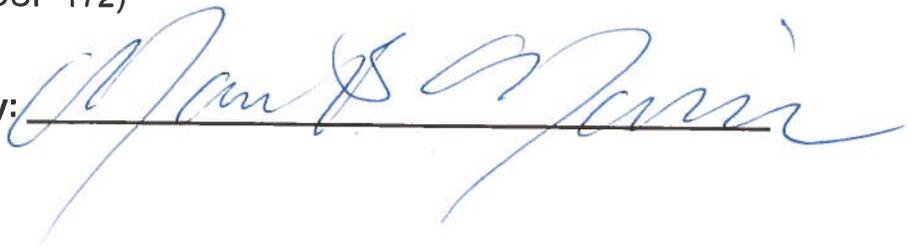


# Hearing Officer Transmittal Checklist

Hearing Date  
10/4/2016  
Agenda Item No.  
20

Project Number: 2016-000334-(4)  
Case(s): Conditional Use Permit No. RPPL 2016002104  
Planner: Carl Nadela

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement
- Environmental Documentation (ND)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous Permit Approvals (ZEC 9580, with attached conditions from ZEC 9435 and CUP 172)

Reviewed By: 



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**PROJECT NUMBER**      **HEARING DATE**

2016-000334-(4)

10/4/2016

**REQUESTED ENTITLEMENTS**

RCUP RPPL 2016002104

## PROJECT SUMMARY

### OWNER / APPLICANT

Rowland Heights Mobile Estates

### MAP/EXHIBIT DATE

8/25/2015

### PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued operation of a 327 space mobilehome park.

### LOCATION

1441 Paseo Real Ave, Rowland Heights, CA  
 91748

### ACCESS

Colima Road

### ASSESSORS PARCEL NUMBER(S)

8761-011-001

### SITE AREA

35.9 ac

### GENERAL PLAN / LOCAL PLAN

ROWLAND HEIGHTS COMMUNITY PLAN

### ZONED DISTRICT

PUENTE

### LAND USE DESIGNATION

U3 (URBAN 3)

### ZONE

R-3-12U (LIMITED DENSITY MULTIPLE  
 RESIDENCE ZONE – MAXIMUM DENSITY OF  
 12 DU / AC), C-3-BE (GENERAL  
 COMMERCIAL – BILLBOARD EXCLUSION)

### PROPOSED UNITS

327

### MAX DENSITY/UNITS

12 DU / AC

### COMMUNITY STANDARDS DISTRICT

ROWLAND HEIGHTS

### ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Existing Structures

### KEY ISSUES

- Consistency with the Rowland Heights Community Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Zoning Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof)
  - 22.20.300-330 (R-3 Zone Development Standards)
  - 22.28.220 (C-3 Zone Development Standards)
  - 22.44.132 (Rowland Heights Community Standards District)

### STAFF RECOMMENDATION

Continuance

### CASE PLANNER:

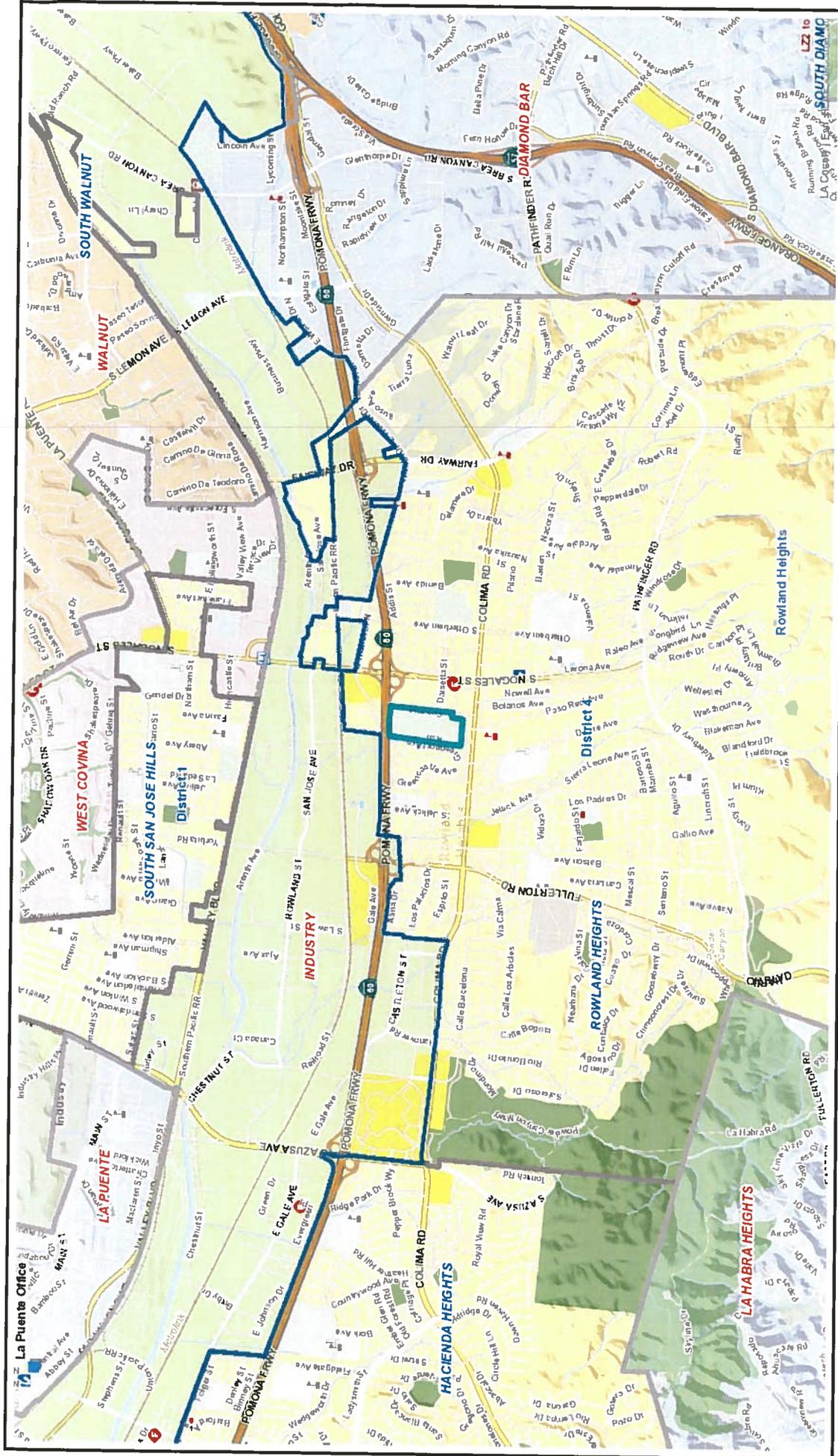
Carl Nadela

### PHONE NUMBER:

(213) 974-6435

### E-MAIL ADDRESS:

cnadela@planning.lacounty.gov

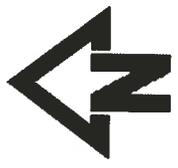


2016-000334-(4) / RCUP RPPL 2016002104

# Property Location Map

Printed: Jun 16, 2016

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### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit (“CUP”) for the continued operation and maintenance of an existing 327 space mobile home park in the R-3-12 U (Limited Density Multiple Residence Zone – Maximum Density of 12 du/ac) and C-3 (General Commercial) zone pursuant to County Code sections 22.20.290 and 22.28.210.

### **PROJECT DESCRIPTION**

The applicant requests a CUP to allow the continued operation and maintenance of a 327 space mobile home (MH) park, with a clubhouse and storage area.

### **SITE PLAN DESCRIPTION**

The site plan depicts a 35.9 ac, rectangular-shaped lot with vehicular access from Paseo Real Avenue to the south. The MH park encompasses the entire property, including 327 MH spaces, a clubhouse at the center and a storage area in the front (south). In addition to two resident parking spaces per MH space, the site plans also indicates 58 guest parking spaces distributed throughout the property.

### **EXISTING ZONING**

The subject property is zoned R-3-12U (Limited Density Multiple Residence Zone – Maximum Density of 12 du/ac) and C-3 (General Commercial) and is located within the Rowland Heights Community Standards District (“CSD”).

Surrounding properties are zoned as follows:

North: M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion)

South: CPD (Commercial Planned Development), C-2-BE (Neighborhood Business – Billboard Exclusion), C-1 (Restricted Business), A-1-6000 (Light Agricultural with a minimum required area of 6,000 square feet)

East: C-3-BE (General Commercial – Billboard Exclusion)

West: R-1 (Single-family Residence)

### **EXISTING LAND USES**

The subject property is developed with a 327-space MH park with a clubhouse and storage area.

Surrounding properties are developed as follows:

North: CA-60, various commercial and office uses

South: Various commercial uses, single-family residences, vacant

East: Various commercial uses, golf driving range

West: Single-family residences

### **PREVIOUS CASES/ZONING HISTORY**

Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance No. 5122 was adopted by the Board of Supervisors on May 25, 1948, which established the A-1-10000 zoning on the subject property.

Ordinance No. 8841 was adopted by the Board of Supervisors on May 11, 1965, which established the C-3 zoning on the easternmost portion of the subject property.

Zone Exception Case No. 9276-(1) was approved on November 13, 1969, which authorized the development of a 188 space mobile home park with appurtenant facilities at the subject site.

Zone Exception Case No. 9435-(1) was approved on March 31, 1970, which authorized an expansion of the mobile home park to 234 spaces.

Zone Exception Case No. 9580-(1) was approved on September 8, 1970, which authorized a 2 space expansion of the mobile home park, increasing it to 236 spaces.

Ordinance No. 10607 was adopted by the Board of Supervisors on November 8, 1972, which established the R-3-12U on the main portion of the subject property.

Conditional Use Permit 172 was approved on November 8, 1972, which authorized a 99 space expansion of the mobile home park, of which, only 91 spaces was actually added. This permit expired on October 24, 1997 and is being renewed by this application. This approval also included Variance 101, which authorized less than a 15 foot front yard for the project.

Ordinance No. 12143 was adopted by the Board of Supervisors on April 24, 1980, which established the –BE addendum on the C-3 portion of the subject property.

Code Case No. 15-0002040 was opened on April 14, 2015 for the operation of the MH park with no current and valid Conditional Use Permit.

This CUP application, RPPL2016002104, was filed on May 5, 2016.

### **ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. This exemption allows for the operation, repair, and maintenance of existing structures with negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No changes are proposed to the site or the current operations of the mobile home park. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

### **STAFF EVALUATION**

#### General Plan/Community Plan Consistency

The project site is located within the Urban 3 (U3) land use category of the Rowland Heights Community Plan. This designation is intended for low and medium density residential developments, from 6.1 to 12 dwelling units per gross acre, including small lot single family residences, duplexes, triplexes, townhouses and condominiums. The existing mobile home part is consistent with this designation.

The following policies of the General Plan are applicable to the proposed project:

- *Land Use Policy 5.1: Encourage a mix of residential land use designations and development regulations that accommodate various densities, building types and styles.*
- *Land Use Policy 5.10: Encourage employment opportunities and housing to be developed in proximity to one another.*

The MH park provides a type of residential use that is different from the surrounding residential areas, which are mostly composed of single-family residences and townhomes. This helps provide a good mix of residential land uses in the area, which supports the General Plan policies. The MH park is also located in the vicinity of a number of commercial uses that provide employment opportunities in the area, which also supports the General Plan policies.

The following policy of the Rowland Heights Community Plan is applicable to the proposed project:

- *Land Use Policy 4: Restrict multiple family or attached housing to the U3, U4 and U5 categories.*
- *Land Use Policy 5: Prohibit mobile home parks in non-urban and industrial areas.*

The MH park is located in an area designated as U3 (Urban 3) by the Rowland Heights Community Plan and is not an industrial area.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to section 22.20.290 and 22.28.210 of the County Code, MH parks are permitted in the R-3 and C-3 zones provided that a Conditional Use Permit is approved for the use. The approval of the CUP satisfies this requirement.

Sections 22.20.300 to 330 of the County Code identifies the following development standards for establishments in the R-3 zone:

- Height Limits  
Section 22.20.300 requires that no building or structure shall exceed 35 in height. The whole development consist of single story structures, which are well below the maximum height.
- Dwelling Unit Density  
Since the zoning of the site is R-3-12U, Section 22.20.310 requires that the density for the site shall not exceed 12 dwelling units per acre. The 327 space MH park is located on a 35.9 ac lot, which translates to less than 10 dwelling units per acre, in compliance with this requirement.

- Yard Requirements

Section 22.20.320 sets out the minimum required yards for the site. The MH units are setback at least 5 feet from the side property line. The rear portion of the MH park was developed in 1969 when the zone was still A-1 and before yard requirements were established for that zone. Finally, the project was also granted a variance to allow less than the required 15 foot front yard.

- Parking

Section 22.52.1150 requires that every MH site shall have two standard parking spaces and that guest parking spaces shall be provided at a ratio of one for each four MH sites.

The Site Plan submitted by the applicant indicates that each MH space has two parking spaces, in compliance with this requirement. However, it also indicates only 58 Guest Parking spaces for the MH park, which is less than the required 82 parking spaces that is required for 327 MH spaces. Because of this, staff has recommended that the applicant revise the submitted Site Plans to show the required parking spaces or file for an associated Minor Parking Deviation request for the lack of the required parking spaces. The applicant has indicated that they will submit an application for a Minor Parking Deviation.

Also, pursuant to section 22.44.132 of the County Code, properties in the Rowland Heights Community Standards District ("CSD") shall be neatly maintained and yard areas visible from the street shall be free of debris, trash and other junk and salvage materials. The project complies with this requirement.

#### Site Visit

Staff conducted a site visit on July 27, 2016. The site was generally clean and well maintained and free from graffiti, trash or other debris.

#### Burden of Proof

The applicant is required to substantiate all facts identified by section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached.

#### Neighborhood Impact/Land Use Compatibility

A MH park has existed at the site for almost 50 years, with the last expansion occurring in 1972. No additions or intensifications to the use are proposed as part of this project. The MH park has convenient access to a major commercial corridor and serves the local community. Therefore, at this time, staff is of the opinion that the continuation of the existing MH park will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area outside the MH park, or endanger or otherwise constitute a menace to the public health, safety or general welfare. Some concerns from residents of the MH park have recently been brought to staff's attention and are currently being reviewed.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

On July 19, 2016, the Los Angeles County Fire Department (LACFD) sent an email to indicating that a number of fire hydrants need to be verified and flow tested. The applicant worked with LACFD to address their concerns and LACFD subsequently sent an email to staff on August 5, 2016 indicating their clearance for the project to proceed with the public hearing, with some conditions. These conditions will be incorporated into the Conditions of Approval of this permit.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

### **PUBLIC COMMENTS**

Staff has received one email from the public indicating support of the project. In addition, staff has received a number of emails and phone calls expressing concerns over the project.

The concerns raised include the following allegations:

1. Overcrowding of the park as excessive rents have forced elderly residents to sublet their homes.
2. Excessive rent affects the renewal of the CUP according to LA County Ordinance 22.52.500 L.
3. There is only one access point to and from the MH park.
4. There is a lack of guest parking spaces in the MH park.
5. There is a lack of modern internet service in the MH park.
6. Lack of notification of MH owners regarding the zoning or use permit under which the MH park operates,
7. Solar panels were installed in three separate locations in the MH park without permits.
8. There are adverse impacts on the MH residents from a neighboring garage structure located on the northeastern side of the park.
9. There are violations of Health and Safety Code Section 18500-18518.

