residents' collective voice is heard  
17 because Petitioner failed to meet the requirements of Section 66427.5(d).

### 21 CONCLUSION

22  
23 The Court concurs with El Dorado that §66427.5 governs and that the City erred in making a list  
24 of 33 demands to be completed before the project could continue (with the exception of item 11) (Vol. 1,  
25 Ex. 4). Not only are the "new" demands found in the City's response on July 10, 2009 outside the  
26 boundaries of the City's power, but 32 of the original 33 are as well. The Court finds that the City  
27  
28

1 should have held a hearing with the sole purpose of determining whether El Dorado was in compliance  
2 with § 66427.5.

3  
4 Furthermore, the Resolution passed by City Council which asked for evidence that § 66427.5  
5 was complied with did not overstep the authority of the City, but the Court finds that the City should  
6 have asked for such compliance at the beginning of the process, based on the public policy underlying  
7 the Permit Streamlining Act. Who is at fault is of little consequence at this point since the solution El  
8 Dorado seeks, waiving these requirements, would only serve to punish the residents of the mobile home  
9 park, rather than the City itself. Given that the purpose of § 66427.5 is to protect the residents of the  
10 mobile home park, it is disingenuous of El Dorado to claim this section is binding on the City, while at  
11 the same time claiming the requirements have been waived by the City.  
12

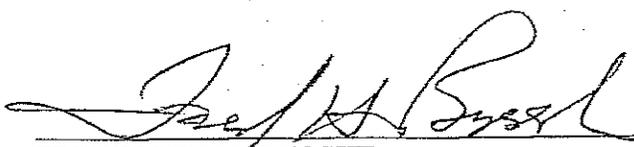
13 RULING

14 For the foregoing reasons, the writ of mandate is denied but the requirements for completion of  
15 the application is ordered to be limited to proof of compliance with subdivisions (a)-(d) of § 66427.5.  
16

17 ADDENDUM

18 This Tentative Statement of Decision shall constitute the Court's final Statement of Decision  
19 unless, within the time periods set forth in C.C.P. §632 and California Rules of Court 3.1590, either  
20 party files a request for a Statement of Decision specifying those controverted issues for which the party  
21 is requesting a Statement of Decision, along with their Proposed Statement of Decision, both of which  
22 are ordered to be filed and served. If such action is requested in a timely fashion, the provisions set forth  
23 in California Rules of Court 3.1590(d) through (j) will control regarding all further proceedings.  
24

25 Dated: July 8, 2010

26   
27 FREDERICK H. BYSSHE  
28 Judge of the Superior Court



SUPERIOR COURT OF CALIFORNIA ♦ COUNTY OF VENTURA

DECLARATION OF MAILING

Case Number: 56-2009-00358555-CU-WM-VTA

Case Name: El Dorado Estates vs. City of Fillmore

I am employed in the County of Ventura, State of California and declare under penalty of perjury that I am not a party to the within action or proceeding and that on July 9, 2010, I deposited RULING ON SUBMITTED MATTER: TENTATIVE STATEMENT OF DECISION with postage prepaid in sealed envelopes in the United States Post Office at the Ventura County Government Center according to proper procedure, or placed the document in the Interoffice mail of the County of Ventura using the standard practice.

<p>Mark D. Alpert, Esq. HART KING &amp; COLDREN 200 Sandpointe, Fourth Floor Santa Ana, CA 92707</p> <p><i>Counsel for Petitioner</i></p>	<p>J. Roger Myers MYERS WIDDERS GIBSON JONES &amp; SCHNEIDER 5425 Everglades Street Ventura, CA 93003</p> <p><i>Counsel for Respondent</i></p>
<p>Charmaine H. Buehner MYERS WIDDERS GIBSON JONES &amp; SCHNEIDER 5425 Everglades Street Ventura, CA 93003</p> <p><i>Counsel for Respondent</i></p>	

Dated and executed at Ventura, California on July 9, 2010.

Michael D. Planet, Superior Court  
Executive Officer and Clerk

By Christine Schaffels  
Christine Schaffels,  
Judicial Secretary

# ATTACHMENT #4



CITY OF FILLMORE

CENTRAL PARK PLAZA

250 Central Avenue

Fillmore, California 93015-1907

(805) 524-3701 • FAX (805) 524-5707

August 24, 2010

El Dorado Estates  
C/O The Star Companies  
Mike Cirillo  
1400 East 4<sup>th</sup> Street  
Santa Ana, Ca 92701

Subject: Proposed Vesting Tentative Tract Map 5844; Application to convert an existing rental mobile home park located at 250 East Telegraph Road into a condominium, subdivided park of individual ownership (RM zone)

Dear Mr. Cirillo:

As you know, on July 9, 2010, Judge Bysshe of the Ventura County Superior Court rendered a decision in the proceedings El Dorado filed against the City of Fillmore, Ventura County Superior Court Case No. 56-2009-00358555-CU-WM-VTA. In its ruling, the Court limited the scope of the materials the City can require in considering El Dorado's mobile home park conversion application (the "Application"). In particular, the Court ruled that the City may only require information from El Dorado that is necessary to evaluate El Dorado's compliance with Govt. Code section 66427.5. The City will review the information received by El Dorado in light of the Court's ruling, and continue to review and process the application in accordance with the Fillmore Municipal Code, the Subdivision Map Act, and the Permit Streamlining Act.

The City received correspondence from El Dorado's attorneys, Hart King & Coldren, dated June 28, 2010, July 20, 2010, and August 9, 2010, in which El Dorado asserted its compliance with Govt. Code sections 66427.5(a) and 66427.5(d), and submitted material, not previously submitted to the City, in support of its contention. Subsections (a) and (d) address El Dorado's obligations (1) to provide notification to each park resident that they will have the option to buy a lot upon conversion or continue to rent, and (2) to conduct a survey of tenant support.

After careful review of the above-referenced correspondence and attachments, the City finds that El Dorado has provided information sufficient to allow the City to evaluate El Dorado's compliance with section 66427.5(d) in conducting the survey of support. In processing the application, the City is in the process of contacting the Park HOA to verify that the survey was in fact conducted pursuant to an agreement with the official resident HOA per the Court's Order, and that El Dorado otherwise complied with Section 66427.5(d).

As for fulfillment of Section 66427.5(a), the City notes that El Dorado did not provide the City with the document entitled, "El Dorado Mobilehome Park - Frequently Asked Questions Regarding Subdivision" (the "FAQ Document") until July 20, 2010. As an initial matter, it appears that the FAQ Document may satisfy the substantive notification requirements of Government Code section 66427.5(a). However, given the timing of El Dorado's provision of the FAQ Document to the City (i.e., almost a year-and-a-half after El Dorado submitted its initial application and following several requests since then by the City for this information), and notwithstanding your Declaration averring that the FAQ Document was provided to each park

resident in or about April 2009, the City is in the process of contacting Park residents to verify El Dorado's provision of the FAQ Document to park residents. Depending on the feedback the City obtains from Park residents with respect to El Dorado's compliance with subsections (a) and (d), the City reserves the right to request information from El Dorado pursuant to Government Code section 65944 that clarifies, amplifies, or corrects the information El Dorado previously submitted.

On the foregoing, and despite the fact that the City deems it necessary to conduct its own independent investigation to verify El Dorado's compliance with Section 66427.5, the City determines that it has sufficient information from El Dorado to process the Application. *Accordingly, and subject to section 65944, the City deems El Dorado's Application complete for processing.* Going forward, City staff will complete its independent investigation, evaluate El Dorado's compliance with Government Code section 66427.5, and provide a recommendation for decision on the conversion project.

However, the City is informed that El Dorado filed objections to the Court's July 9, 2010 Order, which objections are still pending. On Friday, August 20, 2010, the City received notice from the Court setting El Dorado's objections for hearing on October 4, 2010. Consequently, although complete, the City is unable to continue processing the Application until a ruling has been made on those pending objections. To the extent a ruling on El Dorado's objections changes the scope and breadth of the information the City may review in processing the Application, the City reserves all rights to withdraw its determination as set forth in this letter, or make recommendations to the Planning Commission and City Council in conformance with the Court's ruling. If, however, El Dorado elects to withdraw its objections before the Court rules on them, please advise, and the City will process El Dorado's application/conversion project accordingly.

If you have questions, please contact Manuel Minjares by calling 805-524-1500 x 115 or myself at extension 116.

Sincerely,

  
Kevin McSweeney  
Community Development Director

CC: Theodore J. Schneider, City Attorney  
Charmaine H. Buehner, Assistant City Attorney  
Mark D. Aipert, HK&C  
Project File

J:\PLANNING\Letters\EI Dorado MHP Conversion\EI Dorado MHP, Letter 6.doc

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# ATTACHMENT #5

**HK&C**  
HART, KING & COLDREN

Mark D. Alpert  
malpert@hkclaw.com

July 20, 2010

Our File Number: 25983.373/4816-4516-4294v.1

Via Electronic and U.S. Mail

Kevin McSweeney  
Director, Community Development  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015

Re: El Dorado Estates Mobilehome Park Subdivision

Dear Mr. McSweeney:

Based on the email of Ms. Buehner, I understand the City staff will be getting back to me no later than Friday July 23, 2010, clarifying what it believes is necessary to complete the subdivision application in light of the ruling of the Ventura Superior Court. To assist you in this regard, I am enclosing an additional declaration from Mike Cirillo which attaches a copy of a letter sent to all residents of El Dorado in 2009. It advised each and every resident of their option to purchase or continue renting in the event of conversion. Just to remind you, City Council Resolution No. 09-3214 deemed the application incomplete based on the absence of evidence that the tenants have been advised they will be provided the option to either purchase or continue renting. Staff has evidence that all residents were advised of their options.

As noted in my letter of June 28, 2010, by making this submission, El Dorado is not waiving its right to assert the application was already complete and submits the additional materials for informational purposes. However, under any interpretation of the Court's decision and the final City Council resolution, the City now has a complete application and we request that the application be set for hearing at the earliest available date.

Sincerely,

HART, KING & COLDREN



Mark D. Alpert

MDA/sm

Enclosures

cc: Charmaine Buehner (with enclosures)  
Star Management

Declaration of Michael Cirillo

I, Michael Cirillo, declare as follows:

1. I am an adult over the age of eighteen and not a party to this action. I am a principal of Star Management, which is responsible for providing outside management services for El Dorado Mobile Home Estates ("Park"). Star Management is employed by El Dorado Estates, LP, which owns the Park. I have personal knowledge of the facts supporting this declaration and could and would testify competently to those facts if called upon at trial.

2. On or about April 18, 2009 we caused to be mailed to each and every home owner in the Park a letter and enclosure in the form of attached Exhibit 1.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of July, 2010 at SANTA ANA, California.

