

1 LATHAM & WATKINS LLP  
2 Paul N. Singarella (Bar No. 155393)  
3 paul.singarella@lw.com  
4 Lucas I. Quass (Bar No. 280770)  
5 lucas.quass@lw.com  
6 John K. Morris (Bar No. 301115)  
7 john.morris@lw.com  
8 355 South Grand Avenue  
9 Los Angeles, California 90071-1560  
10 Telephone: +1.213.485.1234  
11 Facsimile: +1.213.891.8763

12 CLAN KEITH REAL ESTATE INVESTMENTS  
13 LLC, dba LEISURE LAKE MOBILE ESTATES

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

17 ANTELOPE VALLEY GROUNDWATER  
18 CASES

19 Included Actions:  
20 Los Angeles County Waterworks District No.  
21 40 v. Diamond Farming Co., Superior Court  
22 of California, County of Los Angeles, Case  
23 No. BC 325201;

24 Los Angeles County Waterworks District No.  
25 40 v. Diamond Farming Co., Superior Court  
26 of California, County of Kern, Case No. S-  
27 1500-CV-254-348;

28 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster, Diamond Farming Co. v. City of  
Lancaster, Diamond Farming Co. v. Palmdale  
Water Dist., Superior Court of California,  
County of Riverside, Case Nos. RIC 353 840,  
RIC 344 436, RIC 344 668

RICHARD WOOD, on behalf of himself and  
all other similarly situated v. A.V. Materials,  
Inc., et al., Superior Court of California,  
County of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding  
No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053  
Assigned to the Honorable Jack Komar

**DECLARATION OF CHARLES M. KEITH  
IN LIEU OF TESTIMONY FOR PHASE VI  
TRIAL**

Date: September 28, 2015  
Time: 10:00 a.m.  
Dept.: Stanley Mosk Court House, Room 222

*[Filed concurrently with:  
(1) Declaration of Jerry Delucia In Lieu Of  
Testimony For Phase VI Trial; and  
(2) Prove-Up Trial Brief of Cross-Defendant  
Clan Keith Real Estate Investments LLC, dba  
Leisure Lake Mobile Estates.]*

1 **DECLARATION OF CHARLES M. KEITH**

2 I, Charles M. Keith, declare as follows:

3 1. I am the General Manager of Clan Keith Real Estate Investments, LLC, dba  
4 Leisure Lake Mobile Estates, a Delaware limited liability company, having its principal place of  
5 business at 1835 West Chandler Boulevard, Suite 100, Chandler, Arizona 85224 (“Clan Keith  
6 Real Estate”). This declaration is made in support of the [Proposed] Judgment and Physical  
7 Solution filed with the Court on March 4, 2015 on behalf of Cross-Defendant Clan Keith Real  
8 Estate. I have personal knowledge of each fact herein and would competently testify thereto  
9 under oath.

10 2. I make this declaration for the purpose of establishing facts that can be stipulated  
11 to by the parties and in lieu of trial testimony if such stipulation(s) can be reached. Alternatively,  
12 I am available to appear in Court for direct testimony and any cross-examination that may be  
13 pursued.

14 3. Clan Keith Real Estate is a limited liability company having good standing in the  
15 State of Delaware and the State of California. (Certificates of Good Standing attached hereto as  
16 Exhibit A.)

17 4. Clan Keith Real Estate owns and operates the Leisure Lake Mobile Estates  
18 property, consisting of approximately 138 acres of real property overlying the Antelope Valley  
19 Groundwater Basin, consisting of Los Angeles County Assessor’s Identification Numbers  
20 (“AIN”): 3116-015-002 (28+ Acres), 3116-015-003 (29+ Acres), 3117-007-001 (81+ Acres), and  
21 located at 48303 North 20th Street West, Lancaster, California (the “Property”). (Property Deed  
22 attached hereto as Exhibit B.)