### **FEES/DEPOSITS**

If approved, fees identified in the project conditions will apply unless modified by the Hearing Officer.

### **STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Because of staff's determination that the submitted Site Plan indicates less than the required parking spaces, the applicant will submit a Minor Parking Deviation request, in addition to their CUP application. To allow for the required noticing for the Minor Parking

Deviation, staff recommends a **CONTINUANCE** of Project Number 2016-000334-(4), Conditional Use Permit Number RPPL 201600210 to November 15, 2016.

**SUGGESTED CONTINUANCE MOTION:**

**I, THE HEARING OFFICER, CONTINUE THE PUBLIC HEARING FOR  
CONDITIONAL USE PERMIT NUMBER RPPL 2016002104 TO NOVEMBER 15,  
2016.**

Prepared by Carl Nadela, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Correspondence  
Site Photographs  
Site Plan, Land Use Map

MM:CN  
9/26/2016



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

see attachment 1, for full response.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

see attachment 1, for full response.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

see attachment 1, for full response.

## **Attachment 1 to Conditional Use Permit Burden of Proof**

### Response to Section A of Conditional Use Permit Burden of Proof

The property is a 327-space mobilehome park, located at 1441 South Paso Real Avenue, Rowland Heights, CA 91748, and operating as such since the 1970s. Much of the surrounding land was developed around the Park, presumably acknowledging that the Park was and is a good “fit” for the neighborhood. The Park provides housing for man families and individuals, and is well maintained and managed. **A thorough description is provided in the narratives, “Meet RHME 2016!”, under Section No. 9 of this Application, and, “An EIR is Not Required under CEQA. . .”, under Section No. 4.**

### Response to Section B of Conditional Use Permit Burden of Proof

The Park property was constructed in accordance with the various county laws and ordinances in existence at the time, and all conditions for prior grants of zoning exceptions have been complied with throughout the years, as evidenced by the county inspections included in this application. **See the narrative, “The History of Previous Cases/Zoning History of RHME” in Section No. 9.**

Additionally, the mobilehome parks in California are heavily regulated by state law, including the Health and Safety Code, §§18200, et seq., California Code of Regulations, Title 25, §§1000, et seq., and the Mobilehome Residency Law, Civil Code §§798, et seq. The owner and management of RHME has had to comply with all these state laws throughout the years as they have been enacted and amended over the last 35+ years.

The Health and Safety Code and Title 25 of the Code or Regulations, strictly regulate the physical park property such as size and shape of the lots, setback requirements, roads, and parking. **See the narratives, “The History of Previous Cases/Zoning History of RHME”, and “RHME Owner Has a Fundamental Vested Right to the Grant/Renewal of CUP Under State Law”, under Section No. 9.**

### Response to Section C of Conditional Use Permit Burden of Proof

The Park property was among the first developments in the area when it was still zoned agriculture. The owner complied with all condition imposed before and during construction in the 1920s. **See the narratives, “The History of Previous Cases/Zoning History of RHME”, and “RHME Owner Has a Fundamental Vested Right to the Grant/Renewal of CUP Under State Law”, under Section No. 9.**

## **MEET ROWLAND HEIGHTS MOBILE ESTATES 2016!**

Rowland Heights Mobile Estates (“RHME”) is a mobilehome park, defined in the Mobilehome Residency Law (“MRL”), Civil Code §§ 798, et seq., specifically §798.4 as, “an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.”

Starting as a 188-space park in the early 1970's, RHME expanded to 327 rental spaces during its early years in the first half of the 1970's. The zoning history of the park is described in a zoning permit history section of this application narrative. The park has provided housing for anywhere from 1000 to 1500 persons, approximately, for more than thirty-five (35) years.

Typically, the “tenant” in a mobilehome park, referred to as “homeowner” under the MRL, owns the mobilehome, and rents the space on which it sits. The mobilehome ownership has the advantage over apartment renting because the mobilehome owner builds equity in the home, and does not have common walls with other renters. It has the advantage over owning the typical single family home because it does not have the additional costs associated with owning the land. It is thus an affordable alternative to the typical single family residence, but with advantages over renting a house or apartment: not only the equity in the mobilehome, recoverable upon resale, but also a small yard surrounding the home, with no joint walls with co-tenants.

The MRL provides the homeowner the right to sell the mobilehome. Thus, while the mortgage on the mobilehome and the space rent in total are comparable to apartment rents in many cities, unlike an apartment dweller, if the tenant/homeowner moves from the mobilehome park, he or she may sell the mobilehome and walk away with whatever equity was represented in the proceeds after sale.

Of course, mobilehome parks vary in quality just as any other form of housing. RHME is a very sought-after park, located at 1441 S. Paso Real Avenue, Rowland Heights, CA 91748. In the past, RHME has been rated as a four (4)-star park out of five (5) stars. The desirability of RHME is demonstrated by the fact there are no empty spaces, and homes sell very quickly. The price of homes in RHME currently ranges from approximately \$70,000.00 to \$105,000.00. This is a reflection mainly of the value attributable to the home’s being located in RHME. The size, age and condition of the home are secondary factors affecting the value of the home.

RHME boasts many quality amenities. It has a clubhouse with a piano, a community kitchen, a billiard room with two billiard tables, a conference room, a library, free wifi, a pool and spa, a “little tot lot” with swings and a playground, mainly for children ten (10) years and younger, and an RV storage area. There is also a laundry facility with four (4) washing machines and four (4) dryers. There are two (2) onsite managers in the Park Office, and three (3) onsite maintenance persons, who take care of all aspects of Park maintenance, except where the services of an expert are required in a particular area, such as out-of-the-ordinary electrical issues or plumbing repairs. There is plenty of vehicle parking within the park premises. Each rental space can accommodate at least 2-4 vehicles in the carport. Additionally, there are 114 spaces for other parking: 56 RV parking spaces, 14 parking spaces at the clubhouse, 1 stall to accommodate the disabled, and 3 spaces at the laundry facility. The remaining 40 spaces are for guest parking at various places throughout the park.

Once a senior park, RHME has been an “all age” park for years. The resident population of approximately 1000-1500 persons of all ages are mainly of Chinese descent (approximately 90-95%), with the balance being Hispanic and Caucasian. It is a quiet community with a low crime rate compared with the rest of the City of Rowland Heights, which itself also has a low crime rate compared with other cities state-wide and nationally. See the section of this narrative regarding neighborhood demographics.

There are various social activities in the park, including yoga and tai chi every morning conducted by residents in front of the clubhouse, and residents walk around the park every morning and evening. A cookie decorating party was scheduled for the past holiday season in the clubhouse, and there was an ice cream social at the end of last summer. Residents play the piano in the clubhouse, and some residents take lessons on the park piano. Residents also use the billiard tables and other amenities.

There are also many activities and features near the park, such as the Puente Hills mall; many shopping centers with numerous restaurants, ethnic and all-American; Chinese markets; family amusement centers; educational centers, including high quality public schools and private academies; community parks, one with horseback riding; social lounges with karaoke; a state-of-the-art Rowland Heights Civic Center, with banquet rooms, table tennis tournaments, and classes, exercise facilities, trail walking, and other features. There are also theaters and a dance center, as well as the Speedway, just minutes away, for those with a need for speed.

The residents of RHME are a well-behaved group, with very few evictions in the park, only one in the last two (2) years. There have been only approximately four (4) police calls to the park over the last two years, and only a few minor crimes over the last two years. Management never receives complaints from persons outside the park about the residents or the park operations.

All in all, RHME is a high quality park, much in demand. It is definitely and indisputably an asset to the surrounding community.

**AN EIR IS NOT REQUIRED UNDER CEQA AND ITS GUIDELINES, AS A CLASS 1 EXEMPTION. TITLE 14, § 15301; A NEGATIVE DECLARATION SHOULD BE ISSUED.**

In this case the original grant was a zoning exception in Case No. 9276- (1), wherein the property owner filed an application to construct and maintain a 188-space mobilehome park with appurtenant facilities, approved at the end of 1969. The California Environmental Quality Act (CEQA) was not yet in effect. The CEQA was enacted in 1970, at Cal. Public Resources Code §§21000 et seq. The implementing guidelines are located at Title 14, §§15000.

There were several other grants in the 1970's. The County did not require that the property owner submit an EIR in any of the previous cases, including the grant on November 8, 1972, in variance Case No. 101-(1), wherein the property owner was allowed to add 99 spaces to the park.

In Zoning Case No. 5896 -(1), a request was filed on May 25, 1972, by the owner of RHME for a change of zoning of the subject property from A-1-6000 to R-3, in the Puente Zoned District No. 76, with a corresponding amendment to Section 387 of Ordinance No. 1494 . The change of zoning was approved by the Board of Supervisors on September 21, 1972. In light of the recently enacted CEQA, on September 26, 1972, the Board referred the case back to the Regional Planning Commission to consider the potential environmental impact of the requested zone change. The Regional Planning Commission found no significant environmental impact and issued a negative declaration. On October 20, 1972, the Commission sent its recommendation to the Board of Supervisors that the ordinance effecting the change of zoning be adopted. The Regional Planning Commission's file indicates its recommendation was adopted, and the zoning change went into effect, but the file does not disclose the date on which that occurred. The zone change was implemented, but to the lower density zoning R-3-12U (limited multiple residence – 12 units per acre) instead of R-3.

With the passage of 55 years since the original CUP was issued, there has been substantial change in the area surrounding the park. However, presumably the County would not have approved something in the area that would so conflict with RHME that an environmental issue would have been created. Even if it had, it would have been incumbent upon those proposing the development or project, not RHME, to alleviate any environmental issues created by the new development.

Under CEQA, the first inquiry is whether the current application is a "project." If not, no further environmental action is required under CEQA. The County of Los Angeles has adopted the CEQA guidelines for enforcement. It would seem that the current application would not be deemed a "project," since the application does not involve the property owner doing anything to the physical park property, However, the definition of a "project" under CEQA and its guidelines, includes "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." Title 14, 15378 (a)(3). Hence the current application is in fact a project under the CEQA and its guidelines.

Nevertheless, it is clear that the exemption provision under the CEQA is applicable to this application. There are various categories of projects that are automatically exempt from the EIR analysis and requirements. A common categorical exemption used by agencies is Title 24, §15301

for maintenance of existing facilities. This regulation applies to exempt RHME's application herein as a class 1 category exemption for existing facilities. Section §15301 provides:

*“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.”*

If a project is already built, the project usually has no significant new impacts. Agencies do not have to file any CEQA findings for categorically exempt projects. The finding of exemption is sufficient. Section 15301 lists numerous examples of proposed activities or alterations that are exempted, each of which, although involving negligible activity or alteration, nevertheless involves more activity or alteration than the RHME application, *which involves no change or alteration whatsoever to the physical property.*

The lead agency can file a Notice of Exemption (NOE) with a 35-day statute of limitations period for any legal challenge, or a 180-day statute of limitations if the lead agency decides not to file an NOE.

The County of Los Angeles has granted a Class 1 exemption in several recent applications. Some of the cases involve “renewal” of expired CUP's for existing cell towers. One case involved eight (8) Sprint Nextel cell towers, Project Nos. R2013- 00945-(3), 00956, 00957, 00958, 00959, 00960, 00963, and 00964. The cell towers had been in operation for ten (10) years without any record of public complaints or zoning violations for any of the eight (8) project sites. The CUP had expired 1 ½ years earlier. The County found a Class 1 Exemption because there were no changes proposed and no new equipment being added or installed.

Another case was a request for a zoning change in Whittier, Project No. R2009-01269-(4), meeting the criteria for a Class 1 Categorical Exemption, because it was a continuation of an existing use in an existing structure. Another was a new billiard hall, Project No. R2012-01612-(4), to be located within a building in the shopping center to the east of RHME, considered exempt because it was to be located within a newly established, two-story multi-tenant commercial center, and was compatible with the surrounding area. The billiard hall was an application in the first instance, wherein the zoning agent pointed out pivotal factors that also apply to RHME's current application:

*“Section 15303 states that ‘the key consideration is whether the project involves negligible or no expansion of an existing use.’ No new construction is being proposed and the only alteration is the change of use from offices to retail space.”*

Additionally, in Zoning Change Case No. 6495-(1), filed in 1979 as “Regional Planning Commission Initiative,” for a billboard exclusion overlay for an area that includes RHME, Norman B. Nelson, of the Zone Change Section of the Department of Regional Planning, prepared a Negative

Declaration and Factual Report for hearing date September 19, 1979. Pursuant to the Negative Declaration, the area was already determined *not* to be within a “Significant Ecological Area” or “Resource Management Zone.”

RHME submits that a finding is appropriate that the project (the existing mobilehome park) qualifies as a Categorical Exemption (Class 1– Existing Facilities) and is consistent with the finding by the Secretary of State for Resources, and by the local County guidelines, that this class of projects does not have a significant effect on the environment.

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## THE HISTORY OF PREVIOUS CASES/ZONING HISTORY OF RHME

### Zone Exception Case No. 9276 - (1)

RHME was built in the early 1970's. The original application was for a "zoning exception," filed before the days of "Conditional Use Permits." On September 10, 1969, applicant Tropical Enterprises filed an application on behalf of the property owner, J. A. Rowland, Jr., to construct and maintain a 188-space mobilehome park with appurtenant facilities at its present location, then designated "at the rear of 18800 E. 5<sup>th</sup> Avenue, between Nogales Street and Greencastle Avenue, in the Puente Zoning District."

At that time the area was zoned light agriculture (A-1-6000) pursuant to Ordinance No. 5565, effective July 18, 1965. The application of Tropical Enterprises for the zoning exception was approved by the Regional Planning Commission on November 25, 1969. There were 25 conditions imposed for the exception. A copy of the list of exceptions is hereto attached as **Exhibit "1."**

The property was master planned as "R-3." Construction was to be completed by November 25, 1974. The zoning exception was set to expire November 25, 1994. The record of inspections conducted between 11/25/1970 and 11/25/94 indicates that at each inspection RHME was found to have complied with all conditions. A copy of that record, from the County file on Case No. 9276-(1), is attached hereto as **Exhibit "2."**

### Zone Exception Case No. 9435 - (1)

An application was filed on February 4, 1970, by David Ghent for Tropical Enterprises on behalf of property owner John A. Rowland, Jr., for an exception from Zoning Ordinance No. 1494, which had zoned the area as A-1-6000 and C-3. The application essentially was for expanding the area of the mobilehome park by approximately 5.3 acres, and increasing the number of rental spaces in the park to 234 spaces.

The exception was granted on March 31, 1970, subject to 25 conditions imposed. A copy of the list of conditions is attached hereto as **Exhibit "3."** The exception grant was to be used prior to March 31, 1971. If not, the grant would be null and void. The exception was set to expire March 31, 1995.

The County conducted inspections at the property on 10 occasions between 9/23/1970 and 4/27/1987. A copy of the inspection sheet from County records is attached hereto as **Exhibit "4."** On each inspection, RHME was found to be in compliance, with the exception of the first inspection while construction was still ongoing. After the last inspection on April 27, 1987, no further inspections were to be done unless there was a complaint lodged against the property. The record does not indicate any complaints were lodged.