  
\_\_\_\_\_  
Michael Cirillo

El Dorado Mobile Estates  
250 E. Telegraph Road  
Fillmore, CA 93015  
805-524-1300

April 18, 2009

firstname LASTNAME  
ADD1  
ADD2  
CITY, ST ZIP

RE: Resident survey of Support

Dear Residents:

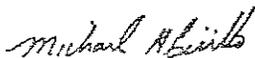
As you may have heard, the ownership of El Dorado is moving forward with the subdivision of the park into individual lots for sale. As part of that process, the subdivider is required to obtain a resident survey of support pursuant to an agreement with the resident association in the park. Enclosed you will find such a survey. Please take a few minutes to fill it out and return it in the enclosed self addressed envelope, or simply drop it off at the office.

Please return the survey prior to April 30, 2009.

Also attached, please find a document containing "Frequently Asked Questions" (FAQ's) regarding the subdivision process. On that document, there are also links to important information contained on the Department of Real Estate's website.

Thank you for your cooperation. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,  
STAR MOBILEHOME PARK MANAGEMENT



by: Michael A. Cirillo  
for: El Dorado Mobile Estates

Space space

Z:\TM\Docs\2009-6557\TISHA\090418\34005.WPD

**EXHIBIT "1"**

## El Dorado Mobilehome Park Frequently Asked Questions Regarding Subdivision

1. What is subdivision? Subdivision is the process of splitting the park into individual lots, which will ultimately be held out for sale to the residents.
2. How much will my lot cost? The actual lot prices as a matter of law cannot be quoted until the Department of Real Estate issues a Subdivision Report. At this stage, the park is processing the vesting map, and the Subdivision Report has not been submitted to the Department of Real Estate at this time.
3. Do I have to purchase my lot? No. All residents will be given the opportunity to purchase their lot, however no resident will be required to purchase their lot.
4. Will I have to move if I do not purchase my lot? No. Existing residents can remain in the park and continue to rent their lot for as long as they desire.
5. What will happen to my rent if I am low income? If you fall into a low or very low income category, you will be on a form of Statewide rent control, that is designed to protect lower income residents from large rent increases after the subdivision takes place. The State program consists of CPI rent increases for the duration of your tenancy at the Park.
6. What are the advantages of me purchasing my lot? The advantages are numerous, and include:
  - a. More favorable financing options for mobilehomes that are considered real estate.
  - b. Interest payments and property taxes are deductible for income tax purposes.
  - c. Ownership of the land locks in future appreciation to the land owner.
  - d. The park will be governed by a Homeowners Association, which will be created upon the sale of the first lot. The Homeowners Association will be governed by the Davis-Stirling act, the law which governs all common interest developments in California.
7. How much will my Homeowners Association fees be when the park is subdivided? It is impossible to quote the Homeowners Association Fees at this early stage of the process. As part of the Subdivision approval process with the Department of Real Estate, the budget for the Association will be determined. The budget will consist of dues that will cover day to day

operating expenses of the association, and reserves for replacement of capital items.

8. Will the developer pay Homeowner's Association Fees? Yes. Upon the sale of the first lot, the Homeowners Association is created. From that point forward, the developer pays Homeowners Association fees on all of the lots that it owns, and the people that have purchased their lots, pay Homeowners Association Fees on their lots.
9. Do the people who continue to rent pay Homeowners Association fees? No. Those residents who choose to remain as renters, will not pay Homeowners Association fees, they will pay rent to the developer, in the same manner that they presently pay rent.
10. Where can I get further information about this process? The Department of Real Estate has information available on the topic at:  
[http://www.dre.ca.gov/pub\\_categories.html](http://www.dre.ca.gov/pub_categories.html) and  
[http://www.dre.ca.gov/pub\\_re39.html](http://www.dre.ca.gov/pub_re39.html)
11. How will my lot ownership be documented? The subdivision being processed will be a fee simple subdivision with an undivided interest in the common areas. This means that you will have a deed for the lot that you purchase.

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# ATTACHMENT #6

Phone Calls to El Dorado residents: August 25, 2010

#	Resident	Space #	Question 1: Did El Dorado provide notification to each resident of MHP of option to buy a lot upon conversion?	Question 2: Did El Dorado conduct a survey of Tenant Support?
1	Dave Roegner	307	Left voicemail message 8-24-10	Left voicemail message 8-24-10
2	Charles Richardson	218	Yes - per Veronica's notes	Yes - per Veronica's notes
3	Byron Cunningham	345	No - Claims he did not receive this notice	Yes - only received Mar. 2010.
4	Allen Hair	?	Left message 8-24-10	Left message 8-24-2010
5	Martha Hargett	104	Does not remember	Yes
6	Grant Burton	?	Told me the project was a rip off and the City was stupid to get involved with the project, then hung up on me.	
7	A. Hemphill	?	Yes	Yes.
8	S. Jones	26	Yes	Yes, received survey.
9	C Kaczmarek	78	Yes	Yes
10	Marianne Hadley	14	Yes	Yes
11	Edward Krulikowski		Yes	Yes
12	Ethel Legan	96	No	Yes
13	Gregrie Lehman	125	Yes	Yes
14	Audrey Patz		No	Can't recall
15	Elsie Roynon	147	Yes	Yes

# ATTACHMENT #7

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Fillmore
250 Central Ave.
Fillmore, CA 93015

County Clerk
County of Ventura County
Hall of Administration, Lower Plaza
800 s. Victoria Ave, Ventura CA 93009

(Address)

Project Title: Vesting Tentative Tract Map 5844

Project Location - Specific:

250 E. Telegraph Rd., Fillmore, CA 93015

Project Location - City: Fillmore

Project Location - County: Ventura

Description of Nature, Purpose and Beneficiaries of Project:

The project consist of converting a rental mobile home park into residential ownership.

Name of Public Agency Approving Project: City of Fillmore

Name of Person or Agency Carrying Out Project: El Dorado Estates, The Star Company

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Existing Facilities 15301 class 1( k)
Statutory Exemptions. State code number:

Reasons why project is exempt:

The project consist of converting a rental mobile home park to residential ownership where the land use as mobile home park remains the same.

Lead Agency
Contact Person: Kevin McSweeney Area Code/Telephone/Extension: (805) 524-1500 ext 116

If filed by applicant:

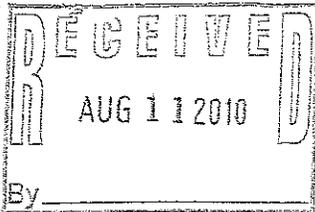
- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: September 30, 2010 Title: Community Development Director

- [X] Signed by Lead Agency Date received for filing at OPR:
Signed by Applicant

Revised 2005

# ATTACHMENT #8



**HK&C**  
HART, KING & COLDREN

Mark D. Alpert  
malpert@hkclaw.com

August 9, 2010

Our File Number: 25383.373/4852-1480-1415v.1

**VIA EMAIL AND MAIL**

Kevin McSweeney  
Director, Community Development  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015

Re: El Dorado Estates Mobilehome Park Subdivision

Dear Mr. McSweeney:

Pursuant to our discussions with the City Attorney, enclosed please find a supplemental submission from El Dorado regarding the above-entitled subdivision application. El Dorado will not provide any further information. We hope and expect the City to deem the application complete within 15 days of receipt of this letter.

Thank you for your attention to this matter

Sincerely,

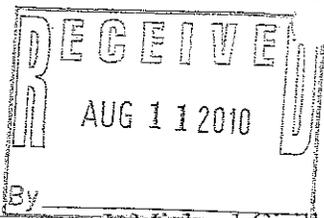
HART, KING & COLDREN

A large, stylized handwritten signature in black ink, appearing to read "Mark D. Alpert".

Mark D. Alpert

MDA/sm  
Enclosures

cc: Charmaine Beuhner (via email w/enclosures)  
Mike Cirillo (via email w/out enclosures)  
Robert Coldren (via email w/out enclosures)



Declaration of Michael Cirillo

By I, Michael Cirillo, declare as follows:

1. I am an adult over the age of eighteen and not a party to this action. I am a principal of Star Management, which is responsible for providing outside management services for El Dorado Mobile Home Estates ("Park"). Star is employed by El Dorado Estates, LP, which owns the Park, to perform management services. Neither myself nor Star Management has any kind direct or indirect ownership interest in the Park or El Dorado Estates, LP. I have personal knowledge of the facts supporting this declaration and could and would testify competently to those facts if called upon at trial.

2. On or about April 18, 2009, my office caused to be mailed to each and every home owner in the Park a letter and enclosure in the form of attached Exhibit 1. I signed the letter and personally supervised the mailing process. The Park had two active homeowners associations as of 2009.

3. We initially conducted a survey regarding conversion with one of those two parks. Because of objections raised by the second homeowner association in the Park claiming to be the "official" HOA, the Park owner agreed to conduct a second survey pursuant to an agreement with that organization. regarding the first resident survey that was conducted, the park owner decided to conduct a second survey with this group. The document attached as Exhibit 2 is a copy of the letter I sent to Sandra Pella, the President of the second HOA in order to initiate the survey. The document attached as Exhibit 3 is a true copy of email exchanges regarding the negotiations and agreement for the conduct of the survey. The survey was conducted in accordance with the Park owner's agreement with the HOA.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of August, 2010 at Oxnard, California.

Michael Cirillo  
Michael Cirillo

El Dorado Mobile Estates  
250 E. Telegraph Road  
Fillmore, CA 93015  
805-524-1300

April 18, 2009

firstname LASTNAME  
ADD1  
ADD2  
CITY, ST ZIP

RE: Resident survey of Support

Dear Residents:

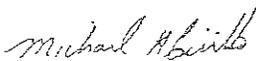
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Please return the survey prior to April 30, 2009.

Also attached, please find a document containing "Frequently Asked Questions" (FAQ's) regarding the subdivision process. On that document, there are also links to important information contained on the Department of Real Estate's website.

Thank you for your cooperation. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,  
STAR MOBILEHOME PARK MANAGEMENT



by: Michael A. Cirillo  
for: El Dorado Mobile Estates

Space space

Z:\TMDOcs\2009-6557\TISHA\090418134005.WPD

EXHIBIT "1"

## El Dorado Mobilehome Park Frequently Asked Questions Regarding Subdivision

1. What is subdivision? Subdivision is the process of splitting the park into individual lots, which will ultimately be held out for sale to the residents.
2. How much will my lot cost? The actual lot prices as a matter of law cannot be quoted until the Department of Real Estate issues a Subdivision Report. At this stage, the park is processing the vesting map, and the Subdivision Report has not been submitted to the Department of Real Estate at this time.
3. Do I have to purchase my lot? No. All residents will be given the opportunity to purchase their lot, however no resident will be required to purchase their lot.
4. Will I have to move if I do not purchase my lot? No. Existing residents can remain in the park and continue to rent their lot for as long as they desire.
5. What will happen to my rent if I am low income? If you fall into a low or very low income category, you will be on a form of Statewide rent control, that is designed to protect lower income residents from large rent increases after the subdivision takes place. The State program consists of CPI rent increases for the duration of your tenancy at the Park.
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7. How much will my Homeowners Association fees be when the park is subdivided? It is impossible to quote the Homeowners Association Fees at this early stage of the process. As part of the Subdivision approval process with the Department of Real Estate, the budget for the Association will be determined. The budget will consist of dues that will cover day to day

operating expenses of the association, and reserves for replacement of capital items.