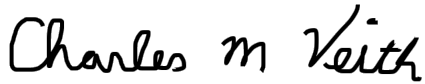
23 5. The Property includes a 211-space mobile home park, including a man-made lake,  
24 an approximately 36,000-gallon swimming pool, an approximately 600-gallon spa, a community  
25 laundry room, a clubhouse area, and landscaping (the “Park”). The Park is located on AIN 3116-  
26 01.5-002 and AIN 3116-015-003. Separately, the Property includes a single family residence  
27 located on AIP 3117-007-001. (Property Map attached hereto as Exhibit C.)  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

6. As shown on page two of the Los Angeles County authorization for the continued operation of the Park, the Park was established in 1970 and has consisted of 211 mobile home units since at least 1998. (County Authorization attached hereto as Exhibit D.)

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

Executed this 25th day of September, 2015, at Phoenix, Arizona.



---

Charles M. Keith

**EXHIBIT "A" TO DECLARATION OF CHARLES M. KEITH**

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "CLAN KEITH REAL ESTATE INVESTMENTS, LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

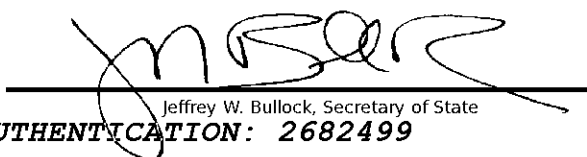
CERTIFICATE OF FORMATION, FILED THE SIXTH DAY OF APRIL, A.D. 2015, AT 9:12 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "CLAN KEITH REAL ESTATE INVESTMENTS, LLC".

5722843 8100H

151225220



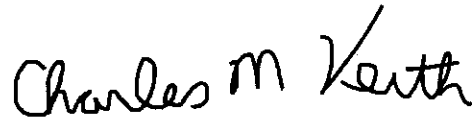
  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 2682499

DATE: 08-27-15

**CERTIFICATE OF FORMATION  
OF  
CLAN KEITH REAL ESTATE INVESTMENTS, LLC**

1. The name of the limited liability company (hereinafter called the "Company") is Clan Keith Real Estate Investments, LLC.
2. The registered office of the Company is to be located at 2140 South DuPont Highway, Camden, DE 19934. The name of the registered agent located at such address is Paracorp Incorporated.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of Clan Keith Real Estate Investments, LLC this 2nd day of April, 2015.



---

Charles M. Keith,  
Authorized Person

**State of California**  
Secretary of State

**CERTIFICATE OF STATUS**

**ENTITY NAME:** CLAN KEITH REAL ESTATE INVESTMENTS, LLC

**FILE NUMBER:** 201510410062  
**REGISTRATION DATE:** 04/07/2015  
**TYPE:** FOREIGN LIMITED LIABILITY COMPANY  
**JURISDICTION:** DELAWARE  
**STATUS:** ACTIVE (GOOD STANDING)

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

The records of this office indicate the entity is qualified to transact intrastate business in the State of California.

No information is available from this office regarding the financial condition, business activities or practices of the entity.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of August 17, 2015.

A handwritten signature in black ink, appearing to read "Alex Padilla".

**ALEX PADILLA**  
Secretary of State

**EXHIBIT "B" TO DECLARATION OF CHARLES M. KEITH**



This page is part of your document - DO NOT DISCARD



20151071631



Pages:  
0009

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

08/31/15 AT 08:00AM

FEES:	43.00
TAXES:	14,025.00
OTHER:	0.00
PAID:	14,068.00



LEADSHEET



201508310990013

00011070362



007052360

SEQ:  
02

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T55

21

RECORDING REQUESTED BY:

FIDELITY NATIONAL TITLE CO.

WHEN RECORDED MAIL THIS DEED AND MAIL TAX STATEMENTS TO:

Clan Keith Real Estate Investments, LLC  
2320 West Ray Road, Suite 3  
Chandler, AZ 85224

APNs: 3116-015-002; 3116-015-003;  
3117-007-001



23057276-KM GRANT DEED

THE UNDERSIGNED GRANTOR DECLARES:

DOCUMENTARY TRANSFER TAX IS \$14,025.<sup>80</sup>

- unincorporated area     City of Los Angeles
- computed on full value of interest or property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Goodyork Corporation, a California corporation, as to an undivided 51% interest, and Lancaster Summit Properties, LTD., a California limited partnership, as an undivided 49% interest, hereby GRANT to Clan Keith Real Estate Investments, LLC, a Delaware limited liability company, the following described real property in the City of Los Angeles, County of Los Angeles, State of California:

See Exhibit A attached hereto and incorporated herein by this reference.