### **Zone Exception Case No. 9580 - (1)**

On July 17, 1970, Tropical Enterprises filed an application for a zone exception on behalf of the property owner, Rowland Heights Mobile Estates, a Limited Partnership. (Former owner, John A. Rowland, Jr., had conveyed his ownership interest to the partnership by grant deed dated June 23, 1970, recorded June 26, 1970.) The application was for an exception to the A-1-6000 (light agriculture) and C-3 (unlimited commercial) zoning of the area of the mobilehome park in order to add two (2) mobilehome spaces to the park that had been approved in Zoning Exception Case No. 9435-(1), for a total of 236 rental spaces. The exception previously had been advertised as 236 spaces but the two (2) additional spaces had been omitted from the previous plot plan. The property at issue was described as located approximately 1000 feet westerly of So. Nogales St., between Colima Rd. and the Pomona Freeway, in the Puente Zoned District.

The easterly 140 feet of the park property had been zoned C-3 by Ordinance No. 8841, adopted May 11, 1965. The rest of the property had been zoned A-1-6000 by Ordinance 5565, as described above.

The application was approved on September 8, 1970, with seven (7) conditions imposed, in addition to the 25 conditions imposed in Case No. 9435 (1). The expiration date of March 31, 1995 was incorporated. A copy of the list of conditions and factual data bearing on this case is attached hereto as **Exhibit "5."** The exception was to become null and void unless used prior to September 8, 1971.

A copy of the record of inspections on Case No. 9580 for the period 3/18/1971 through 4/27/1987 is attached hereto as **Exhibit "6."** This record indicates that RHME was found to be in compliance at each of 8 inspections, except for some changes that were allowed and approved in a revised plot plan in December of 1971. After the last inspection on April 27, 1987, no further inspections were to be done unless there was a complaint lodged against the property. The record does not indicate any complaints were lodged.

### **Zoning Case No. 5896 -(1) to Change Zoning From A-1-6000 to R-3**

Zoning Case 5896 -(1), was a request filed on May 25, 1972, by Tropical Enterprises for a change of zoning of the subject property, in the Puente Zoned District No. 76, from A-1-6000 to R-3, with a corresponding amendment to Section 387 of Ordinance No. 1494. The change of zoning was approved by the Board of Supervisors on September 21, 1972, but on September 26, 1972, the case was referred back to the Regional Planning Commission to consider the potential environmental impact of the requested zone change.

The Regional Planning Commission found no significant environmental impact and issued a negative declaration and on October 20, 1972, the Commission sent its recommendation to the Board of Supervisors that the ordinance effecting the change of zoning be adopted. The Regional Planning Commission's file indicates its recommendation was adopted and the zoning change went into effect, but the file does not disclose the date on which that occurred. The zone change was implemented, but to the lower density zoning R-3-12U (limited multiple residence – 12 units per acre) instead of R-3.

### **Conditional Use Permit Case No. 172- (1) and Variance Case No. 101 - (1)**

The property owner filed an application for a conditional use permit (CUP) and a variance, in the above-referenced zoning cases, on August 11, 1972, requesting to extend the time limit to complete the construction of the park, to expand the park to add 99 spaces to the south of, and adjacent to, the existing 236-space park; and to modify the development standards, as follows: allowing less than a 15-foot front yard setback based on there being no street frontage along the “front” of the property site; a wall modification to the front wall; to expand the clubhouse; to add parking spaces and to relocate a boat and camper storage area.

On October 3, 1972, the Regional Planning Commission ruled that the proposed project would not significantly affect the human or natural environment.

The application was granted on November 8, 1972, imposing 9 conditions, a copy of which is attached hereto as **Exhibit “7.”** The permit and variance were to become null and void if not used prior to November 8, 1973, unless the property owner were to submit a written request for extension to the County prior to November 8, 1973.

Condition number 9 provided that Zone Exception Cases 9435 and 9580, and the CUP and variance grants were all set to expire on October 24, 1997, so there would be a new, single, 25-year grant period for all grants for the entire property.

County inspections for compliance with the conditions were performed on 3/22/73, 4/2/74, 3/30/76, July of 1979, 1/19/83, and January of 1985. For each inspection, the report noted that the property owner was complying with the conditions. The County records do not reflect any inspections performed after 1985. See **Exhibit “8”** attached hereto.

### **Zone Change Case No. 6495-(1)**

On or about November 9, 1979, the Los Angeles County Regional Planning Commission submitted its resolution to the Board of Supervisors recommending a change of zone for five (5) parcels located on the south, east, and north sides of the Pomona Freeway, Nogales Street, and Colima Road, to change the zoning from C-2 (Neighborhood Commercial) and C-3 Unlimited Commercial) to C-2-BE (Neighborhood Commercial – Billboard Exclusion) and C-3-BE (Unlimited Commercial – Billboard Exclusion). The land included the property on which RHME is located. A copy of the zoning history and list of environmental factors is attached hereto as **Exhibit “9.”**

The Board of Supervisors approved the change of zone in the latter part of 1979.

### **Zone Exception Case No. 9459**

In the records received from the County on Case No. 5896-(1), there is also reference made to a Case No. 9459, which is described as a request for a vacation trailer and rental yard. It is not clear from

the reference whether it applies to RHME, but it appears to have been approved 6/70, expires 6/80. There was no separate file provided to applicant by the County on a Case No. 9459.

### **T.R.M 1193**

This case also is referred to in the records from the County on Case No. 5896-(1). It is described as "divided property to south into two parcels Recorded 3-30-71." There also was no separate file provided by the County on this case.

### **CONCLUSION**

From all appearances, RHME has complied with all conditions (and exceptions) imposed by the various grants throughout the years and has remained in compliance to date. There is no reason not to approve the current application for a CUP.

**RHME OWNER HAS A FUNDAMENTAL VESTED RIGHT TO THE  
GRANT/RENEWAL OF THE CUP  
UNDER STATE LAW.**

The owner of RHME has operated the mobilehome park continuously since the 1970's, in compliance with all conditions imposed by the County in the various zoning, variance and CUP grants.

For all those years, the owner has rented the mobilehome spaces to tenants, who typically own the mobilehome in which they live on the rental space. The owner has also operated the park under the comprehensive body of state law that governs all aspects of mobilehome park operation.

The state law governing the owner and park management's relationship with the park tenants is contained in the "Mobilehome Residency Law," California Civil Code §§ 798, *et seq.*, known in the industry as the "MRL." The MRL provides rights to the park operator and limits on its power as a landlord, to account for the unique situation of renting spaces to tenants who typically purchase, and therefore have an investment in, the mobilehome in which they live. The MRL provides a special protection for tenants because of this unique landlord-tenant relationship. Basically a tenant is allowed a lifetime tenancy if he or she complies with all tenancy obligations, and can be evicted only for cause. In fact, this lifetime tenancy can be passed to the tenant's survivors, if they qualify for tenancy.

Additional state law governs other aspects of mobilehome park operation. The "Mobilehome Parks Act," California Health and Safety Code, §§18200 *et seq.*, and the regulations promulgated thereunder, establish many of the requirements for the physical park property, including permits, fees, and responsibilities of park operators and enforcement agencies, mainly, the California Department of Housing and Community Development, commonly referred to in the industry as "HCD."

The Health and Safety Code directed HCD to establish regulations to implement the Health and Safety Code, and to enforce those regulations. The regulations are contained in the California Code of Regulations, Title 25, Division I, Chapter 2, §§1000, *et seq.*, and include specific requirements for park construction, maintenance, use, occupancy, and design. They also include requirements for items such as lot identification, lighting, roadway width, plan and permit requirements, as well as specific requirements for mobilehome installation, accessory structures and buildings, such as sheds, carports, and garages, earthquake resistant bracing systems, application procedures, fees, enforcement, and appeal procedures.<sup>1</sup>

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<sup>1</sup>Even when the city or county assumes enforcement responsibility on behalf of HCD, the city/county cannot impose more restrictive local regulations than state law and state-promulgated regulations with respect to the construction or operation of mobilehome parks. California Health and Safety Code §18300 ("(a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part."); *People v. Dept. of Housing and Community Development*, 45 Cal. App. 3d 185 (1975).

Thus, a park operator is heavily regulated in all aspects of the mobilehome park business. The owner of RHME has constantly worked to comply with these bodies of law as they have developed through the years, and has worked to keep abreast of new developments and changes in these laws, as they are supplemented and amended each year.

As is no doubt obvious from the above description of the various bodies of law, the compliance with them is not only a tremendous amount of work, but is also costly. What started as an industry of simple trailer parks in the mid 1900's has developed into a much more sophisticated rental housing option. Mobilehome park living has also become a recognized affordable alternative to the single family residence, and an alternative to renting a house or an apartment, since the total cost of mortgage and rent is comparable to rent for a house or apartment, yet the mobilehome park tenant, as owner of the mobilehome, is building equity in the mobilehome throughout the tenancy.

Based on the sustained successful operation of RHME throughout the last 40 years under the strict and elaborate network of state laws, and the owner's compliance with the conditions imposed by the County in the various historical grants, and based on RHME's legal mandate to provide tenants a continued lifetime tenancy under state law, a fundamental vested right to continued operation exists, as explained by the court in the seminal case, *Goat Hill Tavern v. City of Costa Mesa*, 6 Cal. App 4th, 8 Cal. Rptr. 2d 385 (1992).

In *Goat Hill Tavern*, the tavern had been in operation for over 35 years as a legal nonconforming use. The owner had invested substantial money in adding an expansion containing a game room, and other improvements to the existing building. A temporary conditional use permit for the game room expansion was sought and granted, after-the-fact. When the permit expired, the owner sought renewal of the permit. The City at first imposed additional restrictive conditions to the granting of a renewal, and ultimately denied the renewal.

Goat Hill Tavern sought a writ of administrative mandamus ( Code Civ. Proc., § 1094.5) compelling the City to renew the conditional use permit. The trial court applied the independent judgment test, concluding that the City's decision to deny renewal of the permit was not supported by the evidence and granted the writ. The court specifically concluded that the owner had a vested property right and, to terminate the use, the City must establish that Goat Hill Tavern was a public nuisance or otherwise demonstrate a compelling public necessity for its decision. The City appealed, contending the trial court applied an incorrect standard of review. It argued that the tavern owner had no fundamental vested right in Goat Hill Tavern and, therefore, the trial court was limited to a determination of whether substantial evidence supported the City's decision.

The appellate court pointed out that the grant or denial of a conditional use permit is an administrative or quasi-judicial act, citing, *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 517 [113 Cal. Rptr. 836, 522 P.2d 12] and *Smith v. County of Los Angeles* (1989) 211 Cal. App.3d 188, 198 [259 Cal. Rptr. 231]). Judicial review therefore must be in accordance with Code of Civil Procedure section 1094.5.

The threshold issue on the appeal was whether the tavern owner had any vested fundamental right to continue operation of the tavern. The court distinguished the term 'vested' in the sense of

'fundamental vested rights' when determining the scope of judicial review in an administrative mandamus proceeding, from use of the term 'vested rights' in the doctrine relating to land use and development. ( *Whaler's Village Club v. California Coastal Com.*, supra, 173 Cal.App.3d at p. 252.) The court stated:

. . . When an administrative decision affects a right which has been legitimately acquired or is otherwise vested, and when that right is of a fundamental nature from the standpoint of its economic aspect or its effect . . . in human terms and the importance . . . to the individual in the life situation, then a full and independent judicial review of that decision is indicated because the abrogation of the right is too important to the individual to relegate it to exclusive administrative extinction." ( *San Marcos Mobilehome Park Owners' Assn. v. City of San Marcos* (1987) 192 Cal. App.3d 1492, 1499 [238 Cal. Rptr. 290], internal quotation marks omitted.)

"Whether an administrative decision substantially affects a fundamental vested right must be decided on a case-by-case basis. [Citation.] Although no exact formula exists by which to make this determination [citation] courts are less sensitive to the preservation of purely economic interests. [Citation.] In deciding whether a right is 'fundamental' and 'vested,' the issue in each case is whether the 'affected right is deemed to be of sufficient significance to preclude its extinction or abridgment by a body lacking judicial power." [Citation.]" ( *301 Ocean Ave. Corp. v. Santa Monica Rent Control Bd.* (1991) 228 Cal. App.3d 1548, 1556 [279 Cal. Rptr. 636].)

*Goat Hill Tavern v. City of Costa Mesa*, supra, 6 Cal. App. 4<sup>th</sup> 1519 at 1526.

Goat Hill Tavern had been in operation for over 35 years as a legal nonconforming use. The owner had invested over \$1.75 million in its refurbishment, including substantial exterior facade improvements undertaken at the City's behest. He then sought a conditional use permit to allow the addition of a game room, which was granted on a temporary basis. When the permit expired, the City argued he had lost all right to continue in business.

The appellate court concluded that the tavern owner's right to continued operation of his business was a fundamental vested right, and not, as the City so strongly urged, a "purely economic privilege." It was the right to continue operating an established business in which the owner had made a substantial investment. The court further explained:

Interference with the right to continue an established business is far more serious than the interference a property owner experiences when denied a conditional use permit in the first instance. Certainly, this right is sufficiently personal, vested and important to preclude its extinction by a nonjudicial body.

While cases applying the independent judgment test in land use matters are few, we uphold its application here because of the unique facts presented. We might conclude differently were this, as the city attempts to suggest, a simple case of a property owner seeking a conditional use permit to begin a use of property. But it is not. Rather, Goat Hill Tavern is an existing business and a legal nonconforming use.

The circumstances presented are more like the revocation of a conditional use permit than the mere issuance of one. The city has a practice, common in many cities, of issuing limited conditional use permits. When the conditional use permit "expires" the property owner must renew the conditional use permit.

\* \* \*

Costa Mesa's practice is to do nothing about "expired" conditional use permits and to allow businesses to continue. When a complaint about a business arises, as here, months after the conditional use permit expires, the city demands an application for renewal. In the meantime, the property owner has been continuing to invest in the property and the business, but faces the possible loss of his conditional use permit for reasons other than failure to comply with its original conditions.

Denial of an application to renew a permit merits a heightened judicial review. "Once a use permit has been properly issued the power of a municipality to revoke it is limited. [Citation.] Of course, if the permittee does nothing beyond obtaining the permit it may be revoked. [Citation.] Where a permit has been properly obtained and in reliance thereon the permittee has incurred material expense, he acquires a vested property right to the protection of which he is entitled. [Citations.] *When a permittee has acquired such a vested right it may be revoked if the permittee fails to comply with reasonable terms or conditions expressed in the permit granted [citations] or if there is a compelling public necessity. [Citations.] A compelling public necessity warranting the revocation of a use permit for a lawful business may exist where the conduct of that business constitutes a nuisance.*" ( *O'Hagen v. Board of Zoning Adjustment* (1971) 19 Cal. App.3d 151, 158 [96 Cal. Rptr. 484]; *Trans-Oceanic Oil Corp. v. Santa Barbara* (1948) 85 Cal. App.2d 776 [194 P.2d 148]; see also *Upton v. Gray* (1969) 269 Cal. App.2d 352 [74 Cal. Rptr. 783]; *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal. App.3d 1124 [251 Cal. Rptr. 709].) By simply denying renewal of its conditional use permit, the city destroyed a business which has operated legally for 35 years. The action

implicates a fundamental vested right of the property owner, and the trial court was correct in applying the independent judgment test.