8. Will the developer pay Homeowner's Association Fees? Yes. Upon the sale of the first lot, the Homeowners Association is created. From that point forward, the developer pays Homeowners Association fees on all of the lots that it owns, and the people that have purchased their lots, pay Homeowners Association Fees on their lots.
9. Do the people who continue to rent pay Homeowners Association fees? No. Those residents who choose to remain as renters, will not pay Homeowners Association fees, they will pay rent to the developer, in the same manner that they presently pay rent.
10. Where can I get further information about this process? The Department of Real Estate has information available on the topic at:  
[http://www.dre.ca.gov/pub\\_categories.html](http://www.dre.ca.gov/pub_categories.html) and  
[http://www.dre.ca.gov/pub\\_re39.html](http://www.dre.ca.gov/pub_re39.html)
11. How will my lot ownership be documented? The subdivision being processed will be a fee simple subdivision with an undivided interest in the common areas. This means that you will have a deed for the lot that you purchase.



**The  
Star  
Companies**

Mobilehome Communities

1400 East 4th Street  
Santa Ana, CA 92701

714-480-6828  
714-480-6830 fax

November 30, 2009

Sandra Pella  
250 E TELEGRAPH RD Space 308  
Fillmore, CA 93015

RE: *El Dorado Estates - Second Resident Survey*

Dear Ms. Pella:

As you may know, my office represents the owner of El Dorado Mobilehome Park. As you also know, the park owner is processing a subdivision of the Park. It has come to my attention that some concerns were raised about the conduct of the survey of resident support. It is my understanding that the survey was validly conducted with the agreement of one of two home owner's associations operating in the Park. It is also my understanding that the level of participation was high and that the great majority of residents stated their opposition to subdivision.

While the park owner continues to maintain that the initial survey was properly undertaken, the park owner is willing to work with the your resident association to reach agreement to conduct a second survey. I understand you are the president of the association. The purpose of this letter is to attempt to reach an agreement regarding the conduct of a second survey, provided that it can be undertaken without unreasonable delay or expense.

Enclosed is a proposed survey form to conduct a resident survey for your review. It is essentially the same form that we have used in several jurisdictions. The park owner requests that the survey be conducted pursuant to this form or some other agreed upon form. State law requires that there be one vote per each occupied space.

The park owner proposes that the survey be distributed by the park owner on December 14, 2009, with the survey answers due by December 28, 2009. The park owner proposes that the surveys be returned directly to you and held unopened and that they be opened and counted on December 31, 2009 (or another mutually agreeable date) in the presence of a representative for the park owner and the homeowner's association. This proposed timeline will allow ample time for the parties to negotiate any revisions to the survey or survey process.

Please contact me immediately to discuss both the form of the survey and the manner in which the survey is conducted. If we cannot reach agreement regarding the form of the survey

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Sandra Pella  
November 30, 2009  
Page 2

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and the manner in which the survey is conducted within 14 days of this letter, the park owner reserves the right to conduct its own second survey or proceed on the basis of the survey already completed.

I look forward to hearing from you. Thank you for your prompt attention to this matter.

Sincerely,  
STAR MOBILEHOME PARK MANAGEMENT



By: Michael A. Cirillo  
For: El Dorado Estates

enc: Survey Form

Matter Ref: 2009-6557 ED Subdivision 2009

**EL DORADO MOBILEHOME PARK**  
**SURVEY OF COMMUNITY RESIDENTS**  
**BALLOT FORM**

This ballot is provided to you pursuant to the requirements of Government Code §66427.5. The purpose of the ballot is to show El Dorado Mobilehome Park resident support for the proposed conversion of the Park from a rental mobilehome community to a resident owned mobilehome community subdivision. Each occupied space shall have one vote. Please indicate below whether or not you support conversion to a resident owned mobilehome community subdivision and please sign and date where indicated below.

By law, we cannot provide you with an estimated purchase price at this time.

I support conversion of El Dorado Mobilehome Park from a rental mobilehome community to a resident-owned manufactured home community subdivision, and intend to purchase my space as follows:

- A. I think I will be able to obtain, and intend to apply for financing
- B. I intend to purchase my space with cash
- C. I think I am a lower-income resident, and may need government assistance in order to purchase my space

I support conversion of El Dorado Mobilehome Park from a rental mobilehome community to a resident-owned mobilehome community subdivision, but cannot buy. (For example: I am sub-leasing, I am unable to obtain credit at this time or my resident status prevents me from buying a space.)

I do not support conversion of El Dorado Mobilehome Park from a rental mobilehome community to a resident-owned mobilehome community subdivision.

I decline to state my opinion at this time.

This home represents my primary residence (check if this applies to you)

**I understand that this form does not constitute an offer to sell at a specific price, nor is it a commitment to purchase an interest in the mobilehome community. It is merely an indication of support/non-support for the community's conversation in accordance with California Government Code § 66427.5.**

Signed: \_\_\_\_\_

Space #: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Name and age of all residents:

First Name	Last Name	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

In the chart below, find the row with the number of people living in your household (including yourself), then please circle the number that best represents your household's total annual income, without going over. Include Social Security, disability, AFDC, or similar payments, and interest from savings or CDs, stock dividends, and income from other investments when estimating your household's total income, before taxes. *(If your mobilehome is not your primary residence you may disregard this section.)*

Number of Persons in Household	Up to		Up to		More than	
	18400	30650	49000	61250	70000	87500
1 person	18400	30650	49000	61250	70000	87500
2 people	21000	35000	56000	70000	87500	101500
3 people	23650	39400	63000	78750	101500	
4 people	26250	34750	70000	87500	101500	
5 people	28350	47250	75600	94500		
6 people	30450	50750	81200	101500		

6 If more than 6 people live in your household:  
Please indicate your household's total income, before taxes: \$ \_\_\_\_\_

When did you move into El Dorado? Month and Year: \_\_\_\_\_

Do you own or rent the dwelling unit?

- I own or am purchasing the mobilehome or manufactured home.  
 I rent the dwelling unit from:  the Park  someone else

When did you purchase your home? \_\_\_\_\_

What was the purchase price you paid for it? \$ \_\_\_\_\_

Do you own the home "free and clear," without any debt on it?  Yes  No

If you have a mortgage or other debt on it, how much are your monthly payments? \$ \_\_\_\_\_

How much do you still owe? \$ \_\_\_\_\_

How many payments do you still have to make on it? \_\_\_\_\_  Don't know

8/06/2010

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**From:** Mike Cirillo  
**To:** 'Sandy Pella'  
**Sent:** 1/14/2010 2:32PM  
**Subject:** RE: RE: Re: Resident Survey

Sandy:

We can do the distribution if you like. I thought that where we needed to coordinate was on the counting of the responses.

We are ok with the survey content as you point out below. I think that 2 weeks to respond is plenty.

Please let me know what your pleasure is on distribution.

Mike Cirillo  
Star Management  
1400 East 4th Street  
Santa Ana, CA 92701  
714-918-8360  
714-918-8060 fax

---

**From:** Sandy Pella [mailto:sandy.pella@yahoo.com]  
**Sent:** Thursday, January 14, 2010 11:02 AM  
**To:** Mike Cirillo  
**Cc:** joyce and  
**Subject:** Fw: RE: Re: Resident Survey

Mike: I was looking at a wrong calendar month when I mentioned that we will have a notice out to the residents on Monday, Jan 18 rather than 21st.

--- On Thu, 1/14/10, Sandy Pella <sandy.pella@yahoo.com> wrote:

**From:** Sandy Pella <sandy.pella@yahoo.com>  
**Subject:** RE: Re: Resident Survey  
**To:** "Mike Cirillo" <Mike@StarManagement.com>  
**Date:** Thursday, January 14, 2010, 10:17 AM

Dear Mr. Cirillo: I apologize for a delay in communication. I misunderstood what our role would be in the distribution of the second survey. We were waiting for you to give us some dates as perimeters. It would be appropriate for Star Management to address the surveys to the park residents. You had agreed to one question on the survey: [ ] I support conversion of El Dorado Mobilehome Park from a rental mobilehome community to a resident-owned manufactured home community subdivision.

[ ] I do not support conversion of El Dorado Mobilehome Park from a rental mobilehome community to a

8/06/2010

resident-owned mobilehome community subdivision. Giving these 2 initial options will get the best response from the residents. You should decide the time frame reasonable for response, perhaps 10days considering mailing? We will inform the park that the second survey is forthcoming and that answering the survey is important. We should be able to get these out to all the residents no later than Monday, Jan 21st. Thank you for your cooperation in this matter.

Sandy Pella/HOA President

--- On Wed, 1/13/10, Mike Cirillo <Mike@StarManagement.com> wrote:

From: Mike Cirillo <Mike@StarManagement.com>  
Subject: RE: Re: Resident Survey  
To: "Sandy Pella" <sandy.pella@yahoo.com>  
Cc: "joyce and" <joyce@dmcreative.info>  
Date: Wednesday, January 13, 2010, 8:02 PM

Dear Ms. Pella:

I am writing to you to follow up on the issue of the second resident survey. As we exchanged e-mails in December, you indicated that your association would be agreeable to taking up this issue after the holidays. Inasmuch as January is half over, I would like to get a determination from your association as to your interest level in proceeding with the second resident survey. We are agreeable to the survey distribution protocol that you have described in your e-mail, and would be willing to provide the funds for the postage so that the association is not out of pocket for any expenses. I believe that there was an issue relating to the format and construction of the survey itself. I understand that you had some particular ideas about the specific content of the survey form. If you have compiled these items for inclusion in the survey, please forward them to me for review.

We are anxious to put this issue behind us, so your prompt attention to this matter would be greatly appreciated.

Mike Cirillo

Star Management

1400 East 4th Street

Santa Ana, CA 92701

714-918-8360

714-918-8060 fax

---

From: Sandy Pella [mailto:sandy.pella@yahoo.com]  
Sent: Tuesday, December 08, 2009 6:32 PM

8/06/2010

To: Mike Cirillo  
Cc: joyce and  
Subject: RE: Re: Resident Survey

Mr Cirillo: Thank you for your response to my e-mail. We're glad you're able to accommodate a 2nd resident survey in January, and that you're also willing to revise the survey so that residents will only choose to support or not support a resident-owned park. Are you agreeable to allowing the residents not to identify themselves on the actual survey? If so, you could provide a label on the return envelope with a line for space#, name and signature to validate the returned surveys. We use this method for HOA Board elections, and it has worked well. We believe you will get a better response if the surveys are anonymous. Would it be helpful if we sent a notice throughout the park telling the residents to expect another survey? If so, just e-mail the time frame to return the surveys.

With regard to attending our HOA meetings, if Sunday evenings are not convenient for you; we could accommodate you for a week night. As I mentioned, there have been concerns about the terms of the rental agreement. We would appreciate the opportunity to share these concerns. Let me know when you are available, and we can set up for a small group.

