



CITY OF LAWNDALE

14717 Burin Avenue, Lawndale, California 90260
Phone (310) 973-3200 – www.lawndalecity.org

AGENDA LAWNDALE CITY COUNCIL REGULAR MEETING Monday, April 1, 2019 - 6:30 p.m. Lawndale City Hall Council Chamber 14717 Burin Avenue

Any person who wishes to address the City Council regarding any item listed on this agenda or any other matter that is within its subject matter jurisdiction is invited, but not required, to fill out a public meeting speaker card and submit it to the city clerk prior to the oral communications portion of the meeting. The purpose of the card is to ensure that speakers' names are correctly recorded in the meeting minutes and, where appropriate, to provide contact information for later staff follow-up.

Copies of this agenda may be obtained prior to the meeting in the Lawndale City Hall foyer. Copies of staff reports or other written documentation relating to each agenda item are available for public inspection in the Lawndale City Hall foyer and the public library. Interested parties may contact the City Clerk Department at (310) 973-3213 for clarification regarding individual agenda items.

This agenda is subject to revision up to 72 hours before the meeting.

- A. **CALL TO ORDER AND ROLL CALL**
- B. **CEREMONIALS** - Flag Salute and Inspiration
- C. **PUBLIC SAFETY REPORT**
- D. **ITEMS FROM CITY CLERK**
- E. **ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA** (Public Comments)
- F. **COMMENTS FROM COUNCIL**
- G. **CONSENT CALENDAR**

The consent calendar, agenda items 1 through 4, will be considered and acted upon under one motion unless a councilmember removes individual items for further council consideration or explanation.

1. **Motion to read by title only and waive further reading of all ordinances listed on the agenda**

Recommendation: that the City Council approve.

2. **Reject All Bids for the Roof Repair Project for City Hall and Public Works, and Re-Advertise as a Maintenance Project**

Recommendation: that the City Council authorize staff to reject all received bids and to re-advertise the project as a maintenance project.

3. Accounts Payable Register

Recommendation: that the City Council adopts Resolution No. CC-1904-017, authorizing the payment of certain claims and demands in the amount of \$298,622.23.

4. Minutes of the Lawndale City Council Regular Meeting – March 18, 2019

Recommendation: that the City Council approve.

H. PUBLIC HEARINGS

5. Establishing Rules and Regulations for Shared Mobility Devices (Motorized Scooters) within the City of Lawndale, adding to the City of Lawndale Municipal Code Section 12.64

Recommendation: that the City Council (a) conduct a Public Hearing; (b) determine that Ordinance No. 1157-19 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to sections 15378 and 15061(b)(3) of the CEQA Guidelines; and (c) approve the first reading to introduce Ordinance No. 1157-19 regulating shared mobility devices.

I. ADMINISTRATION

6. City Council Policy for Small Cell Wireless Facilities per 47 CFR 1.60002(1), adding to the City of Lawndale Municipal Code Section 12.60 the reference of the Wireless Telecommunications Facilities in the Public Right of Way

Recommendation: that the City Council (a) approve the first reading to introduce Ordinance No. 1159-19, adding to the Municipal Code, Chapter 12.60 to regulate Small Cell Wireless Facilities (SCWF) in the public right-of-way, and determine the project is not subject to the California Environmental Quality Act; (b) adopt Urgency Ordinance 1158-19 to institute on an urgency basis the same Municipal Code Title 12.60 to regulate Small Cell Wireless Facilities (SCWF) in the public right-of-way, and determine the project is not subject to the California Environmental Quality Act; (c) Adopt the Resolution No. CC-1904-019 to approve the corresponding City Council Policy No. 103-19 for design standards applicable to SCWF's in the public right-of-way and direct staff to promptly publish the Policy on the City's webpage; and (d) direct Public Works staff to amend the master fee schedule to establish application fees and penalty fees for SCWF's.

7. General Plan Annual Progress Report (2018) and Finding of California Environmental Quality Act (“CEQA”) Exemption

Recommendation: that the City Council (a) accept the General Plan Annual Progress Report; (b) direct staff to submit the report to the Governor’s Office of Planning and Research and the Housing and Community Development Department in accordance with Government Code § 65400; and (c) post the information on the City’s website as required by Health and Safety Code § 34176.1(f).

J. CITY MANAGER'S REPORT

K. ITEMS FROM COUNCILMEMBERS

8. Mayor/Councilmember Report of Attendance at Meetings and/or Events

L. CLOSED SESSION

9. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is a significant exposure to litigation in one case. The facts and circumstances giving rise to exposure to litigation is a formal threat of litigation. A copy of any statement threatening litigation is available for inspection.

M. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be held at 6:30 p.m. on Monday, April 15, 2019 in the Lawndale City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

It is the intention of the City of Lawndale to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk Department (310) 973-3213 prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

I hereby certify under penalty of perjury under the laws of the State of California that the agenda for the regular meeting of the City Council to be held on April 1, 2019 was posted not less than 72 hours prior to the meeting.

Matthew Ceballos, Assistant City Clerk



CITY OF LAWNDALE
14717 BURIN AVENUE, LAWNDALE, CALIFORNIA 90260
PHONE (310) 973-3200 ♦ www.lawndalecity.org

DATE: April 1, 2019
TO: Honorable Mayor and City Council
FROM: Matthew R. Ceballos, Assistant City Clerk *Me*
SUBJECT: Motion Pertaining to the Reading of Ordinances

BACKGROUND

California Government Code reads, in part, as follows:

"Except when, after reading the title, further reading is waived by regular motion adopted by majority vote, all ordinances shall be read in full either at the time of introduction or passage."

RECOMMENDATION

Staff recommends that the City Council read by title only and waive further reading of all ordinances listed on the agenda.



CITY OF LAWDALE

14717 BURIN AVENUE, LAWDALE, CALIFORNIA 90260
PHONE (310) 973-3200 ♦ www.lawndalecity.org

DATE: April 1, 2019

TO: Honorable Mayor and City Council

FROM: Stephen N. Mandoki, City Manager *[Signature]*

PREPARED BY: Kahono Oei, PE, Public Works Director/City Engineer *KO*
Kevin Moghadasi, E.I.T, Assistant Engineer *KM*

SUBJECT: Authorize to Reject All Bids for the Roof Repair Project for City Hall and Public Works Department and to Re-Advertise as a Maintenance Project.

BACKGROUND

Since 2017, City Hall and the Public Works Department have leaking roofs and are in need of repair. Staff prepared Project Specifications to formally advertise the repair project on January 16, 2019.

The scope of work includes partial removal of existing roof materials, roof sheet metals, roof plywood and adjust roof drain line and perform roof repairs utilizing hot mop application for the City Hall building and Public Works Office building at 14717 Burin Avenue and 4722 Manhattan Beach Boulevard respectively.

STAFF REVIEW

The Notice Inviting Bids was advertised in a local newspaper, the City website, FW Doge (green sheet), and Construction Connect. The mandatory project walk through was conducted on February 6, 2019 and seven contractors were present.

Two bids were received and opened on Wednesday, February 19, 2019, by the City Clerk staff in accordance with City bidding procedures. Bid results are shown in the table below:

Bidders	Total Bid Amount
BEST Contracting Services Inc., (Long Beach)	\$ 140,000
ZC Development and Construction, (Santa Clarita)	\$ 49,500

As a result of the bid analysis, staff determined that the means and methods that were used by the two bidders were completely different and this resulted in a substantial cost difference. Therefore, staff recommends to reject all bids and seek consultation from roofing companies to determine a more comprehensive scope for the repair work and will re-advertise the project as a maintenance project.

LEGAL REVIEW

The City Attorney concurs to reject all bids and to re-advertise the project.

FISCAL IMPACT

There is no fiscal impact to re-bid the project.

RECOMMENDATION

Staff recommends that the City Council:

- Authorize staff to reject all received bids and to re-advertise the project as a maintenance project.

**RESOLUTION NO. CC-1904-017
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
AUTHORIZING CERTAIN CLAIMS AND DEMANDS
IN THE SUM OF \$298,622.23**

THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That in accordance with Sections 37202 and 37209 of the Government Code, the Finance Director, as certified below, hereby attests to the accuracy of these demands and to the availability of funds for the payment thereof.

SECTION 2. That the following claims and demands have been audited as required by law, and that appropriations for these claims and demands are included in the annual budget as approved by the City Council.

SECTION 3. That the following claims and demands are hereby authorized in the accounts herein after set forth.

Effective Date: April 1st, 2019

Certified by:

Marla Pendleton, Finance Director

PASSED, APPROVED AND ADOPTED this 1st day of April, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council of the City of Lawndale duly approved and adopted the foregoing Resolution No. CC-1904-017 at a regular meeting of said Council held on the 1st day of April, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Pat Kearney					
Bernadette Suarez					
Daniel Reid					

Rhonda Hofmann Gorman, City Clerk

Check Register Report

Date: 03/26/2019
Time: 5:32 PM
Page: 1

City of Lawndale

BANK: WELLS FARGO BANK N.A

Check	Check Date	Status	Void/Stop	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
197172	03/14/2019	Void	03/14/2019	2829	BEKIM BERISHA	REIMBURSE FEE-ITEM CHARGEBACK	0.00
197173	03/14/2019	Printed		0441	GOLDEN STATE WATER CO.	UTILITIES - WATER	440.89
197174	03/14/2019	Printed		0441	GOLDEN STATE WATER CO.	UTILITIES - WATER	6,795.92
197175	03/14/2019	Printed		5503	JA'VONDA JONES	INSTRUCTOR FEE-GYM/HIP HOP	1,437.06
197176	03/14/2019	Printed		5099	LANCE, SOLL & LUNGHARD, LLP	2017-18 SUCCESSOR AGENCY AUDIT	4,213.00
197177	03/14/2019	Printed		0323	LEGACY TRAVEL & TOURS	SR. TRAVEL-GLENDALE CENTRE	2,607.00
197178	03/14/2019	Printed		5112A	NEOFUNDS BY NEOPOST	POSTAGE REFILL - FEB 2019	1,158.78
197179	03/14/2019	Printed		4457	Q PRESS	LAWNDALIAN*SPRING/SUMMER 2019	5,869.57
197180	03/14/2019	Printed		0440	SOUTHERN CALIFORNIA GAS CO.	UTILITIES - GAS	2,363.93
197181	03/14/2019	Printed		0440	SOUTHERN CALIFORNIA GAS CO.	NATURAL GAS VEHICLE FUEL	15.15
197182	03/14/2019	Printed		3672-ASD	U.S. BANK	CREDIT ACCOUNT PAYMENT	81.83
197183	03/14/2019	Printed		3672-PWD	U.S. BANK	CREDIT ACCOUNT PAYMENT	2,383.48
197184	03/14/2019	Printed		3373	VERIZON WIRELESS	M2M ACCOUNT SHARE DATA LINE	25.02
197185	03/14/2019	Printed		2829	BEKIM BERISHA	REIMBURSE FEE-ITEM CHARGEBACK	12.00
197186	03/21/2019	Printed		7180	ACCONTEMP	TEMP SVCS WK END DT 03/15/2019	2,744.12
197187	03/21/2019	Printed		5627	CHRISTINA BROOME	INSTRUCTOR FEE-SR YOGA CLASSES	195.00
197188	03/21/2019	Printed		0190	COLONIAL LIFE & ACCIDENTS, INC	SECTION 125 POST-TAX	3,227.73
197189	03/21/2019	Printed		0216	DELTA DENTAL	DENTAL INSURANCE PREMIUM-REG	2,658.26
197190	03/21/2019	Printed		0389	DELTA DENTAL INS	HMO DENTAL INSURANCE	86.13
197191	03/21/2019	Printed		6741	DUNBAR ARMORED INC	ARMORED SVCS-MARCH 2019	189.17
197192	03/21/2019	Printed		7190	RAYLETTE FELTON	REIMB-LABOR RELATIONS CONF	120.00
197193	03/21/2019	Printed		5998	GHALBI & ASSOCIATES INC	ING/ROSECRANS AVE-PHASE III	10,000.00
197194	03/21/2019	Printed		0204	L.A. COUNTY CLERK'S OFFICE	POSTING FEE-NOTICE OF EXEMPTIO	75.00
197195	03/21/2019	Printed		5911	RUIZ ENGINEERING	CONCRETE REPAIRS PROJECT	27,766.50
197196	03/21/2019	Printed		2002	THE STANDARD, UNIT 22	LTD INSURANCE PREMIUM	1,605.55
197197	03/21/2019	Printed		3672-MSD	U.S. BANK	CREDIT ACCOUNT PAYMENT	338.32
197198	03/21/2019	Printed		0479	VISION SERVICE PLAN	VISION INSURANCE PREMIUM	930.33
197199	03/21/2019	Printed		7147	WEST COAST FIRE SERVICES INC	5YR INSPECTION/TESTING SVCS	750.00
197200	04/01/2019	Printed		3967	A+ PORTABLE SERVICES	PORTABLE RESTROOMS-YOUTH DAY	638.55
197201	04/01/2019	Printed		7206	LUIS ACOSTA	REFUND FEE-VOLUNTEER COACH	32.50
197202	04/01/2019	Printed		0112	ALL CITY MANAGEMENT SVCS, INC	SCHOOL CROSSING GUARD SERVICES	5,087.60
197203	04/01/2019	Printed		0112	ALL CITY MANAGEMENT SVCS, INC	SCHOOL CROSSING GUARD SERVICES	6,440.00
197204	04/01/2019	Printed		5245	MARIA ELENA ALVAREZ	INSTRUCTOR FEE-MEXICAN FOLKLOR	2,677.50
197205	04/01/2019	Printed		4185	AMERICAN STRUCTURAL PEST	PEST CONTROL SERVICE-CSD	940.00
197206	04/01/2019	Printed		0472	AMERINAT	MONTHLY FEES-PROJECT 45-FEB 19	8.50
197207	04/01/2019	Printed		6977	RICK ANDELIN	REFUND FEE-VOLUNTEER COACH	25.00
197208	04/01/2019	Printed		1056	AT&T GLOBAL SERVICES, INC.	MAINTENANCE CONTRACT SERVICE	865.67

Check Register Report

Date: 03/26/2019
Time: 5:32 PM
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City of Lawndale

BANK: WELLS FARGO BANK N.A

Check	Check Date	Status	Void/Stop	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
197209	04/01/2019	Printed		7194	BAVCO BACKFLOW & APPARATUS	BACKFLOW INSPECTION	60.00
197210	04/01/2019	Printed		0142	BOULEVARD FLORIST	SYMPATHY FLOWERS	227.22
197211	04/01/2019	Printed		0163	CAPITAL OF SOUTH BAY INC.	ELECTRICAL / LIGHTING SUPPLIES	77.87
197212	04/01/2019	Printed		6459	CASC ENGINEERING & CONSULTING	NPDES PERMIT COMPLIANCE SVCS	4,267.50
197213	04/01/2019	Printed		7210	VALENTIN CHAVEZ	REFUND FEE-PLANNING REVIEW	139.04
197214	04/01/2019	Printed		7065	CIVIL SOURCE, INC	ENGINEERING DESIGN SV-FY 18/19	6,240.00
197215	04/01/2019	Printed		7208	JUSTIN CLARDY	REFUND FEE-VOLUNTEER COACH	25.00
197216	04/01/2019	Printed		0615	CLEANSTREET	STREET SWEEPING SVC-FEB 2019	15,830.00
197217	04/01/2019	Printed		0219	COUNTY OF LA DEPT OF PUBLIC WK	BUILDING INSPECTION SERVICES	29,469.42
197218	04/01/2019	Printed		0219	COUNTY OF LA DEPT OF PUBLIC WK	SEWER SVC CHARGE-GOVT OWNED	151.50
197219	04/01/2019	Printed		0219	COUNTY OF LA DEPT OF PUBLIC WK	INDUSTRIAL WASTE SVCS-FEB 19	2,645.61
197220	04/01/2019	Printed		7211	TEOFILO DEL CID	REFUND FEE-SECURITY DEPOSIT	1,750.00
197221	04/01/2019	Printed		0218	DEPARTMENT OF JUSTICE	(5) FINGERPRINTING APPLICANT	160.00
197222	04/01/2019	Printed		0217	DEPT OF ANIMAL CARE & CONTROL	ANIMAL CONTROL SVC-FEB 2019	874.97
197223	04/01/2019	Printed		6886	EMPIRE CLEANING SUPPLIES	CREDIT MEMO	1,138.56
197224	04/01/2019	Printed		6684	FARMER BROTHERS CO.	COFFEE SERVICE	324.83
197225	04/01/2019	Printed		0242	FEDEX	SHIPPING CHARGS-01/18/19	208.62
197226	04/01/2019	Printed		7083	DAMIEN GRANT	REFUND FEE-VOLUNTEER COACH	25.00
197227	04/01/2019	Printed		7212	KERRY GRANT	REFUND FEE-VOLUNTEER COACH	50.00
197228	04/01/2019	Printed		6231	GREENLAND SUPPLY INC.	REPAIR/TEST BACKFLOW DEVICE	1,095.57
197229	04/01/2019	Printed		6061	LAUREN GUEVARA	ADVANCE-DAILY TRAVEL ALLOWANCE	120.00
197230	04/01/2019	Printed		3377	H F & H CONSULTANTS, LLC	PROFESSIONAL SERVICES-FEB 2019	7,216.08
197231	04/01/2019	Printed		2004	HARTZOG & CRABILL INCORPORATED	ENGINEERING SVC-MARINE/OSAGE	13,309.00
197232	04/01/2019	Printed		0831	HILTON FARNKOPF & HOBSON	SOLID WASTE MGMT CONSULTING	4,754.25
197233	04/01/2019	Printed		0283	HINDERLITER, DE LLAMAS & ASSOC	AUDIT SERVICES-SALES TAX	1,357.66
197234	04/01/2019	Printed		5425	HOLIDAY GOO	CANDY SUPPLIES-EASTER EGG HUNT	950.46
197235	04/01/2019	Printed		6982	DAVIDA HUNTER	REFUND FEE-VOLUNTEER COACH	32.50
197236	04/01/2019	Printed		4545	I & O PARTY RENTALS	200 CHAIRS & 30 TABLES-WHITE	465.63
197237	04/01/2019	Printed		7150	KOA CORPORATION	TEMPORARY STAFFING-PW DIRECTOR	22,500.00
197238	04/01/2019	Printed		0211	L.A. NEWSPAPER GROUP	DB 3-83-LEGAL ADV-03/25/19	304.90
197239	04/01/2019	Printed		7213	GREGORY LAKEY	REFUND FEE-VOLUNTEER COACH	32.50
197240	04/01/2019	Printed		7199	CYNTHIA LEWIS	REFUND FEE-EVENT SECURITY SVC	29.84
197241	04/01/2019	Printed		0308	LOS ANGELES COUNTY	HEARING OFFICER FEES-03/05/201	60.00
197242	04/01/2019	Printed		0308	LOS ANGELES COUNTY	SECURITY SVCS-SPECIAL EVENTS	270.16
197243	04/01/2019	Printed		7214	SHANE MAHONEY	REFUND FEE-VOLUNTEER COACH	32.50
197244	04/01/2019	Printed		7215	STEVEN MC CANN	REFUND FEE-VOLUNTEER COACH	25.00
197245	04/01/2019	Printed		6445	MICHAEL BAKER INTL, INC	PROFESSIONAL SVCS-CDBG ADMIN	1,645.00

Check Register Report

Date: 03/26/2019
Time: 5:32 PM
Page: 3

City of Lawndale

BANK: WELLS FARGO BANK N.A

Check	Check Date	Status	Void/Stop	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
197246	04/01/2019	Printed		6445	MICHAEL BAKER INTL, INC	PROFESSIONAL SVCS-CDBG SENIOR	420.00
197247	04/01/2019	Printed		6472	LUIS MORENO	REFUND FEE-VOLUNTEER COACH	32.50
197248	04/01/2019	Printed		6144	MV TRANSPORTATION INC	LAWNDALE BEAT TRANSIT S-FEB19	32,563.86
197249	04/01/2019	Printed		4566	MYERS & SONS HI WAY SAFETY INC	TRAFFIC/STREET SIGN SUPPLIES	1,491.17
197250	04/01/2019	Printed		0384	PEP BOYS	BATTERY PARTS/OIL-VEH #481	40.14
197251	04/01/2019	Printed		7047	PRECISION AUTO CARE, INC	VEHICLE MAINTENANCE-CSD	36.75
197252	04/01/2019	Printed		6123	PRUDENTIAL OVERALL SUPPLY	UNIFORM CLEANING SVC-03/19/19	71.36
197253	04/01/2019	Printed		7216	KELLYE RANDLE	REFUND FEE-SECURITY DEPOSIT	1,750.00
197254	04/01/2019	Printed		5229	REGISTRAR RECORDER COUNTY CLRK	GENERAL ELECTION-NOV 6TH, 2019	36,012.74
197255	04/01/2019	Printed		5895	RICOH USA INC	COPIER LEASE PAYMENT	129.85
197256	04/01/2019	Printed		5895	RICOH USA INC	COPIER LEASE PAYMENT	730.24
197257	04/01/2019	Printed		6759	SMARTHIRE	NEW HIRE BACKGROUND CHECKS	146.80
197258	04/01/2019	Printed		4533	SOUTH BAY LANDSCAPING INC	TREE TRIMMING SERVICES	4,083.00
197259	04/01/2019	Printed		0346	SPARKLETTS	WATER SERVICES	678.41
197260	04/01/2019	Printed		0444	SPCA LA	ANIMAL SHELTERING SERVICES	5,800.00
197261	04/01/2019	Printed		7089	CESAR SUAREZ	REFUND FEE-VOLUNTEER COACH	25.00
197262	04/01/2019	Printed		5641	SUPERIOR SOUTHBAY PRINTING	(600) PET LICENSE APPLICATIONS	213.53
197263	04/01/2019	Printed		0456	THE PIN CENTER	(200) CITY LOGO LAPEL PINS	273.00
197264	04/01/2019	Printed		0849	THE SAFEMART OF SO CAL INC	SVC CALL-REMOVE/DRILL LOCKS	140.00
197265	04/01/2019	Printed		0462	TODD PIPE & SUPPLY-HAWTHORNE	PLUMBING SUPPLIES-ADDAMS PARK	203.00
197266	04/01/2019	Printed		7217	LEON TOWNSEND JR.	REFUND FEE-RENTAL DEPOSIT	500.00
197267	04/01/2019	Printed		6121	ULINE	MAINTENANCE SUPPLIES-LINERS	200.73
197268	04/01/2019	Printed		0480	VISTA PAINT	PAINT SUPPLIES	228.90
197269	04/01/2019	Printed		1708	WESTERN MEDICAL GROUP, INC.	EMPLOYMENT PHYSICAL/SCREENING	90.00
197270	04/01/2019	Printed		1708	WESTERN MEDICAL GROUP, INC.	EMPLOYMENT PHYSICAL/SCREENING	90.00

Total Checks: 99

Checks Total (excluding void checks): 298,622.23

Total Payments: 99

Bank Total (excluding void checks): 298,622.23

Total Payments: 99

Grand Total (excluding void checks): 298,622.23

Edit List of Invoices - Summary

Date: 03/14/2019

Time: 10:39 am

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City of Lawndale

Ref. No.	Vendor Name	Invoice No.	Posting Date	PO Number	Invoice Date	Invoice Description	Invoice Amount
70101	BEKIM BERISHA	03112019	03/14/2019		03/12/2019	REIMBURSE FEE-ITEM CHARGE	12.00
						Vendor Total:	12.00
70102	GOLDEN STATE WATER CO.		03/14/2019		03/11/2019	UTILITIES - WATER	6,795.92
70114	GOLDEN STATE WATER CO.	MARCH 2019	03/14/2019		03/13/2019	UTILITIES - WATER	440.89
		MARCH 2019A				Vendor Total:	7,236.81
70103	JA'VONDA JONES	2-2019	03/14/2019	00016993	03/13/2019	INSTRUCTOR FEE-GYM/HIP HOP	1,437.06
						Vendor Total:	1,437.06
70104	LANCE, SOLL & LUNGHARD, LLP	29277	03/14/2019	00017054	03/07/2019	2017-18 SUCCESSOR AGENCY AI	4,213.00
						Vendor Total:	4,213.00
70105	LEGACY TRAVEL & TOURS	B0491	03/14/2019	00017035	03/13/2019	SR. TRAVEL-GLENDALE CENTRE	775.00
70106	LEGACY TRAVEL & TOURS	B0491A	03/14/2019		03/13/2019	SR. TRAVEL-GLENDALE CENTRE	1,832.00
						Vendor Total:	2,607.00
70107	NEOFUNDS BY NEOPOST	7900044080194966-02/25/2019	03/14/2019	0017021A	02/25/2019	POSTAGE REFILL - FEB 2019	1,158.78
						Vendor Total:	1,158.78
70108	Q PRESS	2019021B	03/14/2019	00016996	02/26/2019	LAWNDALIAN*SPRING/SUMMER :	5,869.57
						Vendor Total:	5,869.57
70109	SOUTHERN CALIFORNIA GAS CO.		03/14/2019		03/12/2019	UTILITIES - GAS	2,363.93
70115	SOUTHERN CALIFORNIA GAS CO.	MARCH 2019	03/14/2019		03/13/2019	NATURAL GAS VEHICLE FUEL	15.15
		MARCH 2019-VEHICLE				Vendor Total:	2,379.08
70110	U.S. BANK	4246044555755259-02/22/2019	03/14/2019		02/22/2019	CREDIT ACCOUNT PAYMENT	81.83
						Vendor Total:	81.83
70111	U.S. BANK	4246047000581071-02/22/19	03/14/2019	00016950	02/22/2019	CREDIT ACCOUNT PAYMENT	998.92
70112	U.S. BANK		03/14/2019		02/22/2019	CREDIT ACCOUNT PAYMENT	611.90
70113	U.S. BANK	4246047000581071-02/22/19A	03/14/2019		02/22/2019	CREDIT ACCOUNT PAYMENT	772.66
		4246044555725013-02/22/2019B				Vendor Total:	2,383.48
70116	VERIZON WIRELESS	9825388216	03/14/2019		03/02/2019	M2M ACCOUNT SHARE DATA LIN	25.02
						Vendor Total:	25.02