*Goat Hill Tavern v. City of Costa Mesa, supra*, 6 Cal. App. 4<sup>th</sup> 1519 at 1529-1531 (emphasis added).

RHME submits that the rights involved in its application are even far more deserving of consideration than the tavern owner's rights in the Goat Hill Tavern case. RHME is an attractive, well- managed and well-maintained mobilehome park providing much-needed affordable housing to hundreds of families, thousands of individuals in Rowland Heights. Provision of affordable housing is a major concern addressed in the Rowland Heights Community General Plan, adopted by the Board of Supervisors on September 1, 1981, after RHME was already fully built and operational. There are no objectionable features about the park or its existence in the neighborhood. RHME knows of no complaints about the park. There are no allegations of nuisance, public or private.

The owner of RHME has a fundamental vested right that cannot be taken away absent a compelling reason. There is no compelling reason for the County to deny the CUP and thereby deprive the owner of RHME of its fundamental vested right, or to otherwise impose onerous conditions that would interfere with the continued enjoyment of that fundamental vested right.

RHME submits that the only correct result on this application is for the County to find (1) that the project is consistent with the County General Plan and the Rowland Heights Community Plan; (2) that the park operation has not and will not adversely affect the health, safety, peace, comfort, or welfare of the persons residing or working in the surrounding area; (3) that the park has not and will not be materially detrimental to the use, enjoyment, or valuation of property located in the vicinity of the park; (4) that the park has not and will not jeopardize, endanger or otherwise constitute a nuisance or menace to the public health, safety, or general welfare; (5) that the project is adequate in size and shape to accommodate its walls, yards, fences, parking, landscaping, and other development features so as to continue to be suitable within the surrounding area; and (6) that the project is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic that the use as a mobilehome park has generated and will continue to generate, and by other public or private service facilities as are necessary.



**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: RPPL 2016002104  
2016-000334

MAP DATE: 06-30-2016

LOCATION: 1441 Paseo Real Avenue, Rowland Heights

PLANNER: Carl Nadela

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**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

**CONDITIONS OF APPROVAL – ACCESS**

1. Maintain access as noted on the site plan.

**CONDITIONS OF APPROVAL – WATER SYSTEM**

1. The required fire flow for the public fire hydrants for this project is 1250 gpm at 20 psi residual pressure for 2 hours. One (1) public fire hydrant flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
  - a. The public fire hydrant fire flow is adequate for this project.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at [Wally.Collins@fire.lacounty.gov](mailto:Wally.Collins@fire.lacounty.gov).

## Carl Nadela

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**From:** MnJGrant@aol.com  
**Sent:** Friday, August 19, 2016 3:34 PM  
**To:** Carl Nadela  
**Subject:** Public Hearing Vote

Carl Nadela,

I vote YES to approve Project No. 2016-000334-(4), Condition Use Permit No. RPPL 2016002104

Thank you.

John Grant

Petition to LA Board of Supervisors, Department of Regional Planning and County Planner

Re: Project NO. 2016-000334-(4) and Condition Use Permit No. RPPL 2016002104

Date: Sept 27, 2016

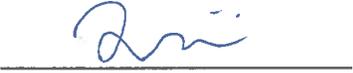
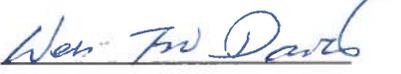
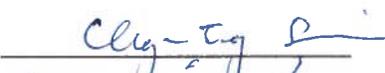
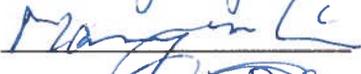
1. The original CUP of RHME Park expired in 1997. The RHME Park has been operating without a CUP for 19 years. The Park did not notified mobile home owners in writing about the expiration of the CUP. (Some mobilehome owners found a statement about the expiration of CUP in 1997 in their Space Rental Agreements.)  
*California Mobilehome Residency Law 798.27: "Notice of Zoning or Use Permit and Duration of Lease (a) The management shall give written notice to all homeowners and prospective homeowners concerning the (1) The nature of the zoning or use permit under which the mobilehome park operates. If the mobilehome park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates shall be included in the notice. "*
2. The law stipulated there should be 2 access points to streets, but RHME Park has only one access point, which is a serious safety problem for residents.  
*LA County Zoning Ordinance 22.52.500 C.2b: "At least two access points to a public street or highway shall be provided which can be used by emergency vehicles."*
3. **Parking Space Shortage:** *LA County Zoning Ordinance 22.52.1150 B: "(Mobilehome parks) In addition, guest parking spaces shall be provided at the ratio of one standard size automobile parking space for each four mobilehome sites."*  
327 mobilehomes divided by 4 = 82, but now there are only 58 available, among which 15 are in front of the clubhouse and gated, so it is not for guest parking. Therefore, the number of all guest parking spaces is only 43, short of 39. (Actually, the current office structure built near the clubhouse occupies parking spaces. )  
In addition, there are no guest parking spaces in C-3 Zone, which is inconvenient for residents living in this zone.
4. **Solar Panels:** About 3 years ago, the Park built 3 solar panel structures in 3 different locations, two over the guest parking spaces and one at the rear of the laundry room. We doubt the Park had permit to do that. We heard that the electricity generated by the solar panels is sold to an electricity company and connected to the public electricity network.  
*LA County Code of Ordinance 22.52.500 I Prohibitions 6: "There shall be no commercial uses, except those uses approved by the hearing officer and which are necessary to facilitate the operation of the mobilehome park."*
5. Park residents had complaints about the RHME's management of the Park. On 12/17/2013, 120 park residents had a meeting, the biggest one but not the only one of its kind. The owner and the head manager of its management company, Olisan, Inc., were present to listen to residents'

complaints. The complaints covered a broad range of issues, including unreasonable and endless rent increase, manager's oppressive and hostile behavior in dealing with residents, unreasonable car towing, unreasonable clubhouse hours, the removal of Sauna room, changing room, shower room, and card room, etc. After that meeting, the Park owner changed managers and club hours and offers a 15 year long lease to mobilehome owners to lock in the rent increase rate at 2.9%, but nothing else.

6. The Park increased rent every year about 3%. However, the increase of the rent upon the transfer of a mobilhome is as high as 12%. At one time, the Park increased rent for all new mobilehome owners to near \$1000, regardless of the original rent rates, some of which way exceeded 12% increase. We think this is an excessive rent increase, and should be considered as the Park is now forced to apply for a new CUP.
7. In the few years before 2012, the biggest grievance of the Park residents was the unreasonable towing of cars. This caused a lot of problem and financial loss for the residents. The towing company was finally punished but the then Park managers were not. Residents had the opinion that the then managers conspired with the towing company to gain money from it. Due to the lack of proper knowledge to seek the right authority to solve the problem, many residents still consider this as an unresolved issue.
8. There are also changes in the Park made during the period after the original CUP expired in 1997, including: completely removing the sauna room, changing room, shower room, and card room and changed them to storages; demolished the gazebo in the Park; built the current office structure on parking spaces; etc. The removal of Sauna and shower room involves the change of gas and electricity, which requires permit from the relative authorities.
9. The notice sign of the Oct 4, 2016, public hearing put at the Park entrance mentions only R-3-12U pursuant to Section 22-20-290 but omitted C-3-BE pursuant to Section 22-28-210 of Los Angeles County Code. The same is true with the information the Park provided to Rowland Heights Public Library. We wonder whether this is an intentional omission and violation of the law, because the Park has concealed the existence of C-3 Zoning of the 140 feet of land along the eastern boundary wall to mobilehome owners/residents. We also wonder whether the Planning Board has sent someone to check the Public Hearing Notice sign and take photos for the record.
10. The RHME Park seems pretending that RHME does not know the existence of the C-3 zoning in the Park at all, even the information the Park provided to the Rowland Heights Public Library shows that the past Zone Exceptions and CUP related to this Park are about a land with both R-3-12 U and C-3 BE Zonings. In 05/25/1972, RHME applied for the change of A1-6000 to R-3, and it was approved but changed to R-3-12U instead of R-3.

Due to the many violations listed above, especially the concealment of the existence of the C-3 Zone in the Park, the Park has violated laws and committed Fraud, which is the reason why we suit RHME and its management company Olisan, Inc. We have a proposal to settle the case and solve all the problems:

- A. The Park purchases all mobilehomes in C-3 Zone owned by plaintiffs at spaces 58, 59, 61, 62, and 63 at market value in addition to punitive damage, so these plaintiffs can move away and will not be suffering from nuisance created by the Pearl of the East; or
- B. Exchange mobilhomes: According to the Space Rental Agreement, Plaintiffs at Spaces 58, 59, 61, 62, and 63 have the right to spaces in R-3 Zone. Currently, the Park owns mobile homes at Spaces 219, 222, 290 and more, all in R-3 Zone. It is possible and feasible to exchange the above Plaintiffs' mobilehomes sitting on C-3 Zone to the spaces in R-3 Zone owned by the Park. In addition, the spaces in C-3 Zone emptied by the exchange of mobilehomes should be used for public usage, such as converting to parking spaces and office. As a result, these plaintiffs will not suffer from nuisance, and the Park has a chance to correct its violations.

Petitioners	Signature	
Lili Wang		1441 Paso Real Ave, #58, Rowland Heights, CA 91748
Wen-Tzu Davis		1441 Paso Real Ave, #59, Rowland Heights, CA 91748
Cheng-Feng Lin		1441 Paso Real Ave, #59, Rowland Heights, CA 91748
Manyin Li		1441 Paso Real Ave, #61, Rowland Heights, CA 91748
George Sin		1441 Paso Real Ave, #62, Rowland Heights, CA 91748
Jin-Hua Zhang		1441 Paso Real Ave, #63, Rowland Heights, CA 91748

## Carl Nadela

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**From:** Ken Meng <kenjmeng@gmail.com>  
**Sent:** Sunday, September 25, 2016 8:12 AM  
**To:** Valenzuela,, Angie  
**Cc:** Ted Ebenkamp; Carl Nadela  
**Subject:** URGENT: Please don't cancel hearing re. Rowland Heights Mobile Estates

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Angie,

Thank you for all your efforts to help our community these years.

We have organized around 100 people, such as the residents of Rowland Heights Mobile Estates, other supporting organizations, and the media, to attend the hearing on Oct. 4, 2016 regarding the CUP for the park owner to operate our mobilehome park. (Project No. 2016-000334-(4))

Unfortunately, we have just found online that the staff of Regional Planning recommended to cancel the hearing on Oct 4. However, the residents have prepared a long time for that day. It is not easy to organize a large group of people on a weekday to attend a hearing downtown, esp on transportation. Since we have to ask for leave from work or school to attend the hearing, and we have been preparing since a month ago, could you please help us to ensure that the date and the time of the hearing can be fixed and not changed?

We recommend that Regional Planning will proceed with the hearing on Oct. 4, and after considering residents' statements, continue the hearing at a later time. Residents want to have their time to speak in the hearing, addressing many issues relevant to the CUP that residents have with the park. The main issue is the overcrowding of the park, caused by excessive rents forcing the elderly to sublet their homes. Overcrowding is one issue, but we have also found that excessive rents affects the renewal of the CUP according to LA County Ordinance 22.52.500 L. Other issues residents have are parking, lack of modern internet service, improper notice of zoning in the rental agreement, etc. We want to note that the park is in fact two zonings, which, as you know, caused a lot of problem when Pearl of the East built a parking garage right next to residents' homes.

Can you also provide us other laws or factors that would affect the reapproval of the park's CUP to operate? We would also like to see the CUP that was approved in the past and all other documents that the park had submitted for the hearing.

Lastly, as more residents than we had initially anticipated want to attend the hearing, but don't have the means of transportation, can the county provide buses that would bring residents to the hearing like you had organized in the past?

I like to invite you to attend the hearing since the event is very important to the quality of life in our community and will further affect many other mobilehome communities in LA County.

Sincerely,  
Ken Meng

President of 1441 Manufactured Home Residents Association. [www.MRA1441.org](http://www.MRA1441.org)  
President of Coalition of Mobilehome Owners - California [www.COMOCAL.org](http://www.COMOCAL.org)

## Carl Nadela

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**From:** manyin <manyin37@163.com>  
**Sent:** Friday, September 23, 2016 9:54 PM  
**To:** Carl Nadela  
**Subject:** Questions about CUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi, Mr. Nadela:

My name is Marian (Manyin Li), a resident in the mobilehome park in Rowland Heights.

I sent you an email last weekend and you talked to me and answered my questions over the phone last monday, Sept 19. Appreciate that.

I have a few more questions for you, Please kindly call me at (626) 810-7389 or just reply to this email.

Q 1: RHME Park built solar panels over 3 different parking lots in the Park about 3 years ago. The electricity generated is for public use, not for the use of residents in the Park. We heard that the Park sells the electricity to electricity providers, presumably Con Edison. Does that kind of project need a Conditional Use Permit? Obviously, RHME did not have a CUP for that project.

Q.2: I read the law about CUP and still do not understand what kind of project needs a CUP, and what kind of project does not need a CUP. For instance, I heard that Pearl of the East Plaza is a commercial complex built on the land zoned C-3; therefore, it does not need a CUP, nor a public hearing. Then why do some of the businesses doing business at the said Plaza need CUPs?

Q 3: RHME is operating a Mobilehome Park in the R-3-12 U zone for residential use. Why does it need a CUP ? I know there is 140 feet on the east of the Park that is zoned C-3. Is it because of the C-3 zone so that RHME must apply for a CUP ?

Thank you for your attention. Looking forward to hearing from you.

Marian

## Carl Nadela

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**From:** 正峰 <cf520tw@gmail.com>  
**Sent:** Wednesday, September 21, 2016 5:15 PM  
**To:** Carl Nadela  
**Subject:** Re: RHME Condition Use Permit Public Hearing RPPL 2016002104 Please respond upon receipt.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Mr. Carl Nadela Planning Board

From: Wen-Tzu Davis

1441 Paso Real Ave, Space 59

Rowland Heights, CA 91748

cf520tw@gmail.com / cell: 626-543-4300

Re: RHME Condition Use Permit Public Hearing RPPL 2016002104

Dear Mr. Carl Nadela:

My name is Wen-Tzu (Wendy) Davis. I am writing to you on behalf of a group of residents in a mobilehome park (Park) located at 1441 Paso Real Avenue, Rowland Heights, California, which is on the east and north of Nogales and Colima Road and owned by Rowland Heights Mobile Estate, L.P. (RHME) and managed by Olisan, Inc.

Pearl of the East Plaza RTC, L.P. (Pearl) began to build a commercial plaza on the land owned by Rowland Ranch Properties LLC., which is located in the east of the mobilehome park, in 2010 or 2011 and the Pearl of the East Plaza was officially opened in Sept of 2014. During the construction, Pearl of the East created nuisance and affected the normal enjoyment of life of the mobilehome residents. When we complained to the construction site manager, he just ignored us as if we were not existent.

In addition, the original plan of the commercial plaza included 2 commercial buildings and parking lots spreading out on the premise and were all completed in the summer of 2013. In Sept of 2013, Pearl demolished the parking lots on the northern side and started to build a 4-level garage structure, which is only 22 feet from the mobilehomes situated in the northern side of the Park along the eastern boundary wall separating the Park and the land on which Pearl of the East Plaza sits. The building and operation of the 4-level garage structure greatly affected the rights of residents. At one point, a group of young people gathered in the 4 level garage with

their fancy cars making terrible noises around midnight, and this happened 3 times, and 5 police cars came in order to drive them away. That is why we were forced to file extra parte motion.