Sincerely,

Sandy Pella/HOA President

--- On Tue, 12/8/09, Mike Cirillo <Mike@StarManagement.com> wrote:

From: Mike Cirillo <Mike@StarManagement.com>  
Subject: RE: Re: Resident Survey  
To: "Sandy Pella" <sandy.pella@yahoo.com>  
Date: Tuesday, December 8, 2009, 4:03 PM

Ms Pella:

Regarding the survey, we would be agreeable to delaying the survey until January as you requested. If I understand you correctly, you want to reduce the survey to one question. If that is the desire of your group, I suppose that would be fine with us as well.

With regard to your invitation to a general HOA meeting, I have two issues that affect my ability to attend a Sunday evening meeting: 1- Sunday evening I reserved for time with my family & 2- I have found that general meetings are for the most part unproductive, unruly and confrontational.

I would, however, be willing to meet with your board, or a small group of residents to discuss particular issues that are of concern. I would request that the meeting have an agenda with the issues spelled out ahead of time, so the appropriate research could be done before the meeting.

Regarding the rental agreement, if your board has concerns over specific items in the agreement, I would like to find out what they are.

Mike Cirillo

8/06/2010

Star Management

1400 East 4th Street

Santa Ana, CA 92701

714-918-8360

714-918-8060 fax

---

From: Sandy Pella [mailto:sandy.pella@yahoo.com]  
Sent: Monday, December 07, 2009 10:04 AM  
To: Mike Cirillo  
Cc: joyce and  
Subject: Fw: Re: Resident Survey

Mr. Cirillo: I'm following up on my reply to your e-mail with attachments dated Nov. 30th. Our Board had proposed scheduling the 2nd resident survey in January, 2010 (Jan 04-Jan 18) in order to get a more representative number of responses from the residents at El Dorado . Our HOA Board also suggested eliminating all questions and requests for information on the survey with the exception of the 2 questions directly related to the homeowner's choice to either support a conversion to resident-owned park, or the choice not to support a conversion to a resident-owned park. We also suggest a ballot type of a survey where the resident's signature and space number would be required on the return envelope for recording purposes, but not on the the survey itself. The envelope with the survey would remain sealed until the responses are tallied. People would be more likely to respond openly.— On Tue, 12/1/09, Sandy Pella <sandy.pella@yahoo.com> wrote:

From: Sandy Pella <sandy.pella@yahoo.com>  
Subject: Re: Resident Survey  
To: " Mike Cirillo " <mike@starmanagement.com>  
Cc: "joyce and" <joyce@dmcreative.info>  
Date: Tuesday, December 1, 2009, 10:19 AM

Dear Mr. Cirillo: Thank you for your email regarding a second resident survey. We would like to correct any misconception about the conduct of the first survey. The only resident homeowner's association in operation at the time of the first survey was, and still is, the Voice of El Dorado Mobile Homeowner's Association. Our resident homeowner's association was not consulted prior to the distribution of that resident survey. Also, there was no way to verify the results of that survey. We are more than willing to participate and work with the park owner to conduct a second survey. Our only concern is the time frame the park owner is proposing. December 14th-December 28th is the height of the holiday season, and several residents may be away. The number of responses returned during that time frame may not represent the majority of the homeowners. We propose conducting this survey the first two weeks of January, 2010; perhaps January 4th-January 18th. The surveys could be counted at some time during that week. We are hosting a HOA general meeting Sunday, Dec. 6th at 6PM. We invite you to participate in that meeting. We will be discussing the rental agreement draft as there have been a number of concerns regarding that document. It would be helpful for you to address them. If you not able to attend this meeting,

8/06/2010

we would like to at least advise you about some of the confusion that the first survey caused. Some revisions would make the survey more understandable to the park residents. Our Board of Directors will get together to give you some feedback on those issues. We look to hear from you in the next few days.

Sandra Pella, President

Voice of El Dorado Mobile Homeowner's Association

--- On Mon, 11/30/09, Mike Cirillo <mike@starmanagement.com> wrote:

From: Mike Cirillo <mike@starmanagement.com>

Subject: Resident Survey

To: sandy.pella@yahoo.com

Cc: joyce@dmcreative.info

Date: Monday, November 30, 2009, 7:06 PM

Ms. Pella:

Please see attached regarding a second resident survey.

Mike Cirillo

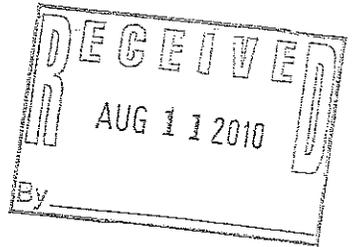
Star Management

1400 East 4th Street

Santa Ana , CA 92701

714-918-8360

714-918-8060 fax



Declaration of Tisha Anderson

I, Tisha Anderson, declare as follows:

1. I am an adult over the age of eighteen and not a party to this action. I am employed by Star Management as an assistant to Mike Cirillo. Star provides outside management services for El Dorado Mobile Home Estates ("Park"). I am an employee of Star Management. I have no kind of direct or indirect ownership interest in the Park or El Dorado Estates, LP. I have personal knowledge of the facts supporting this declaration and could and would testify competently to those facts if called upon at trial.

2. On or about April 18, 2009 my office caused to be mailed to each and every home owner in the Park a letter and enclosure in the form of attached Exhibit 1. I personally put the 300 plus envelopes addressed to the Park residents through the postage meter.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of August, 2010 at Santa Ana, California.

Tisha Anderson  
Tisha Anderson

## El Dorado Mobilehome Park Frequently Asked Questions Regarding Subdivision

1. What is subdivision? Subdivision is the process of splitting the park into individual lots, which will ultimately be held out for sale to the residents.
2. How much will my lot cost? The actual lot prices as a matter of law cannot be quoted until the Department of Real Estate issues a Subdivision Report. At this stage, the park is processing the vesting map, and the Subdivision Report has not been submitted to the Department of Real Estate at this time.
3. Do I have to purchase my lot? No. All residents will be given the opportunity to purchase their lot, however no resident will be required to purchase their lot.
4. Will I have to move if I do not purchase my lot? No. Existing residents can remain in the park and continue to rent their lot for as long as they desire.
5. What will happen to my rent if I am low income? If you fall into a low or very low income category, you will be on a form of Statewide rent control, that is designed to protect lower income residents from large rent increases after the subdivision takes place. The State program consists of CPI rent increases for the duration of your tenancy at the Park.
6. What are the advantages of me purchasing my lot? The advantages are numerous, and include:
  - a. More favorable financing options for mobilehomes that are considered real estate.
  - b. Interest payments and property taxes are deductible for income tax purposes.
  - c. Ownership of the land locks in future appreciation to the land owner.
  - d. The park will be governed by a Homeowners Association, which will be created upon the sale of the first lot. The Homeowners Association will be governed by the Davis-Stirling act, the law which governs all common interest developments in California.
7. How much will my Homeowners Association fees be when the park is subdivided? It is impossible to quote the Homeowners Association Fees at this early stage of the process. As part of the Subdivision approval process with the Department of Real Estate, the budget for the Association will be determined. The budget will consist of dues that will cover day to day

operating expenses of the association, and reserves for replacement of capital items.

8. Will the developer pay Homeowner's Association Fees? Yes. Upon the sale of the first lot, the Homeowners Association is created. From that point forward, the developer pays Homeowners Association fees on all of the lots that it owns, and the people that have purchased their lots, pay Homeowners Association Fees on their lots.
9. Do the people who continue to rent pay Homeowners Association fees? No. Those residents who choose to remain as renters, will not pay Homeowners Association fees, they will pay rent to the developer, in the same manner that they presently pay rent.
10. Where can I get further information about this process? The Department of Real Estate has information available on the topic at:  
[http://www.dre.ca.gov/pub\\_categories.html](http://www.dre.ca.gov/pub_categories.html) and  
[http://www.dre.ca.gov/pub\\_re39.html](http://www.dre.ca.gov/pub_re39.html)
11. How will my lot ownership be documented? The subdivision being processed will be a fee simple subdivision with an undivided interest in the common areas. This means that you will have a deed for the lot that you purchase.

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# ATTACHMENT #9

**HK&C**  
HART, KING & GOLDREN

Mark D. Alpert  
malpert@hkclaw.com

June 28, 2010

Our File Number: 25383.373/4819-8252-5958v.1

Via Electronic and U.S. Mail

Kevin McSweeney  
Director, Community Development  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015

Re: El Dorado Estates Mobilehome Park Subdivision

Dear Mr. McSweeney:

As you know, my office represents the owners of El Dorado Estates Mobilehome Park (the "Park"). During the appeal hearing regarding the completeness of El Dorado's subdivision application, the City raised, for the first time, a question regarding whether the resident survey was conducted with the "official" homeowner's association. The purpose of this letter is to provide clarification regarding this issue. This letter is not submitted to "complete" the application, which, as you know, El Dorado continues to contend is complete.

As indicated in the enclosed declaration of Mike Cirillo, when the initial survey was conducted, there were two homeowners' associations operating at the park. A dispute arose after the fact regarding whether one particular association was the "official" association. As far as can be determined, both groups claimed at the time to represent homeowners. I noted that one resident testified at the appeal hearing to the effect that one of the organizations was somehow the only "official" homeowner organization because it had undertaken steps to become a legal non-profit organization. There is nothing in Government Code Section 66427.5 requiring any particular legal form of the homeowner's association. Subsection (d)(2) specifies only that

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. (emphasis added)

This section requires only that the survey be conducted with the agreement of "a resident homeowners' association . . . that is independent of the subdivider" In this case, it appears there were two homeowners' associations which fit that description. Both groups were an association of homeowners. Both groups were independent of the park owner/subdivider.

Thus, the initial survey results presented with the application meet the requirements of Government Code § 66427.5.

In an effort to address the concerns of the second homeowners' association, the park owner agreed to conduct a second survey. The results of this second survey are enclosed for your information. I cannot emphasize enough that this submission is not offered to "complete" an application which is already complete.



HART, KING & GOLDREN

Kevin McSweeney  
City of Fillmore  
June 28, 2010  
Page 2

Please feel free to contact me if you have any questions.

Sincerely,

HART, KING & GOLDREN

A handwritten signature in black ink, appearing to read "Mark D. Alpert", is written over the typed name.

Mark D. Alpert

MDA/sm

Enclosures

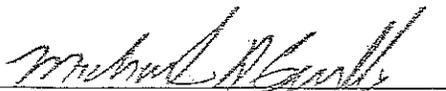
cc: Star Management  
Manuel Minjares

Declaration of Mike Cirillo re: Resident Survey

I, Mike Cirillo declare:

1. I am a principal of Star Management, which is responsible for providing off site management services for El Dorado Mobile Home Estates ("Park"). I have personal knowledge of the facts supporting this declaration and could and would testify competently to those facts if called upon at trial.
2. There were two different homeowners' associations operating at the Park at the time El Dorado submitted an application to subdivide. El Dorado conducted a survey regarding support for subdivision conversion with one of the two associations. After conducting that survey, a dispute arose regarding whether that association was the legitimate homeowner's association. In an effort to resolve the dispute, El Dorado agreed to conduct a second resident survey with the agreement of the HOA which objected to the first survey. El Dorado entered into an agreement regarding the form of the survey and the manner and timing of the second survey with this second HOA. The agreed upon survey form is attached as Exhibit 1.
3. The survey was completed in March, 2010. HOA representative Sandra Pella was present when the votes were counted on March 11, 2010. The document attached as Exhibit 2 summarizes the results of the survey.