[Signatures on the Following Page]

Mail Tax Statements to Return Address Above

21

3

Dated: May 19, 2015.

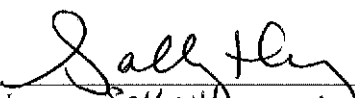
Goodyork Corporation,  
a California corporation

By: William S. Chan  
Name: William S. Chan  
Title: V-p

4

Dated: May 20, 2015.

Lancaster Summit Properties, LTD.,  
a California limited partnership

By:   
Name: Sally Heard  
Title: General Partner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

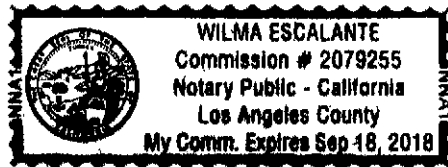
STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) ss.

On May 19, 2015, before me Wilma Escalante, a Notary Public in and for said County and State, personally appeared William S. Chan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Wilma Escalante  
Notary Public



6

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

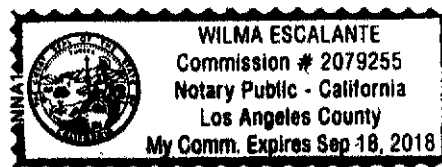
STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) ss.

On May 20, 2015, before me Wilma Escalante, a Notary Public in and for said County and State, personally appeared Sally Huang, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Wilma Escalante  
Notary Public



7

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 29; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 29, SOUTH 89°30'00" WEST 1030.23 FEET TO THE EASTERLY LINE OF LAND DESCRIBED IN PARCEL 1 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED AUGUST 4, 1965 AS INSTRUMENT NO. 1969, IN BOOK D-3003, PAGE 161 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID EASTERLY LINE, SOUTH 0°28'45" EAST 1324.99 FEET TO THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE EASTERLY LINE OF SAID SECTION 29; THENCE ALONG SAID LAST MENTIONED EASTERLY LINE, NORTH 0°23'30" WEST 1325.18 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID SECTION 29, THAT IS DISTANT SOUTH 89°30'00" WEST 1030.23 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29, SAID POINT BEING THE EASTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED AUGUST 4, 1965 AS INSTRUMENT NO. 1969, IN BOOK D-3003, PAGE 161 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID EASTERLY LINE, SOUTH 0°28'45" EAST 1324.99 FEET TO THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 29, AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID TRUE POINT OF BEGINNING, EASTERLY ALONG SAID SOUTHERLY LINE TO THE EASTERLY LINE OF SAID SECTION 29; THENCE ALONG SAID LAST MENTIONED EASTERLY LINE, SOUTH 0°23'30" EAST 1325.17 FEET TO THE SOUTHEAST CORNER

RECORDER MEMO: This COPY is NOT an OFFICIAL RECORD.

8

OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER, SOUTH 89°31'13" WEST 1026.15 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN SAID DEED TO THE STATE OF CALIFORNIA; THENCE ALONG THE LAST MENTIONED EASTERLY LINE, NORTH 0°28'45" WEST 1324.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 29; TOWNSHIP 8 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER, NORTH 89°30'00" EAST 1363.20 FEET TO THE WESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON AUGUST 4, 1965 AS INSTRUMENT NO. 1969, IN BOOK D-3003, PAGE 161 OF OFFICIAL RECORDS, OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE, SOUTH 0°28'45" EAST 1324.95 FEET TO THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID LAST MENTIONED WESTERLY LINE, NORTH 0°26'21" WEST 1324.71 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SECTION 29, THAT IS DISTANT THEREON NORTH 89°30'00" EAST 1363.20 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, SAID POINT BEING IN THE WESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON AUGUST 4, 1965 AS INSTRUMENT NO. 1969 IN BOOK D-3003, PAGE 161 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE, SOUTH 0°28'45" EAST 1324.95 FEET TO THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 29 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID TRUE POINT OF BEGINNING WESTERLY ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID LAST MENTIONED WESTERLY LINE, SOUTH 0°26'21" EAST 1324.71 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST



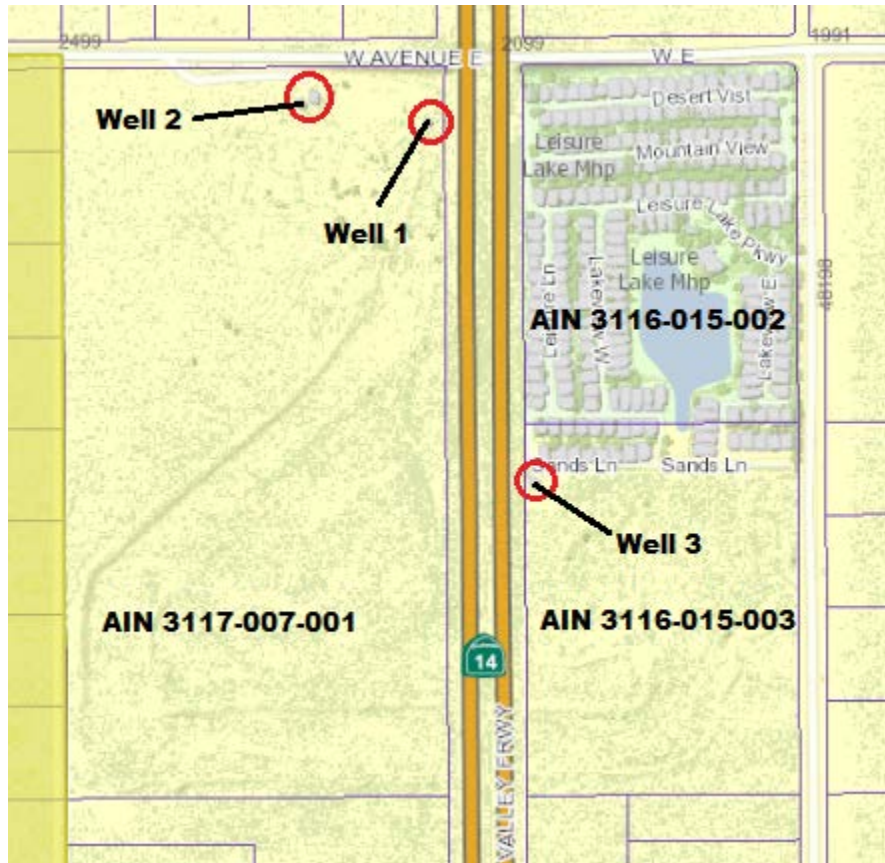
9

QUARTER; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHEAST  
QUARTER, NORTH 89°31'13" SECONDS EAST 1365.05 FEET TO THE WESTERLY  
LINE OF THE LAND DESCRIBED IN PARCEL 1 IN SAID DEED TO THE STATE OF  
CALIFORNIA; THENCE ALONG SAID LAST MENTIONED WESTERLY LINE, NORTH  
0°28'45" WEST 1324.95 FEET TO THE TRUE POINT OF BEGINNING.