We first thought that the 22 feet setback violated the Rowland Heights District Standard. Later, we found out that the strip of land of the RHME Mobilehome Park along the eastern boundary wall is in the same C-3-BE zone where Pearl of the East Plaza is located. As such, Pearl did not violate the Rowland Heights District Standard.

However, the mobilehome Park owner, RHME never disclosed to residents who rent the spaces from RHME, either orally or in the space rental agreements, that the strip of land along the eastern boundary wall was in C-3-BE Zone. Our thinking is, had the Park owner disclosed to us that the spaces we rent on the strip of land along the eastern boundary wall were in commercial zone, we could have known the impact of the building a 4 level garage structure in the same commercial zone and did something to prevent them from building it so close to our mobilehomes in an earlier stage. As we were concealed of the fact, we had believed that the County and Developer (Pearl) would follow the law to protect residents. By the time we found out that we lived in C-3-BE Zone and were not protected as residents living in in R-3-12U Zones, it was too late to do anything to protect our rights. We believe that RHME should have protected its tenants when RHME came to know that Pearl was building a garage structure so close to our mobilehomes as RHME concealed of the fact that the strip of land along the eastern boundary wall was within C-3-BE Zone, but RHME did nothing. Therefore, RHME should be responsible for our damages by using expired CUP to operate the RHME Park. (In the Space Rental Agreement for C-3-BE Zone residents, the zoning was always written as R-3-12U, and there is no mention of C-3-BE. Recently, in the newly signed Rental Agreement, the following is added: "Except for a portion along the eastern boundary of the Park that is zoned in R-3-12U with a billboard exclusion overlay, C-3-BE."

On December 17 of 2013, 120 residents (the whole park has 327 residents) had meeting with RHME landowner and manage company to make official complaints: RHME should be responsible for our damages by using expired CUP to operate the RHME Park:

1. RHME Park owner never disclosed to residents who rent the spaces from RHME, either orally or in the space rental agreements, that the strip of land along the eastern boundary wall was in C-3-BE Zone. RHME Park owner could have known the impact of the building a 4 level garage structure in the same commercial zone and did nothing to prevent them from building it so close to our mobilehomes in an earlier stage.
2. Around 2006, at the time CUP expired, RHME Park owner installed a new mobilehome office for the use of a manager responsible for maintaining or operating the property in guest parking space around the club house. In addition, RHME Park owner took 15 guest parking to be gated club office parking which is locked out after

club house hours. Therefore, now only 43 available guest parking out of 82 (requirement of 327 mobilehomes by 22.52.1150 B.) guest parking space. It is short of 39 guest parking space. It is **in violation of the County's zoning ordinance 22.52.1150 B.**

**“(Mobilehome parks) In addition, guest parking spaces shall be provided at the ratio of one standard size automobile parking space for each four mobilehome sites.”**

3. Around 2006 at the time CUP expired, RHME Park owner changed clubhouse usage space: RHME Park owner took out changing clothes room, shower room, sauna room, chess Room and added storage room for office purpose. These projects changed the original plan of electric wiring, gas lines and water lines and never went through variance.

4. RHME Park owner tear down the public facility Garden.

5. RHME Park owner installed the two Solar panels at the parking area. This project changed the original plan of electric wiring and never went through variance.

6. RHME Park owner close down one access point and never went through variance. Therefore, up-to-today, only one access points to a public street or highway provided which is **in violation of the County's zoning ordinance 22.52.500 C. 2b** which stated:

**“At least two access points to a public street or highway shall be provided which can be used by emergency vehicles.”**

On the Planning board website Q & A state: Q :Can I operate my business before my CUP is approved?

A:No, if required you must have an approved CUP before you establish or operate your business. Operating your business without an authorized CUP is in violation of the County's zoning ordinance.

On April 1 of 2014, twelve of the residents, 5 living in the C-3-BE Zone and 7 living in the in R-3-12U Zone of the mobilehome park, filed law suits individually against Pearl of the East that created Nuisance, against Rowland Ranch Properties, the owner of the land on which Pearl of the East Plaza sits, against RHME and Olisan for fraud. These related cases were later consolidated at the proposal of Defendant Pearl of the East at the Case Management Conference, with Wen Tzu Davis' case as the leading case.

We added the County as a defendant because we believe the County, the Department of Regional Planning in specific, was wrong in allowing Pearl to build a multi-level garage structure only 22 feet away from residents. But the County has privilege and our lawsuit against the County was dismissed.

Even though our lawsuit against the County was dismissed, the County Council Tracy Swann was stirred to make investigations and provided us with a lot of useful information. For instance, on Sep. 1, 2016, Nicholas L. D'Amico who is working at the Zoning enforcement of County of Los Angeles-Dept. of Regional Planning spoke to me by phone that the county found that the Conditional Use Permit granted to RHME expired in 1995, meaning RHME had been operating business without permit, and RHME is forced to apply for a new permit.

On August 1, 2016, RHME Park owner posted of Public Hearing of Condition Use Permit Public Hearing RPPL 2016002104 was different from On 8/16/2016 Condition Permit Public Hearing-postcard. RHME Park owner deleted ....C-3-BE zone... and 22.28.210.

The County's zoning ordinance 17.192.030 A provides:

**“Hearing to be set when a public hearing upon an application shall be set before the appropriate hearing body when: A. The planning director has determined that the application complies with all ordinance requirements...”**

We think that the above statements would give you a general idea about our complaint against RHME Park owner. And looking for solution RHME Park owner purchase commercial zone resident #58,#59#,61,#62,#63 at market value and pay for punitive damage. It will solve the problems below:

1. Solving lawsuit for fraud from RHME Park owner
2. Solving nuisance problem created by Peal of East
3. Having the spaces to increase 39 guest parking for meeting the requirement of the County's zoning ordinance 22.52.1150 B.
4. Having the spaces to increase one more access point for meeting the requirement of the County's zoning ordinance 22.52.500 C. 2b

Looking forward to hearing from you ASAP.

Sincerely,

Wen Tzu Davis

## Carl Nadela

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**From:** 正峰 <cf520tw@gmail.com>  
**Sent:** Thursday, September 22, 2016 5:46 AM  
**To:** Carl Nadela; Nicholas D'Amico; Tracy Swann; Alex Garcia  
**Subject:** Re: Complaining violations petition: RHME Condition Use Permit Public Hearing RPPL 2016002104 Please respond upon receipt.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Ms. Tracy Swann, Mr. Alex Garica, Mr. Carl Nadela & Nicholas D'Amico:

From: Wen-Tzu Davis

1441 Paso Real Ave, Space 59

Rowland Heights, CA 91748

[cf520tw@gmail.com](mailto:cf520tw@gmail.com) / cell: 626-543-4300

Re: Complaining violations: RHME Condition Use Permit Public Hearing RPPL 2016002104

Dear Ms. Tracy Swann, Mr. Alex Garica, Mr. Carl Nadela & Nicholas D'Amico:

My name is Wen-Tzu (Wendy) Davis. I am writing to you on behalf of a group of residents in a mobilehome park (Park) located at 1441 Paso Real Avenue, Rowland Heights, California, which is on the east and north of Nogales and Colima Road and owned by Rowland Heights Mobile Estate, L.P. (RHME) and managed by Olisan, Inc.

I am reporting violations: RHME Condition Use Permit Public Hearing RPPL 2016002104 Please issue summons, punishments or penalties and notice of violations according to the law as follows:

1. On August 31, 2016, RHME Park owner posted of Public Hearing of Condition Use Permit Public Hearing RPPL 2016002104 was different from On 8/16/2016 Condition Permit Public Hearing-postcard sent to my home @ Regional Planning courtesy mailing list. RHME Park owner deleted the words ...."C-3-BE zone"... and "22.28.210".
2. The hearing material of RHME Condition Use Permit Public Hearing RPPL 2016002104 in the Rowland Heights Libariley RHME Park owner deleted the words ...."C-3-BE zone"... and "22.28.210".
3. RHME park owner and manager never send the notice of public hearing of RHME Condition Use Permit Public Hearing RPPL 2016002104 to any resident. There are none out of 327 residents receive notive of public hearing from RHME Parl owner.
4. RHME Park owner never disclosed to residents who rent the spaces from RHME, either orally or in the space rental agreements, that the strip of land along the eastern boundary wall was in C-3-BE Zone. RHME Park owner could have known the impact of the building a 4 level garage structure in the same commercial zone and did nothing to prevent them from building it so close to our mobilehomes in an earlier stage.

5. Around 2006, at the time CUP expired, RHME Park owner installed a new mobilehome office for the use of a manager responsible for maintaining or operating the property in guest parking space around the club house. In addition, RHME Park owner took 15 guest parking to be gated club office parking which is locked out after club house hours. Therefore, now only 43 available guest parking out of 82 (requirement of 327 mobilehomes by 22.52.1150 B.) guest parking space. It is short of 39 guest parking space. It is **in violation of the County's zoning ordinance 22.52.1150 B.**

6. Around 2006 at the time CUP expired, RHME Park owner changed clubhouse usage space: RHME Park owner took out changing clothes room, shower room, sauna room, chess Room and added storage room for office purpose. These projects changed the original plan of electric wiring, gas lines and water lines and never went through variance.

7. RHME Park owner tear down public facilities garden which is change land use without variance.

8. RHME Park owner installed the two Solar panels at the parking area. This project changed the original plan of electric wiring and never went through variance. RHME Park owner close down one access point and never went through variance. Therefore, up-to-today, only one access points to a public street or highway provided which is **in violation of the County's zoning ordinance 22.52.500 C. 2b.**

#### **9. Violation of HEALTH AND SAFETY CODE SECTION 18500-18518**

Pursuant to Health and Safty Code 18500 (c) and (d), it states that "It is unlawful for any person to do any of the following unless he or she has a valid permit issued by the enforcement agency:...(c) Operate, occupy, rent, lease, sublease, let out, or hire out for occupancy any lot in a park that has been constructed, reconstructed, or altered without having obtained a permit as required herein. (d) Operate a park or any portion thereof..."

10. violation of Healthy and Safty Code 18501. Applications for a permit to construct or reconstruct shall be accompanied by: (a) A description of the grounds. (b) Plans and specifications of the proposed construction. (c) A description of the water supply, ground drainage and method of sewage disposal. (d) Appropriate fees. (e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

11. Pursuant to 18502. Please charge Fees "Fees as applicable shall be submitted for permits, as follows: (a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department. (b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10). (c) (1) An annual operating permit fee of one hundred forty dollars (\$140) and an additional seven dollars (\$7) per lot. (2) An additional annual fee of four dollars (\$4) per lot shall be paid to the department or the local enforcement agency, as appropriate, at the time of payment of the annual operating fee. All revenues derived from this fee shall be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)) and any regulations....."

12. Please charge without permits of construction, mechanical, electrical, plumbing, and installation pursuant to Healthy and Safty Code 18503 "The department by administrative rule and regulation shall establish a schedule of fees relating to all construction, mechanical, electrical, plumbing, and installation permits."

13. Any permit application returned to the enforcement agency 30 days after the due date shall be subject to a penalty...pursuant to Healthy and Safety Code 18505.

14. Please accumulate charged fees every 30 days, 60 days.....follow by law.

15. all of the summons, punishments or penalties and notice of violations according to the law issuing by Planning Board concerning RHME Condition Use Permit Public Hearing RPPL 2016002104 Please forward Department of Housing and Community Development (HCD) and collaborate with HCD to solve all of the issues mention above.

The Complaining violations petition will scan and e-mail A.S.A.P and will brinf to the on the date of public hearing of RHME Condition Use Permit RPPL 2016002104.

Looking forward to hearing from you ASAP.