I certify that the foregoing is true. Executed under the penalty of perjury of the state of California this 28 day of May, 2010 at Santa Ana, California.

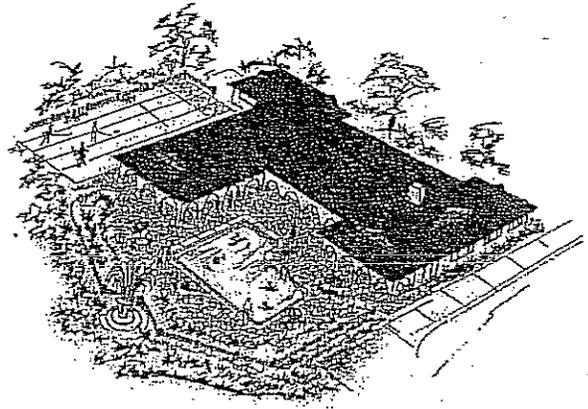
  
\_\_\_\_\_  
Mike Cirillo

**EXHIBIT "1"**

# El Dorado

## MOBILE HOME ESTATES

250 EAST TELEGRAPH ROAD, FILLMORE, CALIFORNIA 93015  
(805) 524-1300



MAR 16 2010

March 15, 2010

To: Mike Cirrillo  
From: Helen M. Rosette  
Re: Results of Sub-Division Survey

Dear Mike:

The following is the results of the sub-division survey conducted on March 11, 2010 at 3:00pm. The survey was conducted by Helen Rosette, representing management and Sandra Pella, representative for the H. O. A.

<u>Votes not in support of Sub-Division</u>	<u>Votes in support of Sub-Division</u>	<u>Invalid Votes</u>
195	20	6

Helen

EXHIBIT "2"

El Dorado Estates  
Resident Survey Regarding Subdivision

In accordance with an agreement with the Homeowners Association in the park, management has agreed to circulate a second resident survey on the subject of subdivision. You will note that the survey has been reduced to one issue - support or do not support.

Please indicate your preference below.

I support conversion of El Dorado Estates from a rental mobilehome community to a resident-owned mobilehome community subdivision.

I do not support conversion of El Dorado Estates from a rental mobilehome community to a resident-owned mobilehome community subdivision.

Please return the survey in the enclosed envelopes to the park office no later than March 5, 2010. These will be collected and held unopened until the results can be tallied with representatives of the Homeowners Association present. We are utilizing a 2 envelope secret ballot system. With this survey, you were provided 2 envelopes - one marked "secret ballot envelope", and the second addressed to the inspector of the election. Please follow these steps to complete the survey.

1. Mark your preference on this survey. **DO NOT SIGN OR RECORD YOUR SPACE NUMBER ON THE SURVEY!**
2. Insert the survey in the envelope marked "secret ballot envelope" and seal the envelope.
3. Insert the "secret ballot envelope" into the envelope addressed to the inspector of elections
4. Sign the envelope addressed to the inspector of elections where indicated and return it to the park office.

# ATTACHMENT #10

**HK&C**  
HART, KING & COLDREN

Mark D. Alpert  
maipert@hkclaw.com

November 8, 2010

Our File Number: 25383.373/4831-0891-3928v.1

**VIA EMAIL AND MAIL**

Kevin McSweeney  
Director, Community Development  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015

Re: El Dorado Estates Mobilehome Park Subdivision

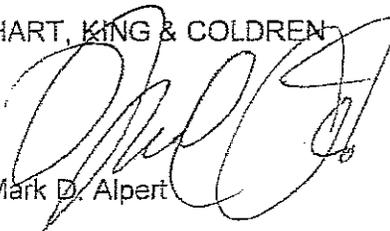
Dear Mr. McSweeney:

For your information, enclosed please find a proof of service of the notice of the Planning Commission hearing on the subdivision and the "Report on Impact of Conversion" that was submitted to each resident with the notice. Let me know if you have any questions.

I would appreciate an email copy of the staff report for the November 17, 2010 Planning Commission hearing as soon as it is available.

Sincerely,

HART, KING & COLDREN

  
Mark D. Alpert

MDA/sm

cc: Mike Cirillo (via electronic mail w/out enclosures)  
Robert Coldren (via electronic mail w/out enclosures)

**NOTICE OF HEARING**

To: «Customer\_Name»  
250 E. Telegraph Road, Space «Unit»  
Fillmore, CA 93015

Re: Notice of City of Fillmore Planning Commission Hearing on  
November 17, 2010 at 6:30 p.m. to Consider Approval of Subdivision Map  
to Operate El Dorado Estates as Resident Owned Mobile Home Park and  
Conversion Impact Report dated March 1, 2009

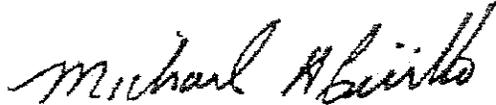
Dear Resident:

The owner of El Dorado Estates ("Applicant") has submitted an application for a Subdivision Map for the purpose of converting El Dorado Estates MHP (the "Property") from a rental mobile home park to a resident owned mobile home park. Enclosed with this Notice is a copy of the Conversion Impact Report prepared by Applicant. In compliance with Government Code Sections 66427.5 and Civil Code Section 798.56, you are hereby given notice of following public hearing before the City of Fillmore Planning Commission to consider these matters:

Planning Commission Hearing:

Date/Time: November 17, 2010 6:30 p.m.  
Location: City of Fillmore, City Council Chambers  
250 Central Avenue  
Fillmore, California

Dated: October 17, 2010

  
By: \_\_\_\_\_  
Michael A. Cirillo  
El Dorado Estates



## REPORT ON IMPACT OF CONVERSION UPON RESIDENTS

### El Dorado Estates Mobilehome Park

March 1, 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 El Dorado Estates Mobilehome Park ("Park"). The subdivision will be created by the conversion of the Park from rental spaces to resident owned lots. The Park is located at 250 E. Telegraph Road, City of Fillmore ("City"), California. The Report is being filed with the City as part of the Tentative Tract Map Application and will be 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." The Report contains the Applicant's assessment of the impact upon the Park residents of conversion to resident ownership.

The Park currently has 302 spaces, 293 of which are rented under long term lease agreements or month to month tenancies. The remaining spaces are either vacant (1), Park owned (3) or occupied by homes under storage agreements with mobilehome dealers (5).

#### 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.

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, plus a 1/302nd share of the common area and facilities and one membership in the Homeowners' Association to be formed as part of the subdivision process.



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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**      **NO ECONOMIC DISPLACEMENT OF RESIDENTS FROM CONVERSION BECAUSE OF STATUTORY RIGHT TO PURCHASE OR CONTINUE LEASING**

Upon conversion, all Residents will have the opportunity to either purchase the Lot on which their Home is situated or to continue leasing their Space with statutory protections on rental rates after the Conversion Date. (Govt. Code § 66427.5 (a), (f)) Therefore, upon conversion of the Park to resident ownership, the Residents are statutorily protected against economic displacement.

**3.1**      **No Economic Displacement from Sale of the Lots**

The Residents are protected from economic displacement pertaining to sale of the Lots upon conversion by having both the option purchase their Lots at the eventual sales price and the option to continue leasing their Space. 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 upon conversion, the Resident is not required to move and may continue to lease his or her Space following the Conversion Date.

This Report cannot make determinations about impacts to the Residents resulting from the eventual sale price of the Lots under the purchase option. That is because the sale price of the Lots will not be established until some time after the tentative map subdivision approval. The Residents cannot make a rational decision to buy, continue to rent, or move his or her mobilehome until the tenant is given an option purchase price and a proposed rental price. (See *El Dorado Palm Springs Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, 1179-1180)

After tentative map approval, the subdivider must next follow procedures and obtain approval of 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 Lot purchase price be established. The Resident will learn the option price for his or her Lot only after the Department of Real Estate approves the subdivision and issues its public report on the subdivision, when the subdivider offers the lots for sale.



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The subdivider is not required to disclose an offer price at the time of filing of the Application and of this Report, and indeed is forbidden by the Subdivided Lands Act from making such a disclosure at that time. The first time that the Resident may become aware of even a tentative offer price for the Lot will be several weeks or months later, just prior to filing a notice of intention to sell with the Department of Real Estate under the Subdivided Lands Act. (See Bus. & Prof. Code § 11010.9 (c); See *El Dorado Palm Springs Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, 1179-1180)

Nevertheless, as previously explained, because the Resident has the option to either purchase his or her Lot or to continue leasing his or her Space under whatever lease 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.

**3.2 No Economic Displacement from Continued Lease of the Spaces**

The 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 rental rates after the "Conversion Date." Government Code Section 66427.5 (f) limits the amount of rent increases for Residents that can take place upon conversion, thereby avoiding economic displacement, if any, from any rental increases after the Conversion Date.

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, 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 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. To qualify as a Very Low Income Household in Ventura 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:	\$30,000	\$34,300	\$38,550	\$42,850

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

### 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. 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 Homeowner's Association.

## 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.

### 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.

### 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.



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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))

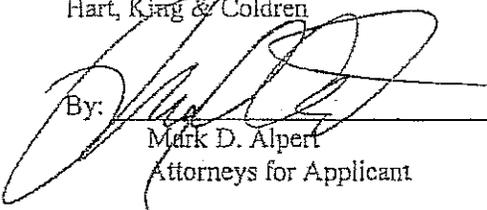
#### SECTION V. CONCLUSION

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 leasing their Spaces with statutory restrictions on rent increases. Residents on 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 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: March 4, 2009

Hart, King & Coldren

By: 

Mark D. Alpert  
Attorneys for Applicant



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Exhibit A  
California Government Code Section 66427.

CALIFORNIA CODES  
\*GOVERNMENT\* \*CODE\*  
SECTION 66427

\*66427\*. (a) A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative, or final map of the project on account of the design or the location of buildings on the property shown on the map that are not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium.

(b) A map need not include a condominium plan or plans, as defined in subdivision (e) of Section 1351 of the Civil \*Code\*, and the governing body may not refuse approval of a parcel, tentative, or final map of the project on account of the absence of a condominium plan.

(c) Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project.

(d) Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in a project by or pursuant to local ordinances.

(e) If the governing body has approved a parcel map or final map for the establishment of condominiums on property pursuant to the requirements of this division, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Section 66424, provided each of the following conditions has been satisfied:

(1) The total number of condominiums established is not increased above the number authorized by the local agency in approving the parcel map or final map.

(2) A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in subdivision (a) of Section 1351 of the Civil \*Code\*, and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums.

(3) The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in subdivision (e) of Section 1351 of the Civil \*Code\*.