APN: 3116-015-002 & 003, 3117-007-001

**EXHIBIT "C" TO DECLARATION OF CHARLES M. KEITH**

**Leisure Lake Property Map**



**EXHIBIT "D" TO DECLARATION OF CHARLES M. KEITH**



Los Angeles County  
 Department of Regional Planning  
 Director of Planning James E. Hartl, AICP



October 29, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Goodyork Corporation and Lancaster Summit Properties, Ltd.  
 c.o. Myrle D. McLernon  
 755 W. Lancaster Blvd.  
 Lancaster, CA 93535

RE: **NONCONFORMING REVIEW CASE NO. 96-066-(5)**  
 To authorize the continued operation of an existing mobilehome park in the A-2-2 (Heavy Agriculture, two acre required area) zone.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the cor Hall of Records, 320 West Temple Street, Los Angeles, California 9 secretary for the necessary appeal form at (213) 974-6409 between 1 p.m., Monday through Thursday. The appeal must be postmarked c days after the applicant receives this notice. If the appeal is filed in pers with the commission's secretary. The processing fee for an appeal \$440.00 for non-applicants; a check for the appropriate amount payab must be submitted with the appeal form. Your appeal will be rejected if

The Hearing Officer's decision may also be called up for review by the of the members present of the Regional Planning Commission; a ca during the 15-day appeal period.

For further information on appeal procedures or any other matter pe contact the Zoning Permits Section at (213) 974-6443.

P 787 855 348



**Certified Mail Receipt**  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

Sent to	
Goodyork Corporation and Lancaster Summit Properties	
c/o Myrle D. McLernon	
755 West Lancaster Blvd.	
Lancaster, CA 93535	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$

PS Form 3800, June 1990

Postmark or Date  
 NCR 96-066-(5) FL  
 Mailed 11-5-98

REQUEST: The applicant is requesting a nonconforming review to authorize the continued operation of an existing 211-unit mobilehome park in the A-2-2 (Heavy Agriculture, two acre required area) zone.

#### HEARING OFFICER'S FINDINGS AND ORDER:

#### FACTUAL SUMMARY:

##### October 13, 1998 Public Hearing

A duly noticed public hearing was held. Two persons were sworn. The applicant and the applicant's representative presented testimony in support. There was no opposition testimony. The Hearing Officer closed the public hearing and instructed staff to prepare findings and conditions recommended by staff.

##### Findings

The applicant requested a nonconforming review to authorize the continued operation of an existing mobilehome park in the A-2-2 (Heavy Agriculture, two acre required area) zone.

The subject property is a 32-acre rectangular-shaped parcel, located at 48303 North 20<sup>th</sup> Street West, in the unincorporated area of Lancaster. The project is also located in the Lancaster Zoned District.

Surrounding zoning consists of D-2-2 (Desert-Mountain, two acre required area) to the north and east, and A-2-2 to the south and west.

The project site is designated as Non-urban 1, with a maximum density of .5 dwelling unit per acre in the Antelope Valley Area Plan.

The surrounding land use consists of vacant lands to the north, south, vacant residential lands and vacant land to the east, and the Antelope Valley freeway and vacant lands to the west.

The site plan marked Exhibit "A" depicts a rectangular parcel 32 acres in area enclosed by a concrete block fence 6 feet in height. It also depicts an internal 30-foot wide paved road system providing access to the 211-mobilehome park, a clubhouse, a man-made lake at the center of the property, and visitors' parking lots at different locations throughout the mobilehome park.

The site takes access from 20<sup>th</sup> Street West to the east at two locations.

The use as a mobilehome park was established on the subject property in 1970 by the following case:

Zone Exception Case 9647-(5) (approved November 18, 1970): to establish a 921-unit mobilehome park on both sides of the Antelope Valley Freeway. Mobilehomes parks were not allowed in the A-2-2 zone in 1970; the zone exception case was necessary to permit the use and also to modify the development standards. The permit expired January 1, 1995.

Mobilehome parks are permitted in the A-2 zone subject to a conditional use permit. However, Section 22.64.050 of the Los Angeles County Code requires that zone exception cases be considered nonconforming uses in cases where a zone exception was granted by action of the Commission or the Board of Supervisors prior to November 5, 1971. It also requires that such uses be considered nonconforming uses provided that such uses remain in compliance with and subject to all limitations and conditions were imposed by the grant. In this case, the limitations and conditions imposed by Zone Exception Case No. 9647-(5).

The project was granted a Categorical Exemption under CEQA reporting requirements.

At the time of this report, staff has not received any public comment.