Sincerely,

Wen Tzu Davis

**Staff Photographs for 2016-000334-(4) / CUP No. RPPL 2016002104**

**Front views of the mobilehome park entrance from the south**



**View of clubhouse from the east**



**View of clubhouse parking from the south**

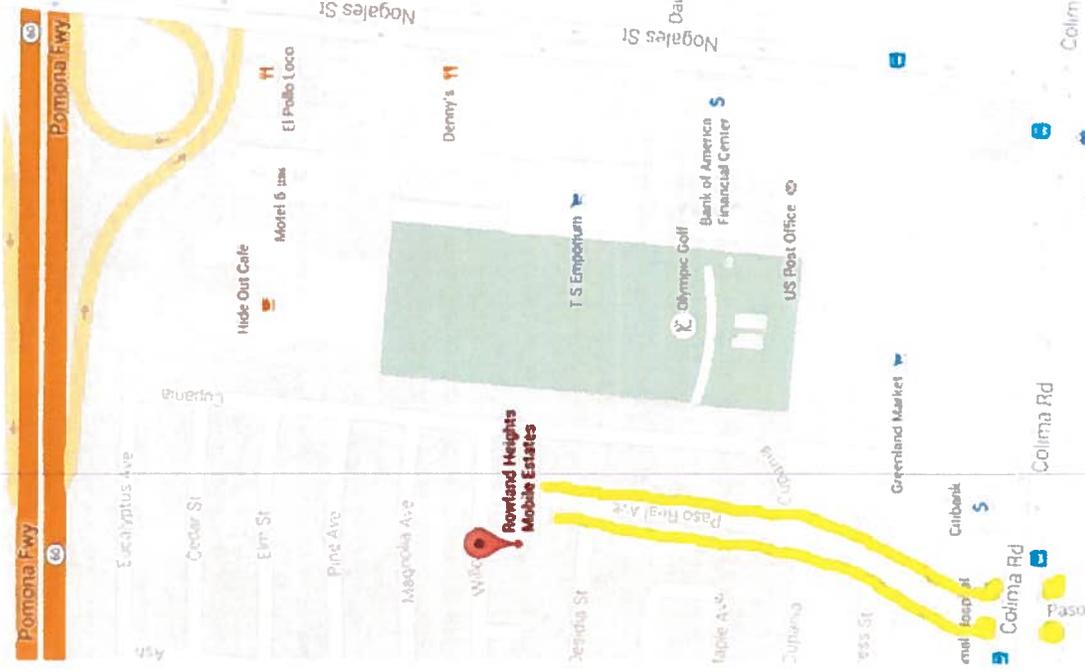


**Views of storage area from the north**



## Photographs of Rowland Heights Mobile Estates

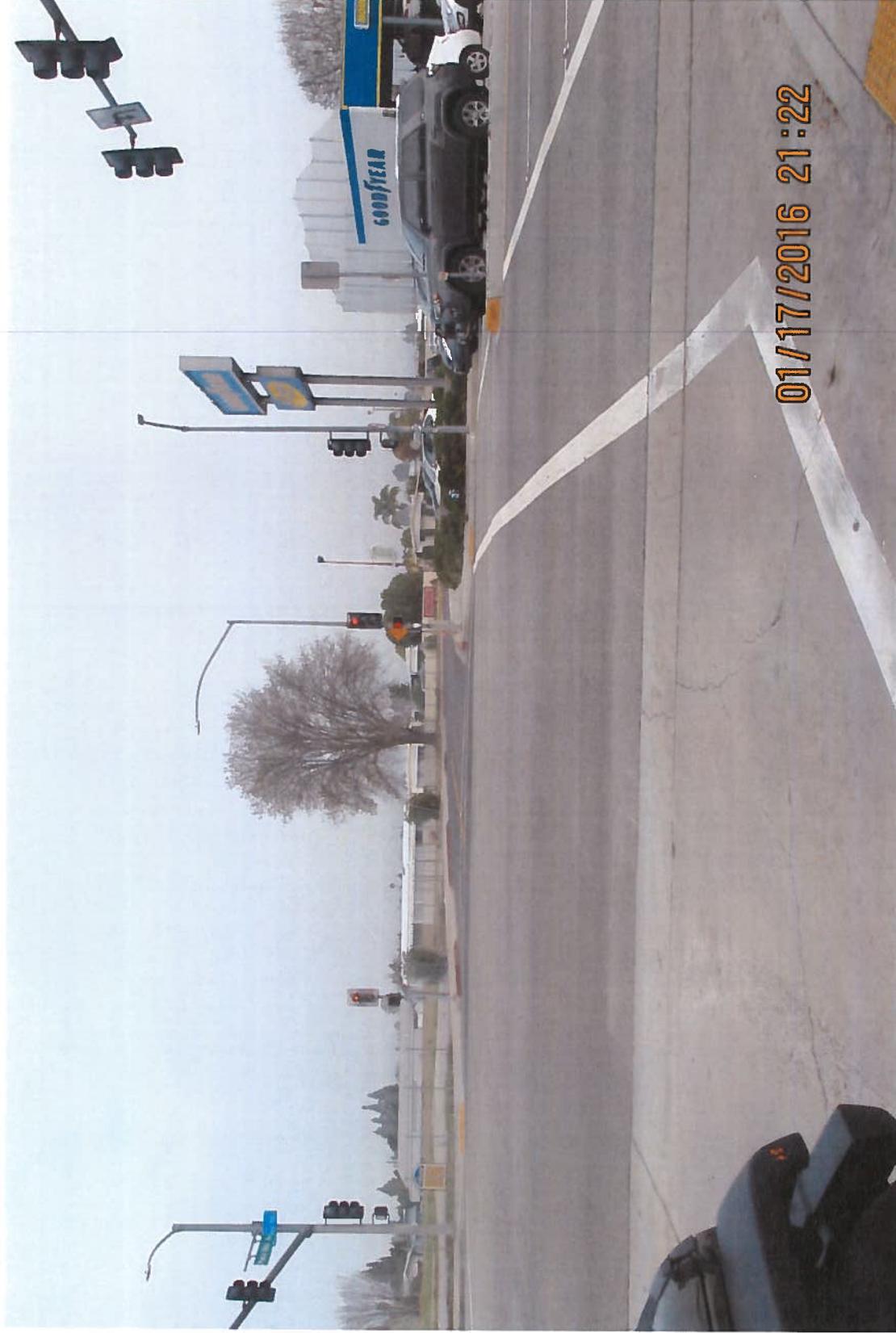
### Photo Key Map:



- All photographs provided in this section depict the entrance and/or front view of Rowland Heights Mobile Estates and/or its surrounding area. The photographs were taken on Paso Real Avenue and/or at the Park's major intersection of Paso Real Avenue and Colima Road. The highlighted route on aerial miniature map of RHME to the right identifies the location the photographs were taken.
- The 60 (Pomona) Freeway is at the rear (north) of the Park, bounded by a Park perimeter wall\*.
- The west side of the Park has other residential area, bounded by a Park perimeter wall\*.
- The East side of the Park has a shopping center, bounded by a Park perimeter wall\*.

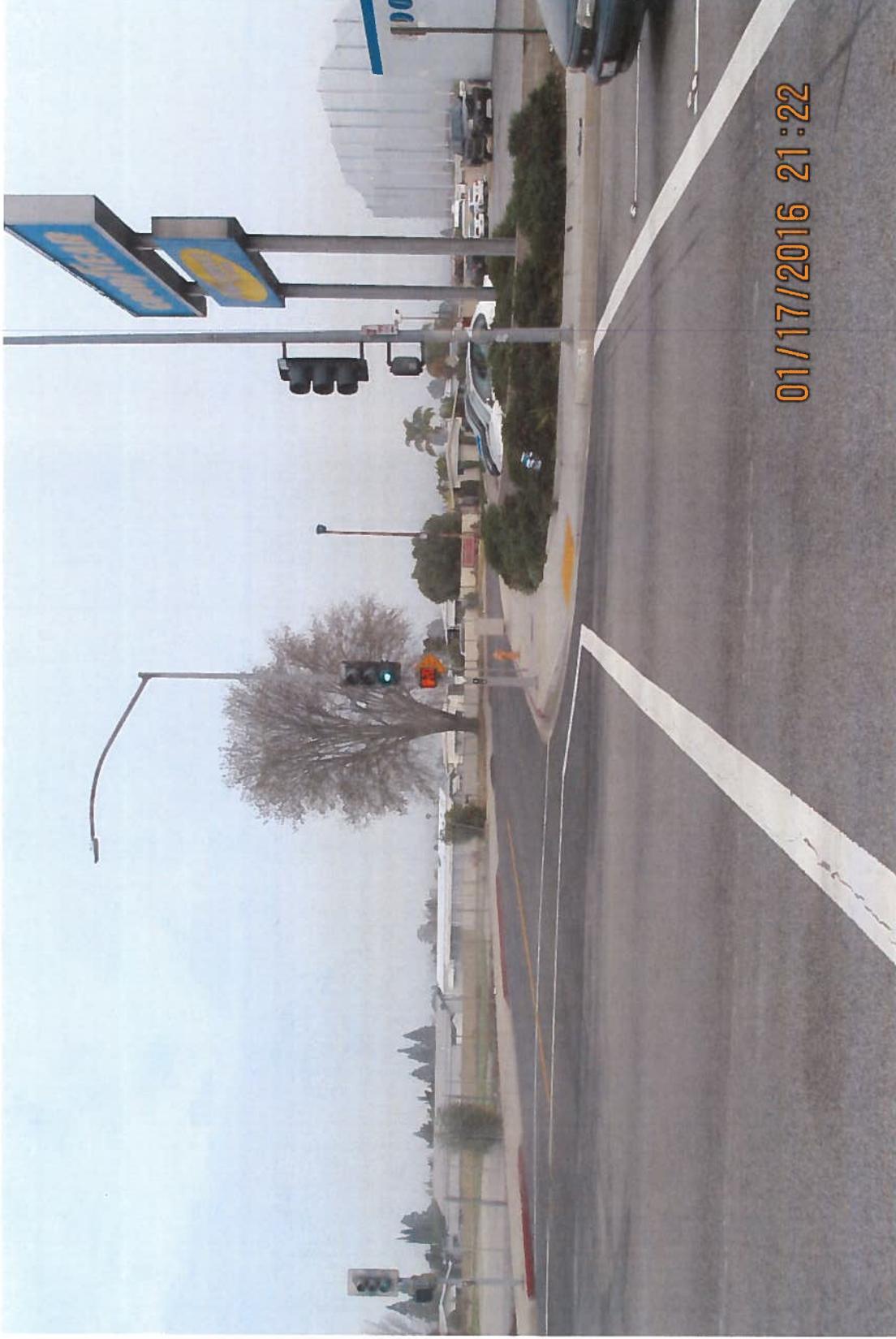
\*The Park perimeter wall encloses the Park's residents' private homesites. This wall, five (5) feet in height, barricades the rear, West, and East side of the Park, and therefore, photographs are not enclosed.

# Photographs of Rowland Heights Mobile Estates



At the Intersection of Colima Road (east/west bound) and Paso Real Avenue (north/south bound)

# Photographs of Rowland Heights Mobile Estates



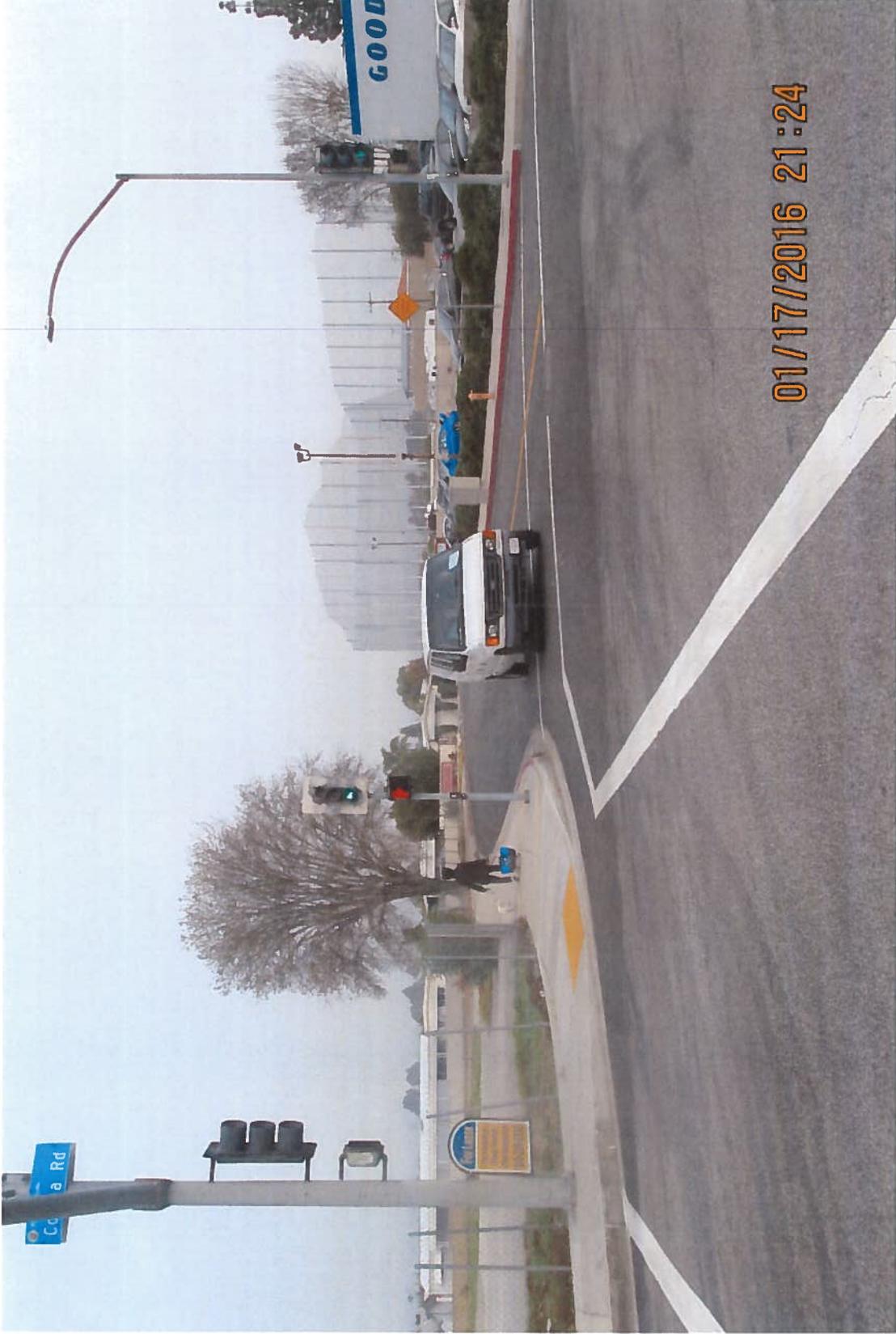
At the Intersection of Colima Road (east/west bound) and Paso Real Avenue (north/south bound)

# Photographs of Rowland Heights Mobile Estates



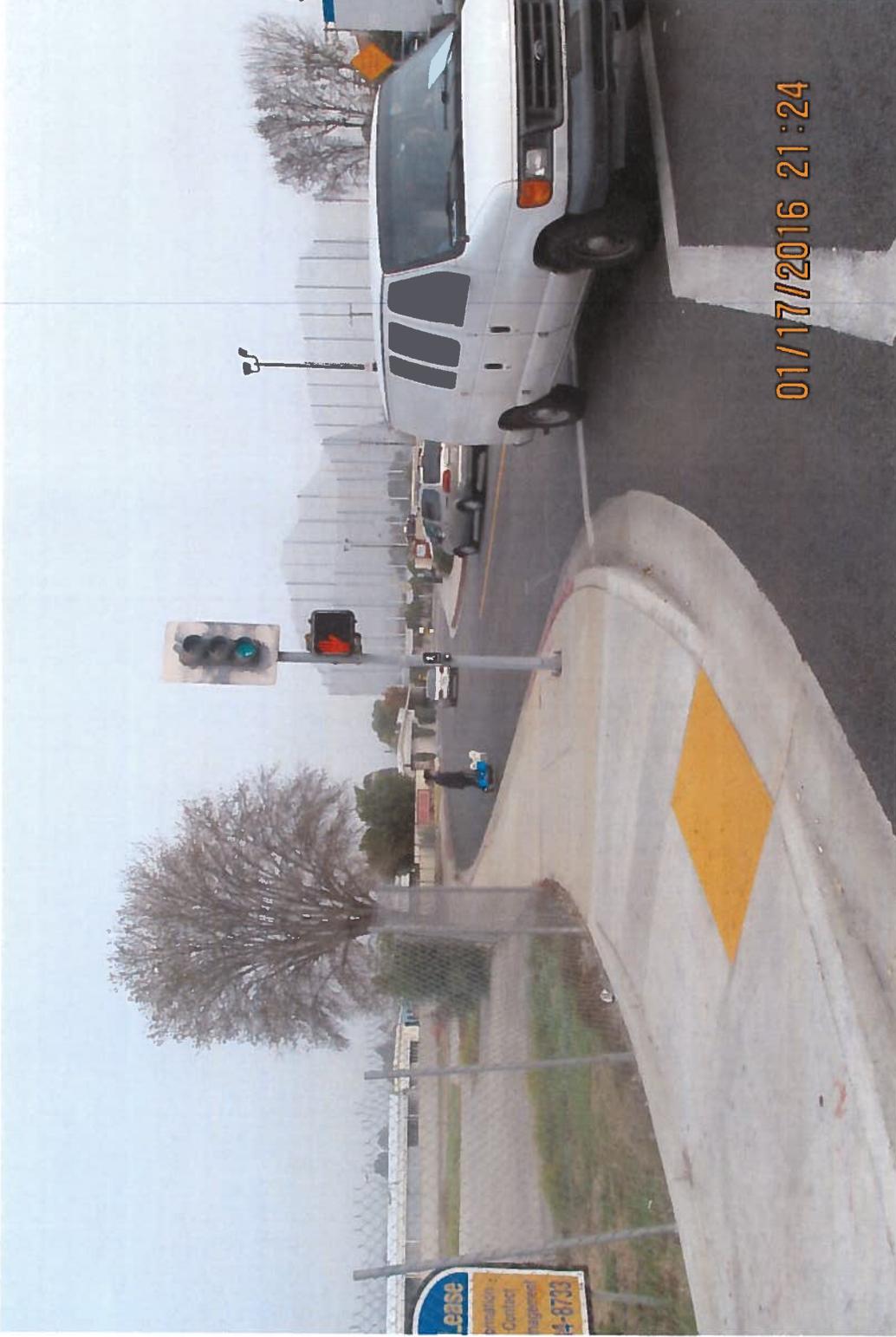
At the Intersection of Colima Road (east/west bound) and Paso Real Avenue (north/south bound)