\*66427\*.1. (a) The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, unless it finds as follows:

(1) Each tenant of the proposed condominium, community apartment project, or stock cooperative project, and each person applying for the rental of a unit in the residential real property, has received or will have received all applicable notices and rights now or hereafter required by this chapter or Chapter 3 (commencing with Section 66451).

(2) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received or will receive each of the following notices:

gov code 66427.txt

(A) Written notification, pursuant to Section 66452.18, of intention to convert, provided at least 60 days prior to the filing of a tentative map pursuant to Section 66452.

(B) Ten days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report, and that the report will be available on request.

(C) Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Department of Real Estate.

(D) Written notification within 10 days after approval of a final map for the proposed conversion.

(E) One hundred eighty days' written notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to Section 66452.19, but not before the local authority has approved a tentative map for the conversion. The notice given pursuant to this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil \*Code\*.

(F) Notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to Section 66452.20. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions \*Code\*, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(b) The written notices to tenants required by subparagraphs (A) and (B) of paragraph (2) of subdivision (a) shall be deemed satisfied if those notices comply with the legal requirements for service by mail.

(c) This section shall not diminish, limit, or expand, other than as provided in this section, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(d) If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, all required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in that language.

\*66427\*.2. Unless applicable general or specific plans contain definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives, the provisions of Sections 66473.5, 66474, and 66474.61, and subdivision (c) of Section 66474.60 shall not apply to condominium projects or stock cooperatives, which consist of the subdivision of airspace in an existing structure, unless new units are to be constructed or added.

A city, county, or city and county acting pursuant to this section shall approve or disapprove the conversion of an existing building to a stock cooperative within 120 days following receipt of a completed application for approval of such conversion.

This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

\*66427\*.4. (a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

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

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

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

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

\*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 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 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.

gov code 66427.txt

(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 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.

PROOF OF SERVICE

1  
2 Notice of Hearing and Report on Impact of  
3 Conversion Upon Residents  
4

STATE OF CALIFORNIA, COUNTY OF ORANGE

5 I am employed in the County of Orange, State of California. I am over the age of 18 years. My  
6 business address is 1400 E 4<sup>th</sup> Street, Santa Ana, California 92701. On 10-19-10, I  
7 caused the foregoing document(s) described as a form letter + a 5 page  
8 doublesided document to be served on the interested parties as follows:

9  placing  the original  a true copy thereof enclosed in a sealed envelope addressed as follows:

10  
11 see attached  
12 mailing list  
13  
14

15  **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing  
16 correspondence for mailing. Under that practice it would be deposited with the U.S.  
17 Postal Service on that same day with postage thereon, fully prepaid in Santa Ana,  
18 California in the ordinary course of business. I am aware that on motion of the party  
19 served, service is presumed invalid if the postal cancellation date or postage meter date is  
20 more than one day after date of deposit for mailing in the affidavit.

21  **BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection and  
22 delivery on this date in accordance with standard UNITED PARCEL SERVICE (UPS)  
23 delivery procedures.

24  **VIA FACSIMILE:** I caused such document(s) to be transmitted by facsimile  
25 transmission from a facsimile transmission machine at Santa Ana, California, with the  
26 telephone number (714) 480-6830 or (714) 480-6820 to the parties and/or attorney for the  
27 parties, at the facsimile transmission number(s) shown above. The facsimile transmission  
28 was reported as complete without error by a transmission report, issued by the facsimile  
transmission machine upon which the transmission was made. A true and correct copy of  
the transmission report is attached hereto and incorporated herein by reference.

**BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the  
above-referenced person(s).

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on 10-19-10, at Santa Ana, California.

Tisha Anderson  
Tisha Anderson  
[Print Name]

El Dorado Estates  
Customer Listing

Customer Name	Unit	Address	City	State	Zip
Ronald Tegtmeyer	1	250 E TELEGRAPH RD	FILLMORE	CA	93015
Paula Suttle	2	250 E TELEGRAPH RD	FILLMORE	CA	93015
Managers	3	250 E TELEGRAPH RD	FILLMORE	CA	93015
Walter Bowman	4	250 E TELEGRAPH RD	FILLMORE	CA	93015
Lurla Dabbs	5	250 E TELEGRAPH RD	FILLMORE	CA	93015
Norma Patterson	6	250 E TELEGRAPH RD	FILLMORE	CA	93015
Amelia Pigeon	7	250 E TELEGRAPH RD	FILLMORE	CA	93015
Elinor Lawrence	8	250 E TELEGRAPH RD	FILLMORE	CA	93015
Bert Bigham	9	250 E TELEGRAPH RD	FILLMORE	CA	93015
Malinda Palovich	10	250 E TELEGRAPH RD	FILLMORE	CA	93015
Margaret Diaz	11	250 E TELEGRAPH RD	FILLMORE	CA	93015
Judith Kelley	12	250 E TELEGRAPH RD	FILLMORE	CA	93015
Doris Mink	13	250 E TELEGRAPH RD	FILLMORE	CA	93015
Steve Hadley	14	250 E TELEGRAPH RD	FILLMORE	CA	93015
James Treloar	15	250 E TELEGRAPH RD	FILLMORE	CA	93015
Vilma Hippach	16	250 E TELEGRAPH RD	FILLMORE	CA	93015
Eileen Hunter	17	250 E TELEGRAPH RD	FILLMORE	CA	93015
Gilbert Ramirez	18	250 E TELEGRAPH RD	FILLMORE	CA	93015
Alex Mc Culley	19	250 E TELEGRAPH RD	FILLMORE	CA	93015
Diana Hoslett	20	250 E TELEGRAPH RD	FILLMORE	CA	93015
George Sanchez	21	250 E TELEGRAPH RD	FILLMORE	CA	93015
David Harms	22	250 E TELEGRAPH RD	FILLMORE	CA	93015
Nada Vaughn	23	250 E TELEGRAPH RD	FILLMORE	CA	93015
Dmitri Gurkweitz	24	250 E TELEGRAPH RD	FILLMORE	CA	93015
Arlene Dubuc	25	250 E TELEGRAPH RD	FILLMORE	CA	93015
Stan Jones	26	250 E TELEGRAPH RD	FILLMORE	CA	93015
Claud Dean	27	250 E TELEGRAPH RD	FILLMORE	CA	93015
Gerd Kalbreyer	28	250 E TELEGRAPH RD	FILLMORE	CA	93015
Salem Pierce	29	250 E TELEGRAPH RD	FILLMORE	CA	93015
Robert Kellog	30	250 E TELEGRAPH RD	FILLMORE	CA	93015
Viola Castro	31	250 E TELEGRAPH RD	FILLMORE	CA	93015
J.J. Gonzales	32	250 E TELEGRAPH RD	FILLMORE	CA	93015
Joe Macias	33	250 E TELEGRAPH RD	FILLMORE	CA	93015
James Berrington	34	250 E TELEGRAPH RD	FILLMORE	CA	93015
Freda Carpenter	35	250 E TELEGRAPH RD	FILLMORE	CA	93015
Randall Peterson	36	250 E TELEGRAPH RD	FILLMORE	CA	93015
Robert Bishop	37	250 E TELEGRAPH RD	FILLMORE	CA	93015
Marcia Warren	38	250 E TELEGRAPH RD	FILLMORE	CA	93015
Reuben Saucedo	39	250 E TELEGRAPH RD	FILLMORE	CA	93015
Neva Picketts	40	250 E TELEGRAPH RD	FILLMORE	CA	93015
Robert Ledesma	41	250 E TELEGRAPH RD	FILLMORE	CA	93015
Mark Stephens	42	250 E TELEGRAPH RD	FILLMORE	CA	93015
Barbara Demetral Lenninger	43	250 E TELEGRAPH RD	FILLMORE	CA	93015
The Estate of Lloyd Buchmiller	44	250 E TELEGRAPH RD	FILLMORE	CA	93015
Mary Tovar	45	250 E TELEGRAPH RD	FILLMORE	CA	93015
David Jackson	46	250 E TELEGRAPH RD	FILLMORE	CA	93015
Saverio Damiano	47	250 E TELEGRAPH RD	FILLMORE	CA	93015
Thomas F. Zunkel	48	250 E TELEGRAPH RD	FILLMORE	CA	93015
Ronald Lewis	49	250 E TELEGRAPH RD	FILLMORE	CA	93015

El Dorado Estates  
Customer Listing

Larry Clausen	50	250 E TELEGRAPH RD	FILLMORE CA	93015
Gary Bergthold	51	250 E TELEGRAPH RD	FILLMORE CA	93015
Juri Kauk	52	250 E TELEGRAPH RD	FILLMORE CA	93015
Benjamin Trejo	53	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Mattes	54	250 E TELEGRAPH RD	FILLMORE CA	93015
Paul Villagran	55	250 E TELEGRAPH RD	FILLMORE CA	93015
Catalina Diaz	56	250 E TELEGRAPH RD	FILLMORE CA	93015
Raul Torres	57	250 E TELEGRAPH RD	FILLMORE CA	93015
Luisse Huber	58	250 E TELEGRAPH RD	FILLMORE CA	93015
Jalaine Helms	59	250 E TELEGRAPH RD	FILLMORE CA	93015
Bonnie Ostrander	60	250 E TELEGRAPH RD	FILLMORE CA	93015
Nick Peper	61	250 E TELEGRAPH RD	FILLMORE CA	93015
Lottie Rehor	62	250 E TELEGRAPH RD	FILLMORE CA	93015
Estate Of Delena Hagerty	63	250 E TELEGRAPH RD	FILLMORE CA	93015
Kathy Amelio	64	250 E TELEGRAPH RD	FILLMORE CA	93015
Florence Schor	65	250 E TELEGRAPH RD	FILLMORE CA	93015
Eva Escoto	66	250 E TELEGRAPH RD	FILLMORE CA	93015
Leland Lewis	67	250 E TELEGRAPH RD	FILLMORE CA	93015
Maralee Treiberg	68	250 E TELEGRAPH RD	FILLMORE CA	93015
James King	69	250 E TELEGRAPH RD	FILLMORE CA	93015
Gerald Patz	70	250 E TELEGRAPH RD	FILLMORE CA	93015
Ruth Valle	71	250 E TELEGRAPH RD	FILLMORE CA	93015
Ray Johnson	72	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Munns	73	250 E TELEGRAPH RD	FILLMORE CA	93015
Chester Lackey	74	250 E TELEGRAPH RD	FILLMORE CA	93015
Blanche Brixey	75	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Denmeade	76	250 E TELEGRAPH RD	FILLMORE CA	93015
Carol Ringgold	77	250 E TELEGRAPH RD	FILLMORE CA	93015
Cas Kaczmarek	78	250 E TELEGRAPH RD	FILLMORE CA	93015
Lucille Dreessen	79	250 E TELEGRAPH RD	FILLMORE CA	93015
Austin Tubbs	80	250 E TELEGRAPH RD	FILLMORE CA	93015
Walter Painter	81	250 E TELEGRAPH RD	FILLMORE CA	93015
Murphy Bank	82	250 E TELEGRAPH RD	FILLMORE CA	93015
Hayko Klett	83	250 E TELEGRAPH RD	FILLMORE CA	93015
Michael Murray	84	250 E TELEGRAPH RD	FILLMORE CA	93015
John Conroy	85	250 E TELEGRAPH RD	FILLMORE CA	93015
Willena Taylor	86	250 E TELEGRAPH RD	FILLMORE CA	93015
Jose Rodriguez	87	250 E TELEGRAPH RD	FILLMORE CA	93015
Ray Severeid	88	250 E TELEGRAPH RD	FILLMORE CA	93015
Warren Stephens	89	250 E TELEGRAPH RD	FILLMORE CA	93015
Vernon Gaylord	90	250 E TELEGRAPH RD	FILLMORE CA	93015
Thomas Henderson	91	250 E TELEGRAPH RD	FILLMORE CA	93015
Don Branscum	92	250 E TELEGRAPH RD	FILLMORE CA	93015
Arnold Bustillos	93	250 E TELEGRAPH RD	FILLMORE CA	93015
Martin Schaefer	94	250 E TELEGRAPH RD	FILLMORE CA	93015
Shirley Ward	95	250 E TELEGRAPH RD	FILLMORE CA	93015
Ethel Legan	96	250 E TELEGRAPH RD	FILLMORE CA	93015
Melvin Weakley	97	250 E TELEGRAPH RD	FILLMORE CA	93015
Barbara Mayberry	98	250 E TELEGRAPH RD	FILLMORE CA	93015
Ralph Duchacek	99	250 E TELEGRAPH RD	FILLMORE CA	93015