Grand Total: 27,403.63
 Less Credit Memos: 0.00
 Net Total: 27,403.63
 Less Hand Check Total: 0.00
 Outstanding Invoice Total: 27,403.63

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Ref. No.	Vendor Name	Invoice No.	Posting Date	PO Number	Invoice Date	Invoice Description	Invoice Amount
'0117	ACCOUNTEMPS	52824316	03/21/2019	00017124	02/13/2019	TEMP SVCS WK END DT 02/08/20	547.58
'0118	ACCOUNTEMPS	52879012	03/21/2019	00017124	02/21/2019	TEMP SVCS WK END DT 02/15/20	547.58
'0119	ACCOUNTEMPS	52943369	03/21/2019	00017124	03/04/2019	TEMP SVCS WK END DT 03/01/20	547.58
'0120	ACCOUNTEMPS	52994742	03/21/2019	00017124	03/11/2019	TEMP SVCS WK END DT 03/08/20	547.58
'0121	ACCOUNTEMPS	53039592	03/21/2019	00017124	03/18/2019	TEMP SVCS WK END DT 03/15/20	553.80
						Vendor Total:	2,744.12
'0137	CHRISTINA BROOME	MARCH 2019A	03/21/2019	00016979	03/13/2019	INSTRUCTOR FEE-SR YOGA CLA:	195.00
						Vendor Total:	195.00
'0122	COLONIAL LIFE & ACCIDENTS, INC	E7421597-MAR 2019 PRE-TAX	03/21/2019		02/22/2019	SECTION 125 PRE-TAX	1,436.52
'0123	COLONIAL LIFE & ACCIDENTS, INC	E7421597 MAR 2019 POST-TAX	03/21/2019		02/22/2019	SECTION 125 POST-TAX	1,791.21
						Vendor Total:	3,227.73
'0125	DELTA DENTAL INS	BE003255314-MARCH 2019	03/21/2019		03/01/2019	HMO DENTAL INSURANCE	86.13
						Vendor Total:	86.13
'0124	DELTA DENTAL	BE003256501-MARCH 2019	03/21/2019		03/01/2019	DENTAL INSURANCE PREMIUM-R	2,658.26
						Vendor Total:	2,658.26
'0126	DUNBAR ARMORED INC	4370491	03/21/2019	00016928	03/01/2019	ARMORED SVCS-MARCH 2019	189.17
						Vendor Total:	189.17
'0129	RAYLETTE FELTON	03/28/19-3661-0998-5807-7536	03/21/2019		03/14/2019	REIMB-LABOR RELATIONS CONF	120.00
						Vendor Total:	120.00
'0127	GHALBI & ASSOCIATES INC	1-ING/MARINE AVE	03/21/2019	0016441C	02/17/2019	INGLEWOOD/MARINE AVE-PHASE I	5,000.00
'0128	GHALBI & ASSOCIATES INC	1-ING/ROSECRANS AVE	03/21/2019	0016441C	02/17/2019	ING/ROSECRANS AVE-PHASE III	5,000.00
						Vendor Total:	10,000.00
'0138	L.A. COUNTY CLERK'S OFFICE	CNG FUELING-4722 MHB BLVD	03/21/2019		03/13/2019	POSTING FEE-NOTICE OF EXEMF	75.00
						Vendor Total:	75.00
'0130	RUIZ ENGINEERING	11478	03/21/2019	00017120	03/14/2019	CONCRETE REPAIRS PROJECT	27,766.50
						Vendor Total:	27,766.50
'0131	THE STANDARD, UNIT 22	MARCH 2019-LIFE INS	03/21/2019		03/21/2019	LIFE INSURANCE PREMIUM	682.50
'0132	THE STANDARD, UNIT 22	MARCH 2019-AD&D INS	03/21/2019		03/21/2019	AD&D INSURANCE PREMIUM	81.25
'0133	THE STANDARD, UNIT 22	MARCH 2019-LTD INS	03/21/2019		03/21/2019	LTD INSURANCE PREMIUM	841.80
						Vendor Total:	1,605.55
'0134	U.S. BANK	4246-0445-5572-5021-01/22/19	03/21/2019		01/22/2019	CREDIT ACCOUNT PAYMENT	338.32

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						Vendor Total:	338.32
70135	VISION SERVICE PLAN		03/21/2019		02/20/2019	VISION INSURANCE PREMIUM	
		MARCH 2019					930.33
						Vendor Total:	930.33
70136	WEST COAST FIRE SERVICES INC		03/21/2019		12/12/2018	5YR INSPECTION/TESTING SVCS	
		TEST-1257					750.00
						Vendor Total:	750.00

Grand Total:	50,686.11
Less Credit Memos:	0.00
Net Total:	50,686.11
Less Hand Check Total:	0.00
Outstanding Invoice Total:	50,686.11

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Ref. No.	Vendor Name	Invoice No.	Posting Date	PONumber	Invoice Date	Invoice Description	Invoice Amount
70139	A+ PORTABLE SERVICES	S0067	04/01/2019		03/12/2019	PORTABLE RESTROOMS-YOUTH	638.55
						Vendor Total:	<u>638.55</u>
70140	LUIS ACOSTA	WINTER 2019	04/01/2019		03/07/2019	REFUND FEE-VOLUNTEER COAC	32.50
						Vendor Total:	<u>32.50</u>
70141	ALL CITY MANAGEMENT SVCS, INC	59880-02/10/19	04/01/2019	00017068	03/19/2019	SCHOOL CROSSING GUARD SER	5,087.60
70142	ALL CITY MANAGEMENT SVCS, INC	60147-02/24/19	04/01/2019	00017068	03/13/2019	SCHOOL CROSSING GUARD SER	6,440.00
						Vendor Total:	<u>11,527.60</u>
70143	MARIA ELENA ALVAREZ	069-	04/01/2019	00016992	03/12/2019	INSTRUCTOR FEE-MEXICAN FOL	1,480.50
70144	MARIA ELENA ALVAREZ	070	04/01/2019	00016992	03/12/2019	INSTRUCTOR FEE-MEXICAN FOL	1,197.00
						Vendor Total:	<u>2,677.50</u>
70145	AMERICAN STRUCTURAL PEST	51435	04/01/2019		02/28/2019	PEST CONTROL SERVICE-CITY F	379.00
70146	AMERICAN STRUCTURAL PEST	51434	04/01/2019		02/28/2019	PEST CONTROL SERVICE-MSD	88.00
70147	AMERICAN STRUCTURAL PEST	51433	04/01/2019		02/28/2019	PEST CONTROL SERVICE-J ADD/	114.00
70148	AMERICAN STRUCTURAL PEST	51432	04/01/2019		02/28/2019	PEST CONTROL SVC-W GREEN F	189.00
70149	AMERICAN STRUCTURAL PEST	51498	04/01/2019		03/06/2019	PEST CONTROL SERVICE-CITY F	45.00
70150	AMERICAN STRUCTURAL PEST	51499	04/01/2019		03/06/2019	PEST CONTROL SERVICE-CSD	125.00
						Vendor Total:	<u>940.00</u>
70151	AMERINAT	18-2703	04/01/2019		03/04/2019	MONTHLY FEES-PROJECT 45-FEI	8.50
						Vendor Total:	<u>8.50</u>
70218	RICK ANDELIN	WINTER 2019	04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	25.00
						Vendor Total:	<u>25.00</u>
70152	AT&T GLOBAL SERVICES, INC.	SB119440	04/01/2019	00017013	03/07/2019	MAINTENANCE CONTRACT SERV	865.67
						Vendor Total:	<u>865.67</u>
70153	BAVCO BACKFLOW & APPARATUS	892789	04/01/2019		02/28/2019	BACKFLOW INSPECTION	60.00
						Vendor Total:	<u>60.00</u>
70154	BOULEVARD FLORIST	01418492	04/01/2019		03/04/2019	SYMPATHY FLOWERS	79.39
70155	BOULEVARD FLORIST	01420713	04/01/2019		02/15/2019	GET WELL FLOWERS	68.44
70156	BOULEVARD FLORIST	01418494	04/01/2019		02/08/2019	SYMPATHY FLOWERS	79.39
						Vendor Total:	<u>227.22</u>
70157	CAPITAL OF SOUTH BAY INC.	409999	04/01/2019	00016967	03/13/2019	ELECTRICAL / LIGHTING SUPPLIE	77.87
						Vendor Total:	<u>77.87</u>

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70158	CASC ENGINEERING & CONSULTING	40420	04/01/2019	00016973	02/28/2019	NPDES PERMIT COMPLIANCE SV	4,267.50
						Vendor Total:	4,267.50
70219	VALENTIN CHAVEZ	F/72064	04/01/2019		03/07/2019	REFUND FEE-PLANNING REVIEW	139.04
						Vendor Total:	139.04
70159	CIVIL SOURCE, INC	114640	04/01/2019	00017041	01/26/2019	ENGINEERING DESIGN SV-FY 18/	6,240.00
						Vendor Total:	6,240.00
70160	JUSTIN CLARDY	WINTER 2019	04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	25.00
						Vendor Total:	25.00
70161	CLEANSTREET	93419	04/01/2019	00016975	02/28/2019	STREET SWEEPING SVC-FEB 20	15,830.00
						Vendor Total:	15,830.00
70162	COUNTY OF LA DEPT OF PUBLIC WK	IN190000570	04/01/2019	00016938	02/21/2019	BUILDING INSPECTION SERVICE:	29,469.42
70163	COUNTY OF LA DEPT OF PUBLIC WK	IN190000590	04/01/2019	00016938	02/27/2019	SEWER SVC CHARGE-GOVT OW	151.50
70185	COUNTY OF LA DEPT OF PUBLIC WK	PW-19031104132	04/01/2019	00016972	03/11/2019	INDUSTRIAL WASTE SVCS-FEB 1	2,645.61
						Vendor Total:	32,266.53
70220	TEOFILO DEL CID	F/70429	04/01/2019		03/19/2019	REFUND FEE-SECURITY DEPOSI	1,750.00
						Vendor Total:	1,750.00
70166	DEPARTMENT OF JUSTICE	361421	04/01/2019		03/12/2019	(5) FINGERPRINTING APPLICANT	160.00
						Vendor Total:	160.00
70165	DEPT OF ANIMAL CARE & CONTROL	03/15/2019	04/01/2019	00016934	03/15/2019	ANIMAL CONTROL SVC-FEB 2019	874.97
						Vendor Total:	874.97
70167	EMPIRE CLEANING SUPPLIES	1098474	04/01/2019	00016956	02/26/2019	MAINTENANCE SUPPLIES	957.18
70168	EMPIRE CLEANING SUPPLIES	1098938	04/01/2019	00016956	02/27/2019	MAINTENANCE SUPPLIES	191.19
70169	EMPIRE CLEANING SUPPLIES	1098963	04/01/2019	00016956	02/27/2019	MAINTENANCE SUPPLIES	115.41
70170	EMPIRE CLEANING SUPPLIES	1099343	04/01/2019		02/28/2019	CREDIT MEMO	-125.22
						Vendor Total:	1,138.56
70171	FARMER BROTHERS CO.	68865576	04/01/2019		03/12/2019	COFFEE SERVICE	134.11
70172	FARMER BROTHERS CO.	68865556	04/01/2019		03/11/2019	COFFEE SERVICE	190.72
						Vendor Total:	324.83
70173	FEDEX	6-477-02281	04/01/2019		03/01/2019	SHIPPING CHARGES-03/01/2019	203.11
70174	FEDEX	6-434-75746-2	04/01/2019		01/18/2019	SHIPPING CHARGS-01/18/19	5.51
						Vendor Total:	208.62

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70221	DAMIEN GRANT		04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	
		WINTER 2019					25.00
						Vendor Total:	25.00
70222	KERRY GRANT		04/01/2019		03/19/2019	REFUND FEE-VOLUNTEER COAC	
		WINTER 2019					50.00
						Vendor Total:	50.00
70175	GREENLAND SUPPLY INC.		04/01/2019		02/26/2019	REPAIR/TEST BACKFLOW DEVIC	
		233503					686.41
70176	GREENLAND SUPPLY INC.		04/01/2019		03/25/2019	REPAIR/TEST BACKFLOW DEVIC	
		233612					409.16
						Vendor Total:	1,095.57
70223	LAUREN GUEVARA		04/01/2019		03/13/2019	ADVANCE-DAILY TRAVEL ALLOW	
		04-10-12/19					120.00
						Vendor Total:	120.00
70179	H F & H CONSULTANTS, LLC		04/01/2019	00016952	03/11/2019	PROFESSIONAL SERVICES-FEB ;	
		9716181					7,216.08
						Vendor Total:	7,216.08
70177	HARTZOG & CRABILL INCORPORATED		04/01/2019	0016767A	01/15/2019	ENGINEERING SVC-MARINE/OSA	
		18-0805					13,309.00
						Vendor Total:	13,309.00
70178	HILTON FARNKOPF & HOBSON		04/01/2019	00016974	03/11/2019	SOLID WASTE MGMT CONSULTIN	
		9716169					4,754.25
						Vendor Total:	4,754.25
70180	HINDERLITER, DE LLAMAS & ASSOC		04/01/2019		03/20/2019	AUDIT SERVICES-SALES TAX	
		0030786-IN-QTR 3/2018					1,357.66
						Vendor Total:	1,357.66
70181	HOLIDAY GOO		04/01/2019		03/18/2019	CANDY SUPPLIES-EASTER EGG	
		17718					950.46
						Vendor Total:	950.46
70224	DAVIDA HUNTER		04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	
		WINTER 2019					32.50
						Vendor Total:	32.50
70225	I & O PARTY RENTALS		04/01/2019		03/04/2019	200 CHAIRS & 30 TABLES-WHITE	
		3770-YOUTH DAY					465.63
						Vendor Total:	465.63
70182	KOA CORPORATION		04/01/2019		03/11/2019	TEMPORARY STAFFING-PW DIRE	
		JB83157-3					22,500.00
						Vendor Total:	22,500.00
70164	L.A. NEWSPAPER GROUP		04/01/2019	00016944	02/07/2019	DB 2-32 - LEGAL ADV - 02/07/19	
		AD #11232855 - 500749 - CDD					169.95
70186	L.A. NEWSPAPER GROUP		04/01/2019	00016925	03/25/2019	DB 3-83-LEGAL ADV-03/25/19	
		AD#0011250249-5007750-CCD					134.95
						Vendor Total:	304.90
70226	GREGORY LAKEY		04/01/2019		03/19/2019	REFUND FEE-VOLUNTEER COAC	
		WINTER 2019					32.50
						Vendor Total:	32.50

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70227	CYNTHIA LEWIS	F/68694	04/01/2019		03/19/2019	REFUND FEE-EVENT SECURITY !	29.84
						Vendor Total:	29.84
70184	LOS ANGELES COUNTY	193055CC	04/01/2019		03/05/2019	HEARING OFFICER FEES-03/05/2019	60.00
70187	LOS ANGELES COUNTY	192862CY	04/01/2019		03/06/2019	SECURITY SVCS-SPECIAL EVENT	270.16
						Vendor Total:	330.16
70228	SHANE MAHONEY	WINTER 2019	04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	32.50
						Vendor Total:	32.50
70229	STEVEN MC CANN	WINTER 2019	04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	25.00
						Vendor Total:	25.00
70188	MICHAEL BAKER INTL, INC	1042208B	04/01/2019	00017040	03/11/2019	PROFESSIONAL SVCS-CDBG SEI	420.00
70189	MICHAEL BAKER INTL, INC	1042208A	04/01/2019	00017038	03/11/2019	PROFESSIONAL SVCS-CDBG ADI	1,645.00
						Vendor Total:	2,065.00
70230	LUIS MORENO	WINTER 2019	04/01/2019		03/19/2019	REFUND FEE-VOLUNTEER COAC	32.50
						Vendor Total:	32.50
70190	MV TRANSPORTATION INC	98750	04/01/2019	0016977A	03/02/2019	LAWNDALE BEAT TRANSIT S-FEE	32,563.86
						Vendor Total:	32,563.86
70191	MYERS & SONS HI WAY SAFETY INC	85153	04/01/2019	00016970	02/26/2019	TRAFFIC/STREET SIGN SUPPLIES	1,491.17
						Vendor Total:	1,491.17
70192	PEP BOYS	9692161541	04/01/2019		02/23/2019	BATTERY PARTS/OIL-VEH #481	40.14
						Vendor Total:	40.14
70193	PRECISION AUTO CARE, INC	84631	04/01/2019	00017028	03/19/2019	VEHICLE MAINTENANCE-CSD	36.75
						Vendor Total:	36.75
70194	PRUDENTIAL OVERALL SUPPLY	42387025	04/01/2019	00016961	03/12/2019	UNIFORM CLEANING SVC-03/12/1	35.68
70195	PRUDENTIAL OVERALL SUPPLY	42389039	04/01/2019	00016961	03/19/2019	UNIFORM CLEANING SVC-03/19/1	35.68
						Vendor Total:	71.36
70231	KELLYE RANDLE	F/70776	04/01/2019		03/09/2019	REFUND FEE-RENTAL DEPOSIT	1,250.00
70232	KELLYE RANDLE	F/72035	04/01/2019		03/19/2019	REFUND FEE-SECURITY DEPOSIT	500.00
						Vendor Total:	1,750.00
70183	REGISTRAR RECORDER COUNTY CLRK	19-2049 11452-9149-0018	04/01/2019		03/14/2019	GENERAL ELECTION-NOV 6TH, 2018	36,012.74
						Vendor Total:	36,012.74

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70196	RICOH USA INC		04/01/2019	0017023A	03/01/2019	COPIER LEASE PAYMENT	
		5056006277					129.85
70197	RICOH USA INC		04/01/2019	0017023A	03/01/2019	COPIER LEASE PAYMENT	
		5056006388					730.24
						Vendor Total:	860.09
70198	SMARTHIRE		04/01/2019		02/01/2019	NEW HIRE BACKGROUND CHECK	
		46349-FEB 2019					146.80
						Vendor Total:	146.80
70199	SOUTH BAY LANDSCAPING INC		04/01/2019	00016954	01/31/2019	TREE TRIMMING SERVICES	
		18691					4,083.00
						Vendor Total:	4,083.00
70200	SPARKLETTS		04/01/2019	00017020	03/01/2019	WATER SERVICES	
		4457266030119					678.41
						Vendor Total:	678.41
70201	SPCA LA		04/01/2019	00016931	03/03/2019	ANIMAL SHELTERING SERVICES	
		2019-0228					5,800.00
						Vendor Total:	5,800.00
70233	CESAR SUAREZ		04/01/2019		03/20/2019	REFUND FEE-VOLUNTEER COAC	
		WINTER 2019					25.00
						Vendor Total:	25.00
70202	SUPERIOR SOUTHBAY PRINTING		04/01/2019		03/11/2019	(600) PET LICENSE APPLICATION	
		40253					213.53
						Vendor Total:	213.53
70203	THE PIN CENTER		04/01/2019		03/06/2019	(200) CITY LOGO LAPEL PINS	
		0319026					273.00
						Vendor Total:	273.00
70204	THE SAFEMART OF SO CAL INC		04/01/2019		11/21/2018	SVC CALL-REMOVE/DRILL LOCKS	
		90957					140.00
						Vendor Total:	140.00
70205	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/01/2019	PLUMBING SUPPLIES-WATER FIL	
		S003055714.001					20.43
70206	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/12/2019	PLUMBING SUPPLIES-RUDOLPH	
		S003066362.001					25.66
70207	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/12/2019	PLUMBING SUPPLIES-ADDAMS P	
		S003066221-001					25.66
70208	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/11/2019	PLUMBING SUPPLIES-ADDAMS P	
		S003064419.001					86.12
70209	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/11/2019	PLUMBING SUPPLIES-ADDAMS P	
		S003064419.002					13.76
70210	TODD PIPE & SUPPLY-HAWTHORNE		04/01/2019	0016959A	03/11/2019	PLUMBING SUPPLIES-ADDAMS P	
		S003064922-001					31.37
						Vendor Total:	203.00
70234	LEON TOWNSEND JR.		04/01/2019		03/16/2019	REFUND FEE-RENTAL DEPOSIT	
		F/72160					500.00
						Vendor Total:	500.00
70211	ULINE		04/01/2019		03/04/2019	MAINTENANCE SUPPLIES-LINER:	
		106396977					200.73
						Vendor Total:	200.73
70212	VISTA PAINT		04/01/2019	00016953	03/09/2019	GRAFFITI SUPPLIES	
		2019-740803-00					34.50

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70213	VISTA PAINT		04/01/2019	00016953	03/14/2019	GRAFFITI SUPPLIES		
		2019-750514-00					99.70	
70214	VISTA PAINT		04/01/2019		03/15/2019	PAINT SUPPLIES		
		2019-751526-00					35.09	
70215	VISTA PAINT		04/01/2019		03/14/2019	PAINT SUPPLIES		
		2019-749600-00					59.61	
						Vendor Total:	<u>228.90</u>	
70216	WESTERN MEDICAL GROUP, INC. 41782		04/01/2019	00017011	03/11/2019	EMPLOYMENT PHYSICAL/SCREE		
							90.00	
70217	WESTERN MEDICAL GROUP, INC. 41686		04/01/2019	00017011	02/27/2019	EMPLOYMENT PHYSICAL/SCREE		
							90.00	
						Vendor Total:	<u>180.00</u>	
							Grand Total:	220,657.71
							Less Credit Memos:	<u>-125.22</u>
							Net Total:	220,532.49
							Less Hand Check Total:	<u>0.00</u>
							Outstanding Invoice Total:	220,532.49

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 100 General Fund							
Dept: 000							
100-000-421.100	Planning Fees - (
	CHAVEZ/VALENTIN//	F/72064	REFUND FEE-PLANNING REVI	197213	04/01/2019	04/01/2019	139.04
							139.04
100-000-424.150	Rec Fees - Sport						
	ACOSTA/LUIS//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197201	04/01/2019	04/01/2019	32.50
	ANDELIN/RICK//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197207	04/01/2019	04/01/2019	25.00
	CLARDY/JUSTIN//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197215	04/01/2019	04/01/2019	25.00
	GRANT/DAMIEN//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197226	04/01/2019	04/01/2019	25.00
	GRANT/KERRY//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197227	04/01/2019	04/01/2019	50.00
	HUNTER/DAVIDA//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197235	04/01/2019	04/01/2019	32.50
	LAKEY/GREGORY//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197239	04/01/2019	04/01/2019	32.50
	MAHONEY/SHANE//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197243	04/01/2019	04/01/2019	32.50
	MC CANN/STEVEN//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197244	04/01/2019	04/01/2019	25.00
	MORENO/LUIS//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197247	04/01/2019	04/01/2019	32.50
	SUAREZ/CESAR//	WINTER 2019	REFUND FEE-VOLUNTEER CC	197261	04/01/2019	04/01/2019	25.00
							337.50
100-000-450.100	Miscellaneous Re						
	BERISHA/BEKIM//	03112019	REIMBURSE FEE-ITEM CHARC	197185	03/14/2019	03/14/2019	12.00
							12.00
						Total Dept. 000:	488.54
Dept: 110 City Council							
100-110-510.100	Office Supplies						
	BOULEVARD FLORIST	01418492	SYMPATHY FLOWERS	197210	04/01/2019	04/01/2019	79.39
	BOULEVARD FLORIST	01420713	GET WELL FLOWERS	197210	04/01/2019	04/01/2019	68.44
	BOULEVARD FLORIST	01418494	SYMPATHY FLOWERS	197210	04/01/2019	04/01/2019	79.39

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							<u>227.22</u>
100-110-510.200	Reprographics						
	THE PIN CENTER	0319026	(200) CITY LOGO LAPEL PINS	197263	04/01/2019	04/01/2019	273.00
							<u>273.00</u>
Total Dept. City Council:							500.22
Dept: 130 City Clerk							
100-130-530.400	Election Expense						
	REGISTRAR RECORDER	00-2049 11452-9149-0018	GENERAL ELECTION-NOV 6TH	197254	04/01/2019	04/01/2019	36,012.74
							<u>36,012.74</u>
Total Dept. City Clerk:							36,147.69
Dept: 140 City Manager							
100-140-540.200	Special Expense:						
	FELTON/RAYLETTE//	3/28/19-3661-0998-5807-7536	REIMB-LABOR RELATIONS CC	197192	03/12/2019	03/21/2019	120.00
							<u>120.00</u>
Total Dept. City Manager:							120.00
Dept: 150 Administrative Svcs							
100-150-510.100	Office Supplies						
	U.S. BANK///	246044555755259-02/22/2019	CREDIT ACCOUNT PAYMENT	197182	03/14/2019	03/14/2019	35.15
							<u>35.15</u>
100-150-510.800	Recruitment						
	DEPARTMENT OF JUSTICE	361421	(5) FINGERPRINTING APPLICA	197221	04/01/2019	04/01/2019	160.00
	U.S. BANK///	246044555755259-02/22/2019	CREDIT ACCOUNT PAYMENT	197182	03/14/2019	03/14/2019	7.57
	U.S. BANK///	246044555755259-02/22/2019	CREDIT ACCOUNT PAYMENT	197182	03/14/2019	03/14/2019	9.50