**Photographs of Rowland Heights Mobile Estates**



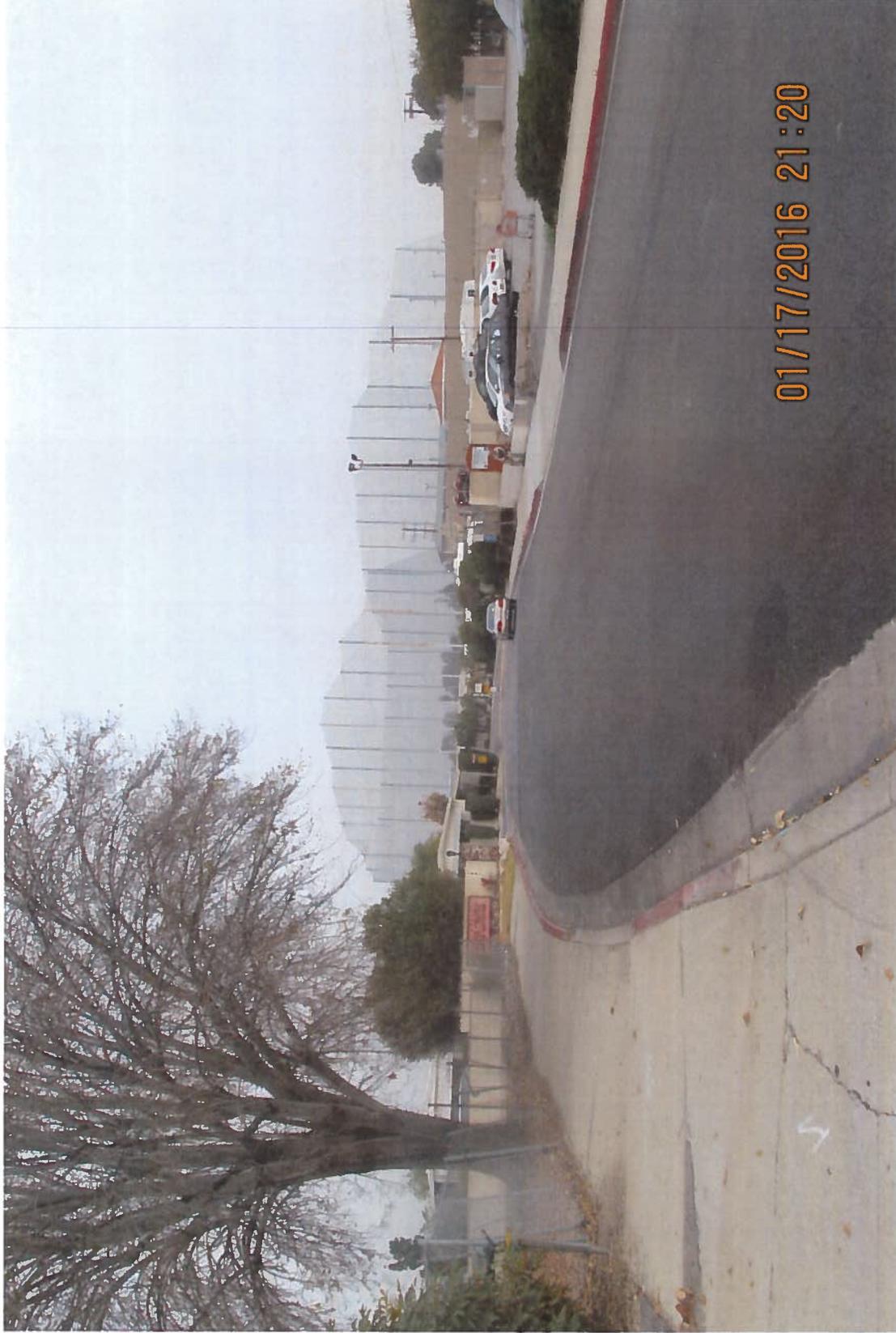
At the Intersection of Paso Real Avenue and Colima Road. (The van is leaving the Park, heading South.)

## Photographs of Rowland Heights Mobile Estates



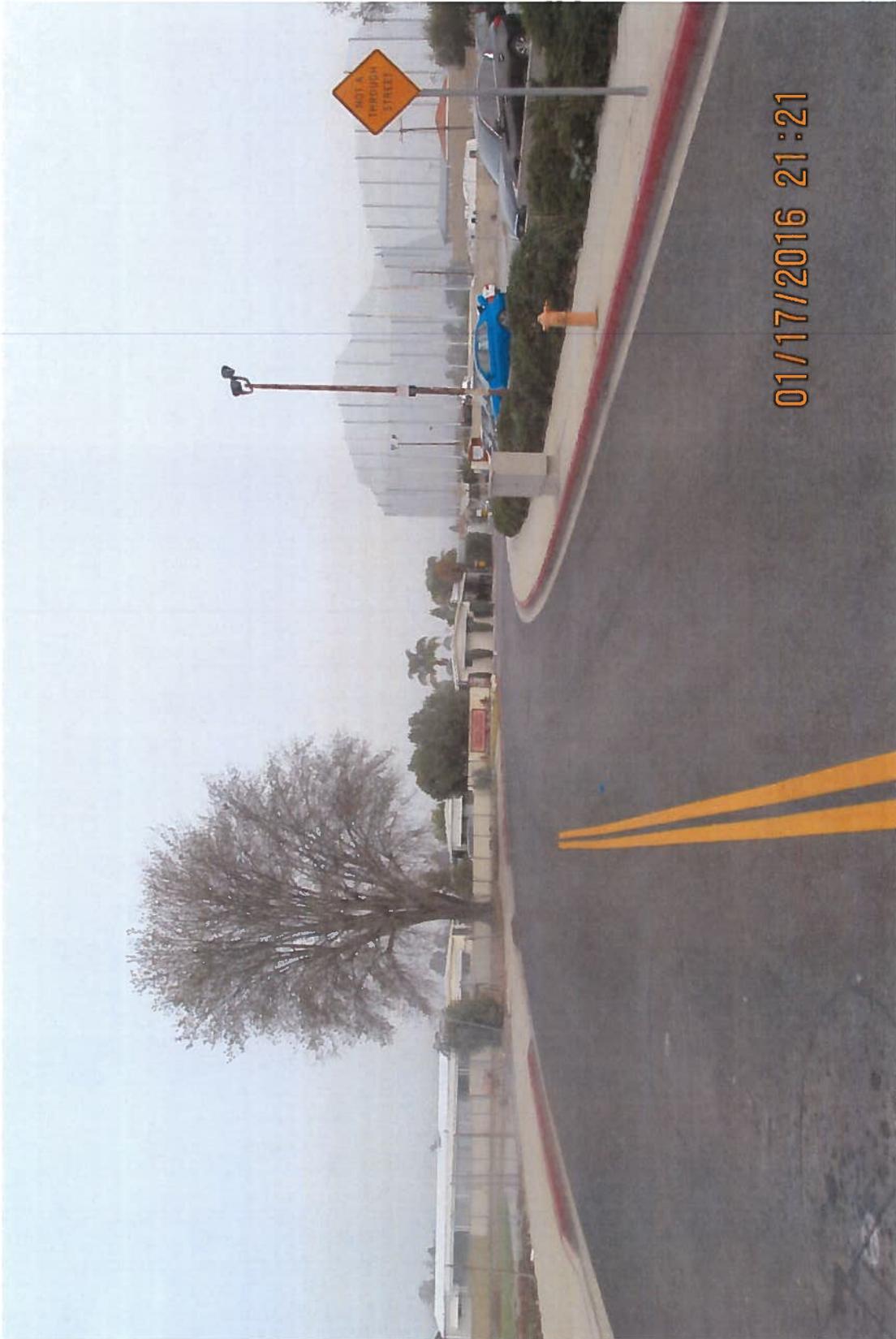
At the Intersection of Colima Road (east/west bound) and Paso Real Avenue (north/south bound). (There is an empty lot/field on the left of the street, across the street from the Good Year Tire, which is on the right.)

**Photographs of Rowland Heights Mobile Estates**



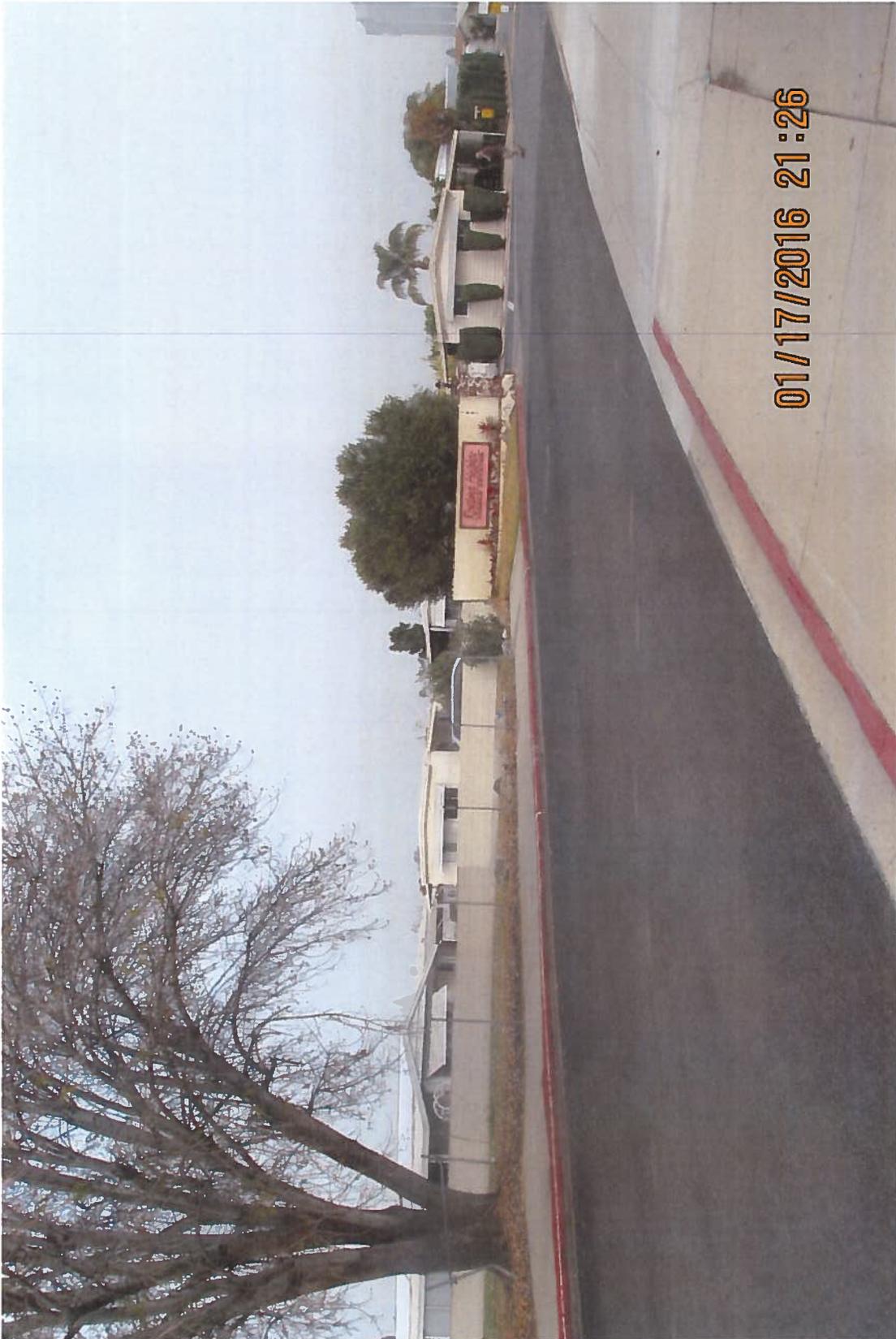
**On Paso Real Avenue, at the Entrance of the Park, Facing Northbound**

**Photographs of Rowland Heights Mobile Estates**



At the Intersection of Colima Road (east/west bound) and Paso Real Avenue (north/south bound)

**Photographs of Rowland Heights Mobile Estates**



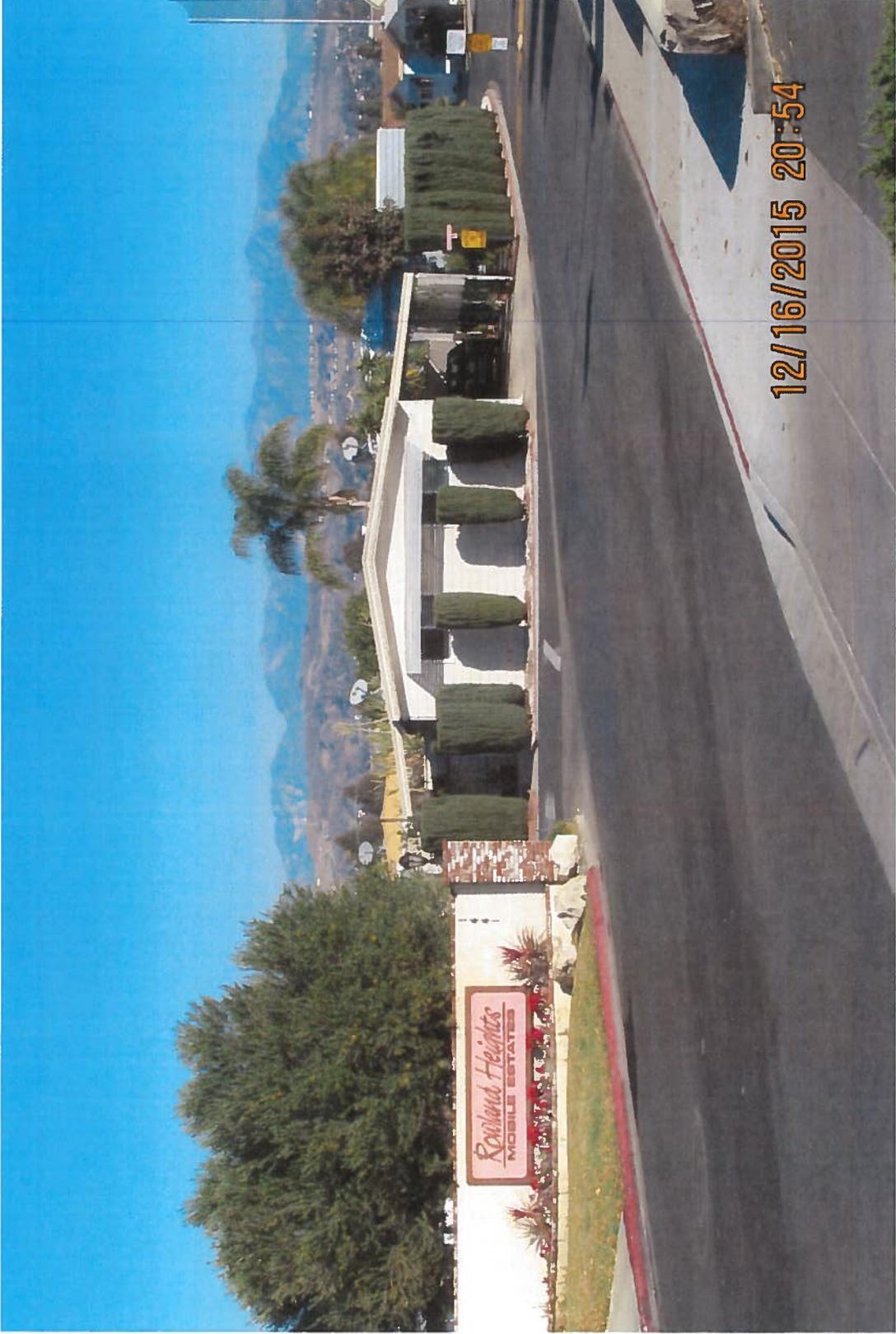
**On Paso Real Avenue, Entering the Park with the Empty Lot on the Left**