El Dorado Estates  
Customer Listing

The Estate Of Gloria Henderson	100	250 E TELEGRAPH RD	FILLMORE CA	93015
Ron White	101	250 E TELEGRAPH RD	FILLMORE CA	93015
Michael Weiner	102	250 E TELEGRAPH RD	FILLMORE CA	93015
Aurelia Garcia Galvan	103	250 E TELEGRAPH RD	FILLMORE CA	93015
Martha Hargett	104	250 E TELEGRAPH RD	FILLMORE CA	93015
Thelma Dorton	105	250 E TELEGRAPH RD	FILLMORE CA	93015
Estate of Roland Smith	106	250 E. TELEGRAPH ROAD	FILLMORE CA	93015
Kandace Marshall	107	250 E. Telegraph Road SP	FILLMORE CA	93015
James Heady	108	250 E TELEGRAPH RD	FILLMORE CA	93015
Helen Hanner	110	250 E TELEGRAPH RD	FILLMORE CA	93015
Steve Desoto	111	250 E TELEGRAPH RD	FILLMORE CA	93015
Marie Sandford	112	250 E TELEGRAPH RD	FILLMORE CA	93015
Ken Taubel	113	250 E TELEGRAPH RD	FILLMORE CA	93015
Roberta Duesler	114	250 E TELEGRAPH RD	FILLMORE CA	93015
Reuben Stubblefield	115	250 E TELEGRAPH RD	FILLMORE CA	93015
Edward Fixen	116	250 E TELEGRAPH RD	FILLMORE CA	93015
Martha Brozik	117	250 E TELEGRAPH RD	FILLMORE CA	93015
John Bonswor	118	250 E TELEGRAPH RD	FILLMORE CA	93015
Phyllis Callahan	119	250 E TELEGRAPH RD	FILLMORE CA	93015
Norris Pennington	120	250 E TELEGRAPH RD	FILLMORE CA	93015
Mark A. Priebe	121	250 E TELEGRAPH RD	FILLMORE CA	93015
William Henderson	122	250 E TELEGRAPH RD	FILLMORE CA	93015
Raul Torres	123	250 E TELEGRAPH RD	FILLMORE CA	93015
Ruth Sarak	124	250 E TELEGRAPH RD	FILLMORE CA	93015
Gregory Lehman	125	250 E TELEGRAPH RD	FILLMORE CA	93015
Emily Hadley	126	250 E TELEGRAPH RD	FILLMORE CA	93015
(estate of) Fred Young	127	250 E TELEGRAPH RD	FILLMORE CA	93015
Larry Lehman	128	250 E TELEGRAPH RD	FILLMORE CA	93015
Thomas Anderson	129	250 E TELEGRAPH RD	FILLMORE CA	93015
Marilyn Marson	130	250 E TELEGRAPH RD	FILLMORE CA	93015
Karen Jones	132	250 E TELEGRAPH RD	FILLMORE CA	93015
Josephine Lorenz	135	250 E TELEGRAPH RD	FILLMORE CA	93015
Nancy O'Kane	136	250 E TELEGRAPH RD	FILLMORE CA	93015
Donald Terrinoni	137	250 E TELEGRAPH RD	FILLMORE CA	93015
Jim Rogers	138	250 E TELEGRAPH RD	FILLMORE CA	93015
John Coogan	139	250 E TELEGRAPH RD	FILLMORE CA	93015
Norma Todd	140	250 E TELEGRAPH RD	FILLMORE CA	93015
Fred Hof	141	250 E TELEGRAPH RD	FILLMORE CA	93015
John Sciacca	142	250 E TELEGRAPH RD	FILLMORE CA	93015
Laura Fiechter	143	250 E TELEGRAPH RD	FILLMORE CA	93015
Marie Taylor	144	250 E TELEGRAPH RD	FILLMORE CA	93015
Janice Brown	145	250 E TELEGRAPH RD	FILLMORE CA	93015
Laqueta Hicks	146	250 E TELEGRAPH RD	FILLMORE CA	93015
Elsie Roynon	147	250 E TELEGRAPH RD	FILLMORE CA	93015
Darrell Antonsen	149	250 E TELEGRAPH RD	FILLMORE CA	93015
Harvard Haase	150	250 E TELEGRAPH RD	FILLMORE CA	93015
Virginia Griffin	151	250 E TELEGRAPH RD	FILLMORE CA	93015
Iris Martin	152	250 E TELEGRAPH RD	FILLMORE CA	93015
Raymond Brown	153	250 E TELEGRAPH RD	FILLMORE CA	93015
Peter Hendrickson	154	250 E TELEGRAPH RD	FILLMORE CA	93015

El Dorado Estates  
Customer Listing

Mary Devitt	157	250 E TELEGRAPH RD	FILLMORE CA	93015
Heinz Scholz	158	250 E TELEGRAPH RD	FILLMORE CA	93015
Jay Wood	159	250 E TELEGRAPH RD	FILLMORE CA	93015
James Miles	160	250 E TELEGRAPH RD	FILLMORE CA	93015
Barbara Alsup	161	250 E TELEGRAPH RD	FILLMORE CA	93015
Becky Martin	162	250 E TELEGRAPH RD	FILLMORE CA	93015
William Wepprecht	163	250 E TELEGRAPH RD	FILLMORE CA	93015
Lucille Rivas	164	250 E TELEGRAPH RD	FILLMORE CA	93015
John Tasker	165	250 E TELEGRAPH RD	FILLMORE CA	93015
David Reeves	166	250 E TELEGRAPH RD	FILLMORE CA	93015
Gary Beardsley	167	250 E TELEGRAPH RD	FILLMORE CA	93015
Richard Tansey	169	250 E TELEGRAPH RD	FILLMORE CA	93015
Harry Williamson	170	250 E TELEGRAPH RD	FILLMORE CA	93015
(estate of) Jim Reay	171	250 E TELEGRAPH ROAD	FILLMORE CA	93015
Verna Blake	172	250 E TELEGRAPH ROAD	FILLMORE CA	93015
Tom Patton	173	250 E TELEGRAPH RD	FILLMORE CA	93015
Patricia Visser	174	250 E TELEGRAPH RD	FILLMORE CA	93015
Delcie Jones	175	250 E TELEGRAPH RD	FILLMORE CA	93015
Beverly Brisby	176	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Rycroft	177	250 E TELEGRAPH RD	FILLMORE CA	93015
Glen Ewing	179	250 E TELEGRAPH RD	FILLMORE CA	93015
Michele Smith	180	250 E TELEGRAPH RD	FILLMORE CA	93015
Charles Odar	181	250 E TELEGRAPH RD	FILLMORE CA	93015
Greg Pfeifle	182	250 E TELEGRAPH RD	FILLMORE CA	93015
David Drake	183	250 E TELEGRAPH RD	FILLMORE CA	93015
Ascencion Gutierrez	184	250 E TELEGRAPH RD	FILLMORE CA	93015
David Mitchell	185	250 E TELEGRAPH RD	FILLMORE CA	93015
Ken Kuklish	186	250 E TELEGRAPH RD	FILLMORE CA	93015
Jeanne Staples	187	250 E TELEGRAPH RD	FILLMORE CA	93015
Beverly Ann Williams	188	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Fine	189	250 E TELEGRAPH RD	FILLMORE CA	93015
Elenora Dicey	190	250 E TELEGRAPH RD	FILLMORE CA	93015
Beverly Fox	191	250 E TELEGRAPH RD	FILLMORE CA	93015
Consuelo Ruiz	192	250 E TELEGRAPH RD	FILLMORE CA	93015
Mortgage Funding	193	250 E TELEGRAPH RD. S	FILLMORE CA	93015
Rosalia Easton	194	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary Scott	195	250 E TELEGRAPH RD	FILLMORE CA	93015
Jim Collins	196	250 E TELEGRAPH RD	FILLMORE CA	93015
Elbert Meletti	197	250 E TELEGRAPH RD	FILLMORE CA	93015
Barbara Smith	198	250 E TELEGRAPH RD	FILLMORE CA	93015
Richard Alderman	199	250 E TELEGRAPH RD	FILLMORE CA	93015
Joan Casagrande	200	250 E TELEGRAPH RD	FILLMORE CA	93015
Harold Mc Ardle	201	250 E TELEGRAPH RD	FILLMORE CA	93015
Eleanor Arias Rangel	202	250 E TELEGRAPH RD	FILLMORE CA	93015
Sally Lewellyn	203	250 E TELEGRAPH RD	FILLMORE CA	93015
Ed Krulikowski	204	250 E TELEGRAPH RD	FILLMORE CA	93015
Mable Lorton	205	250 E TELEGRAPH RD	FILLMORE CA	93015
Barney Sparks	206	250 E TELEGRAPH RD	FILLMORE CA	93015
Craig Sigurdson	207	250 E TELEGRAPH RD	FILLMORE CA	93015
John Williams	208	250 E TELEGRAPH RD	FILLMORE CA	93015