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							<u>177.07</u>
Total Dept. Administrative Svcs:							212.22
Dept: 160 General Operations							
100-160-510.100	Office Supplies						
	FARMER BROTHERS CO.///	68865556	COFFEE SERVICE	197224	04/01/2019	04/01/2019	190.72
							<u>190.72</u>
100-160-510.300	Postage						
	FEDEX	6-434-75746-2	SHIPPING CHARGS-01/18/19	197225	04/01/2019	04/01/2019	5.51
	NEOFUNDS BY NEOPOST	03044080194966-02/25/2019	POSTAGE REFILL - FEB 2019	197178	03/14/2019	03/14/2019	1,158.78
							<u>1,164.29</u>
100-160-515.100	Telecommunicati						
	AT&T GLOBAL SERVICES, IN	SB119440	MAINTENANCE CONTRACT SE	197208	04/01/2019	04/01/2019	865.67
	VERIZON WIRELESS	9825388216	M2M ACCOUNT SHARE DATA	197184	03/14/2019	03/14/2019	25.02
							<u>890.69</u>
100-160-515.300	Natural Gas						
	SOUTHERN CALIFORNIA GA	MARCH 2019	UTILITIES - GAS	197180	03/14/2019	03/14/2019	868.24
							<u>868.24</u>
100-160-515.400	Water						
	GOLDEN STATE WATER CO	MARCH 2019	UTILITIES - WATER	197174	03/14/2019	03/14/2019	265.70
	SPARKLETTS	4457266030119	WATER SERVICES	197259	04/01/2019	04/01/2019	678.41
							<u>944.11</u>
100-160-520.500	Equipment Rente						
	RICOH USA INC	5056006277	COPIER LEASE PAYMENT	197255	04/01/2019	04/01/2019	129.85
	RICOH USA INC	5056006388	COPIER LEASE PAYMENT	197256	04/01/2019	04/01/2019	730.24
	SMARTHIRE///	46349-FEB 2019	NEW HIRE BACKGROUND CHI	197257	04/01/2019	04/01/2019	146.80
							<u>1,006.89</u>

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100-160-530.800 Medical & Health							
	U.S. BANK///	246044555755259-02/22/2019	CREDIT ACCOUNT PAYMENT	197182	03/14/2019	03/14/2019	29.61
	WESTERN MEDICAL GROUF	41782	EMPLOYMENT PHYSICAL/SCF	197270	04/01/2019	04/01/2019	45.00
	WESTERN MEDICAL GROUF	41782	EMPLOYMENT PHYSICAL/SCF	197270	04/01/2019	04/01/2019	45.00
	WESTERN MEDICAL GROUF	41686	EMPLOYMENT PHYSICAL/SCF	197269	04/01/2019	04/01/2019	45.00
	WESTERN MEDICAL GROUF	41686	EMPLOYMENT PHYSICAL/SCF	197269	04/01/2019	04/01/2019	45.00
							209.61
Total Dept. General Operations:							5,274.55
Dept: 190 Finance							
100-190-530.100 Contract Service:							
	DUNBAR ARMORED INC	4370491	ARMORED SVCS-MARCH 2019	197191	03/21/2019	03/21/2019	189.17
	HINDERLITER, DE LLAMAS	0030786-IN-QTR 3/2018	AUDIT SERVICES-SALES TAX	197233	04/01/2019	04/01/2019	1,357.66
							1,546.83
100-190-530.210 Temporary Staffir							
	ACCOUNTEMPS	52824316	TEMP SVCS WK END DT 02/08	197186	03/21/2019	03/21/2019	547.58
	ACCOUNTEMPS	52879012	TEMP SVCS WK END DT 02/15	197186	03/21/2019	03/21/2019	547.58
	ACCOUNTEMPS	52943369	TEMP SVCS WK END DT 03/01	197186	03/21/2019	03/21/2019	547.58
	ACCOUNTEMPS	52994742	TEMP SVCS WK END DT 03/08	197186	03/21/2019	03/21/2019	547.58
	ACCOUNTEMPS	53039592	TEMP SVCS WK END DT 03/15	197186	03/21/2019	03/21/2019	553.80
							2,744.12
Total Dept. Finance:							4,290.95
Dept: 300 Municipal Services							
100-300-510.100 Office Supplies							
	THE SAFEMART OF SO CAL	90957	SVC CALL-REMOVE/DRILL LOI	197264	04/01/2019	04/01/2019	140.00

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	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	24.99
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	6.70
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	6.70
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	96.00
							274.39
100-300-510.200	Reprographics						
	SUPERIOR SOUTHBAY PRIN	40253	(600) PET LICENSE APPLICATI	197262	04/01/2019	04/01/2019	213.53
							213.53
100-300-530.100	Contract Services:						
	DEPT OF ANIMAL CARE & C	03/15/2019	ANIMAL CONTROL SVC-FEB 2	197222	04/01/2019	04/01/2019	874.97
	LOS ANGELES COUNTY	193055CC	HEARING OFFICER FEES-03/0	197241	04/01/2019	04/01/2019	60.00
	SPCA LA	2019-0228	ANIMAL SHELTERING SERVIC	197260	04/01/2019	04/01/2019	5,800.00
							6,734.97
100-300-540.200	Special Expense:						
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	62.38
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	2.61
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	18.62
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	101.86
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	3.49
	U.S. BANK///	246-0445-5572-5021-01/22/19	CREDIT ACCOUNT PAYMENT	197197	03/21/2019	03/21/2019	14.97
							203.93
							Total Dept. Municipal Services: 7,426.82
Dept: 310	Public Works Admin.						
100-310-510.100	Office Supplies						
	FARMER BROTHERS CO.///	68865576	COFFEE SERVICE	197224	04/01/2019	04/01/2019	134.11

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	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	118.24
	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	100.37
	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	21.99
							374.71
100-310-510.610	Memberships/Du						
	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	14.22
	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	85.00
							99.22
100-310-530.200	Professional Sen						
	H F & H CONSULTANTS, LLC	9716181	PROFESSIONAL SERVICES-FE	197230	04/01/2019	04/01/2019	7,216.08
	HILTON FARNKOPF & HOBS	9716169	SOLID WASTE MGMT CONSUL	197232	04/01/2019	04/01/2019	4,754.25
							11,970.33
100-310-540.200	Special Expense:						
	U.S. BANK///	.6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	11.99
							11.99
							Total Dept. Public Works Admin.: 12,456.25
Dept: 320	Grounds Maintenance						
100-320-510.500	Uniforms						
	PRUDENTIAL OVERALL SUP	42387025	UNIFORM CLEANING SVC-03/1	197252	04/01/2019	04/01/2019	35.68
	PRUDENTIAL OVERALL SUP	42389039	UNIFORM CLEANING SVC-03/1	197252	04/01/2019	04/01/2019	35.68
							71.36
100-320-515.300	Natural Gas						
	SOUTHERN CALIFORNIA GA	MARCH 2019	UTILITIES - GAS	197180	03/14/2019	03/14/2019	1,495.69
	SOUTHERN CALIFORNIA GA	MARCH 2019-VEHICLE	NATURAL GAS VEHICLE FUEL	197181	03/14/2019	03/14/2019	15.15
							1,510.84
100-320-515.400	Water						

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	GOLDEN STATE WATER CO	MARCH 2019	UTILITIES - WATER	197174	03/14/2019	03/14/2019	442.39
	GOLDEN STATE WATER CO	MARCH 2019	UTILITIES - WATER	197174	03/14/2019	03/14/2019	1,184.53
	GOLDEN STATE WATER CO	MARCH 2019A	UTILITIES - WATER	197173	03/14/2019	03/14/2019	34.44
							1,661.36
100-320-520.100	Maintenance Sup						
	EMPIRE CLEANING SUPPLIE	1098474	MAINTENANCE SUPPLIES	197223	04/01/2019	04/01/2019	957.18
	EMPIRE CLEANING SUPPLIE	1098938	MAINTENANCE SUPPLIES	197223	04/01/2019	04/01/2019	191.19
	EMPIRE CLEANING SUPPLIE	1098963	MAINTENANCE SUPPLIES	197223	04/01/2019	04/01/2019	115.41
	EMPIRE CLEANING SUPPLIE	1099343	CREDIT MEMO	197223	04/01/2019	04/01/2019	-125.22
	TODD PIPE & SUPPLY-HAW	S003055714.001	PLUMBING SUPPLIES-WATER	197265	04/01/2019	04/01/2019	20.43
	TODD PIPE & SUPPLY-HAW	S003066362.001	PLUMBING SUPPLIES-RUDOLI	197265	04/01/2019	04/01/2019	25.66
	TODD PIPE & SUPPLY-HAW	S003066221-001	PLUMBING SUPPLIES-ADDAM	197265	04/01/2019	04/01/2019	25.66
	TODD PIPE & SUPPLY-HAW	S003064419.001	PLUMBING SUPPLIES-ADDAM	197265	04/01/2019	04/01/2019	86.12
	TODD PIPE & SUPPLY-HAW	S003064419.002	PLUMBING SUPPLIES-ADDAM	197265	04/01/2019	04/01/2019	13.76
	TODD PIPE & SUPPLY-HAW	S003064922-001	PLUMBING SUPPLIES-ADDAM	197265	04/01/2019	04/01/2019	31.37
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	25.07
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	43.46
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	15.00
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	76.52
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	6.57
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	97.17
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	87.10
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	218.17
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	43.82
							1,954.44
100-320-520.300	Grounds Mainten						
	CAPITAL OF SOUTH BAY INC	409999	ELECTRICAL / LIGHTING SUPF	197211	04/01/2019	04/01/2019	77.87
	GREENLAND SUPPLY INC.///	233503	REPAIR/TEST BACKFLOW DE	197228	04/01/2019	04/01/2019	686.41
	GREENLAND SUPPLY INC.///	233612	REPAIR/TEST BACKFLOW DE	197228	04/01/2019	04/01/2019	409.16

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	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	400.00
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	175.02
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	148.51
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	103.32
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	175.02
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	-110.18
	U.S. BANK///	246047000581071-02/22/19A	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	17.71
	VISTA PAINT	2019-751526-00	PAINT SUPPLIES	197268	04/01/2019	04/01/2019	35.09
	VISTA PAINT	2019-749600-00	PAINT SUPPLIES	197268	04/01/2019	04/01/2019	59.61
							2,177.54
100-320-520.510	Equipment Maint						
	BAVCO BACKFLOW & APPA	892789	BACKFLOW INSPECTION	197209	04/01/2019	04/01/2019	60.00
							60.00
100-320-520.600	Vehicle Maintena						
	PEP BOYS	9692161541	BATTERY PARTS/OIL-VEH #48	197250	04/01/2019	04/01/2019	40.14
							40.14
100-320-530.100	Contract Service:						
	SOUTH BAY LANDSCAPING	18691	TREE TRIMMING SERVICES	197258	04/01/2019	04/01/2019	4,083.00
							4,083.00
100-320-540.200	Special Expense:						
	AMERICAN STRUCTURAL PE	51435	PEST CONTROL SERVICE-CIT	197205	04/01/2019	04/01/2019	379.00
	AMERICAN STRUCTURAL PE	51434	PEST CONTROL SERVICE-MSI	197205	04/01/2019	04/01/2019	88.00
	AMERICAN STRUCTURAL PE	51433	PEST CONTROL SERVICE-J AI	197205	04/01/2019	04/01/2019	114.00
	AMERICAN STRUCTURAL PE	51432	PEST CONTROL SVC-W GREE	197205	04/01/2019	04/01/2019	189.00
	AMERICAN STRUCTURAL PE	51498	PEST CONTROL SERVICE-CIT	197205	04/01/2019	04/01/2019	45.00
	ULINE	106396977	MAINTENANCE SUPPLIES-LIN	197267	04/01/2019	04/01/2019	200.73
							1,015.73

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Total Dept. Grounds Maintenance:							12,574.41
Dept: 330 Street Maintenance							
100-330-515.400 Water							
	GOLDEN STATE WATER CO	MARCH 2019	UTILITIES - WATER	197174	03/14/2019	03/14/2019	4,654.50
	GOLDEN STATE WATER CO	MARCH 2019A	UTILITIES - WATER	197173	03/14/2019	03/14/2019	406.45
							5,060.95
100-330-540.200 Special Expense:							
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	-4.43
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	71.12
	U.S. BANK///	4246047000581071-02/22/19	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	21.85
							88.54
Total Dept. Street Maintenance:							5,149.49
Dept: 410 Planning/Building Adm							
100-410-530.500 Legal Ads							
	L.A. NEWSPAPER GROUP	DU#11232855 - 500749 - CDD	DB 2-32 - LEGAL ADV - 02/07/1	197238	04/01/2019	04/01/2019	169.95
							169.95
100-410-530.600 Building Safety S							
	COUNTY OF LA DEPT OF PL	IN190000570	BUILDING INSPECTION SERVI	197217	04/01/2019	04/01/2019	29,469.42
	COUNTY OF LA DEPT OF PL	IN190000590	SEWER SVC CHARGE-GOVT C	197218	04/01/2019	04/01/2019	151.50
							29,620.92
Total Dept. Planning/Building Admin:							29,790.87
Dept: 510 Community Services P							
100-510-515.400 Water							
	GOLDEN STATE WATER CO	MARCH 2019	UTILITIES - WATER	197174	03/14/2019	03/14/2019	248.80
							248.80
100-510-530.100 Contract Service:							

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	ALL CITY MANAGEMENT SV	59880-02/10/19	SCHOOL CROSSING GUARD S	197202	04/01/2019	04/01/2019	5,087.60
	ALL CITY MANAGEMENT SV	60147-02/24/19	SCHOOL CROSSING GUARD S	197203	04/01/2019	04/01/2019	6,440.00
	ALVAREZ/MARIA ELENA//	069-	INSTRUCTOR FEE-MEXICAN F	197204	04/01/2019	04/01/2019	1,480.50
	ALVAREZ/MARIA ELENA//	070	INSTRUCTOR FEE-MEXICAN F	197204	04/01/2019	04/01/2019	1,197.00
	AMERICAN STRUCTURAL PI	51499	PEST CONTROL SERVICE-CSI	197205	04/01/2019	04/01/2019	125.00
	BROOME/CHRISTINA//	MARCH 2019A	INSTRUCTOR FEE-SR YOGA C	197187	03/21/2019	03/21/2019	195.00
	JONES/JA'VONDA//	2-2019	INSTRUCTOR FEE-GYM/HIP H	197175	03/14/2019	03/14/2019	1,437.06
	LEGACY TRAVEL & TOURS//	B0491	SR. TRAVEL-GLENDALE CENT	197177	03/14/2019	03/14/2019	775.00
	Q PRESS	2019021B	LAWNDALIAN*SPRING/SUMME	197179	03/14/2019	03/14/2019	5,869.57
							22,606.73
100-510-540.100	Community Even						
	A+ PORTABLE SERVICES	S0067	PORTABLE RESTROOMS-YOU	197200	04/01/2019	04/01/2019	638.55
	HOLIDAY GOO///	17718	CANDY SUPPLIES-EASTER EC	197234	04/01/2019	04/01/2019	950.46
	I & O PARTY RENTALS	3770-YOUTH DAY	200 CHAIRS & 30 TABLES-WHI	197236	04/01/2019	04/01/2019	465.63
							2,054.64
100-510-540.200	Special Expense:						
	WEST COAST FIRE SERVICI	TEST-1257	5YR INSPECTION/TESTING SV	197199	03/21/2019	03/21/2019	750.00
							750.00
100-510-540.410	Senior Activities						
	GUEVARA/LAUREN//	04-10-12/19	ADVANCE-DAILY TRAVEL ALL	197229	04/01/2019	04/01/2019	120.00
							120.00
Dept. Community Services Programs:							25,780.17
Total Fund General Fund:							140,212.18

Fund: 201 Gas Tax Fund

Dept: 310 Public Works Admin.

201-310-530.200 Professional Sen

KOA CORPORATION JB83157-3 TEMPORARY STAFFING-PW D 197237 04/01/2019 04/01/2019 5,625.00

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							5,625.00
Total Dept. Public Works Admin.:							5,625.00
Dept: 330 Street Maintenance							
201-330-520.400 Street Maintenance							
	MYERS & SONS HI WAY SAF	85153	TRAFFIC/STREET SIGN SUPPI	197249	04/01/2019	04/01/2019	1,491.17
	VISTA PAINT	2019-740803-00	GRAFFITI SUPPLIES	197268	04/01/2019	04/01/2019	34.50
	VISTA PAINT	2019-750514-00	GRAFFITI SUPPLIES	197268	04/01/2019	04/01/2019	99.70
							1,625.37
201-330-530.100 Contract Services:							
	CLEANSTREET	93419	STREET SWEEPING SVC-FEB	197216	04/01/2019	04/01/2019	15,830.00
	COUNTY OF LA DEPT OF PL	PW-19031104132	INDUSTRIAL WASTE SVCS-FE	197219	04/01/2019	04/01/2019	2,053.61
	COUNTY OF LA DEPT OF PL	PW-19031104132	INDUSTRIAL WASTE SVCS-FE	197219	04/01/2019	04/01/2019	592.00
							18,475.61
Total Dept. Street Maintenance:							20,100.98
Total Fund Gas Tax Fund:							25,725.98
Fund: 202 Air Quality Manager							
Dept: 320 Grounds Maintenance							
202-320-700.100 CNG Fueling Sta							
	L.A. COUNTY CLERK'S OFFICE	197194	POSTING FEE-NOTICE OF EXE	197194	03/21/2019	03/21/2019	75.00
							75.00
Total Dept. Grounds Maintenance:							75.00
Quality Management Dist.:							75.00

Fund: 206 Prop A - Local Transit

Dept: 510 Community Services P

206-510-520.600 Vehicle Maintena

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	PRECISION AUTO CARE, INC	84631	VEHICLE MAINTENANCE-CSD	197251	04/01/2019	04/01/2019	36.75
							<u>36.75</u>
206-510-530.100	Contract Service:						
	MV TRANSPORTATION INC	98750	LAWNDALE BEAT TRANSIT S-I	197248	04/01/2019	04/01/2019	32,563.86
							<u>32,563.86</u>
Dept. Community Services Programs:							32,600.61
A - Local Transit Program:							32,600.61

Fund: 207 Prop C - Local Transit

Dept: 310 Public Works Admin.

207-310-700.150 Inglewd Ave Corr

	GHALBI & ASSOCIATES INC,	1-ING/MARINE AVE	INGLEWOOD/MARINE AVE-PH	197193	03/21/2019	03/21/2019	5,000.00
							<u>5,000.00</u>

Total Dept. Public Works Admin.: 5,000.00

p C - Local Transit Assist: 5,000.00

Fund: 214 Community Developm

Dept: 423 CDBG-Senior Activities

214-423-530.200 Professional Sen

	MICHAEL BAKER INTL, INC//	1042208B	PROFESSIONAL SVCS-CDBG	197246	04/01/2019	04/01/2019	420.00
							<u>420.00</u>

Total Dept. CDBG-Senior Activities: 420.00

Dept: 438 Grevillea Ave Resurfac

214-438-530.200 Professional Sen

	MICHAEL BAKER INTL, INC//	1042208A	PROFESSIONAL SVCS-CDBG,	197245	04/01/2019	04/01/2019	1,645.00
							<u>1,645.00</u>

otal Dept. Grevillea Ave Resurfacing: 1,645.00

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							ity Development Block Gr: 2,065.00
Fund: 215 Restricted Urban Deve							
Dept: 310 Public Works Admin.							
215-310-530.200 Professional Ser							
	CASC ENGINEERING & CON	40420	NPDES PERMIT COMPLIANCE	197212	04/01/2019	04/01/2019	4,267.50
							4,267.50
Total Dept. Public Works Admin.:							4,267.50
icted Urban Development:							4,267.50
Fund: 239 SAFETEA-LU (678,000)							
Dept: 310 Public Works Admin.							
239-310-530.200 Professional Ser							
	KOA CORPORATION	JB83157-3	TEMPORARY STAFFING-PW D	197237	04/01/2019	04/01/2019	5,625.00
							5,625.00
Total Dept. Public Works Admin.:							5,625.00
rd SAFETEA-LU (678,000):							5,625.00
Fund: 240 Prop C25 Grant							
Dept: 310 Public Works Admin.							
240-310-700.263 Inglwd Ave Corr \							
	FEDEX	6-477-02281	SHIPPING CHARGES-03/01/20	197225	04/01/2019	04/01/2019	203.11
	GHALBI & ASSOCIATES INGING/ROSECRANS AVE		ING/ROSECRANS AVE-PHASE	197193	03/21/2019	03/21/2019	5,000.00
							5,203.11
Total Dept. Public Works Admin.:							5,203.11
otal Fund Prop C25 Grant:							5,203.11
Fund: 244 Measure R Fund							

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Dept: 310 Public Works Admin.							
244-310-530.200	Professional Sen KOA CORPORATION	JB83157-3	TEMPORARY STAFFING-PW D	197237	04/01/2019	04/01/2019	5,625.00
							<u>5,625.00</u>
Total Dept. Public Works Admin.:							5,625.00
Total Fund Measure R Fund:							5,625.00
<hr/>							
Fund: 271 STPL Metro Exchange							
Dept: 310 Public Works Admin.							
271-310-700.264	Traffic Signal Ma HARTZOG & CRABILL INCOF	18-0805	ENGINEERING SVC-MARINE/C	197231	04/01/2019	04/01/2019	13,309.00
							<u>13,309.00</u>
Total Dept. Public Works Admin.:							13,309.00
Total Fund Measure R Fund:							13,309.00
<hr/>							
Fund: 300 Lawndale Housing Auth							
Dept: 610 Redevelopment							
300-610-530.200	Professional Sen AMERINAT	18-2703	MONTHLY FEES-PROJECT 45-	197206	04/01/2019	04/01/2019	8.50
							<u>8.50</u>
Total Dept. Redevelopment:							8.50
Total Fund Measure R Fund:							8.50
<hr/>							
Fund: 304 Succ Agency Projects							
Dept: 610 Redevelopment							
304-610-530.100	Contract Service: LANCE, SOLL & LUNGHARD,	29277	2017-18 SUCCESSOR AGENCY	197176	03/14/2019	03/14/2019	4,213.00
							<u>4,213.00</u>

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Total Dept. Redevelopment:							4,213.00
icc Agency Projects Fund:							4,213.00
<hr/>							
Fund: 307 2009 TABS							
Dept: 000							
307-000-200.102	Retention Payabl						
	RUIZ ENGINEERING	11478	CONCRETE REPAIRS PROJEC	197195	03/21/2019	03/21/2019	-1,461.40
							-1,461.40
Total Dept. 000:							-1,461.40
Dept: 610 Redevelopment							
307-610-530.200	Professional Sen						
	KOA CORPORATION	JB83157-3	TEMPORARY STAFFING-PW D	197237	04/01/2019	04/01/2019	5,625.00
							5,625.00
307-610-700.146	Street Improvemr						
	CIVIL SOURCE, INC	114640	ENGINEERING DESIGN SV-FY	197214	04/01/2019	04/01/2019	6,240.00
							6,240.00
307-610-700.149	Pavement/Curb/C						
	RUIZ ENGINEERING	11478	CONCRETE REPAIRS PROJEC	197195	03/21/2019	03/21/2019	29,227.90
							29,227.90
307-610-700.265	Burin House Den						
	U.S. BANK///	-6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	118.08
	U.S. BANK///	-6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	92.15
	U.S. BANK///	-6044555725013-02/22/2019B	CREDIT ACCOUNT PAYMENT	197183	03/14/2019	03/14/2019	210.62
							420.85
Total Dept. Redevelopment:							41,513.75
Total Fund 2009 TABS:							40,052.35

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 501 Deposit/Donations							
Dept: 000							
501-000-200.303	Travel Club						
	LEGACY TRAVEL & TOURS//	B0491A	SR. TRAVEL-GLENDALE CENT	197177	03/14/2019	03/14/2019	1,832.00
							1,832.00
501-000-200.307	Community Cent						
	DEL CID/TEOFILO//	F/70429	REFUND FEE-SECURITY DEPC	197220	04/01/2019	04/01/2019	1,750.00
	LEWIS/CYNTHIA//	F/68694	REFUND FEE-EVENT SECURI	197240	04/01/2019	04/01/2019	29.84
	LOS ANGELES COUNTY	192862CY	SECURITY SVCS-SPECIAL EVI	197242	04/01/2019	04/01/2019	270.16
	RANDLE/KELLYE//	F/70776	REFUND FEE-RENTAL DEPOS	197253	04/01/2019	04/01/2019	1,250.00
	RANDLE/KELLYE//	F/72035	REFUND FEE-SECURITY DEPC	197253	04/01/2019	04/01/2019	500.00
	TOWNSEND JR./LEON//	F/72160	REFUND FEE-RENTAL DEPOS	197266	04/01/2019	04/01/2019	500.00
							4,300.00
						Total Dept. 000:	6,132.00
						I Fund Deposit/Donations:	6,132.00
Fund: 502 Employee Benefit Trus							
Dept: 000							
502-000-200.205	Dental Insurance						
	DELTA DENTAL	BE003256501-MARCH 2019	DENTAL INSURANCE PREMIUI	197189	03/21/2019	03/21/2019	2,658.26
	DELTA DENTAL INS	BE003255314-MARCH 2019	HMO DENTAL INSURANCE	197190	03/21/2019	03/21/2019	86.13
							2,744.39
502-000-200.215	Accident Insuran						
	THE STANDARD, UNIT 22	MARCH 2019-AD&D INS	AD&D INSURANCE PREMIUM	197196	03/21/2019	03/21/2019	81.25
							81.25
502-000-200.217	Life Insurance Pr						
	THE STANDARD, UNIT 22	MARCH 2019-LIFE INS	LIFE INSURANCE PREMIUM	197196	03/21/2019	03/21/2019	682.50

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							682.50
502-000-200.218	LTD Premium Pa						
	THE STANDARD, UNIT 22	MARCH 2019-LTD INS	LTD INSURANCE PREMIUM	197196	03/21/2019	03/21/2019	841.80
							841.80
502-000-200.219	Colonial Life Pay.						
	COLONIAL LIFE & ACCIDENT	197187-MAR 2019 PRE-TAX	SECTION 125 PRE-TAX	197188	03/21/2019	03/21/2019	1,436.52
							1,436.52
502-000-200.220	Colonial Life Pay.						
	COLONIAL LIFE & ACCIDENT	197187 MAR 2019 POST-TAX	SECTION 125 POST-TAX	197188	03/21/2019	03/21/2019	1,791.21
							1,791.21
502-000-200.228	Vision Care Pays						
	VISION SERVICE PLAN	MARCH 2019	VISION INSURANCE PREMIUM	197198	03/21/2019	03/21/2019	930.33
							930.33
						Total Dept. 000:	8,508.00
						Employee Benefit Trust Fund:	8,508.00
						Grand Total:	298,622.23

**MINUTES OF THE
LAWDALE CITY COUNCIL REGULAR MEETING
March 18, 2019**

A. CALL TO ORDER AND ROLL CALL

Mayor Pullen-Miles called the meeting to order at 6:31 p.m. in the City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

Councilmembers Present: Mayor Robert Pullen-Miles, Mayor Pro Tem James H. Osborne, Councilmember Pat Kearney, Councilmember Daniel Reid, Councilmember Bernadette Suarez

Other Participants: City Clerk Rhonda Hofmann Gorman, City Manager Stephen N. Mandoki, City Attorney Tiffany J. Israel, Los Angeles County Sheriff's Department Lieutenant Dan Holguin, Community Services Director Mike Estes, Assistant to the City Manager/Human Resources Director Raylette Felton, Municipal Services Director Michael Reyes, Community Development Director Sean Moore, Assistant City Clerk Matthew Ceballos and approximately 25 audience members

B. CEREMONIALS

Mayor Pro Tem Osborne led the flag salute and Doris Hofmann provided the inspiration.