**Photographs of Rowland Heights Mobile Estates**



On Paso Real Avenue, Street View of the Park's Entrance

# Photographs of Rowland Heights Mobile Estates



On Paso Real Avenue, Closer View of the Park's Entrance

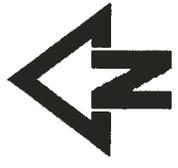


2016-000334-(4) / RCUP RPPL 2016002104

# Aerial Image

Printed: Jun 16, 2016

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THE REGIONAL PLANNING COMMISSION - COUNTY OF LOS ANGELES

DATE OF HEARING: August 27, 1970

TO: O. K. Christenson  
Director of Planning

REPORT ON: ZONE EXCEPTION CASE NO. 9580-(1)

Filed: July 17, 1970

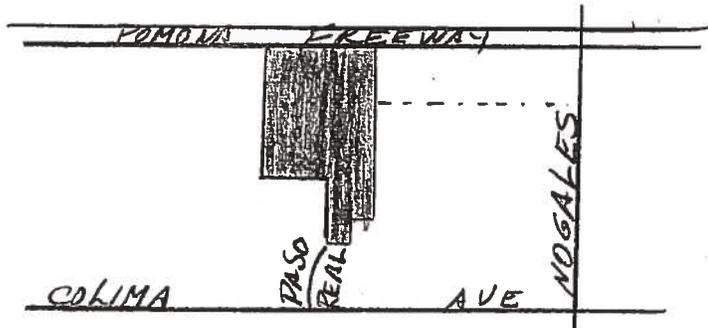
Applicant: Tropical Enterprises  
P.O. Box 1968  
Covina, California

Owner: Same

Request: Add two units to a mobilehome park  
approved under Zone Exception  
Case No. 9435-(1)

Location: 1441 Paso Real

Zone: Puente Zoned District,  
Zone A-1-6,000



NO SCALE

LOCATION MAP

ZONE EXCEPTION CASE NO. 9580-(1)  
FACTUAL DATA REPORT

DATE OF HEARING:  
August 27, 1970

APPLICANT'S PROPOSAL: To add two mobilehome sites to a mobilehome park approved in Zone Exception Case No. 9435 for a total of 236 spaces in the A-1-6,000 (Light Agriculture - 6,000 square feet minimum required area) and C-3 (Unlimited Commercial) Zones.

The plot plan marked Exhibit "A" shows the mobilehome park as approved in Zone Exception Case No. 9435 and the location of two additional mobilehome sites on the northerly boundary. Ultimate development of the park will consist of 236 spaces on a 27 acre site.

Mobilehome parks are allowed in the R-3 (Limited Multiple Residence) Zone with a special permit.

FACTUAL DATA BEARING ON THIS CASE ARE NOTED AS FOLLOWS:

1. The subject property is an irregularly shaped parcel of approximately seven acres. Present access is from Paseo Real Avenue, a short cul-de-sac street originating at Colima Road. Grading for the subject mobilehome park is now in progress.

Zone Exception Case No. 9435, a request for the subject mobilehome park was approved by the Regional Planning Commission on March 31, 1970.

Zone Exception Case No. 9276, a request for a 188 space mobilehome park on subject property was approved by the Commission on November 25, 1969.

The area immediately to the south is developed to commercial uses, further south and to the east are single-family residences; to the southwest is vacant land reserved for a future school.

2. The easterly 140 feet of the subject property is zoned C-3 as established by Ordinance No. 8841 adopted on May 11, 1965. The remainder of the property is zoned A-1-6,000 as established by Ordinance No. 5565, effective July 18, 1965.
3. Paseo Real Avenue will be an improved 40 foot wide local street at this location when the mobilehome park is developed.
4. One hundred three (103) notices of this hearing were mailed by first-class mail, postage prepaid, on August 12, 1970, to those persons whose names and mailing addresses appeared on the latest available assessment roll of the County Assessor as property owners of record within a 500-foot radius of the boundaries of the property under consideration.

Twenty-six (26) additional notices were mailed on the same date to those persons whose names and mailing addresses appeared on a courtesy list. Legal notice of this hearing was published in the La Puente Valley Journal on August 12, 1970.

Respectfully submitted,

Zeno Waitkus  
Planning Assistant

ZW:mc

ZONE EXCEPTION CASE NO. 9580-(1)  
SUMMARY OF THE HEARING

ZB HEARING DATE: August 27, 1970  
RPC HEARING DATE: September 8, 1970

Two witnesses were sworn and testified in favor of this application. There were no witnesses present in opposition. The applicant's proposal in this case is to add two mobilehome sites to a mobilehome park approved in Zone Exception Case No. 9435 for a total of 236 spaces in the A-1-6,000 and C-3 Zones. The staff presentation indicates that the ultimate development of the park will consist of 236 spaces on a 27 acre site. This is an irregular shaped parcel with access to the proposed park off of Colima Avenue. It's bounded on the north by the Pomona Freeway. Most of the property is zoned A-1-6,000 with a small portion zoned C-3. Both witnesses to testify in this case indicated that they were requesting an additional two mobilehome sites to the previously approved zone exception. The witnesses in this case testified that the exception was advertised as 236 spaces, however, the plot plan which was submitted only showed 234 spaces. Therefore, they are seeking the additional two mobilehome sites which were omitted from the previous plot plan.

THE ZONING BOARD FINDS:

- 1-4 being Items 1-4 of the Factual Data Report.
5. There was no opposition present at this hearing.
6. This exception is necessary for the preservation of a substantial property right of the owner and that such exception will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof.

THE ZONING BOARD RECOMMENDS:

That this exception be GRANTED subject to the attached conditions.

ZONING BOARD MEMBERS CONCURRING:

Mr. Paonessa, Chairman; Mr. Baum and Mr. Irvine

COUNTY COUNSEL present: Mr. Graham

1. This exception shall not be effective for any purpose until the owner of the property involved, or his duly authorized representative, has filed at the office of said Regional Planning Commission his affidavit stating that he is aware of, and accepts, all the conditions of this exception;
2. It is hereby declared to be the intent that if any provision of this exception is held or declared to be invalid, the exception shall be void and the privileges granted hereunder shall lapse;
3. It is further declared and made a condition of this exception that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the exception shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days;
4. That all requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless set forth in the exception or shown on the approved plot plan;
5. That the property shall be developed and maintained in substantial conformance with the plot plan on file marked Exhibit "A";
6. That two additional mobilehome spaces shall be permitted in order to expand a 234-space mobilehome park to 236 spaces;
7. Except as noted all other conditions of Zone Exception Case No. 9435 shall apply.

RS:ZW:mc  
9-2-70



14. That this park shall be restricted to persons over 16 years of age;
15. That a five to six foot masonry wall be constructed around the perimeter of the entire park, except where trailer sites front on streets bordering the adjacent school site;
16. That a landscaping plan indicating interior landscaping as well as landscaping in the front setback, and including at least one tree for each trailer space, shall be submitted for approval of the Director of Planning. Size, type, and location of plantings shall be shown. The location of sprinklers and/or hose bibs shall also be indicated. This landscaping plan may be incorporated into the revised plot plan. The approved landscaping shall be continuously maintained and tended;
17. That recreational facilities be limited to tenants and their guests;
18. That provisions be made for all natural drainage to the satisfaction of the County Engineer. Drainage plans and two signed grading plans shall be submitted to the County Engineer, Design Division, for approval prior to grading or construction;
19. That prior to construction applicant shall confer with the Research and Planning Division of the Department of Forester and Fire Warden to determine facilities that may be necessary to protect the property from fire hazard. Such facilities may include water mains, fire hydrants, and fire flow which, prior to occupancy of any trailer, shall be provided as may be required by said department;
20. That adequate water and sanitary facilities be provided in accordance with requirements of the Los Angeles County Health Department. This condition does not permit a sewage treatment plant;
21. That location of the accessway shall be subject to approval, for traffic safety, of the Los Angeles County Road Department;
22. That the applicant offer to dedicate 30 feet of right-of-way where the trailer park abuts the school site. (The school district has by agreement agreed to offer for dedication at this time 10 feet of right-of-way where its property abuts the trailer park.)
23. That applicant shall improve Paseo Real (north/south street) with curbs and gutters on the easterly side and pave the remaining 28 (approximate) feet. The applicant shall improve with paving 28 feet of roadway of the east/west street. Curbs and gutters along this street may be bonded for via a Parcel Map procedure;
24. That Conditions 1, 5, 6, 7, 9, 11, 15, 16, 19, 20, 21, 22, and 23 shall be complied with prior to occupancy of any trailer;
25. That this exception shall expire on March 31, 1995.

O. K. CHRISTENSON  
DIRECTOR OF PLANNING

FREDERICK J. BARLOW  
DEPUTY DIRECTOR

EDGAR T. IRVINE  
DEPUTY DIRECTOR

JOSEPH K. KENNEDY  
DEPUTY DIRECTOR

COUNTY OF LOS ANGELES

THE REGIONAL PLANNING COMMISSION

320 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE 628-9211

COMMISSIONERS

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OWEN H. LEWIS  
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MRS. L. S. BACA

HOWARD D. MARTIN

ALFRED E. PAONESSA

LUCILLA BARTHEL  
SECRETARY TO THE COMMISSION

November 8, 1972

*10 copies*

Certified - Return  
Requested

Mr. Walter Kinsman  
15006 Lodosa Drive  
Whittier, California 91605

Dear Mr. Kinsman:

Re: Conditional Use Permit Case No. 172-(1)  
and Variance Case No. 101-(1)  
To extend time limit and to expand mobilehome park;  
modification of development standards  
Nly terminus of Paso Real Ave. No. of Colima Rd.  
Puente Zoned District, Zones A-1-6,000, C-3  
(Pending R-3-12U)

The Regional Planning Commission, by its action of November 8, 1972, granted the above-described permit and variance. Documents pertaining to this grant are enclosed.

Your attention is called to the following:

1. Condition No. 1, requiring acceptance by the owner of all conditions of this permit and variance;
2. Condition No. 4, pointing out limitations of this grant;
3. That during the fifteen-day period following your receipt of this letter, the decision may be appealed to the Board of Supervisors. This grant will not become effective until and unless this period has passed without an appeal.

Very truly yours,

THE REGIONAL PLANNING COMMISSION  
O. K. Christenson, Director of Planning

*Edgar T. Irvine*

Edgar T. Irvine, Deputy Director

RS:lo

Enclosures

cc: Building & Safety; Board of Supervisors; Zoning Enforcement  
Fire and Health Departments  
Tropical Enterprises, 2182 Dupont Dr., Newport Beach, Ca.  
James O. Hamilton, 18475 E. 5th St., Rowland Heights, Ca.  
Joseph G. Kitashima, 658 Woodland St., Orange, Ca.

CONDITIONAL USE PERMIT CASE NO. 172-(1) and  
VARIANCE CASE NO. 101-(1)

The Regional Planning Commission of the County of Los Angeles, under the provisions of the Zoning Ordinance (Ordinance 1494) grants a conditional use permit and a variance to enable the property shown on the attached legal description to be used to add 99 spaces to an existing mobilehome park and to modify development standards and extend the time limit, subject to the attached conditions numbered 1 through 9.

This permit and variance shall be null and void unless it is used prior to November 8, 1973. Upon written request stating reasons why additional time to commence is needed, the Commission may grant a one-year time extension. Said request must be received prior to November 8, 1973.

The foregoing is the decision of The Regional Planning Commission on November 8, 1972.

THE REGIONAL PLANNING COMMISSION  
O. K. Christenson, Director of Planning



Edgar T. Irvine, Deputy Director

RS:lo

LEGAL DESCRIPTION FOR CONDITIONAL USE PERMIT:

THAT PORTION OF THE RANCHO LA PUENTE, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGES 43 AND 44 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF PARCEL 1, AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 77, PAGE 63 OF RECORD OF SURVEYS IN THE OFFICE OF SAID COUNTY RECORDER, WITH A LINE WHICH BEARS NORTH  $5^{\circ}08'15''$  EAST FROM A POINT ON THE CENTER LINE OF FIFTH AVENUE (COLIMA ROAD), 100 FEET WIDE, AS SHOWN ON SAID RECORD OF SURVEY, SAID POINT BEING DISTANT ALONG SAID CENTER LINE SOUTH  $86^{\circ}04'40''$  EAST 799.82 FEET FROM ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE LAND SHOWN ON "1 PARCEL 143.81 AC." ON RECORD OF SURVEY MAP FILED IN BOOK 62, PAGE 45 OF SAID RECORD OF SURVEYS; THENCE NORTH  $5^{\circ}08'15''$  EAST 289.93 FEET MORE OR LESS; THENCE SOUTH  $86^{\circ}04'40''$  EAST 65 FEET MORE OR LESS; THENCE NORTH  $5^{\circ}08'15''$  EAST TO THE SOUTHERLY LINE OF THE POMONA FREEWAY; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF THE POMONA FREEWAY THROUGH ITS VARIOUS COURSES TO FOREMENTIONED EAST LINE OF SAID LAND SHOWN AS "1 PARCEL 143.81 AC."; THENCE SOUTHERLY ALONG SAID EAST LINE TO FOREMENTIONED EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL 1; THENCE EASTERLY ALONG SAID EASTERLY PROLONGATION TO THE POINT OF BEGINNING.

1. This permit and variance shall not be effective for any purpose until a duly authorized representative of the owner of the property involved has filed at the office of the said Regional Planning Commission his affidavit stating that he is aware of, and accepts, all the conditions of this grant;
2. It is hereby declared to be the intent that if any provision of this permit and variance is held or declared to be invalid, the permit and variance shall be void and the privileges granted hereunder shall lapse;
3. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit and variance shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days;
4. That all requirements of the Zoning Ordinance and of the specific zoning of subject property must be complied with unless set forth in this permit or variance, or shown on the approved plans;
5. That three copies of a revised plot plan, similar to that presented at the public hearing showing an emergency access road to the satisfaction of the County Forester and Fire Warden, and conforming to such of the following conditions as can be shown on a plan, shall be submitted for approval of the Director of Planning. The property shall thereafter be developed and maintained in substantial conformance with said plan;
6. That three copies of a landscape plan, which may be incorporated into the revised plot plan, shall be submitted to, and approved by, the Director of Planning prior to the issuance of a building permit. The landscape plan shall show the size, type, and location of all proposed plants, trees, and watering facilities;
7. That prior to construction, applicant shall confer with the Research and Planning Division of the Department of Forester and Fire Warden to determine facilities that may be necessary to protect the property from fire hazard. Such facilities may include water mains, fire hydrants, and fire flow which, prior to exercise of the permitted use, shall be provided as may be required by said department;
8. That subject facility be developed and maintained in compliance with requirements of the Los Angeles County Health Officer. Adequate water and sewage facilities shall be provided to the satisfaction of said Health Officer. This condition does not permit a sewage treatment plant;
9. That Zone Exception Cases 9435 and 9580 and this grant shall all expire on October 24, 1997.