The mobilehome park contained mature landscape, residences were well kept, and vehicles were parked in their respective spaces. The surrounding property is vacant and would not be adversely affected by the continuation of the existing use.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:  
REGARDING THE NONCONFORMING REVIEW PERMIT:**

1. That to require cessation of such use, building or structure would impair the property rights of any person to such and extent as to be an unconstitutional taking of property; and/or
2. That such use, building or structure does not now and will not during the extension period requested:
  - a. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
  - b. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does substantiate the required findings for a nonconforming review permit as set forth in Section 22.56.1550, Title 22 of the Los Angeles County Code (Zoning Ordinance).

1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the state Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Review Case No. 96-066-(5) is **approved**, subject to the attached conditions.

BY:   
\_\_\_\_\_  
**JOHN GUTWEIN, HEARING OFFICER**  
Department of Regional Planning  
County of Los Angeles

Date: 11-5-98

RDH:REG

Attachments: Conditions  
Affidavit

- c: Each Commissioner; Zoning Enforcement; Building and Safety; Department of Public Works (Subdivision Mapping); David Timok.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate October 13, 2018.

Entitlement to the use of the property as a mobilehome park thereafter shall be subject to the regulations then in effect.



7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2,000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 20 annual inspections.

If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
9. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
10. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
11. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage by the close of the next business day following such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
12. This grant allows the continued operation and maintenance for the 211-unit mobilehome park, subject to the following restrictions as to use:
  - a. All the driveways shall remain 30 feet in width and be posted with no parking signs;
  - b. No automobiles shall be parked on the driveways;

- c. All areas used by automobiles be surfaced with concrete or asphalt;
13. That existing signs may be indirectly or internally lighted but shall be non-flashing and limited as follows:
- a. The existing entrance signs to mobilehome park may remain;
  - b. Incidental signs not to exceed 4 square feet in area per sign allowed;
  - c. A directional sign or informational sign indicating the location of each residence by number shall be located at each principal entrance and at other appropriate location for use by emergency vehicles, as well as the convenience of guests. The hearing officer shall establish the size, location, and number of such signs.
14. All-exterior lights above wall height be shielded and directed away from adjacent residential development.
15. A minimum distance of ten feet be maintained between mobilehomes.
16. The recreational facilities be limited to tenants and their guests.

RDH:REG  
9-23-98



*Los Angeles County*  
*Department of Regional Planning*  
*Director of Planning James E. Hartl, AICP*



October 29, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Goodyork Corporation and Lancaster Summit Properties, Ltd.  
c.o. Myrle D. McLernon  
755 W. Lancaster Blvd.  
Lancaster, CA 93535

**RE: NONCONFORMING REVIEW CASE NO. 96-066-(5)**  
To authorize the continued operation of an existing mobilehome park in the A-2-2 (Heavy Agriculture, two acre required area) zone.

Dear Applicant:

**PLEASE NOTE:** This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary appeal form at (213) 974-6409 between the hours of 7:30 a.m. and 4:00 p.m., Monday through Thursday. The appeal must be postmarked or delivered in person within 15 days after the applicant receives this notice. If the appeal is filed in person, please make an appointment with the commission's secretary. The processing fee for an appeal is \$880.00 for the applicant or \$440.00 for non-applicants; a check for the appropriate amount payable to the County of Los Angeles must be submitted with the appeal form. Your appeal will be rejected if the check is not submitted.

The Hearing Officer's decision may also be called up for review by the affirmative vote of the majority of the members present of the Regional Planning Commission; a call for the review shall be made during the 15-day appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **September 25, 2015**, I served the following document described as:

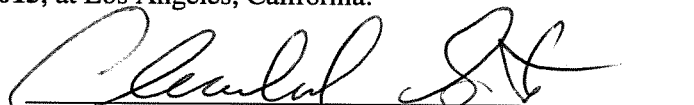
**DECLARATION OF CHARLES M. KEITH IN LIEU OF TESTIMONY FOR PHASE VI  
TRIAL**

By posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

The party on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **September 25, 2015**, at Los Angeles, California.

  
\_\_\_\_\_  
Cleveland Styles