C. PRESENTATIONS

1. Youth Day Parade Pirate Logo Artwork Contest Finalists

- Angie Aragon Ruiz (Jane Addams Middle School)
- Eric Trinh (Will Rogers Middle School)
- Ashlynn Wells (Jane Addams Middle School)

Mayor Pullen Miles presented the awards to the finalists:

Eric Trinh, Second Runner-up

Angie Aragon Ruiz, Runner-up

Ashlynn Wells, 1st Place

Community Services Director Mike Estes spoke briefly about the awardees and thanked members of the Youth Day Parade committee.

D. PUBLIC SAFETY REPORT

Lieutenant Dan Holguin summarized recent law enforcement activities.

E. ITEMS FROM CITY CLERK

No items to report.

F. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA

Chuck Rundle, Resident, spoke about a left turn lane with temporary cameras on Hawthorne and Manhattan Beach Boulevard and the 100th year anniversary of Restoration Life Church.

Doris Hofmann, Resident, spoke about her agreement with the proposed opposition of Senate Bill 50.

Gary White, Resident, spoke about well-organized construction crew that did some maintenance near his house.

Pam London, Resident, spoke about dog waste incidents she encountered and the way staff manages the issue. Ms. London then went on to suggest hiring company to monitor Airbnb activities throughout the City and to assist code enforcement. She then went on to comment on a previous resident's code enforcement issue.

James Padilla, Resident, spoke about his permitting issues and code enforcement issues. Mr. Padilla asked the Council for a resolution for his issues.

G. COMMENTS FROM COUNCIL

The City Council and Staff responded generally to the comments, but did not request placement of any issues on a future meeting agenda.

H. CONSENT CALENDAR

2. Senior Citizen Advisory Committee Appointments

Recommendation: that the City Council a) approve the Mayor's appointments by directing staff to insert the appointees' names in Section 1 of Resolution No. CC-1903-013, and b) that the City Council adopt the resolution as amended.

3. Beautification Committee Appointments

Recommendation: that the City Council (a) approve the Mayor's appointments by directing staff to insert the appointees' names in Section 1 of Resolution No. CC-1903-014, and (b) that the City Council adopt the resolution as amended.

4. Extension of Terms for Personnel Board Members

Recommendation: that the City Council adopts Resolution No. CC-1903-015, extending the terms of the current Personnel Board members to begin March 1, 2019 and end February 28, 2021.

5. Planning Commission Appointment Rescinded

Recommendation: that the City Council adopts Resolution No. CC-1903-016, rescinding the appointment of Jeffery Dongo.

6. Consideration of Claim for Damages

Recommendation: that the City Council reject the claim filed by Darren Holman and instruct staff to process the appropriate correspondence to the claimant.

7. **Accounts Payable Register**
Recommendation: that the City Council adopts Resolution No. CC-1903-012, authorizing the payment of certain claims and demands in the amount of \$608,019.70.
8. **Minutes of the Lawndale City Council Regular Meeting – March 4, 2019**
Recommendation: that the City Council approve.
9. **Federally Funded Employment and Job Training – South Bay Workforce Investment Board Activities Summary**
Recommendation: that the City Council receive and file the report.

A motion by Councilmember Reid to approve the consent calendar was seconded by Councilmember Kearney and carried by a vote of 5-0.

I. ADMINISTRATION

10. **Change Order for the Demolition of the Burin House and Expansion of the Community Center Parking Lot**
Recommendation: that the City Council (a) approve Change Order #1 in the amount of \$14,885 and (b) approve Change Order #2 in the amount of \$7,000 for a total project cost of \$150,150.

City Manager Stephen Mandoki reported on the proposed Change Orders.

A dialogue ensued between Council and Staff regarding the timeline of the project.

A motion by Mayor Pullen-Miles to approve the Change Order #1 in the amount of \$14,885 and approve Change Order #2 in the amount of \$7,000 for a total project cost of \$150,150 was seconded by Councilmember Suarez and carried by a vote of 5-0.

11. **Professional Service Agreement for Construction Inspection Services (Inglewood Avenue Improvement Project, Phase 3)**
Recommendation: that the City Council approve a professional services agreement with Murrow CM for a not-to-exceed maximum amount of \$104,700 plus a twenty percent (20%) contingency of \$21,000 from Proposition C funds for the construction/inspection services for this project.

City Manager Stephen Mandoki reported on the proposed professional services agreement with Murrow CM for Construction Inspection Services.

A motion by Councilmember Kearney to approve the a professional services agreement with Murrow CM for a not-to-exceed maximum amount of \$104,700 plus a twenty percent (20%) contingency of \$21,000 from Proposition C funds for the construction/inspection services for this project was seconded by Councilmember Reid and carried by a vote of 5-0.

12. **Award Contract for Site Assessment and Soil Investigation for Underground Storage Tanks**

Recommendation: that the City Council (a) award the contract to Ninyo & Moore, with the lowest responsible fee amount of \$11,981, and a twenty (20%) percent contingency of \$2,396; and (b) appropriate \$14,377 of General Funds (Urban Development Action Grant) for this project.

City Manager Stephen Mandoki reported on the proposed contract with Ninyo & Moore for Site Assessment and Soil Investigation for Underground Storage Tanks.

Councilmember Kearney inquired why this issue was coming up now, City Manager Mandoki responded that there was no clear reason why the County Water Control Board was exploring this issue after so much time had passed.

A motion by Councilmember Kearney to award the contract to Ninyo & Moore, with the lowest responsible fee amount of \$11,981, and a twenty (20%) percent contingency of \$2,396; and (b) appropriate \$14,377 of General Funds (Urban Development Action Grant) for this project was seconded by Councilmember Suarez and carried by a vote of 5-0.

13. Appointment of Voting Delegate and Alternate to the Southern California Association of Governments (SCAG) Annual Conference and General Assembly

Recommendation: that the City Council (a) determine who will attend the SCAG annual conference; (b) designate the City's voting delegate; (c) designate the City's voting alternate (if desired); and (d) allocate funding from account number 100-110-510.620 (City Council Travel/Meetings).

City Manager Stephen Mandoki reported on the Southern California Association of Governments (SCAG) Annual Conference and General Assembly and the need for a voting delegate and attendee(s).

Mayor Pullen Miles opened it up to the Council to select a voting delegate and alternate.

The Council briefly deliberated on the selections. The Council came to a unanimous consensus that Mayor Pro Tem Osborne serve as the voting delegate and Councilmember Suarez serve as the alternate.

J. CITY MANAGER'S REPORT

No items to report.

K. ITEMS FROM COUNCILMEMBERS

14. Letter Opposing Senate Bill (SB) 50 – The More HOMES Act

Recommendation: that the City Council approve the letter in opposition to SB50 and authorize the City Council or a City Council designee to sign said letter.

Mayor Pro Tem Osborne reported on the proposed letter opposing Senate Bill (SB) 50.

Councilmember Suarez and Councilmember Reid commented on how the SB 50 adds to the loss of local control and supported the letter of opposition.

A motion by Councilmember Kearney to approve the letter in opposition to SB50 and authorize the City Council or a City Council designee to sign said letter was seconded by Councilmember Reid and carried by a vote of 5-0.

15. Mayor/Councilmember Report of Attendance at Meetings and/or Events

Councilmember Reid attended the Boy Scout Pack 290's Blue and Gold award ceremony.

Councilmember Kearney attended the Boy Scout Pack 290's Blue and Gold award ceremony, Sherriff's Liability Trust Fund sub-committee meeting, City "Clean-up" day, and the Airforce Base tour.

Councilmember Suarez had nothing to report.

Councilmember Osborne attended the "State of the City" for Hawthorne.

Mayor Pullen Miles attended the Boy Scout Pack 290's Blue and Gold award ceremony, City Clean-up" day, and the Airforce base tour.

L. CLOSED SESSION

At 7:21 p.m. the City Council entered into closed session.

16. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is a significant exposure to litigation in one case.

17. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code section 54956.9(d)(4), because the City is considering whether to initiate litigation in one case.

At 7:50 p.m. the City Council entered back into open session.

City Attorney Tiffany Israel reported the City Council met in Closed Session to discuss the items listed on the Closed Session agenda. On item number 16, the City Council was updated on this item and there was no reportable action taken. On item number 17, the City Council unanimously voted to authorize the initiation of litigation against the owners of 4738 W. 153rd Place, Lawndale, CA 902601.

M. ADJOURNMENT

There being no further business to conduct, the Mayor adjourned the meeting at 7:51 p.m.

Robert Pullen-Miles, Mayor

ATTEST:

Rhonda Hofmann Gorman, City Clerk

Approved: ___/___

DRAFT



CITY OF LAWDALE

14717 BURIN AVENUE, LAWDALE, CALIFORNIA 90260
PHONE (310) 973-3200 ♦ www.lawndalecity.org

DATE: April 1, 2019

TO: Honorable Mayor and City Council

FROM: Stephen N. Mandoki, City Manager 

REVIEWED BY: Sean M. Moore, AICP, Planning Director 

PREPARED BY: Jared Chavez, Associate Planner 

SUBJECT: CASE 19-01: PUBLIC HEARING TO CONSIDER AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR SHARED MOBILITY DEVICES WITHIN THE CITY OF LAWDALE

BACKGROUND

The recent growth of share mobility device rental companies had made it difficult for cities to regulate such devices. After encountering rented motorized scooters abandoned on City rights-of-way several times, on January 7, 2019 City Council adopted Urgency Ordinance No. 1155-19, a 45-day Moratorium prohibiting the operation of Motorized Scooter programs within the City limits. On February 4th, 2019 the City Council extended the Moratorium an additional 10-Months 15-days to allow time for staff to analyze the City's options to regulate the recent proliferation of companies renting motorizing scooters within the South Bay.

Upon adoption of the initial moratorium, staff commenced research on how other jurisdictions were responding to this new trend. The information gathered by staff was used to develop an ordinance regulating the use of shared mobility devices within City limits.

STAFF REVIEW

In recent months, given the growth of shared motorized device rental companies, the City received a number of phone calls regarding abandoned motorized scooters within City rights-of-way. The proliferation of motorized scooters cause a myriad of safety hazards for both users and motorized scooters as well as member of the public. Since scooter rentals do not require the user to park the vehicles in any specific way or location, the devices have been abandoned and found in public areas such as sidewalks and other public places, creating a potential hazard for the public. The abandoned scooters found around the City have been picked up by the Municipal Services Department (MSD). MSD has kept a log with information on abandoned shared mobility devices found in public areas throughout the City and impounded by City staff (see Attachment B).

Staff researched how nearby cities are responding to this matter. Two cities, Manhattan Beach and Huntington Beach have adopted ordinances prohibiting the use of shared mobility devices within

public right-of-way or on public property (see Attachment C). Other cities -, Redondo Beach and Hermosa Beach - have adopted Urgency Ordinances temporarily banning the use of shared mobility devices within public right-of-way. City of Torrance prohibit the devices on public right of way as well as any public place within the City in which the public has the right of travel. The interim ordinances would serve as a temporary solutions while those cities study their options to regulate shared motorized devices.

City Staff has drafted an ordinance which establishes rules and regulations prohibiting renting and storing of shared motorized scooters from public rights-of-way within the city of Lawndale. As proposed in the attached ordinance, motorized scooters may be ridden on public streets and stored on private property.

The proposed ordinance defines and regulates the use of commercial sharable mobility devices in an effort to protect City residents and business by addressing potential issues related to the unregulated use of these devices. Proposed Ordinance No. 1157-19 amends Lawndale Municipal Code Title 12, by adding a new Chapter 12.64, to regulate the use of shared mobility devices within the City's public right-of-ways. The purpose of the ordinance is to prohibit share mobility devices from being placed on public right-of-way or on public property which may create a dangerous condition or preclude the access required for pedestrians and bicyclists by providing the public with rules and regulations to regulate these devices.

ENVIRONMENTAL ASSESSMENT

Staff is requesting that the City Council determine that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under Sections 15378 of the CEQA Guidelines because the proposed Ordinance is not a "Project" as defined by CEQA.

LEGAL REVIEW

The City Attorney has reviewed Ordinance No. 1157-19 and has approved it as to form.

PUBLIC REVIEW

The notice of public hearing was posted on the City's notice board located outside City Hall and published in the *Daily Breeze* on March 15, 2019.

COMMISSION REVIEW

Not applicable

FISCAL IMPACT

No additional funding required.

RECOMMENDATION

It is recommended that the City Council do the following;

- A. Conduct a public hearing;
- B. Determine that Ordinance No. 1157-19 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15378 and 15061(b)(3) of the CEQA Guidelines; and
- C. Approve the first reading to introduce Ordinance No. 1157-19 regulating shared mobility devices.

ATTACHMENTS

- A) Ordinance No. 1157-19**
- B) Motorized scooter log and photos**
- C) Sample Ordinances**

ATTACHMENT A

Ordinance No. 1157-19

ORDINANCE NO. 1157-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LAWDALE, CALIFORNIA ADDING
LAWDALE MUNICIPAL CODE CHAPTER 12.64,
ESTABLISHING RULES AND REGULATIONS ON
SHARED MOBILITY DEVICES**

SUMMARY: This ordinance prohibits the use of and bans the operation and storage of motorized scooters within City rights of way.

WHEREAS, the City has the authority under its police power, to enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City's public rights-of-way are designed to accommodate various uses and are heavily utilized by citizens, residents, visitors and businesses; and

WHEREAS, in recent months, in part due to rapid technological advancements the City's public rights-of-way have been flooded with new, unpermitted commercial motorized scooters; and

WHEREAS, shared motorized scooters may be accessed using a mobile application that allows a user to unlock the motorized scooters remotely, and more importantly, allows a user to leave the motorized scooter anywhere the user chooses, including the City's rights-of-ways, since the motorized scooters can be secured without being locked to a fixed object; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the use and operations of motorized scooters within City limits; and

WHEREAS, the proliferation of motorized scooters, has the potential to cause obstructions of public rights-of-ways and, in the absence of sufficient education as to existing laws, cause a myriad of other safety hazards for both users of motorized scooters as well as members of the public more generally; and

WHEREAS, City staff has received approximate five (5) calls regarding motorized scooters relating to inquiries, concerns and complaints; and

WHEREAS, City staff has impounded eight (8) motorized scooters to date that were left on the public right-of-way. Further, City staff has attempted to contact various operator-owners of said motorized scooters for retrieval but have received no responses; and

WHEREAS, Lawndale Municipal Code ("LMC") currently contains no regulations regarding the use and operation of motorized scooters within City limits; and

WHEREAS, on January 7, 2019 the City Council unanimously adopted Urgency Ordinance No. 1153-19 (“Ordinance 1153”), to establish a 45-day prohibition on the operation of Motorized Scooter programs within the City limits; and

WHEREAS, on February 4, 2019 the City Council unanimously adopted Urgency Ordinance No. 1155-19 (“Ordinance 1155”, and together with Ordinance 1153, the “Moratorium Ordinances”), to extend the moratorium established by Ordinance 1153 by an additional 10 months and 15 days; and

WHEREAS, upon study, analysis and review of regulations for motorized scooters, including State and federal laws and surveying the regulations of neighboring jurisdictions and various options, City staff has developed appropriate City laws, rules, procedures for the regulation of motorized scooter operators; and

WHEREAS, it is not the intent of the City that these regulations ban the lawful use of the motorized scooters on public roadways, but rather, the intent is to remedy safety concerns being caused by motorized scooters being left on public rights-of-ways including sidewalks or provided or offered for use on public rights-of-ways; and

WHEREAS, the City Council now wishes to adopt regulations regarding the use and operation of motorized scooters by adding a certain chapter to the LMC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that the recitals above are true and correct, and are hereby incorporated by reference.

SECTION 2. A new Chapter 12.64 entitled “Shared Mobility Devices” is added to the Lawndale Municipal Code to read, in its entirety, as follows:

“Chapter 12.64 Shared Mobility Devices

- 12.64.010 Purpose**
- 12.64.020 Definitions**
- 12.64.030 General Requirements**
- 12.64.040 Violations**

12.64.010 Purpose

The purpose of this ordinance is to prohibit shared mobility devices from being stored or placed in the public right-of-way or on public property, and to prohibit shared mobility devices from being provided or offered for use within in the city from the public right-of-way, so as to allow for adequate pedestrian traffic flow and to promote public safety. The ordinance shall provide the city’s rules and regulations for such devices, which supplement and do not supplant the fields of regulation occupied by state of California, including but not limited to the California Vehicle Code.

12.64.020 Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed to them in this chapter.

“Shared mobility device” shall mean any wheeled transportation device including a motorized scooter by which a person and/or property may be propelled, moved or drawn, other than an automobile or motorcycle, that is powered by a motor and that is accessed through a shared mobility program.

“Motorized scooter” shall have the same definition as that provided by California Vehicle Code Section 407.5.

“Shared mobility program operator” shall mean a “person”, as that term is defined by the Lawndale Municipal Code Section 1.04.030, who owns, manages, maintains and/or operates a motorized scooter program, whether for profit or not.

“Shared mobility program” shall mean an on-demand system of self-service shared mobility devices for hire to the public and accessed by smartphone application, membership card, or similar method, which said program is operated by a shared mobility program operator that offers a pool of three (3) or more shared mobility devices at unstaffed locations for use in the public rights-of-way.

“Public-right-of-way” shall mean any area across, along, beneath, in, on, over, under, upon, and within the dedicated a public alley, public parkway, public transportation path, sidewalk, public place, public property or public street that is owned, operated, or controlled by the city or dedicated or granted by easement to the city for public purposes.

12.64.030 General Requirements

A. It is unlawful to park, leave standing, abandon, leave lying, or otherwise place a shared mobility device in the public-right-of-way anywhere within the city.

B. It is unlawful to provide, place or offer for use a shared mobility device, or to operate as a shared mobility device operator in any public-right-of-way within the city.

12.64.040 Violations

A. Any violation of this ordinance shall be punishable as a misdemeanor or infraction as provided by Section 1.08.010 of Title 1 of the Lawndale Municipal Code.

B. Code enforcement officers, other designated city employees, and any party contracted by the city to specifically impound shared mobility devices are authorized to impound any shared mobility device that has a been offered for use, placed in a public-right-of-way, or operated in a public-right-of-way in violation of this chapter. The impound shall be subject to an impound and storage fee established by resolution of the

city council. The city may promulgate, by resolution of the city council, further guidance for notification to shared mobility program operators regarding an impounded shared mobility device and the procedures for its retrieval, and other policies as may otherwise be necessary to implement the purpose of this chapter.”

SECTION 3. Section 1.08.020(B) of the Lawndale Municipal Code, “Misdemeanor penalty”, is amended to add the title for Section 12.64.030 in the table to read as follows:

“12.64.030 Shared Mobility Devices – General Requirements”

SECTION 4. Upon the effective date of this Ordinance this Ordinance shall supersede the Moratorium Ordinances.

SECTION 5. Pursuant to Section 15001 of the California Environmental Quality Act (“CEQA”) Guidelines, this Ordinance is exempt from CEQA based on the following: (a) this Ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly and (b) this Ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves rules and regulations on the use of shared mobility devices and does not have the potential to significantly impact the environment

SECTION 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the each and every section, subsection, sentence, clause and phrase thereof not declared invalid or remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be posted and published in a newspaper of general circulation in the manner required by law

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1157-19 at its regular meeting held on the 1st day of April, 2019, and duly approved and adopted said ordinance at its regular meeting held on the ___ day of _____, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Pat Kearny					
Daniel Reid					
Bernadette Suarez					

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

ATTACHMENT B

Motorized scooter log and photos



Jan 24, 2019 at 4:05 PM



ATTACHMENT C

Sample Ordinances

ORDINANCE NO. 18-0018

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH ADDING CHAPTER 14.70 (SHARED MOBILITY DEVICES) TO TITLE 14 (TRAFFIC) OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT SHARED MOBILITY DEVICES FROM BEING PLACED IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OPERATED IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OR OFFERED FOR USE ANYWHERE IN THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of this Ordinance would prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City. This Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that prohibiting shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City will have a significant effect on the environment. This Ordinance is additionally exempt from CEQA pursuant to CEQA Guidelines Section 15301(c), as it involves no expansion of the use of existing facilities, a category that includes streets and sidewalks.

SECTION 2. Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have proliferated rapidly in multiple cities in Los Angeles County. There have been numerous instances where these scooters and bicycles have appeared in the City, and these occurrences have since proliferated rapidly. These shared mobility devices are unregulated, and are frequently abandoned by users in streets, sidewalks, and other public places throughout the other cities and have already, on occasion, been abandoned throughout the City, creating serious safety concerns, especially for the City's most vulnerable pedestrians. Moreover, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users--often minors--without helmets, in contravention of state law. The Manhattan Beach Police Department has received approximately 20 calls regarding dockless electric scooters relating to inquiries, concerns, and complaints. The Manhattan Beach Police Department has impounded four scooters to date that were left on the public right-of-way or private property. The City Council finds that there is a current and immediate threat to the public peace, health, safety, and welfare posed by the shared mobility devices placed in and operated on public property.

SECTION 3. On August 21, 2018, the City Council conducted a duly noticed public meeting to consider adding Chapter 14.70 (Shared Mobility Devices) to Title 14 (Traffic) of the Manhattan Beach Municipal Code (MBMC) to prohibit shared mobility devices from

being placed in any public right-of-way or on public property, operated in any public right-of-way or on public property, or offered for use anywhere in the City

SECTION 4. Based upon the foregoing, the City Council of the City of Manhattan Beach hereby adds Chapter 14.70 (Shared Mobility Devices) to Title 14 (Traffic) of the MBMC to read as follows:

"CHAPTER 14.70 - SHARED MOBILITY DEVICES

Section 14.70.010: Purpose.

Section 14.70.020: Definition.

Section 14.70.030: General Requirements.

Section 14.70.040: Violations.

Section 14.70.010 - Purpose.

The purposes of this chapter are to prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate pedestrian traffic flow and to promote public safety and to provide time for the City to develop a comprehensive set of regulations regulating such devices.

Section 14.70.020 - Definition.

For purposes of this chapter, "shared mobility device" means any wheeled device, other than an automobile or motorcycle, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations, except for those locations which are designated by the City.

Section 14.70.030 - General Requirements.

A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.

B. It is unlawful to operate a shared mobility device in a public right-of-way or on public property anywhere within the City.

C. It is unlawful to provide or offer for use a shared mobility device anywhere within the City.

Section 14.70.040 - Violations.

A. Violations of this chapter shall be punishable as provided for in Title 1, Chapter 1.04 of this Code.

B. Police officers, those City employees designated by the City Manager, and any party contracted by the City to specifically impound shared mobility devices are

authorized to impound any shared mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this chapter. The impound shall be subject to an impound and storage fee established by resolution of the City Council."

SECTION 5. Sunset Provision. These regulations shall remain in effect for six months from the date of the adoption of this Ordinance to provide time for the City to develop a comprehensive set of regulations. At that time, this ordinance shall become ineffective unless the City Council acts to readopt the provisions herein. The City Council hereby directs the City Clerk not to codify this Ordinance until further action taken by the City Council.

SECTION 6. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 7. Any provisions of the MBMC, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, are hereby repealed; and the City Clerk shall make any necessary changes to the MBMC for internal consistency.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

ADOPTED on September 4, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



QUINN M. BARROW
City Attorney

ORDINANCE NO. 4165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
ADDING CHAPTER 12.40 TO THE HUNTINGTON BEACH MUNICIPAL
CODE MAKING SHARED MOBILITY DEVICES OR BUSINESSES UNLAWFUL

The City Council of the City of Huntington Beach does hereby ordain as follows:

WHEREAS, in response to a sudden and unforeseen proliferation of shared mobility devices throughout the State that operate in the public right-of-way, the City of Huntington Beach adopted Ordinance No. 4164 establishing a moratorium on shared mobility devices and businesses; and

Shared mobility devices (e.g. bicycles and scooters) can be accessed using a mobile application that allows a user to unlock the device remotely, activating a rental of the device; and

Shared mobility devices are offered in either a “docked” system or a “dockless” system. In a docked system, the renter must return the device to a docking station in order to terminate the rental period. In a dockless system, the renter can terminate the rental period using the mobile application to lock the device. Once locked, the device may be left anywhere the renter chooses on public or private property.

Shared mobility devices have sprouted up all over California, and in particular beach communities to the north and south of Huntington Beach; and

The dockless devices have been especially problematic for cities because many users leave the bicycles and scooters haphazardly in public pathways or on sidewalks, creating a tripping hazard. In addition, certain mobility device users ignore local and state traffic regulation and ride on sidewalks or without a helmet; and

The new and emerging business model of operating shared personal mobility devices in the public right-of-way creates public health and safety concerns that impact users, bystanders and pedestrians and contributes to clutter in the public right-of-way. The long-term impacts of this business model are uncertain as the market is rapidly evolving. While this business model may change, the City cannot be prevented from maintaining the public right-of-way in a safe manner; and

The City Council finds that, regarding the California Environmental Quality Act (CEQA), there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment (CEQA Guideline 15061(b)(3)); and

The City Council does hereby find that the shared mobility devices and operators shall be prohibited throughout the City from operating in the public right-of-way and City-owned properties in order to promote the public health, safety and welfare including adequate pedestrian safety.