El Dorado Estates  
Customer Listing

William Hill	209	250 E TELEGRAPH RD	FILLMORE CA	93015
Geraldine Lee	210	250 E TELEGRAPH RD	FILLMORE CA	93015
Albert Baca	211	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary B. Lemke	212	250 E TELEGRAPH RD	FILLMORE CA	93015
Richard Turner	213	250 E TELEGRAPH RD	FILLMORE CA	93015
Lauretta Leach	214	250 E TELEGRAPH RD	FILLMORE CA	93015
Jack Park	215	250 E TELEGRAPH RD	FILLMORE CA	93015
John Tallent	216	250 E TELEGRAPH RD	FILLMORE CA	93015
Kathy Otis	217	250 E TELEGRAPH RD	FILLMORE CA	93015
Charles Richardson	218	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert J. Barrozo Sr.	219	250 E TELEGRAPH RD	FILLMORE CA	93015
Calvin Kearney	220	250 E TELEGRAPH RD	FILLMORE CA	93015
Richard Queen	222	250 E TELEGRAPH RD	FILLMORE CA	93015
Kenneth Lyon	223	250 E TELEGRAPH RD	FILLMORE CA	93015
James Nichols	224	250 E TELEGRAPH RD	FILLMORE CA	93015
Gary Messinger	225	250 E TELEGRAPH RD	FILLMORE CA	93015
Anna Jean Vaananen	226	250 E TELEGRAPH RD	FILLMORE CA	93015
Kay Palmer	227	250 E TELEGRAPH RD	FILLMORE CA	93015
Peggy Myers	228	250 E TELEGRAPH RD	FILLMORE CA	93015
Arlene Hawkins	229	250 E TELEGRAPH RD	FILLMORE CA	93015
Louella Hoover	230	250 E TELEGRAPH RD	FILLMORE CA	93015
Arlie Hemphill	232	250 E TELEGRAPH RD	FILLMORE CA	93015
Earl Meyer	233	250 E TELEGRAPH ROAD	FILLMORE CA	93015
Angelo De Franco	234	250 E TELEGRAPH RD	FILLMORE CA	93015
Joan Nichols	235	250 E TELEGRAPH RD	FILLMORE CA	93015
Elieso Jaramallo	236	250 E TELEGRAPH RD	FILLMORE CA	93015
WL Vossler	237	250 E TELEGRAPH RD	FILLMORE CA	93015
Gordon Eastman	238	250 E TELEGRAPH RD	FILLMORE CA	93015
Walter Kennard	239	250 E TELEGRAPH RD	FILLMORE CA	93015
Lupe Ybarra	240	250 E TELEGRAPH ROAD	FILLMORE CA	93015
Maria Thompson	241	250 E TELEGRAPH RD	FILLMORE CA	93015
Ione Brooks	242	250 E TELEGRAPH RD	FILLMORE CA	93015
Bernice Anderson	243	250 E TELEGRAPH RD	FILLMORE CA	93015
Norm Webster	244	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary Farkas	245	250 E TELEGRAPH RD	FILLMORE CA	93015
Jack Hoffman	246	250 E TELEGRAPH RD	FILLMORE CA	93015
Kathleen McCreary	247	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary Reyes	248	250 E TELEGRAPH RD	FILLMORE CA	93015
Laverre Askren	249	250 E TELEGRAPH RD	FILLMORE CA	93015
Adela Chessani	250	250 E TELEGRAPH RD	FILLMORE CA	93015
Eduardo Villagomez	251	250 E TELEGRAPH RD	FILLMORE CA	93015
Bill Thompson	252	250 E TELEGRAPH RD	FILLMORE CA	93015
Fidencio Gonzalez	253	250 E TELEGRAPH RD	FILLMORE CA	93015
Ruth Cohan	254	250 E TELEGRAPH RD	FILLMORE CA	93015
Connie Downey	255	250 E TELEGRAPH RD	FILLMORE CA	93015
Georgia Morton	257	250 E TELEGRAPH RD	FILLMORE CA	93015
Christopher Lee	258	250 E TELEGRAPH RD	FILLMORE CA	93015
Allan Hair	301	250 E TELEGRAPH RD	FILLMORE CA	93015
Alan and Irene Canfield	302	250 E TELEGRAPH RD	FILLMORE CA	93015
Eleanor Perkins	303	250 E TELEGRAPH RD	FILLMORE CA	93015

El Dorado Estates  
Customer Listing

Kathleen Williamson	304	250 E TELEGRAPH RD	FILLMORE CA	93015
Ronald Jackson	305	250 E TELEGRAPH RD	FILLMORE CA	93015
Fred Carpenter	306	250 E TELEGRAPH RD	FILLMORE CA	93015
Community West Bank	307	250 E TELEGRAPH RD	FILLMORE CA	93015
Sandra Pella	308	250 E TELEGRAPH RD	FILLMORE CA	93015
Paul Schifanelli	309	250 E TELEGRAPH RD	FILLMORE CA	93015
Ken Creason	310	250 E TELEGRAPH RD	FILLMORE CA	93015
Tom Brookes	311	250 E TELEGRAPH RD	FILLMORE CA	93015
Marion Schuck	312	250 E TELEGRAPH RD	FILLMORE CA	93015
Kristine Nordin	313	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary Lou Carrillo	314	250 E TELEGRAPH RD	FILLMORE CA	93015
Community West Bank	315	250 E TELEGRAPH RD	FILLMORE CA	93015
Miriam Harnage	316	250 E TELEGRAPH RD	FILLMORE CA	93015
Frank Smulczewski	317	250 E TELEGRAPH RD	FILLMORE CA	93015
Robert Peterson	318	250 E TELEGRAPH RD	FILLMORE CA	93015
Richard O'Hara	319	250 E TELEGRAPH RD	FILLMORE CA	93015
Theodore Untiedt	320	250 E TELEGRAPH RD	FILLMORE CA	93015
Nancy Shirley	321	250 E TELEGRAPH RD	FILLMORE CA	93015
Gloria Owens	322	250 E TELEGRAPH RD	FILLMORE CA	93015
Joe Clyde	323	250 E TELEGRAPH ROAD	FILLMORE CA	93015
Rick Myers	324	250 E TELEGRAPH RD	FILLMORE CA	93015
James Wyand	325	250 E TELEGRAPH RD	FILLMORE CA	93015
Herbert Ising	326	250 E TELEGRAPH RD	FILLMORE CA	93015
Roger Westerberg	327	250 E TELEGRAPH RD	FILLMORE CA	93015
John Ward Wilson Tunis II	328	250 E TELEGRAPH RD	FILLMORE CA	93015
Mary Berry	329	250 E TELEGRAPH RD	FILLMORE CA	93015
Burt Grant	330	250 E TELEGRAPH RD	FILLMORE CA	93015
Phyllis Frankie	331	250 E TELEGRAPH RD	FILLMORE CA	93015
Bernice Buonarati	332	250 E TELEGRAPH RD	FILLMORE CA	93015
John Ferguson	333	250 E TELEGRAPH RD	FILLMORE CA	93015
Betty Jane Burton	334	250 E TELEGRAPH RD	FILLMORE CA	93015
Ruby Prince	335	250 E TELEGRAPH RD	FILLMORE CA	93015
Carroll Hatfield	336	250 E TELEGRAPH RD	FILLMORE CA	93015
Rita Chavez	337	250 E TELEGRAPH RD	FILLMORE CA	93015
Ralph Wynne	338	250 E TELEGRAPH RD	FILLMORE CA	93015
Michael Steel	339	250 E TELEGRAPH RD	FILLMORE CA	93015
Gary Hemphill	340	250 E TELEGRAPH RD	FILLMORE CA	93015
Hazel Humphrey	341	250 E TELEGRAPH RD	FILLMORE CA	93015
Jimmy Duneheew	342	250 E TELEGRAPH RD	FILLMORE CA	93015
Charles Armstrong	343	250 E TELEGRAPH RD	FILLMORE CA	93015
Norma J. Hall	344	250 E Telegraph Road	FILLMORE CA	93015
Gale Cunningham	345	250 E TELEGRAPH ROAD	FILLMORE CA	93015

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# **ATTACHMENT #11**

Mailed on 11/3/10



CITY OF FILLMORE  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-7058

**Notice of Public Hearing**

A Public hearing will be held before the Fillmore Planning Commission on November 17, 2010 at 6:30 p.m. in the City Council Chambers, City Hall, Central Park Plaza, 250 Central Ave, Fillmore, California to consider the following:

**Request:** Convert El Dorado Mobile Home Park consisting of 302 spaces into a 302 lot subdivision with one common lot.

**Project Title:** Vesting Tentative Tract Map 5844

**Project Location:** 250 E. Telegraph Road

**General Plan Designation:** Residential Medium

**Zoning:** Residential Medium

**Applicant:** El Dorado Estates c/o The Star Companies, 1400 E. Fourth St. Santa Ana, CA 92701

**Environmental Review:** The Community Development Director has determined that this project has been reviewed in accordance to the California Environmental Quality Act (CEQA) in that the proposed project is considered Categorical Exempt per Section 1530.1 Class 1(k), *Existing Facilities*.

Any person with an interest in this item may attend this public hearing and speak before the Planning Commission. Further information on this matter can be obtained by calling Fillmore City Hall at (805) 524-1500 ext. 116 or by visiting City Hall during normal business hours.

Please note that the Planning Commission may choose to continue this and/or other items on the agenda. Please contact the City prior to the scheduled public hearing date to verify if this item will be heard. This notice is to be published one time only in the Fillmore Gazette on Thursday, November 4, 2010, and mailed to all property owners within 300 feet of the project site.

  
Kevin McSweeney,  
Community Development Director

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearings. (California CP130 Code Section 55009)



0-250-040  
Anthony V & Judi Marinelli  
1045 Bridgeview Dr  
Ventura, CA 93003

041-0-250-130  
Griffin Homebuilding Grp Llc  
24005 Ventura Blvd  
Calabasas, CA 91302

041-0-250-140  
Bertram O & Virginia Stull  
17470 E Trimmer Springs Rd  
Sanger, CA 93657

041-0-330-015  
Griffin Homebuilding Gr  
24005 Ventura Blvd  
Calabasas, CA 91302

041-0-330-025  
Pinnacle Sespe Llc  
1096 Coast Village Rd  
Santa Barbara, CA 93108

041-0-330-035  
El Dorado Estates  
PO Box 11427  
Santa Ana, CA 92711

041-0-330-225  
Ventura County Fl Ctrl Dist  
800 S Victoria Ave  
Ventura, CA 93009

041-0-330-235  
Griffin Homebuilding Gr  
24005 Ventura Blvd  
Calabasas, CA 91302

041-0-330-245  
Griffin Homebuilding Gr  
24005 Ventura Blvd  
Calabasas, CA 91302

054-0-010-085  
Hearthstone Multi & Asset  
781 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-105  
Fillmore City Of  
250 Central Ave  
Fillmore, CA 93015

054-0-010-115  
Hearthstone Multi & Asset  
781 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-125  
Hearthstone Multi & Asset  
781 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-135  
Hearthstone Multi & Asset  
781 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-145  
Hearthstone Multi & Asset  
781 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-285  
Griffin Homebuilding Group  
81 Lincoln Ave 300  
San Rafael, CA 94901

054-0-010-295  
Griffin Homebuilding Group  
781 Lincoln Ave 300  
San Rafael, CA 94901

\*\*\* 17 Printed \*\*\*



Resolutions for item 5b will be distributed at the meeting.