NOW, THEREFORE, the City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. The above recitals are true and correct and are adopted as the City Council's findings.

SECTION 2. Chapter 12.40 is added to the Title 12 of the Huntington Beach Municipal Code to read as follows:

Chapter 12.40 - Shared Personal Mobility Devices

12.40.010 - Purpose.

The purpose of this Chapter is to prohibit Shared Personal Mobility Devices and ensure that the use of the public right-of-way, at all times, promotes the public health, safety and welfare and allows for adequate pedestrian circulation and safety.

112.40.020- Definitions.

A. "Public right-of-way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, places, roads, sidewalks, streets, ways and City-owned properties within the City, as they exist now or in the future.

B. "Shared Personal Mobility Devices" shall mean any wheeled personal transportation device that is designed to be:

1. Powered by an electric motor or other power source, or by human propulsion;
2. Accessed via an on-demand portal, whether through a smart-phone, access code, personal identification card, or similar method; and
3. Operated by a private entity that owns, manages, maintains and insures devices for shared use by members, which are available to members in unstaffed, self-service locations.

Shared Personal Mobility Device does not include any device vended or made available for rent from a building, a device operated by the Orange County Transportation Authority, or any other device excluded pursuant to the Administrative Regulations adopted by the City Manager.

C. "Shared Personal Mobility Device Operator" shall mean an individual or a public, private, or non-profit entity that leases or manages Shared Personal Mobility Devices.

11.40.030 – Prohibition on Shared Personal Mobility Devices and Operators

A. It shall be unlawful to provide, place or offer for use a Shared Personal Mobility Device, or to operate as a Shared Personal Mobility Device Operator in any public right-of-way within the City.

B. The Huntington Beach Police Department and any persons authorized by the City and having the duty to enforce this Chapter are hereby authorized to impound the Shared Personal Mobility Device violating the provisions of this Chapter. The impound shall be subject to an impound fee established by City Council resolution.

C. The Police Chief may promulgate regulations for notification to the Operator and return of the Devices to the Operator, and as may otherwise be necessary to implement the purpose of this Chapter.

12.40.040 - Violations.

Any person who violates or willfully fails to comply with any provision of this Chapter is guilty of an infraction. Where the violation is of a continuing nature, each day or portion thereof wherein the violation continues constitutes a separate and distinct violation. Any person convicted of an infraction under the provisions of this Code shall be punishable by (1) a fine not exceeding \$100.00, for the first offense; (2) a fine not exceeding \$200.00 for the second offense; (3) a fine not exceeding \$500.00 for each additional offense within one year.

SECTION 3. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days after its adoption.

SECTION 4. When adopted this Ordinance shall supercede Ordinance No. 4164.

SECTION 5. This Ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held this 5th day of November, 2018.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

City Manager

URGENCY ORDINANCE NO. 3834

AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES, USE PERMITS OR ANY OTHER APPLICABLE MINISTERIAL PERMIT OR DISCRETIONARY LAND USE ENTITLEMENT OR APPROVAL PERTAINING TO SHARED ON-DEMAND PERSONAL MOBILITY DEVICES AND A TEMPORARY BAN ON THE PLACEMENT, PROVISION OR OFFERING FOR USE OF A SHARED ON-DEMAND PERSONAL MOBILITY DEVICE OR TO OPERATE AS A SHARED ON-DEMAND PERSONAL MOBILITY DEVICE OPERATOR IN ANY STREET OR PUBLIC RIGHT OF WAY OR OTHER PUBLIC PLACE WITHIN THE CITY IN WHICH THE PUBLIC HAS THE RIGHT OF TRAVEL.

NOW, THEREFORE, the City Council of the City of Torrance does ordain as follows:

SECTION 1 PURPOSE AND INTENT

The purpose of this ordinance is to provide for the health safety and welfare of City of Torrance citizens by exercising the police power provided for in the California Constitution that underlies the City's zoning powers, so that shared on-demand personal mobility devices are compatible with existing and future uses. To accomplish this, the City Council intends to impose a temporary moratorium on the issuance of new business licenses, use permits or any other applicable ministerial permit or discretionary land use entitlement or approval which pertains to shared on-demand personal mobility devices, and to temporarily ban the provision, placement or offering for use of a shared on-demand personal mobility device or to operate as a shared on-demand personal mobility device operator in any street or public right of way or other public place within the City in which the public has the right of travel, in order to provide City staff, the City Council, and the residents of the City sufficient time to consider a comprehensive ordinance regulating shared on-demand personal mobility devices.

SECTION 2 APPLICABILITY

The provisions of this ordinance will apply to the issuance of new business licenses, use permits or any other applicable ministerial permit or discretionary land use entitlement or approval which pertains to shared on-demand personal mobility devices within all zoning districts within the City as well as the placement, provision or offering for use of a shared on-demand personal mobility device, or the operation of a shared on-demand personal mobility device in any street or public right of way or other public place within the city in which the public has the right of travel. Such will be subject to all provisions as set for the below, unless otherwise specified in this Ordinance, notwithstanding other existing zoning provisions and regulations of the City of Torrance.

SECTION 3 TEMPORARY MORATORIUM

- A. Moratorium applies to all zoning districts, streets, public rights of way or other public place within the city in which the public has the right of travel. Within all areas situated in the City of Torrance State of California, including but not limited to each and every zone and zoning district, street, public right of way or other public place, there shall be a temporary moratorium in effect, commencing on the effective date of this Ordinance, prohibiting the issuance of any and all new business licenses, use permits, or other applicable ministerial permits, or discretionary land use entitlements or approvals, or provision or offering for use of a shared on-demand personal mobility device, or the operation of a shared on-demand personal mobility device in any street or public right of way or other public place within the city in which the public has the right of travel as described in Section 2, notwithstanding other existing zoning provisions or regulations of the City of Torrance.

SECTION 4 AUTHORITY AND FINDINGS

- A. This ordinance is an interim zoning ordinance adopted as an urgency measure pursuant to Torrance City Charter Section 726, Government Code Sections 65858 and 36937(b) and (e) to protect the public health, safety and welfare by prohibiting the issuance of any and all new business licenses, use permits, or other applicable ministerial permits, or discretionary land use entitlements or approvals, or provision or offering for use of a shared on-demand personal mobility device, or the operation of a shared on-demand personal mobility device in any street or public right of way or other public place within the city in which the public has the right of travel, which may be in conflict with a contemplated zoning proposal which the Community Development Director, Planning Commission and City Council intend to consider and study within a reasonable time.
- B. The City Council hereby finds that there is a current and immediate threat to the public health, safety and welfare resulting from the issuance of any and all new business licenses, use permits, or other applicable ministerial permits, or discretionary land use entitlements or approvals, or provision or offering for use of a shared on-demand personal mobility device, or the operation of a shared on-demand personal mobility device in any street or public right of way or other public place within the city in which the public has the right of travel, and that any further introduction into the City without specified development standards and regulations would result in a threat to public health, safety and welfare, for the following reasons:
1. There are no established standards or guidelines specific to shared on-demand personal mobility systems. These devices have been deployed in a number of cities without advance notification, knowledge or permission. A number of cities have observed serious safety hazards for pedestrians, bicyclists and drivers and have reported accidents injuring riders as well as pedestrians, sometimes very seriously. In addition, the proliferation of these devices has impeded pedestrian circulation and paths of travel and created hazards in the public rights-of-way for persons with disabilities and others as well as blocking entrances and egress, paths of travel, sidewalks, driveways and parkways. Finally, many of these devices are operated illegally, either on sidewalks, without helmets or by operators who are underage or unlicensed.

2. That a moratorium is necessary to allow the City to consider, study and enact regulations on shared mobility systems and devices, and it is necessary to temporarily suspend the issuance of new business licenses, use permits or other applicable ministerial permits or discretionary land use entitlements or approvals as well as the provision or offering for use of a shared on-demand personal mobility device, or the operation of a shared on-demand personal mobility device in any street or public right of way or other public place within the city in which the public has the right of travel, as these uses may be in conflict with the development standards and regulations that the City will ultimately impose after the City has considered and studied this issue, which will be accomplished in a reasonable time.
3. That a moratorium will provide the City time to study shared personal on-demand mobility devices and the potential impacts these systems may have on the public health safety and welfare. This will also allow staff to continue to collaborate with the Southbay Bikeshare Working Group on a potential regional approach to regulation.
4. That without the imposition of a temporary moratorium on the licensing, approval and use of shared personal on demand mobility devices and systems, the City anticipates that one or more shared on-demand personal mobility device companies may bring devices into the City before a non-urgency ordinance would become effective and that without specified development standards and regulations these uses may pose serious risks to the public health safety and welfare.
5. That there is a current and immediate threat to the public health, safety and welfare of the City and its residents which necessitates the immediate enactment of this moratorium as an urgency ordinance in order to ensure that licensing, permitting and operation of these devices and uses are established only under adequate regulations. Imposition of a moratorium will allow the City sufficient time to conclude the preparation and enactment of a comprehensive ordinance for the regulation of shared on-demand personal mobility devices and systems.

SECTION 5 WRITTEN REPORT REQUIRED

The City Council directs staff to prepare the report required by Government Code Section 65858(d) and issue it not later than ten days before the expiration of this interim ordinance.

SECTION 6 CEQA EXEMPTION

The City Council finds that, regarding the California Environmental Quality Act (CEQA), that this Ordinance is exempt from CEQA because there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3) because this ordinance will reduce the possibility of such effects by temporarily prohibiting these uses.

SECTION 7 DECLARATION OF URGENCY

This ordinance is hereby declared to be an urgency measure and will take effect immediately upon its adoption. There is a current and immediate threat to the public health, safety and welfare of the City and its residents because there is concern that one or more shared on-demand personal mobility operations or operators may locate in the City before a non-urgency

comprehensive ordinance for the regulation of such uses would become effective, and that introduction of such uses without specified development standards and/or regulations may result in unavoidable impacts to the community. The statutory authority for the adoption of this ordinance is found in Government Code Section 6585 and other applicable provisions of law.

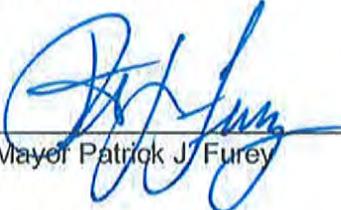
SECTION 8 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect that validity of the remaining portion of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

SECTION 9 EFFECTIVE DATE AND PUBLICATION

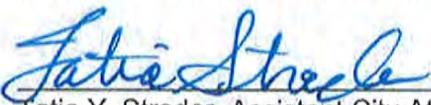
- A. This ordinance will take effect immediately upon its adoption. It will be of no further force and effect 45 days from its date of adoption unless extended following a public hearing as provided in Government Code Section 65858.
- B. The City Clerk is authorized and directed to publish this ordinance or a summary of this ordinance, if authorized by the City Council, before the expiration of 15 days after its passage. This ordinance will be published in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance, State of California.

INTRODUCED and **ADOPTED** this 28th day of August, 2018.



Mayor Patrick J. Furey

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney



Tatia Y. Strader, Assistant City Attorney

ATTEST:


Rebecca Poirier, MMC, City Clerk

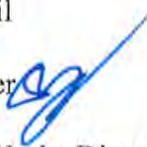


CITY OF LAWDALE

14717 BURIN AVENUE, LAWDALE, CALIFORNIA 90260
PHONE (310) 973-3200, FAX (310) 644-4556
www.lawndalecity.org

DATE: April 1, 2019

TO: Honorable Mayor and City Council

FROM: Stephen N. Mandoki, City Manager 

PREPARED BY: Kahono Oei, P.E. Interim Public Works Director/City Engineer 
Lona Laymon, City Attorney

SUBJECT: Adopt Resolution in support of a City Council Policy for Small Cell Wireless Facilities per 47 CFR 1.60002(1), and Introducing Ordinance 1159-19 and Approving parallel Urgency Ordinance 1158-19 adding to the City of Lawndale Municipal Code Section 12.60 the reference of the Wireless Telecommunications Facilities in the Public Right of Way (PROW).

BACKGROUND

In prior decades, wireless antennas and equipment were primarily installed on large towers or “Macro-Cells”. These deployments are subject to Conditional Use Permit approval under the Zoning Code and are currently prohibited in residential zones.

In the past few years, Small Cell Wireless Facilities (SCWF) have been installed on the wood poles owned by Southern California Edison (SCE) within the Public Right-of-Way (PROW). During these past few years, there was no authority in the Municipal Code to review the installation work plans for the Small cell Wireless Facilities and, therefore, the only involvement from the City was to issue the required encroachment permits by the Planning and Public Works Departments. After a few Small Cell Wireless Facilities were installed, the adjacent neighborhoods expressed concern over the visual quality of the installation among other things. Consequently, the City adopted an Ordinance requiring the approval of a minor Conditional Use Permit for any proposed telecommunication facility within the PROW.

Approval of wireless facilities is governed by the Federal Telecommunication Act of 1996, which reduces impediments that could be imposed by local governments for the installation of wireless communication facilities. The industry is regulated by the California Public Utility Commission (CPUC) at the State level. On or about January 1, 2016, California Assembly Bill No. 57 became effective which provided that applicants for collocation or siting of a wireless telecommunication facility be deemed automatically approved if the City fails to approve or disapprove an application within 90 days for collocation applications and 150 days for a new wireless telecommunication facility.

Both Federal and State laws preempt local authority to regulate certain aspects of SCWF including the regulations related to the radio frequency or EMF that comply with Federal Communications

Commission (FCC) regulation, certain modification of the existing wireless communication facilities or the installation of the SCWF on existing utility poles in the PROW.

On September 27, 2018, the FCC released a Declaratory Ruling and Third Report and Order (the “FCC Order”) significantly limiting state and local management of Small Cell Wireless Facilities in the PROW (and, in a limited way, on private property too). In short, the new FCC Order does the following:

- Defines SCWF’s as up to 50 feet in height, including antennas, or mounted on structures no more than 10% taller than other adjacent structures; or that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; each antenna is no more than 3 cubic feet in volume, and the total associated wireless equipment on one structure is no more than 28 cubic feet in volume.
- Caps all fees that local governments can charge to the actual and reasonable cost of providing service. This limitation applies to fees for SCWF’s located on private property as well.
- Imposes a shot clock of 60 days for SCWF’s that are added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWF’s on a new structure. The shortened shot clocks also apply to applications for SWF’s on private property.
- Preempts all aesthetic requirements for SCWF’s in the PROW unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance. (Effective April 15, 2019.)

With the growth and expansion of the telecommunication industry, Small Cell Wireless Facilities (SCWF), which are installed at existing streetlight poles, street light signal poles or new poles within the Public Right-of-Way, were introduced to respond to the increased demand for capacity. A SCWF is much smaller scale and uses a lot less power which can be utilized by filling the gaps in coverage between the existing Macro cell facilities.

Consequently, the telecommunication carriers are proposing SCWF throughout the region including the City of Lawndale. Because SCE owns and maintains the streetlight poles within the City limits, any design/installation of the SCWF is dictated by SCE and each telecommunication carrier may have different varieties of SCWF designs and configurations.

Staff is proposing a Resolution to Adopt the City Council Policy for the design guidelines of the SCWF in the Public Right-of-Way on streetlight poles to supplement the Chapter 12.60 of the City of Lawndale Municipal Code. The City Council Policy proposed is to provide guidance and assure a degree of consistency in the design and configuration of the SCWF. The planning department is proposing to illustrate the design guidelines in the form of a graphic exhibit which would be available at the planning counter that presents acceptable or non-acceptable facility designs.

STAFF REVIEW

To date, the City has approved a few SCWF’s administratively with minor conditions of approval through the Public Works Department for installation in the PROW. Subsequent to the approval of said City Council Policy and Ordinance, the telecommunication carriers can file the Encroachment Permit Application through the Public Works Department and may redirect it to the Planning Department for

further design review to meet the City's policy and standards prior to the issuance of the Encroachment Permit.

The Federal Telecommunications Act is intended to ensure that the public has sufficient access to telecommunication services. Based on this Federal law, a local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Further, no State or Local government may dictate, or even consider, wireless entitlements based on "the environmental (health) effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." A zoning authority's mere consideration of health effects, including potential effects on property values due to potential radio frequency emissions, may not serve as "substantial evidence" for purposes of denying a wireless facility. The City's role in the siting and design of SCWF's is generally limited to aesthetics.

Wireless telecommunication providers are treated as telephone companies under their State franchise conferred in California Public Utilities Code Section 7901, and thus are entitled to use the PROW to deploy their equipment. However, even with their right to occupy the PROW, under Section 7901 providers may not "unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use." These limitations on Section 7901 have been interpreted broadly enough to include concerns related to the appearance of a facility," and thus Section 7901 allows cities to condition a wireless permit on (i) aesthetic concerns, (ii) restricting the location of proposed facilities due to public safety reasons or other local concerns or even deny applications in appropriate circumstances, and (iii) to exercise reasonable control over the time, place and manner of "when, where, and how telecommunications service providers gain entry to the public rights-of-way," including the need for encroachment permits. (See, Pub. Util. Code § 7901.)

The new FCC Order significantly changes Federal law to shorten time frames and other requirements on local review of SCWF's in the PROW. Now, if a city does not render a decision on a SWF application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), the failure to meet the deadline for action will be presumed to violate federal law.

On aesthetics, spacing restrictions and undergrounding requirements, the FCC declares that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. In essence, this new standard for aesthetic conditions means that cities can impose aesthetic requirements to the extent they are "technically feasible" for the provider. This is a significant departure from the "least intrusive means" analysis that developed in the Ninth Circuit over the last few decades. The FCC Order purports to overturn the "least intrusive means" standard entirely, with the new standards taking effect on April 15, 2019.

Aesthetic standards implementing the FCC Order must be reasonable, objective, and published ahead of time. If a city does not have "published" design standards, then it does not appear that any standards can be enforced. It is therefore important that the City update its Ordinance with new standards and procedures by April 15, 2019 or shortly thereafter. Staff therefore recommends the Council adopt an ordinance setting out the permitting procedures for SWF's in the PROW. The proposed ordinance seeks to balance the community's need for wireless services, the industry's need to deploy quickly, and the City's obligation to maintain safety and protect the aesthetic qualities of our neighborhoods. As drafted, the proposed ordinance would:

- Add a new Chapter 12.60 to the Municipal Code, Small Cell Wireless Facilities in the Public Right-of-Way. For all wireless facility installations in the PROW, the ordinance provides, among other regulations, the permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the ROW by requiring an encroachment permit. Once the encroachment permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to City infrastructure.
- The substantially shorter “shot clocks” established by the FCC Order render discretionary review by the planning commission (or any other hearing body) much more difficult, if not logistically impossible. To this end, the proposed ordinance presents an entirely new administrative review process for SCWF applications, with public works taking the lead of administratively reviewing SWF applications.
- The new ordinance recognizes, and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved by-right, which provisions were not included in the current Municipal Code, despite being required by law since 2012.
- Given the short time that the City has to act on these applications under Federal law, having two days to process appeals, staff recommends that the appeals be heard by an independent hearing officer, who can hold hearings on short notice within the short time frame. Doing so also provides an independent level of oversight over the decisions before they become final and subject to challenge in court.
- The Ordinance contains a comprehensive list of permit conditions that will apply to wireless encroachment permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity.
- The ordinance requires applicants to provide mailed notices to owners, occupants and multi-family building property managers within 300 feet of proposed SWF’s and major facilities before they are approved.
- Finally, the Ordinance allows the flexibility needed in the face of rapidly changing wireless laws and technology. Rather than publish SCWF design standards in the ordinance, staff proposes that such standards should be adopted as administrative regulations that may be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

Staff recommends that the Council adopt an Urgency Ordinance (which institutes the exact same Chapter) in parallel to the regular Ordinance to meet FCC deadlines and timeframes.

To accompany the new ordinance, staff has also prepared a separate City Council Policy (proposed as Council Policy No. 103-19) that will provide direction on the City’s aesthetic, location, and design requirements. For example, the proposed design standards recommend that when there is a choice in location, carriers should choose to site on a pole or street light that is between structures and not immediately adjacent to a structure, that paint and design should blend with surrounding structures, that signage should be limited, and that lighting be prohibited unless required by the Federal Aviation Administration. This document is provided as an attachment to this report and once approved by the

Council, will be promptly published by staff on the City's website as required by the FCC Order. Proposed Council Policy No. 103-19 is attached to this report for City Council approval; staff recommends that the City Council adopt the design standards with the ordinance.

FUNDING

No additional funds required.

ENVIRONMENTAL:

The ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Most of the terms and scope of city discretion are guided by existing State and Federal law. The ordinance creates an administrative procedure to process requests for wireless facilities in the PROW and the City's discretion with these applications is limited. The ordinance does not authorize specific development or installation on any specific piece of property within the City's boundaries. Alternatively, the ordinance is exempt from CEQA because the City Council's adoption of the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, §15061(b)(3)). Installations, if any, would further be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the PROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

RECOMMENDATION

Staff recommends that the City Council:

- a) Introduce for first reading of the Ordinance No. 1159-19 to amend Municipal Code, Title 12.60 to regulate Small Cell Wireless Facilities (SCWF) in the public right-of-way, and determine the project is not subject to the California Environmental Quality Act;
- b) Adopt Urgency Ordinance 1158-19 to institute on an urgency basis the same Municipal Code, Title 12.60 to regulate Small Cell Wireless Facilities (SCWF) in the public right-of-way, and determine the project is not subject to the California Environmental Quality Act;
- c) Adopt the Resolution No. CC-1904-019 to approve the corresponding City Council Policy No. 103-19 for design standards applicable to SCWF's in the public right-of-way and direct staff to promptly publish the Policy on the City's webpage; and
- d) Direct Public Works staff to amend the master fee schedule to establish application fees and penalty fees for SCWF's.

Attachments:

1. Urgency Ordinance No. 1158-19
2. Ordinance No. 1159-19
3. Resolution No. CC-1904-019 (City Council Policy No. 103-19 - SCWF Regulations)

Attachment 1

ORDINANCE NO. 1158-19

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LAWNSDALE, CALIFORNIA, ADDING CHAPTER 12.60 OF THE
LAWNSDALE MUNICIPAL CODE TO REGULATE WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF
WAY AND FINDING OF EXEMPTION FROM CEQA**

Summary: Effective immediately, this ordinance adopts requirements applicable to wireless telecommunications facilities in the public right of way.

WHEREAS, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. Further, Government Code Section 36937(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order (hereafter, the "FCC Ruling") that, among other things,

(1) creates a new regulatory classification for small wireless facilities (“SWFs”), (2) requires State and local governments to process applications for SWFs within 60 days or 90 days, (3) establishes a national standard for an effective prohibition, (4) provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition, and (5) limits the fees that can be charged for the facilities; and

WHEREAS, in addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock; and

WHEREAS, given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to amend Chapter 12.60 of the Lawndale Municipal Code, entitled “WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY” (the “Ordinance”) to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, the City Council of the City of Lawndale deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to add regulations to the Lawndale Municipal Code to regulate the placement of SWFs and WCFs in the public rights-of-way, finding the urgency to do so based upon the following facts:

- i. The global wireless telecommunications industry has developed and is starting to install SWFs primarily in public rights-of-way. SWFs are designed to accommodate "5G" technology. Wireless telecommunications providers have made inquiries with the City of Lawndale and other California cities about installing SWFs in municipal rights-of-way, and

some other California cities are already receiving applications for such facilities.

- ii. The Federal Telecommunications Act of 1996 preempts and declares invalid all state and local rules that restrict entry or limit competition in both local and long-distance telephone service, and the FCC has adopted regulations for the implementation of that Act.
- iii. Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.
- iv. Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner and may involve the imposition of fees.
- v. The FCC adopted its FCC Ruling expressly to "reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology." (FCC Ruling, ¶29.) The FCC Ruling is intended to facilitate the spread, growth, and accumulation of SWFs over a short period of time in order to enable deployment of technology that the FCC Ruling claims will enable increased competition in healthcare, Internet of Things applications, lifesaving car technologies, and creation of jobs.
- vi. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- vii. The FCC Ruling sets forth new standards for state and local government regulations of SWFs, which standards restrict the aesthetic requirements

that localities can imposed upon such facilities. Any aesthetic standard adopted by cities must be: (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

- viii. That portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published. Ad hoc aesthetic standards are not enforceable. Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.
- ix. Without the immediate implementation through an urgency ordinance of regulations specific to the siting of SWFs in the public right-of-way, the City Council will be unable to adopt and implement such regulations before the April 15, 2019 effective date for design standards. SWFs could therefore be approved that are inconsistent with the regulations being developed by the City as permitted by federal and state laws; and

WHEREAS, on April 1, 2019 the City Council held a duly noticed public meeting on the Ordinance, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Ordinance.

SECTION 2. The Ordinance is consistent with the City's General Plan, the Lawndale Municipal Code, the Lawndale Zoning Code, and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. The Ordinance is further exempt from CEQA because the

City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 5. The Ordinance is hereby adopted by the addition of a new Chapter 12.60, "WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY" in Title 12 of the Lawndale Municipal Code to read in its entirety as shown in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 6. Based on the foregoing recitals and all facts of record stated before the City Council, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption.

- i. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof.
- ii. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- iii. However, that portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published.
- iv. Furthermore, pursuant to the FCC Ruling, new shortened Shot-Clocks have already taken effect with respect to SWFs (either 60 or 90 days for full determination upon each application, including all notice periods, supplemental permits, and appeal periods). These shorter timeframes leave the City with inadequate time and resources to timely process incoming SWF applications under federal law absent significant streamlining of the City's current practices and procedures. Therefore, it is of utmost need for the City to immediately establish a streamlined process for SWF application review.

Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 7. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. This Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b).

SECTION 10. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. Within fifteen (15) days after its final passage, the City Clerk shall cause it to be posted and published in a newspaper of general circulation in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 1st day of April, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Urgency Ordinance No. 1158-19 at its regular meeting held on the 1st day of April, 2019, and duly approved and adopted said ordinance at its regular meeting held on the 1st day of April, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Daniel Reid					
Bernadette Suarez					
Pat Kearny					

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

[EXHIBIT “A”]

Chapter 12.60 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

12.60.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city’s public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way (“PROW”) in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission (“FCC”) and California Public Utilities Commission (“CPUC”), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

12.60.020 - DEFINITIONS.

“Accessory equipment” means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

“Antenna” means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. “Antenna” is specific to the antenna portion of a wireless telecommunications facility.

Antenna array” shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

“Base station” shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment

and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). “Base station” does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

As an illustration and not a limitation, the FCC’s definition of “base station” refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Lawndale.

“Code” means the Lawndale Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and

2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (*See*, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless

telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Planning director” means the director of planning, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style.

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the public works director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the public works director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or
 - c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by the city council (City Council Policy 103-19) implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

12.60.030 - APPLICABILITY.

- A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way as follows:
- B. Pre-existing Facilities in the ROW. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- C. This chapter does not apply to the following:
 1. Amateur radio facilities;

2. OTARD antennas;
 3. Facilities owned and operated by the city for its use or for public safety purposes;
 4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
 5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the public works director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- D. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city's use and use by the public.

12.60.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

- A. Administration. Unless a matter is referred to the planning director as provided below, the public works director is responsible for administering this chapter. As part of the administration of this chapter, the public works director may:
1. Interpret the provisions of this chapter;
 2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in the PROW, taking into account the zoning districts bounding the PROW;
 4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
 5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
 6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).

1. An Administrative WTFP, subject to the public works director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:
 - a. The proposal is determined to be for a SWF; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the public works director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the public works director shall convert the application to a Major WTFP and refer it to the planning director for planning commission hearing.
3. Except in the case of an eligible facilities request, the public works director may refer, in his/her discretion, any application for an Administrative WTFP to the planning director, who shall have discretion to further refer the application to planning commission for hearing. If the planning director determines not to present the Administrative WTFP application to the planning commission for hearing, the application shall be relegated back to the public works director for processing. This exercise of discretion shall not apply to an eligible facilities request.

C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are not qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.

- D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.
 - 1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

12.60.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the Regulations shall control.
 - 1. All applications for WTFPs shall be initially submitted to the public works director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the public works director and published on the city's website.
 - 2. Application Submittal Appointment. All WTFP applications must be submitted to the public works director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 - 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support

structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.

B. Application Contents—Administrative WTTPs. The content of the application form for facilities subject to an Administrative WTTP shall be determined by the public works director, but at a minimum shall include the following:

1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.
4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.

8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.
 9. The Administrative WTFP applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within 300 feet of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
 10. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
- C. Application Contents—Major WTFPs. The public works director shall develop an application form and make it available to applicants upon request and post the application form on the city’s website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the public works director:
1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.
 2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
 3. A full written description of the proposed wireless telecommunications facility and its purpose.
 4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.

- c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.
 - e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
- a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 - b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.

8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC’s “Local Government Official’s Guide to Transmitting Antenna RF Emission Safety” to determine whether the facility will be “categorically excluded” as that term is used by the FCC.
11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power “ERP”) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 8.20 (Noise Control) of this code.
14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a

discussion of how the chosen material at maturity will screen the wireless telecommunication facility.

16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or planning director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or planning director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.
- F. Costs. Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. To this end, the public works and/or planning director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.
- G. Effect of State or Federal Law on Application Process. In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the public works director is authorized to omit, modify or add to that request from the city’s application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the public works director or his or her designee. The public works director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection

shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.

- H. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or planning director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.
- I. Waiver of Applications Superseded by Submission of New Project. If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, “substantially revised” means that the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or constitutes a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. Rejection for Incompleteness. WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the public works director by notifying the applicant in writing and specifying the material omitted from the application.

12.60.060 - REVIEW PROCEDURE.

- A. Generally. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the ROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.

- B. Collocation Encouraged. Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.

- C. Findings Required for Approval.
 - 1. Administrative WTFP Applications for SWFs. For WTFP applications proposing a SWF, the public works director or planning director, as the case may be, shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and
 - b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.

 - 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the public works director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.

 - 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:

- a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
- b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
- c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
- d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
- e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.

D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.

- 1. Administrative WTFPs. Notice of a WTFP application for a SWF shall be mailed to owners and occupants of real property surrounding the proposed SWF site in the manner specified in the SWF Regulations. Applications qualifying for eligible facilities requests shall not require notice.
- 2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing before the planning commission. Notice of such hearing shall be provided in accordance with Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.
- 3. Written Decision Required for All WTFP Determinations. Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the public works director or planning director, as applicable, shall provide written notice including the following:

- a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.

E. Appeals.

- 1. Administrative WTFPs do not have an appeal procedure and all administrative decisions thereon are final.
- 2. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title 17 of the Municipal Code, Section 17.12.130 (Appeal of commission action - Procedures). The appellate authority may hear the appeal de novo.

F. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

12.60.070 – DESIGN AND DEVELOPMENT STANDARDS.

A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city’s grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 12.60.060 have been made are subject to the following conditions, unless modified by the approving authority:

1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
2. No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
3. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the PROW shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.
 - a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
 - b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

- c. Wireless telecommunications facilities shall be located consistent with Section 12.60.080 (Location Restrictions) unless an exception is granted.
2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures.
4. Equipment. The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
5. Support Structures.
 - a. Pole-Mounted Only. Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section 12.60.080 is granted.
 - b. Utility Poles. Wireless telecommunications facilities shall not be located on wooden poles unless an exception pursuant to Section 12.60.080 is granted. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.
 - c. Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.
 - d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
 - e. Equipment mounted on a support structure shall not exceed four (4) cubic feet in dimension.

- f. No new guy wires shall be allowed unless required by other laws or regulations.
 - g. An exception pursuant to Section 12.60.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
 - h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact any public view corridors, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.
 - i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of

high wind load capacity shall include the impact of modification of an existing facility.

8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 12.60.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of the street with no homes.
12. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
13. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

14. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.
 - d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
15. Noise.
 - a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by Chapter 8.20 of this code.
16. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The public works director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.
17. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that

reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

18. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
19. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the public works director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the public works director or the approving city body.

12.60.080 -LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the following locations are permitted only when an exception has been granted pursuant to Subsection B hereof:
 1. Public right-of-way within those zones as identified in the general plan as residential zones; and
 2. Public right-of-way within those zones as identified in the general plan as historic districts, or within 100 feet of designated historic buildings.
- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an “exception” under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted service coverage levels from the proposed facility without all adjacent facilities.
 - b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities

with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.

3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available.
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. Scope. The planning commission or public works director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or public works director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

12.60.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.
- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:
 1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or

2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.
- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the public works director of to the cancellation or material modification of any applicable insurance policy.
 - D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the city's defense.
 - E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the public works director in in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.
 - F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure,

interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.

- G. Contact Information. Each permittee of a wireless telecommunications facility shall provide the public works director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - 1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW;
 - 2. General dirt and grease;
 - 3. Chipped, faded, peeling, and cracked paint;
 - 4. Rust and corrosion;
 - 5. Cracks, dents, and discoloration;
 - 6. Missing, discolored or damaged artificial foliage or other camouflage;
 - 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City;
 - 8. Broken and misshapen structural parts; and
 - 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the public works director.
- J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

- K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the public works director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
- L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
- M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
- N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
- O. Interference.
 - 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.
 - 2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.
 - a. Signal Interference. The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.

- b. Physical Interference. The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
- 3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
 - 1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- R. Attorney's Fees. In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

12.60.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or

location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

12.60.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

12.60.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.
- C. Timing of Installation. The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.

- D. Commencement of Operations. The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the public works director notice that operations have commenced by the same date.

12.60.130 - CESSATION OF USE OR ABANDONMENT.

- A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the public works director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the public works director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the public works director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - 5. Any other remedies permitted under this code or by law.

12.60.140 - REMOVAL AND RESTORATION—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.

- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the public works director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
1. Prosecution;
 2. Acting on any security instrument required by this chapter or conditions of approval of permit;
 3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 4. Any other remedies permitted under this code or by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

12.60.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

12.60.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

12.60.170 – LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.
- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- C. An aggrieved person may file an appeal to the city council of any decision of the public works director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

Attachment 2

ORDINANCE NO. 1159-19
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAWNDALE, CALIFORNIA, ADDING CHAPTER 12.60 OF THE
LAWNDALE MUNICIPAL CODE TO REGULATE WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF
WAY AND FINDING OF EXEMPTION FROM CEQA

Summary: This ordinance adopts requirements applicable to wireless telecommunications facilities in the public right of way.

WHEREAS, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities ("SWFs"), requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition

and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and

WHEREAS, in addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock; and

WHEREAS, given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to add Chapter 12.60 of the Lawndale Municipal Code, entitled "WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY" (the "Ordinance") to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, on April 1, 2019, the City Council held a duly noticed public meeting on the Ordinance, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Ordinance.

SECTION 2. The Ordinance is consistent with the City's General Plan, the Lawndale Municipal Code, the Lawndale Zoning Code, and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. The Ordinance is further exempt from CEQA because the City Council’s adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 5. The Ordinance is hereby adopted by the addition of a new Chapter 12.60, “WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY” in Title 12 of the Lawndale Municipal Code to read in its entirety as shown in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 6. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be posted and published in a newspaper of general circulation in the manner required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1159-19 at its _____ meeting held on the ___ day of _____, 2019, and duly approved and adopted said ordinance at its regular meeting held on the ___ day of _____, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Daniel Reid					
Bernadette Suarez					
Pat Kearny					

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

[EXHIBIT “A”]

Chapter 12.60 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

12.60.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city’s public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way (“PROW”) in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission (“FCC”) and California Public Utilities Commission (“CPUC”), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

12.60.020 - DEFINITIONS.

“Accessory equipment” means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

“Antenna” means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. “Antenna” is specific to the antenna portion of a wireless telecommunications facility.

Antenna array” shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

“Base station” shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment

and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). “Base station” does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

As an illustration and not a limitation, the FCC’s definition of “base station” refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Lawndale.

“Code” means the Lawndale Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and

2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (*See*, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless

telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Planning director” means the director of planning, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style.

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the public works director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the public works director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or
 - c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by the city council (City Council Policy 103-19) implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

12.60.030 - APPLICABILITY.

- A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way as follows:
- B. Pre-existing Facilities in the ROW. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- C. This chapter does not apply to the following:
 1. Amateur radio facilities;

2. OTARD antennas;
 3. Facilities owned and operated by the city for its use or for public safety purposes;
 4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
 5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the public works director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- D. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city's use and use by the public.

12.60.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

- A. Administration. Unless a matter is referred to the planning director as provided below, the public works director is responsible for administering this chapter. As part of the administration of this chapter, the public works director may:
1. Interpret the provisions of this chapter;
 2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in the PROW, taking into account the zoning districts bounding the PROW;
 4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
 5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
 6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).

1. An Administrative WTFP, subject to the public works director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:
 - a. The proposal is determined to be for a SWF; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the public works director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the public works director shall convert the application to a Major WTFP and refer it to the planning director for planning commission hearing.
3. Except in the case of an eligible facilities request, the public works director may refer, in his/her discretion, any application for an Administrative WTFP to the planning director, who shall have discretion to further refer the application to planning commission for hearing. If the planning director determines not to present the Administrative WTFP application to the planning commission for hearing, the application shall be relegated back to the public works director for processing. This exercise of discretion shall not apply to an eligible facilities request.

C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are not qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.

- D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.
 - 1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

12.60.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the Regulations shall control.
 - 1. All applications for WTFPs shall be initially submitted to the public works director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the public works director and published on the city's website.
 - 2. Application Submittal Appointment. All WTFP applications must be submitted to the public works director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 - 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support

structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.

B. Application Contents—Administrative WTTPs. The content of the application form for facilities subject to an Administrative WTTP shall be determined by the public works director, but at a minimum shall include the following:

1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.
4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.

8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.
 9. The Administrative WTFP applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within 300 feet of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
 10. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
- C. Application Contents—Major WTFPs. The public works director shall develop an application form and make it available to applicants upon request and post the application form on the city’s website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the public works director:
1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.
 2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
 3. A full written description of the proposed wireless telecommunications facility and its purpose.
 4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.

- c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.
 - e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
- a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 - b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.

8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC’s “Local Government Official’s Guide to Transmitting Antenna RF Emission Safety” to determine whether the facility will be “categorically excluded” as that term is used by the FCC.
11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power “ERP”) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 8.20 (Noise Control) of this code.
14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a

discussion of how the chosen material at maturity will screen the wireless telecommunication facility.

16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or planning director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or planning director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.
- F. Costs. Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. To this end, the public works and/or planning director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.
- G. Effect of State or Federal Law on Application Process. In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the public works director is authorized to omit, modify or add to that request from the city’s application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the public works director or his or her designee. The public works director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection

shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.

- H. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or planning director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.
- I. Waiver of Applications Superseded by Submission of New Project. If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, “substantially revised” means that the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or constitutes a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. Rejection for Incompleteness. WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the public works director by notifying the applicant in writing and specifying the material omitted from the application.

12.60.060 - REVIEW PROCEDURE.

- A. Generally. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the ROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.
- B. Collocation Encouraged. Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- C. Findings Required for Approval.
 - 1. Administrative WTFP Applications for SWFs. For WTFP applications proposing a SWF, the public works director or planning director, as the case may be, shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and
 - b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.
 - 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the public works director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.
 - 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:

- a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
- b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
- c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
- d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
- e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.

D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.

- 1. Administrative WTFPs. Notice of a WTFP application for a SWF shall be mailed to owners and occupants of real property surrounding the proposed SWF site in the manner specified in the SWF Regulations. Applications qualifying for eligible facilities requests shall not require notice.
- 2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing before the planning commission. Notice of such hearing shall be provided in accordance with Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.
- 3. Written Decision Required for All WTFP Determinations. Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the public works director or planning director, as applicable, shall provide written notice including the following:

- a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.

E. Appeals.

- 1. Administrative WTFPs do not have an appeal procedure and all administrative decisions thereon are final.
- 2. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title 17 of the Municipal Code, Section 17.12.130 (Appeal of commission action - Procedures). The appellate authority may hear the appeal de novo.

F. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

12.60.070 – DESIGN AND DEVELOPMENT STANDARDS.

A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city’s grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 12.60.060 have been made are subject to the following conditions, unless modified by the approving authority:

1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
2. No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
3. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the PROW shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.
 - a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
 - b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

- c. Wireless telecommunications facilities shall be located consistent with Section 12.60.080 (Location Restrictions) unless an exception is granted.
2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures.
4. Equipment. The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
5. Support Structures.
 - a. Pole-Mounted Only. Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section 12.60.080 is granted.
 - b. Utility Poles. Wireless telecommunications facilities shall not be located on wooden poles unless an exception pursuant to Section 12.60.080 is granted. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.
 - c. Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.
 - d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
 - e. Equipment mounted on a support structure shall not exceed four (4) cubic feet in dimension.

- f. No new guy wires shall be allowed unless required by other laws or regulations.
 - g. An exception pursuant to Section 12.60.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
 - h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact any public view corridors, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.
 - i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
 7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of

high wind load capacity shall include the impact of modification of an existing facility.

8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 12.60.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of the street with no homes.
12. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
13. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

14. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.
 - d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
15. Noise.
 - a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by Chapter 8.20 of this code.
16. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The public works director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.
17. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that

reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

18. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
19. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the public works director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the public works director or the approving city body.

12.60.080 -LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the following locations are permitted only when an exception has been granted pursuant to Subsection B hereof:
 1. Public right-of-way within those zones as identified in the general plan as residential zones; and
 2. Public right-of-way within those zones as identified in the general plan as historic districts, or within 100 feet of designated historic buildings.
- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an “exception” under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted service coverage levels from the proposed facility without all adjacent facilities.
 - b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities

with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.

3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available.
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. Scope. The planning commission or public works director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or public works director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

12.60.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.
- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:
 1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or

2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.
- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the public works director of to the cancellation or material modification of any applicable insurance policy.
 - D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the city's defense.
 - E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the public works director in in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.
 - F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure,

interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.

- G. Contact Information. Each permittee of a wireless telecommunications facility shall provide the public works director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - 1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW;
 - 2. General dirt and grease;
 - 3. Chipped, faded, peeling, and cracked paint;
 - 4. Rust and corrosion;
 - 5. Cracks, dents, and discoloration;
 - 6. Missing, discolored or damaged artificial foliage or other camouflage;
 - 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City;
 - 8. Broken and misshapen structural parts; and
 - 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the public works director.
- J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

- K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the public works director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
- L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
- M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
- N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
- O. Interference.
 - 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.
 - 2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.
 - a. Signal Interference. The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.

- b. Physical Interference. The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
 - 3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
- 1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- R. Attorney's Fees. In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

12.60.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or

location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

12.60.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

12.60.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.
- C. Timing of Installation. The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.

- D. Commencement of Operations. The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the public works director notice that operations have commenced by the same date.

12.60.130 - CESSATION OF USE OR ABANDONMENT.

- A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the public works director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the public works director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the public works director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - 5. Any other remedies permitted under this code or by law.

12.60.140 - REMOVAL AND RESTORATION—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.

- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the public works director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
1. Prosecution;
 2. Acting on any security instrument required by this chapter or conditions of approval of permit;
 3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 4. Any other remedies permitted under this code or by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

12.60.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

12.60.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

12.60.170 – LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.
- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- C. An aggrieved person may file an appeal to the city council of any decision of the public works director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

Attachment 3

RESOLUTION NO. CC-1904-019

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
APPROVING CITY COUNCIL POLICY NO. 103-19,
SMALL WIRELESS FACILITIES**

WHEREAS, the City Council of the City of Lawnsdale has established a Council Policy Manual to set forth and identify policies of the City Council which may not otherwise be established in ordinances of the City, or which are restated to further amplify existing City policy; and

WHEREAS, all policies included in the Council Policy Manual are adopted by resolution; and

WHEREAS, significant changes in federal law have recently been enacted, which affect local authority over small wireless facilities, as defined in 47 CFR 1.6002(1); and

WHEREAS, in response to these legislative changes, the City proposes adoption of a new City Council Policy, which would establish requirements for permitting, operation, and maintenance of small wireless facilities within the City; and

WHEREAS, the City Council Policy would provide the maximum amount of local control for small wireless facilities considering the revisions to federal law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. That the City Council approves Policy No. 103-19, entitled "Small Wireless Facilities", attached hereto and incorporated herein as Exhibit "A".

SECTION 3. The City Clerk's Department is directed to enter said policy into the Council Policy Manual.

SECTION 4. This resolution shall take effect as of the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this 1st day of April, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council of the City of Lawndale duly approved and adopted the foregoing Resolution No. CC-1904-019 at a regular meeting of said Council held on the 1st day of April, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Daniel Reid					
Bernadette Suarez					
Pat Kearney					

Rhonda Hofmann Gorman, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

[EXHIBIT “A”]

COUNCIL POLICY

SMALL WIRELESS FACILITIES PER 47 CFR 1.6002(1)

“SWF REGULATIONS”

SUBJECT: Small Wireless Facilities (Administrative Approvals and Standards)	POLICY NO.: 103-19	DATE ADOPTED: April 1, 2019
	AUTHORITY: Resolution No.1904-019	

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SECTION 1. GENERAL PROVISIONS

SECTION 1.1 PURPOSE AND INTENT

This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

SECTION 1.2 GENERAL DEFINITIONS

- (a) **Undefined Terms.** Undefined phrases, terms or words in this Policy will have the meanings assigned to them in Chapter 12.60 of the Lawndale Municipal Code (“LMC”), as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this Policy conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.
- (b) **Defined Terms.**
- (1) **“approval authority”** means the City official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve or deny such applications as provided in this Policy. The approval authority for applications in connection with small wireless facilities within the public rights-of-way shall be the Public Works Director.
 - (2) **“arterial road”** means a road designed primarily for long-distance travel with a typical curb-to-curb width of 106 feet to 80 feet, high traffic capacity and low accessibility from neighboring roads. The term “arterial road” as used in this Policy includes freeways, prime arterials, urban major and major roadways as defined in the City of Lawndale General Plan, Circulation Element.
 - (3) **“collector road”** means a road designed primarily as a connection between local roads and arterials, with a typical curb-to-curb width of 64 feet to 40 feet, moderate to low traffic capacity and high accessibility from local roads. The term “collector road” as used in this Policy includes 4-lane collectors, 2-lane collectors and 2-lane light collectors as defined in the City of Lawndale General Plan, Circulation Element.

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- (4) **“concealed”** or **“concealment”** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.
- (5) **“decorative pole”** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
- (6) **“FCC Shot Clock”** means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.
- (7) **“ministerial permit”** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, a building permit, construction permit, electrical permit, encroachment permit, excavation permit and/or traffic control permit.
- (8) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (9) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- (10) **“RF”** means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- (11) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a) [the “Spectrum Act”], as may be amended.
- (12) **“Small cell”** bears the same meaning as “small wireless facility” or “SWF” as used in LMC Chapter 12.60.
- (13) **“WTFP”** means a wireless telecommunications facility permit.

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SECTION 2. SMALL WIRELESS FACILITIES

SECTION 2.1 APPLICABILITY; REQUIRED PERMITS AND APPROVALS

- (a) **Applicable Wireless Facilities.** Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities (SWFs) and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way (PROW).

SECTION 2.2 SMALL CELL PERMIT APPLICATION REQUIREMENTS; PRE-APPLICATION PUBLIC NOTICING REQUIREMENTS

- (a) **Small Cell Permit Application Contents.** All applications for a SWF WTFP must include all the information and materials required in this subsection (a), unless exempted by the approval authority.
- (1) **Application Form.** The applicant shall submit a complete, duly executed SWF WTFP application on the then-current form prepared pursuant to LMC Chapter 12.60.
 - (2) **Application Fee.** The applicant shall submit the applicable SWF WTFP application fee established by City Council resolution. Batched applications must include the applicable application fee for each SWF in the batch.
 - (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 200 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
 - (4) **Site Survey.** For any SWF proposed to be located within the PROW, the applicant shall submit a survey prepared, signed and stamped by a California licensed surveyor or registered engineer. The survey must identify and depict all existing

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boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.

- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed SWF in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a SWF as defined by the FCC in 47 C.F.R. 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a SWF permit as provided in Section 2.4.
- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed SWF, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (8) **Public Notice.** Prior to a SWF application being deemed complete, applicants shall submit proof of mailing of public notice to all owners and occupants of real property, and the resident manager for any multi-family dwelling unit that includes ten (10) or more units, within 300 feet of the proposed SWF. The notice must contain: (1) a general project description and dimensioned, full color photo simulations; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the approval authority; (4) a statement that the approval authority will act on the application

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without a public hearing but will accept written public comments that evaluate the application for compliance with the standards in this Policy; (5) a statement that the FCC requires the City to act on small cell permit applications, which includes any administrative appeals, in 60 days for attachments to existing structures and 90 days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review; and (6) a deadline for submission of written public comments to the approval authority, which deadline shall not be less than thirty (30) days after mailing of said notice.

- (9) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the SWF proposed in the application.
- (10) **Site Agreement.** For any SWF proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant must enter into a site agreement prepared on a form prepared by the City and approved by the City Attorney that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
- (11) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed SWF and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits in Chapter 8.20 of this code.
- (12) **Wind Load Analysis.** The applicant shall submit a wind load analysis with an evaluation of high wind load capacity and shall include the impact of modification of an existing facility.
- (13) **Environmental Data.** A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review de novo the environmental impacts of any WTFP application.

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- (14) **FAA Documentation.** Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
 - (15) **Traffic Control Plan (TCP).** A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
 - (16) **Landscape Plan.** A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the SWF and its accessory equipment.
 - (17) **CPCN.** Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the PROW. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
- (b) **Additional Requirements.** The City Council authorizes the approval authority to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this Policy. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice (or posted upon the City's website).

SECTION 2.3 SMALL CELL PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- (a) **Pre-Submittal Conferences.** For purposes of SWFs only, and notwithstanding any contrary provisions of Chapter 12.60, the City does not require pre-submittal appointments for the submission of SWF WTFPs. However, the City strongly encourages applicants to schedule and attend a pre-submittal conference with the approval authority for all proposed SWF projects, and particularly those that involve more than five SWFs. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The approval authority shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

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- (b) **Batched Applications.** Applicants may submit up to five individual applications for a SWF permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each site in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.
- (c) **Additional Procedures.** The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice (or posted upon the City's website).

SECTION 2.4 ADDITIONAL FINDINGS FOR SWFs

- (a) **Required Findings.** In addition to those finding requirements set forth in Chapter 12.60 for SWF WTFP, the following findings are required for the approval or conditional approval of a SWF application:
 - (1) The proposed SWF would not be located on a prohibited support structure identified in this Policy;
 - (2) The proposed SWF would utilize the most preferred support structure and location within 250 feet from the originally proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) or locations within 250 feet would be technically infeasible; and
 - (3) All public notices required for the application have been given.
- (b) Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, no decision upon a SWF application shall be premised upon the environmental or health effects of RF emissions, nor shall public comments be considered to the extent they are premised upon the environmental or health effects of RF emissions.

SECTION 2.5 STANDARD CONDITIONS OF APPROVAL

- (a) **General Conditions.** In addition to all other conditions adopted by the approval authority and Chapter 12.60 for a SWF permit, all SWF WTFPs issued under this Policy shall be automatically subject to the conditions in this subsection (a).
 - (1) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a SWF approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the SWF has been installed and/or

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constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.

- (2) **Adverse Impacts on Other Properties.** In addition to those requirements in Chapter 12.60 the permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the LMC. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The approval authority may issue a stop work order for any activities that violates this condition in whole or in part.
- (3) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (4) **Future Undergrounding Programs.** If other public utilities or communications providers in the PROW underground their facilities in the segment of the PROW where the permittee's SWF is located, the permittee must underground its equipment except the antennas and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. SWFs installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- (5) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

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- (6) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, “City work”). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in the SWF permit. If the Public Works Director determines that any City work will require the permittee's SWF located in the PROW to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's SWF within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's SWF without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

SECTION 2.6 SECTION 2.6. LOCATION REQUIREMENTS

- (a) **Preface to Location Requirements.** Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 250 feet from the proposed site; or (2) any more preferred locations or structures within 250 feet from the proposed site would be technically infeasible to achieve the operator’s service objectives, as supported by clear and convincing evidence in the written record. The final subsection of this Section 2.6 identifies “prohibited” support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.
- (1) Allowable locations for SWFs are on existing or replacement infrastructure such as street lights and utility poles.
 - (2) When locating in an alley, the SWF shall be placed at a height above the roof line of adjacent buildings to avoid being placed adjacent to a window. When locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings.
 - (3) When choosing locations, choose locations in between buildings rather than immediately adjacent to buildings, and not adjacent to a window.

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- (4) If the SWF is not able to be placed on existing infrastructure, the applicant shall provide a map of existing infrastructure in the service area and describe why each such site was not feasible.
- (b) **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
- (1) Locations within commercial or industrial districts on or along arterial roads;
 - (2) Locations within commercial or industrial districts on or along collector roads;
 - (3) Locations within commercial or industrial districts on or along local roads;
 - (4) Locations within residential districts on or along arterial roads;
 - (5) Locations within residential districts on or along collector roads;
 - (6) Any location in any district within 250 feet from any structure approved for a residential use.
- (c) **Support Structures in the Public Rights-of-Way.** The City prefers SWFs to be installed on support structures in the PROW, ordered from most preferred to least preferred, as follows:
- (1) Existing or replacement streetlight poles;
 - (2) Existing or replacement wood utility poles;
 - (3) New, non-replacement streetlight poles;
 - (4) New, non-replacement poles for small wireless facilities.
- (d) **Prohibited Support Structures.** The City prohibits SWFs to be installed on the following support structures:
- (1) Strand-mounted wireless facilities are prohibited.
 - (2) Decorative poles;
 - (3) Traffic signals, signs, poles, cabinets and related devices;
 - (4) Any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the small cell permit application;
 - (5) New, non-replacement wood poles.

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SECTION 2.7 DESIGN STANDARDS

- (a) **Visual & Other General Standards.** SWFs shall be designed in the least visible means possible and to be compatible with support structure/surroundings.
- (1) **Noise.** SWFs and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in LMC Chapter 8.20, as may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district/zone.
- (2) **Lights.** SWFs shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection (a)(2) shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy.
- (3) **Landscape Features.** SWFs shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location and must comply with the City's Parkway Policy, if applicable. Landscape maintenance must be performed in accordance with LMC Title 17, as either may be amended or superseded.
- (A) If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (B) To preserve existing landscaping in the public rights-of-way, all work performed in connection with SWFs shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.
- (4) **Site Security Measures.** SWFs may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The approval authority shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures.

City Council Policy

All exterior surfaces on SWFs shall be constructed from or coated with graffiti-resistant materials.

- (5) **Signage; Advertisements.** All SWFs shall contain a site identification sticker that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. SWFs may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA, Federal Aviation Administration or other United States governmental agencies for compliance with RF emissions regulations. Permittees shall:
 - (A) Remove or paint over unnecessary equipment manufacturer decals and fill-in any visibly depressed manufacturer logos on equipment.
 - (B) Utilize the smallest and lowest visibility stickers required by government or electric utility regulations.
 - (C) Use sticker colors that are muted.
 - (D) Signage shall be maintained in legible condition and the carrier will be required to replace any faded signage within thirty (30) days of receiving written notification from the City that it is in need of replacing.
 - (6) **Compliance with Health and Safety Regulations.** All SWFs shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions.
- (b) **Dimensions; Design.** Wireless facilities shall be as small, short and unobtrusive as possible.
- (1) **Overall Height.** SWFs may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus four feet or (B) four feet above the existing support structure. In addition, SWFs shall be located no higher than 10% or 10 feet, whichever is greater, than the height otherwise permitted in the immediately adjacent zoning district.
 - (2) **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure. The wireless facility and accessory equipment shall be camouflaged with use of one or more concealment elements to blend the facility with surrounding materials and colors of the adjacent street light or utility pole to which it is mounted. Concealment elements include:
 - (A) Radio frequency transparent screening;
 - (B) Approved, specific colors;

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- (C) Use of non-reflective material(s);
- (D) Minimizing the size of the site;
- (E) Integrating the installation into existing or replacement utility infrastructure;
- (F) Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site;
- (G) Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent structure;
- (H) Paint shall be of durable quality;
- (I) Materials shall be non-flammable and non-reflective;
- (J) Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.

(3) **Accessory Equipment.**

- (A) **Installation Preferences.** SWF accessory equipment shall be enclosed in replacement poles or placed underground where technically feasible, and if not feasible, shall be as small, short and unobtrusive as possible. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.
- (B) **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

- (c) **Streetlights.** Applicants that propose to install SWFs on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

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- (d) **Wood Utility Poles.** Applicants that propose to install SWFs on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.
- (e) **For Replacement Poles and Street Lights.** If an applicant proposes a replacement pole or street light to accommodate the SWF, the replacement shall be in the same location as the street light or pole being replaced; unless the replacement will not meet all applicable standards, then replacement may be located in an alternative location that complies with the requirements herein.
- (f) **New, Non-Replacement Poles.** Applicants that propose to install SWFs on a new, non-replacement pole must install a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
 - (1) The new pole must actually function for a purpose other than placement of a wireless facility (e.g. street light, utility pole, etc.).
 - (2) The design must match the dimensions and design of existing and similar types of poles and antennas in the surrounding areas.
- (g) **Encroachments over Private Property.** SWFs may not encroach onto or over any private or other property outside the PROW without the property owner's express written consent. The necessary easements, if any, and easement documents are subject to the approval of the City and property owner.
- (h) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the PROW; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.
- (i) **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade

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reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.

- (j) **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (k) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (l) **Electric Meters.**
 - (1) SWFs shall use unmetered (flat rate) electric service, if allowed by the utility company, or use the narrowest, shrouded electric meter and disconnect available. Permittees shall ensure the meter and other enclosures are well maintained, including regular painting, and the use of a graffiti-resistant paint, and stack the disconnect switch above/below the meter, instead of attached to the side of the meter.
 - (2) Electrical meters, vaults and fans shall be located underground where feasible.
- (m) **Building-Mounted Small Wireless Facilities.**
 - (A) **Preferred Concealment Techniques.** All applicants must propose new non-tower SWFs that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's

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original architecture and proportions (examples include, but are not limited to, steeples and chimneys).

- (B) **Facade-Mounted Equipment.** When SWFs cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this Subsection. All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The approval authority may not approve “pop-out” screen boxes. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.

- (n) **Future Modifications.** Any modifications to existing facilities or collocations shall not defeat the concealment elements of the existing structure/facility.



CITY OF LAWDALE

14717 BURIN AVENUE, LAWDALE, CALIFORNIA 90260
PHONE (310) 973-3200, FAX (310) 644-4556
www.lawndalecity.org

DATE: April 1, 2019

TO: Honorable Mayor and City Council

FROM: Stephen N. Mandoki, City Manager 

REVIEWED BY: Sean M. Moore, AICP, Community Development Director 

PREPARED BY: Christopher Wilson, Senior Planner 

SUBJECT: **GENERAL PLAN ANNUAL PROGRESS REPORT 2018 AND FINDING OF CEQA EXEMPTION**

BACKGROUND

The General Plan Annual Progress Report (APR) summarizes the City of Lawndale's progress towards implementing the goals, policies, and programs of the City's General Plan. It covers the period from January 1, 2018 through December 31, 2018. The report also reviews the activities of the Community Development Department including the Planning, Building and Safety, and Housing divisions.

This report is prepared in compliance with California Government Code Section 65400(a), which mandates that all cities and counties submit to the Governor's Office of Planning and Research (OPR) an annual report on the status and implementation of the General Plan.

The City of Lawndale's General Plan includes nine elements – seven mandated elements and two optional elements (Air Quality and Economic Development). The Community Development Department maintains the General Plan and monitors its implementation. The Planning Commission and the City Council oversee the effectiveness and relevancy of the General Plan, and its implementation activities, through its annual review.

This APR also describes the City's progress in meeting its regional housing needs over the current reporting period and describes local efforts to remove government constraints on the maintenance, improvement, and development of housing to satisfy Government Code § 65400 (a)(2)(B). The California Department of Community and Housing Development (HCD) requires specific information related the development of housing in the City.

At its meeting of March 27, 2019, the Planning Commission reviewed the APR and directed staff to forward the report to the City Council.

STAFF REVIEW

The APR provides a brief summary of General Plan related actions undertaken during the reporting period. The following is a summary of major activities during the reporting period:

- **There were 4,089 recorded counter visits to the Community Development Department; 140 site plan reviews were performed; and 875 building permits were issued.**
- **The Planning Commission reviewed and approved entitlements for a 71 unit Hotel project. The City decided to sell the former Redevelopment Agency property at Hawthorne and Manhattan Beach Blvd. and put out a request for bids for a developer to purchase the property.**
- **The City revised its Accessory Dwelling Unit (ADU) standards to be in compliance with state requirements.**
- **The City adopted an ordinance for the creation of easements by covenant. The goal of the ordinance is to be able to create covenants for easements for certain purposes such as properties being under common ownership.**
- **The City initiated a Specific Plan Amendment to increase the lot coverage standards to 90% of a lot's area within the GC (General Commercial) zone.**
- **The City adopted California Environmental Quality Act (CEQA) guidelines to be consistent with state law.**
- **A number of roadway improvement projects were designed and /or constructed.**

The APR for 2018 is exempt from the requirements of the CEQA under the general rule of CEQA Guidelines, Section 15061(b)(3), in that there is no possibility that the APR may have a significant negative physical impact on the environment.

COMMISSION REVIEW

At its meeting of March, 27 2019, the Planning Commission reviewed the APR for year 2018 and directed staff to forward the report to the City Council for its consideration.

LEGAL REVIEW

The City Attorney has Approved CC Resolution 1904-018 as to form.

FISCIAL IMPACT

Not applicable.

RECOMMENDATION

STAFF RECOMMENDS THAT the City Council, by motion, accept the General Plan Annual Progress Report and direct staff to (i) submit the report to the Governor's Office of Planning and Research and the Housing and Community Development Department in accordance with Government Code § 65400, and (ii) post the information on the City's website as required by Health and Safety Code § 34176.1(f).

Attachments: General Plan Annual Progress Report 2018
 Housing Element Annual Element Progress Report
 Housing Successor Annual Report
 PC Resolution No. 19-04
 CC Resolution No 1904-018

**City of Lawndale
General Plan Annual Progress Report
Calendar Year 2018**

Dated: April 2019



**City of Lawndale
Community Development Department
Sean M. Moore, AICP, Community Development Director
14717 Burin Avenue
Lawndale, California 90260**

**Prepared by:
Christopher Wilson
Senior Planner
Community Development Department
(310) 973-3240
cwilson@lawndalecity.org**

1. Introduction

The General Plan Annual Progress Report summarizes the City of Lawndale's progress towards implementing the goals, policies, and programs of the City of Lawndale's General Plan. It covers the period from January 1, 2018 through December 31, 2018. The report also reviews the activities of the Community Development Department including the Planning, Building and Safety, and Housing divisions.

This report is prepared in compliance with California Government Code Section 65400(a), which mandates that all cities and counties submit to the Governor's Office of Planning and Research (OPR) an Annual Report on the status and implementation of the General Plan.

The City of Lawndale's General Plan includes nine elements – seven mandated elements and two optional elements (Air Quality and Economic Development). The Community Development Department maintains the General Plan and monitors its implementation. The Planning Commission and the City Council oversee the effectiveness and relevancy of the General Plan, and its implementation activities, through its annual review.

This Annual Report also describes the City of Lawndale's progress in meeting its regional housing needs over the current reporting period and describes local efforts to remove government constraints on the maintenance, improvement, and development of housing to satisfy Government Code Section 65400. In addition, the Housing Successor Annual Report regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f), which reports the activities of the Lawndale Housing Authority during the fiscal year.

Lawndale Background

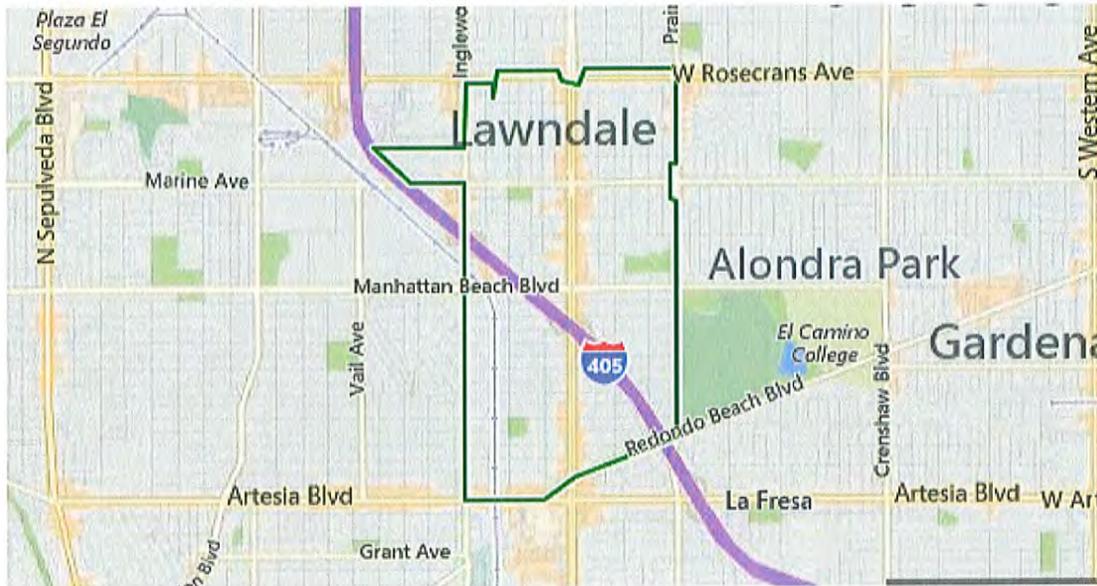


Figure 1. Location Map

Incorporated in 1959, the City of Lawndale (City) is a small but highly urbanized community located in the South Bay portion of Los Angeles County, approximately 3 miles east of the Pacific Ocean. Although Lawndale only encompasses approximately two square miles, the community is home to nearly 33,500 residents with very few parcels of remaining vacant land. Surrounding communities include Hawthorne to the north, Redondo Beach to the west, and Torrance to the south. The City is well served by several regional transportation systems, including the San Diego (405) Freeway and Hawthorne Boulevard (107 Highway), which both pass through the community and provide access to major employment centers in Los Angeles County.

The City has grown from its predominately agricultural roots to a built-out City that is centrally located in the South Bay area, evolving into a bedroom community primarily consisting mostly of medium-density residential development.

2. Community Development Department

The Community Development Department is responsible for the review of development and building activity to ensure compliance with zoning and building codes, General Plan policies, the California Environmental Quality Act (CEQA), and community values. The Department provides information to the general public on zoning, building, housing, redevelopment and economic development related matters; assists the community in establishing land use plans; ensures the quality of new projects through the development review process; and provides staff support to the Planning Commission, City Council, and the general public.

Counter activity is the number of counter visits recorded in the Department, which are kept and tracked on a monthly basis. Total *recorded* counter visits for 2018 were **4,089 visits**, which is down by 331 visits in comparison to the previous year which had **4,420 visits**.

Planning Division

The Planning Division is responsible for two key functions: current planning and advanced planning. It is the Division's goal to provide timely and effective management of these two functions. Current planning involves the processing and review of various development applications for conformance with the City's Zoning Ordinance, General Plan, Specific Plan, and other land use policies. The Planning Division is responsible for reviewing applications and issuing permits pertaining to:

- Residential, commercial, and industrial design reviews
- Special Use Permits
- Subdivisions
- General proposed development

In 2018, the Planning Division processed **140** site plan review applications and **113** residential property reports, and brought **36** cases (e.g., SUPs, zoning code amendments) before the Planning Commission.



Figure 1. Site Plan Reviews

Advanced planning involves the City’s long-range planning activities, which include updating and preparing various planning documents such as Specific Plans, the City’s General Plan, and implementation of text amendments. Planning staff also assembles and maintains community data and demographics and coordinates the reporting of this data to outside agencies.

Building and Safety Division

The Building and Safety Division is responsible for a variety of tasks including issuing permits, processing plan check submittals, and inspections. The Building and Safety Division reviews all plans and permits for compliance with the California Building Code. New building construction and a majority of tenant improvements require plan check review for Zoning and Building Code compliance. These plan checks are reviewed by the Building and Safety Division, the Planning Division, the Fire Department, and the Engineering Division.

In addition to reviewing plans, the Building and Safety Division also issues permits. These types of permits include all construction related projects (residential, commercial, and industrial), grading, roofing, installation of mechanical and utility equipment, etc. **The total number of permits issued in 2018 was 875**, which is an uptick (11%) from the 778 permits issued in 2017. This is off from the high of 920 permits issued in 2006, but construction has stabilized and appears to be making a steady recovery.

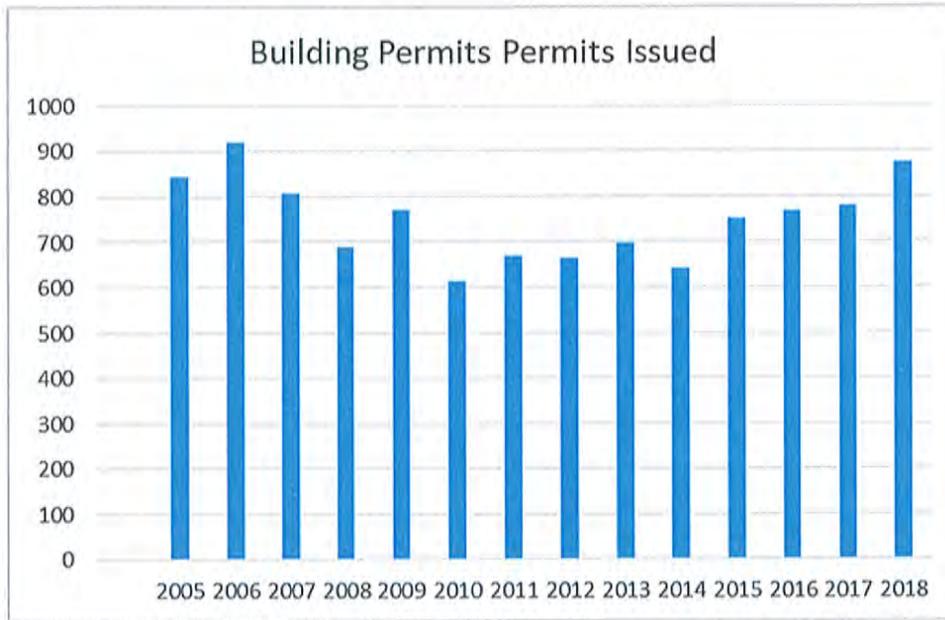


Figure 2. Building Permit Activity

Housing Division

Activity in the Housing Division slowed dramatically following the dissolution of the Redevelopment Agency, which helped fund many of the City’s housing programs. Although these programs were effectively on hold during the reporting period, the City is hoping in the near future to reintroduce the Great Neighborhoods Program with the injection of new housing funds provided from the Housing Division. Additionally, the city has received some set aside funds from the CA Department of Finance for the development of affordable housing projects. The City intends on using set aside funds in developing affordable housing incentives for developers.

3. General Plan Implementation Status

In preparation for a comprehensive update of its 1992 General Plan, the City appropriated funds in the fiscal year 2007-2008 budget for an evaluation of the General Plan. However, just as the housing crisis and economic downturn necessitated many cities to implement austerity measures, the City was also affected and forced to cut the appropriation from its general fund for the General Plan update.

Furthermore, it was planned that the Lawndale Redevelopment Agency would fund certain aspects of the General Plan update, but with the dissolution of redevelopment agencies resulting from ABx1 26, that funding source has also been eliminated. The City will apply for grants and otherwise continue to search for funding sources to update elements of the General Plan and has had recent success in securing such funding as explained below.

Structure of the General Plan

Table 1: City of Lawndale General Plan Elements

Element	Type	Year Adopted
Community Development		
Land Use	Mandated	1992
Circulation	Mandated	1992
Housing	Mandated	2014*
Economic Development	Optional	1992
* HE updated in 2013; adopted 1/6/14		
Resource Management		
Open Space	Mandated	1992
Conservation	Mandated	1992
Air Quality Management	Optional	1992
Hazard Management		
Safety	Mandated	2016
Noise	Mandated	1992

General Plan Amendments and Implementation Activities

The following represents the progress the City has made towards implementing the goals and guiding policies of the General Plan during the reporting period.

Land Use Element

The Land Use Element establishes the policies for determining where certain land uses, such as residential, commercial, and industrial, are most desirable. The Land Use Element defines the physical areas in the City serving the needs of residents, businesses, and visitors.

Policy 6g. The City shall protect, encourage, and where feasible, provide housing opportunities for low and moderate income households as well as for the homeless. In 2018 the City continued to implement the accessory dwelling unit (ADU) ordinance that allows ADUs on properties that are already developed with a single family residence. The intent of the ADU ordinance is to allow additional housing alternatives in which property owners could rent out ADUs and provide opportunity to increase homeowner income while helping to ease the high cost of living within the City. In addition the City adopted new density bonus regulations that re-defined concessions and incentives for affordable housing projects consistent with state law. As a part of the ordinance additional concessions and incentives were allowed for housing projects that provided housing for foster youth, disabled veterans, and homeless persons. Also parking reductions were allowed if certain conditions are met regarding the proximity to major public transit

stops. Additionally, requirements for size of lot were included in density bonus regulations.

Policy 7b. The Downtown Commercial designation shall encourage commercial nodes with commercial activity. Specifically, a central theme with complimentary commercial uses are encouraged (i.e. a variety of eating and entertainment establishments).

Within the reporting period the City decided to sell a 1.32 acre property currently owned by the Successor Agency to the City's former Redevelopment Agency to a private land developer. The Property is located at one of the most visible intersections in the City at the corner of Hawthorne Blvd. and Manhattan Beach Blvd. The site is zoned to allow a high-quality retail, commercial and hotels with unique and special architectural styling elements. The subject site contains approximately 59,744-square feet (1.372 Acres of land). The Property is comprised of seven parcels and is irregular in shape with approximately 364.32 feet of frontage along the south side of Manhattan Beach Blvd; 138.04 feet of frontage along the west side of Hawthorne Blvd and approximately 84 feet of frontage along the north side of 159th Street. The project area is zoned RC (Retail Commercial) and is located within the Hawthorne Boulevard Specific Plan Area. The site previously contained a 13,440 square foot small mobile home park that the City officially closed during the reporting period. The site is current vacant.



Figure 3. Hawthorne Manhattan Site

Implementation Program 5.1. Zoning Ordinance Update. During the reporting period, the Planning Commission undertook the review of a number of zoning code regulations in order to ensure that the zoning code reflects the City's community enhancement goals and policies. New regulations regarding density bonus standards were adopted and put into effect during the reporting period. These regulation bring the City's existing density bonus regulations into compliance with updated state law. Changes to the regulations included the following:

- *State that ADU's cannot be sold separately from the primary unit;*
- *Clarify that one (1) ADU shall be permitted per lot with an existing single-family dwelling unit;*
- *Establish lot size requirements;*
- *Define maximum standards for detached ADU's;*
- *Allow efficiency units (consistent with State law); and*
- *Clarification of parking and backup distance requirements for parking spaces.*

In addition, new regulations regarding the creation of covenants for easements were adopted and approved by the City Council during the reporting period. The key objective and main component of the Covenant for Easement ordinance included the following:

- The goal with the proposed ordinance is to be able to create covenants for easements for certain purposes such as properties under common ownership.

Also to allow for greater development opportunities within the main commercial areas of the city, the City initiated a Specific Plan amendment that increased the lot coverage calculation for properties within the GC (General Commercial) zone. The key objectives of the Specific Plan Amendment is the following:

- Increased the lot coverage calculation for commercial buildings within the GC zone from 50% to 90%.

Lastly, during the reporting period the City created and adopted CEQA guidelines to be consistent with state requirements. The purpose for updating the City's CEQA procedures was to ensure the maintenance, restoration, enhancement, and protection of the environment by updating the City's CEQA procedures to include latest legislative changes. The changes are imperative to the environmental process in order to streamline and maintain consistency between the City's environmental review process and the State's CEQA Guidelines.

Development Activity

Building activity has remained relatively steady throughout the reporting period. However, more new homes were built in 2018 than in the previous reporting year. Within the reporting period, permits were issued for 20 new dwelling units, an increase of seven dwelling units in comparison to the thirteen (13) dwelling units that were permitted in

2017. Nonetheless, most of the development activity within the reporting period came from property owners that were active with additions and remodeling projects.

Additionally, during the 2018 reporting period the Building and Safety Division processed the entitlements for or the construction a 41 unit, mixed use development with a density bonus and affordable housing component. The Project entails the construction of a mixed-use development consisting of 41 residential condominium units and approximately 2,800 sf. of retail/commercial space on a combined 1.2-acre site. The Project will be constructed on five merged parcels of land abutting one another and consist of (i) a three-story structure with tuck-under parking at grade level on the parcel zoned R-3 (Limited Multiple Residence) and (ii) a three-story structure with retail/commercial space and tuck-under parking at grade level on the parcel zoned GC (General Commercial). Construction of the project began in early 2019.

Also, the Planning Division processed an entitlement application for the construction of a new four story hotel that will have 71 rooms for occupancy. The project is to be located at 15329 Hawthorne Blvd. within the General Commercial Zone. The proposed building is designed to be built on a podium with its entry corridor, lobby, and parking being located on the first floor. The other floors shall have proposed hotel rooms and gym and manager's suite. The project is currently within building plan check and it is anticipated that permits shall be available in 2019.

Furthermore, tenant improvements to commercial properties remained fairly steady with ten (10) permits issued for commercial tenant improvements. This is an increase of one (1) tenant improvement project in comparison to the nine (9) tenant improvement permits that were issued within 2017. The table below identifies major development applications processed during the reporting period.

Table 2: Development Activity

Project	Type of Development	# of Units or Sq. Ft.
4316 Manhattan Beach Blvd	New two story Single Family Dwelling Unit	+1 du.
4538 W. 164 th Street	Three new Single Family Dwelling Units	+3du.
14400 Condon Avenue	New Accessory Dwelling Unit	+1 du.
15133 Osage Ave	New two story Single Family Dwelling	+1 du.
4743 W. 165 th St.	New 2-story Duplex	+2 du.
4232 W. 165 th St	New Accessory Dwelling Unit	+1 du
4540 W. 170 th St	New Accessory Dwelling Unit	+1 du
4717 W. 161 st St	New Two Story Accessory Dwelling Unit	+1 du
4316 Manhattan Beach Blvd	New two Story Accessory Dwelling Unit	+1 du
14423 Firmona Ave	New two Story Accessory Dwelling Unit	+1du
4724 W. 162 nd St	Two new Single Family Dwellings	+2du

4641 162 nd St	Conversion of garage to Accessory Dwelling Unit	+1du
4337 w. 166 th St	New Accessory Dwelling Unit	+1du
4110 W. 149 th St	New two story Accessory Dwelling Unit	+1du
4610 Marine Ave	T.I. for Church Facility	
15911 Hawthorne Blvd.	Subdivision of Office Spaces	3,432sf.
4193 Redondo Beach Blvd.	T.I for Commercial Business	
15643 Hawthorne Blvd.	Subdivision of Mini-Mart	
15643 Hawthorne Blvd.	Subdivision of Mini Mart	
15317 Hawthorne Blvd.	T.I for Commercial Cabinetry Business	
16901 Hawthorne Blvd	T.I for Taco Bell	
4228 Marine Avenue	T.I for Auto Repair Shop	
15643 Hawthorne Blvd	T.I for Nail Salon	
14617 Prairie Ave	T.I for Commercial Insurance Office	

Circulation Element

The safe and efficient movement of people and goods through cities is provided by a circulation system ranging from sidewalks to bikeways to roadways. As population and economic growth continue, cities have the challenge of improving the circulation system to deal with increased demands. The growth also impacts the infrastructure required to provide utilities and other services needed for those who live, work, and visit the City.

Goal 3. Roadway Improvements. Improvements to streets and sidewalks are heavily favored in the City’s 5-Year Capital Improvement Plan (CIP) for the period FY 18/19 – FY 22/23. The CIP has established priorities for street improvements, identifying areas of greatest need and coordinating short and long-range planning efforts. Road segment improvements that were either in design, under construction, or closed out during the reporting period included the following:

- Grevillea Avenue (Manhattan Beach Blvd –Marine Avenue)
- Road Maintenance and Rehab Project Alley East of Hawthorne Blvd (163rd Street—166th Streets) and Alley East of Hawthorne Blvd (167th Street—168th Street).
- Road Maintenance and Rehab (Various Streets)
- Citywide Concrete Repairs Project

Housing Element

The Housing Element establishes the City's housing policies and programs. It serves as a guide for City officials in decision-making and sets forth an action plan to implement the City's housing goals. The Housing Element is intended to direct residential development and preservation in a manner consistent with the General Plan and the requirements of State Housing Element law. The current Housing Element covers the period from July 1, 2014 – June 30, 2021.

Policy 2.4. Provide zoning to accommodate a variety of housing options. In March of 2018, the City amended regulations for the creation of ADUs. Under new ADU regulations lots with an existing single family residence would be able to create an ADU with separate eating, cooking, sleeping, and bathroom facilities from the primary residential unit. ADU's provide housing opportunities through the use of surplus space either in or adjacent to a single-family dwelling. The creation of ADU regulations advanced the goal of allowing for the development of various types of housing for all economic segments of the population.

Housing Element implementation is further discussed in **Section 4. Housing Element Activity.**

Economic Development Element

Throughout the reporting period the City made efforts to work with potential developers to redevelop the former Agency-owned site at the City's premiere intersection of Hawthorne Boulevard and Manhattan Beach Boulevard. Accordingly, the City decided to sell the former redevelopment agency site and issued a Request for Bids for the purchase of the site. Upon completion of the request for bids the City Council awarded the



purchase bid to a developer who intends to develop the site with a commercial hotel with restaurant. The subject site is anticipated to close escrow within the second quarter of 2019.

Open Space Element

Typical of most communities located within mature urbanized settings, Lawndale has a limited amount of open space areas. Open space areas are important not only to provide recreational activities for residents, but also as a visual break from the built environment.

Goal 1. Open Space. The City currently has seven parks that offer recreational activities for the residents. Although no new parks were constructed during the reporting period, the City has made ongoing efforts to preserve existing parkland by providing continued maintenance of existing park facilities.

Conservation Element

Goal 1. Water Conservation. In December 2013, the City Council adopted a resolution affirming its commitment to the implementation of low impact development controls for new development projects and towards establishing a “Green Streets” policy to reduce storm water runoff discharges from municipal streets to receiving waters. During the reporting period the City continues to implement low impact development controls for all new construction and remodel projects

Goal 3. Energy Conservation. **To minimize negative environmental effects of supplying and using energy by reducing the community’s reliance upon traditional energy resources through the initiation of energy conservation practices and the utilization of available energy technology.**

During the 2018 reporting period the City with coordination with the South Bay Cities of Governments (SBCCOG) continued to follow the adopted Climate Action Plan (CAP). The Climate Action Plan serves as a roadmap and guidance document for reducing GHG emissions within City operations and the community at large. The CAP includes a list of non-binding goals, measures, and sub-strategies for the possible emission reductions by sector to reach the City’s GHG target for 2020. The forecast continues to describe the impacts of these strategies on the City’s target for the year 2035.

Air Quality Management Plan

Due to the nature of the guiding and implementing policies of the Air Quality Management Plan, the efforts to implement this element of the General Plan are ongoing. Projects are reviewed on a case-by-case basis for adverse air quality impacts to the environment and sensitive receptors.

Safety Element

Natural and non-natural hazards present a variety of risks to persons who live, work, and visit the City. The aim of the City is to reduce the potential risk of death, injuries, property damage, and the economic and social dislocation resulting from hazards.

In 2012, the City applied for grant funding through the State of California 2008 Disaster Recovery Initiative (DRI) Program, which is under the Community Development Block Grant (CDBG) Program. An application was made in order to update the Safety Element and the City's Local Hazard Mitigation Plan. In January 2013, the City received notice that funding had been awarded in the amount of \$250,000. Accordingly, the Safety Element and the Local Hazard Mitigation Plan were updated and adopted in August of 2016.

Due to the nature of the guiding and implementing policies of the Safety Element, the efforts to implement this element of the General Plan are on-going. Projects are reviewed on a case-by-case basis. Additionally, staff receive training in emergency preparedness and local hazard mitigations on an annual basis.

Noise Element

Due to the nature of the guiding and implementing policies of the Noise Element, the efforts to implement this element of the General Plan are on-going. Projects are reviewed on a case-by-case basis for adverse noise impacts to the environment and sensitive receptors, and the City continues to enforce its noise ordinances.

4. Housing Element Activity

The 2014-2021 Housing Element is designed to address the existing and projected housing needs across all economic segments of the community. The City Council adopted the 2014-2021 Housing Element in January 2014 after the Department of Housing and Community Development (HCD) notified the City that the draft Housing Element was found to be in compliance with State housing law.

During the reporting period the Community Development Department continued implementing the Housing Element's Housing Plan. This included the ongoing implementation of programs for housing conservation, production of housing, provision of adequate housing sites, removal of governmental constraints, and promotion of equal housing opportunity. Table A (attached) shows the Housing Element progress.

Regional Housing Needs Assessment (RHNA)

The current RHNA Plan was adopted by the Southern California Association of Governments (SCAG) Regional Council in July 2013. Under the RHNA Plan, each of the SCAG jurisdictions received an allocation of new housing units, which they are expected to facilitate the construction of during the 2014-2021 assessment period. There are many ways to “facilitate” construction of these units. At a minimum, each jurisdiction is expected to provide land zoned to accommodate housing at the densities required to provide the total number of units and meet the affordability requirements mandated by State law. Table B (attached) shows the progress made towards fulfilling the RHNA allocation including the number of residential development projects completed in the City from January 1, 2018– December 31, 2018, categorized by income level.

Affordable Housing Categories and Income Limits

Affordable housing is broken down into four categories. Each category is based upon a percentage of median income for Los Angeles County, adjusted for household size. The income limits are updated annually by the U.S. Department of Housing and Urban Development (HUD) and from the income eligibility limits used by the State Department of Housing and Community Development (HCD). These household income limits, as defined by California Housing Element law, are:

- Very Low: Households earning less than 50% of median family income
- Low: Households earning 51% to 80% of median family income
- Moderate: Households earning 81% to 120% of median family income
- Above Moderate: Households earning over 120% of median family income

Qualifying income limits for each group are based on household size. HCD determined annual gross income limits for Los Angeles County households in 2018 are shown below.

Table 3: Household Income Limits

Income Category	Number of Persons in Household							
	1	2	3	4	5	6	7	8
Extremely Low	20,350	23,250	26,150	29,050	31,400	33,740	38,060	42,380
Very Low	33,950	38,800	43,650	48,450	52,350	56,250	60,100	64,000
Low	54,250	62,000	69,750	77,500	83,700	89,900	96,100	102,300

Housing Production in Context with City Housing Policy

Production of affordable housing is facilitated by means of several specific City policies and housing programs. Primary City housing programs include the Rental Rehabilitation Program, Acquisition and Rehabilitation Program, Condominium Conversion Ordinance, Affordable Housing Development Program, ADU Ordinance, and Density Bonus Ordinance. However, many of these programs have been severely impacted by the loss of Redevelopment Agency Housing Set-Aside funds and are effectively on hold until new funding sources can be secured.

2014-2021 RHNA Production Summary

For the current RHNA cycle, 41 total units have been constructed (i.e., Certificate of Occupancy issued). Of those units, zero (0) fall within the affordable categories. During the reporting period (2018), twenty (20) new units were constructed.

Housing Production Expectations

Near term efforts in the present RHNA cycle will continue to focus on identifying underutilized sites for higher density mixed-use and affordable housing development. Information collected on economic development strategies and during the 2014-2021 Housing Element Update provided a starting point for identifying the vacant and underutilized sites, which are anticipated to provide the land necessary to sufficiently meet the current RHNA allocation. Combined with other affordable housing development efforts, such as density bonus incentives, residential second unit construction, development of ADUs and non-profit projects, the City is capable of meeting the established RHNA target for the current housing cycle.

Please Start Here

General Information	
Jurisdiction Name	Lawndale
Reporting Calendar Year	2018
Contact Information	
First Name	Christopher
Last Name	Wilson
Title	Senior Planner
Email	cwilson@lawndalecity.org
Phone	(310) 973-3240
Mailing Address	
Street Address	14717 Burin Avenue
City	Lawndale
Zipcode	90260

Submittal Instructions

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400.

There are two options for submitting APRs:

1. **Online Annual Progress Reporting System (Preferred)** - This enters your information directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email** - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

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Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

		1	2									3	4
Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	96											96
	Non-Deed Restricted												
Low	Deed Restricted	57											57
	Non-Deed Restricted												
Moderate	Deed Restricted	62											62
	Non-Deed Restricted												
Above Moderate		166		5		3	13	20				41	125
Total RHNA		381		5		3	13	20				41	340
Total Units				5		3	13	20				41	340

Note: units serving extremely low-income households are included in the very low-income permitted units totals

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction	Lawndale
Reporting Period	2018 (Jan. 1 - Dec. 31)

Note: + Optional field
 Cells in grey contain auto-calculation formulas

Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA* Listed for Informational Purposes Only				Units that Count Towards RHNA* Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1*
	Extremely Low-Income*	Very Low-Income*	Low-Income*	TOTAL UNITS*	Extremely Low-Income*	Very Low-Income*	Low-Income*	TOTAL UNITS*	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

Jurisdiction	Lawndale	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Entitled Units Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		20
Total Units		20

Note: units serving extremely low-income households are included in the very low-income permitted units totals

Submitted Applications Summary	
Total Housing Applications Submitted:	7
Number of Proposed Units in All Applications Received:	18
Total Housing Units Approved:	18
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

**HOUSING SUCCESSOR ANNUAL REPORT
REGARDING THE
LOW AND MODERATE INCOME HOUSING ASSET FUND
FOR CALENDAR YEAR 2018
PURSUANT TO
CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.1(f)
FOR THE
LAWNDALE HOUSING AUTHORITY**

This Housing Successor Annual Report (Report) regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f) and is dated as of March 27, 2019. This Report sets forth certain details of the Lawndale Housing Authority (also a Housing Successor) activities during Fiscal Year 2017-2018 (Fiscal Year). The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1 (Dissolution Law). Any reference to "sections" in this Report shall mean the California Health and Safety Code, unless stated otherwise.

The following Report is based upon information prepared by Housing Successor staff and information contained within the independent financial audit of the LMIHAF for the Fiscal Year as prepared by Marcum LLP Accountants and Advisors (Audit), which Audit is separate from this annual summary Report; further, this Report conforms with and is organized into sections I. through XI., inclusive, pursuant to Section 34176.1(f) of the Dissolution Law:

I. Amount Deposited into LMIHAF: This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from the other amounts deposited.

II. Ending Balance of LMIHAF: This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from the other amounts deposited.

III. Description of Expenditures from LMIHAF: This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.

IV. Statutory Value of Assets Owned by Housing Successor: This section provides the statutory value of real property owned by the Housing Successor, the value of loans and grants receivables, and the sum of these two amounts.

V. Description of Transfers: This section describes transfers, if any, to another housing successor agency made in previous Year(s), including whether the funds are unencumbered and the status of projects, if any, for which the transferred LMIHAF will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees or special needs housing.

VI. Project Descriptions: This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.

VII. Status of Compliance with Section 33334.16: This section provides a status update on compliance with Section 33334.16 for interests in real property acquired by the former redevelopment agency prior to February 1, 2012. For interests in real property acquired on or after February 1, 2012, provide a status update on the project.

VIII. Description of Outstanding Obligations under Section 33413: This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that remained outstanding prior to dissolution of the former redevelopment agency as of February 1, 2012 along with the Housing Successor's progress in meeting those prior obligations, if any, of the former redevelopment agency and how the Housing Successor's plans to meet unmet obligations, if any.

IX. Income Test: This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met. However, reporting of the Income Test is not required until 2019.

X. Senior Housing Test: This section provides the percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the Housing Successor, its former redevelopment agency and its host jurisdiction within the same time period. For this Report the ten-year period reviewed is January 1, 2008 to January 1, 2018.

XI. Excess Surplus Test: This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the Housing Successor's plan for eliminating the excess surplus.

This Report is to be provided to the Housing Successor's governing body by December 31, 2018. In addition, this Report and the former redevelopment agency's pre-dissolution

Implementation Plans are to be made available to the public on the City's website www.lawndalecity.org.

I. AMOUNT DEPOSITED INTO LMIHAF

A total of \$230,603.63 was deposited into the LMIHAF during the Fiscal Year. None of the funds deposited into the LMIHAF this Fiscal Year was held for items listed on the ROPS.

II. ENDING BALANCE OF LMIHAF

At the close of the Fiscal Year, the ending balance in the LMIHAF was \$1,748,593, of which \$0 is held for items listed on the ROPS.

III. DESCRIPTION OF EXPENDITURES FROM LMIHAF

The following is a description of expenditures from the LMIHAF by category:

	Fiscal Year
Monitoring & Administration Expenditures	\$174,619
Homeless Prevention and Rapid Rehousing Services Expenditures	\$0
Housing Development Expenditures	\$0
➤ Expenditures on Low Income Units	
➤ Expenditures on Very-Low Income Units	
➤ Expenditures on Extremely-Low Income Units	
➤ Total Housing Development Expenditures	
Total LMIHAF Expenditures in Fiscal Year	\$174,619

IV. STATUTORY VALUE OF ASSETS OWNED BY HOUSING SUCCESSOR IN LMIHAF

Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a)(2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The following provides the statutory value of assets owned by the Housing Successor.

	As of End of Fiscal Year
Statutory Value of Real Property Owned by Housing Authority	\$0
Value of Loans and Grants Receivable	\$194,663
Total Value of Housing Successor Assets	\$594,538.55

Additional Note: The one real property that was owned by the Housing Successor (APN # 4078-006-900), valued in the amount of \$399875.55, was sold and transferred on 5-11-2017.

The Housing Successor did not make any LMIHAF transfers to other housing successor(s) **DESCRIPTION OF TRANSFERS** the Fiscal Year.

VI. PROJECT DESCRIPTIONS

The Housing Successor does not receive or hold property tax revenue pursuant to the ROPS.

VII. STATUS OF COMPLIANCE WITH SECTION 33334.16

Section 34176.1 provides that Section 33334.16 does not apply to interests in real property acquired by the Housing Successor on or after February 1, 2012; however, this Report presents a status update on the project related to such real property.

With respect to interests in real property acquired by the former redevelopment agency *prior* to February 1, 2012, the time periods described in Section 33334.16 shall be deemed to have commenced on the date that the Department of Finance approved the property as a housing asset in the LMIHAF; thus, as to real property acquired by the former redevelopment agency now held by the Housing Successor in the LMIHAF, the Housing Successor must initiate activities consistent with the development of the real property for the purpose for which it was acquired within five years of the date the DOF approved such property as a housing asset.

The following provides a status update on the real property or properties housing asset(s) that were acquired prior to February 1, 2012 and within the five-year compliance period:

Address of Property	Date of Acquisition	Deadline to Initiate Development Activity	Status of Housing Successor Activity
14611 Firmona Ave	9/30/2011	6/17/2019	Property sold 5-11-17

VIII. DESCRIPTION OF OUTSTANDING OBLIGATIONS PURSUANT TO SECTION 33413

Replacement Housing: According to the 2014-2019 Implementation Plan for the former redevelopment agency, no Section 33413(a) replacement housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at <http://www.lawndalecity.org/html/depthtml/cdd/SuccessorAgency.html>.

Inclusionary/Production Housing. According to the 2014-2019 Implementation Plan for the former redevelopment agency, no Section 33413(b) inclusionary/production housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at <http://www.lawndalecity.org/html/depthtml/cdd/SuccessorAgency.html>.

IX. EXTREMELY-LOW INCOME TEST

Section 34176.1(a)(3)(B) requires that the Housing Successor must require at least 30% of the LMIHAF to be expended for development of rental housing affordable to and occupied by households earning 30% or less of the AMI. If the Housing Successor fails to comply with the Extremely-Low Income requirement in any five-year report, then the Housing Successor must ensure that at least 50% of the funds remaining in the LMIHAF be expended in each fiscal year following the latest fiscal year following the reporting period on households earning 30% or less of the AMI until the Housing Successor demonstrates compliance with the Extremely-Low Income requirement. This information is not required to be reported until 2020 for the 2014 – 2019 period.

For informational purposes, the following provides the Housing Successor's Senior Housing Test as of Fiscal Year 2017-2018:

Extremely-Low Income Test	FY 2017-18
Value of HA Assets	\$594,538.55
LMIHAF Spent on Extremely-Low Income Households	\$0
Total LMIHAF (Five Year Total)	\$0
Extremely-Low Income Test	0%

X. SENIOR HOUSING TEST

The Housing Successor is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the Housing Successor, the former redevelopment agency, and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the Housing Successor, the former redevelopment agency, and/or City within the same time period. If this percentage exceeds 50%, then the Housing Successor cannot expend future funds in the LMIHAF to assist additional senior housing units until the Housing Successor or City assists and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units.

XI. EXCESS SURPLUS TEST

Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the Housing Successor's preceding four Fiscal Years, whichever is greater. Section 34176.1(D) was adopted in 2018, thereby excess surplus must be expended within a three year time frame from the date of adoption.

The following provides the Excess Surplus test for the preceding four Fiscal Years:

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Beginning Balance	\$1,235,610	\$1,583,950	\$1,635,881	\$1,692,609
Add: Deposits	\$356,092	\$239,359	\$197,410	\$230,604
(Less) Expenditures	(\$7,753)	(\$187,428)	(\$140,682)	(\$174,619)
Ending Balance	\$1,583,950	\$1,635,881	\$1,692,609	\$1,748,594

The LMIHAF has a \$748,594 Excess Surplus. The Housing Successor has three years to encumber, or transfer, the excess surplus, if any. Pursuant to Section 34176.19(d) the city has three years to spend excess surplus dollars on housing projects.

Under the Acquisition and Rehabilitation Program, acquire and rehabilitate existing housing units, and resell them to low and very low income household and or offer grants to low income housing developers that wish to develop affordable housing projects.

RESOLUTION NO. 19-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAWDALE, CALIFORNIA DIRECTING STAFF TO FORWARD THE GENERAL PLAN ANNUAL PROGRESS REPORT 2018 TO THE CITY COUNCIL FOR ITS REVIEW AND CONSIDERATION

WHEREAS, the City of Lawndale (“City”) has a General Plan, which was adopted in 1999, with the Housing Element being subsequently revised in 1997, 2001, 2010 and 2014; and

WHEREAS, in January 2014, the City adopted a Housing Element covering the period of 2013-2021, which had been reviewed and certified by the California Department of Housing and Community Development (“HCD”); and

WHEREAS, pursuant to Cal. Government Code section 65400, the City is required to prepare a General Plan Annual Progress Report (“APR”) for submittal to the City Council, Governor’s Office of Planning and Research (“OPR”), and HCD by April 1st of each year; and

WHEREAS, the APR for calendar year 2018 to be considered by the Planning Commission on March 27, 2019 is intended to satisfy the requirements of Government Code section 65400; and

WHEREAS, evidence was heard and presented from all persons interested in the APR for 2018, and the Planning Commission has reviewed, analyzed and studied the APR for 2018.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAWDALE, CALIFORNIA DOES HEREBY RESOLVE AND RECOMMEND AS FOLLOWS:

Section 1. The Planning Commission finds and determines that the recitals above are true and correct.

Section 2. The APR for calendar year 2018 appropriately and accurately summarizing the City’s progress during 2018 in implementing the action policies in its adopted General Plan.

Section 3. That City staff forward the APR for 2018 to City Council for its review and consideration.

Section 4. That the City Council find that the APR for 2018 is exempt from the requirements of the California Environmental Quality Act (“CEQA”) under the general rule of CEQA Guidelines, Section 15061(b)(3), in that there is no possibility that the APR may have a significant negative physical impact on the environment.

PASSED, APPROVED AND ADOPTED THIS 27TH DAY OF MARCH, 2019

Uffe Moler, Chairperson
Lawndale Planning Commission

ATTEST

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LAWNSDALE)

I, Sean M. Moore, AICP, Community Development Director for the City of Lawndale, California, do hereby certify that the foregoing **Resolution No. 19-04** was duly approved and adopted by the Planning Commission of the City of Lawndale at a regular meeting of said Commission held on the **27th day of March, 2019** by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Sean M. Moore, AICP
Community Development Director

RESOLUTION NO. CC-1904-018

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA, ACCEPTING
THE GENERAL PLAN ANNUAL PROGRESS REPORT 2018
AND APPROVING THE TRANSMITTAL OF THE REPORT
TO THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
AND THE CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT AND FINDING OF EXEMPTION
FROM CEQA**

WHEREAS, the City of Lawndale ("City") has a General Plan, which was adopted in 1999, with the Housing Element being subsequently revised in 1997, 2001, 2010 and 2014; and

WHEREAS, in January 2014, the City adopted a Housing Element covering the period of 2013-2021, which was been reviewed and certified by the California Department of Housing and Community Development ("HCD"); and

WHEREAS, pursuant to Government Code section 65400, the City is required to prepare a General Plan Annual Progress Report ("APR") for submittal to the City Council, Governor's Office of Planning and Research ("OPR"), and HCD by April 1st of each year; and

WHEREAS, the APR for calendar year 2018 was considered by the Planning Commission on March 27, 2019 and on this date, the Planning Commission approved Resolution 19-04 recommending that the City Council accept the APR for 2018; and

WHEREAS, evidence was heard and presented from all persons interested in the APR for 2018, and the City Council has reviewed, analyzed and studied the APR for 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council finds and determines that the recitals above are true and correct and incorporated herein by this reference.

Section 2. The City Council hereby accepts the APR for the 2018 calendar year. The APR for calendar year 2018 appropriately and accurately summarizes the City's progress during 2018 in implementing the action policies in its adopted general plan.

Section 3. The City Council hereby directs City staff to forward the APR for 2018 to the OPR and the HCD in accordance with Government Code § 65400.

Section 4. The City Council finds that the APR for 2018 is exempt from the requirements of the California Environmental Quality Act ("CEQA") under the general rule of CEQA Guidelines, Section 15061(b)(3), in that there is no possibility that the APR may have a significant negative physical impact on the environment.

PASSED, APPROVED AND ADOPTED this 1st day of April, 2019.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council of the City of Lawndale duly approved and adopted the foregoing Resolution No. 1904-018 at a regular meeting of said Council held on the 1st day of April, 2019, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
James H. Osborne, Mayor Pro Tem					
Pat Kearney					
Daniel Reid					
Bernadette Suarez					

Rhonda Hofmann Gorman, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney



CITY OF LAWDALE
14717 BURIN AVENUE, LAWDALE, CALIFORNIA 90260
PHONE (310) 973-3200 ♦ www.lawndalecity.org

DATE: April 1, 2019
TO: Honorable Mayor and City Council
FROM: Matthew R. Ceballos, Assistant City Clerk *MC*
SUBJECT: Mayor/Councilmember Report of Attendance at Meetings and/or Events

No supporting documentation was forwarded to the City Clerk Department for this item.



CITY OF LAWNDALE
14717 BURIN AVENUE, LAWNDALE, CALIFORNIA 90260
PHONE (310) 973-3200 ♦ www.lawndalecity.org

DATE: April 1, 2019
TO: Honorable Mayor and City Council
FROM: Matthew Ceballos, Assistant City Clerk *MC*
SUBJECT: Conference with Legal Counsel – Anticipated Litigation

No public documents were forwarded to the City Clerk Department for this item.