



CITY OF LAWNDALE

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

AGENDA
LAWNDALE CITY COUNCIL REGULAR MEETING
Monday, September 21, 2020 - 6:30 p.m.
Lawndale City Hall Council Chamber
14717 Burin Avenue

*** COVID-19 NOTICE ***

Consistent with Executive Orders from the Executive Department of the State of California and the Los Angeles County Health Official’s “Safer at Home” Order, this City Council meeting will not be physically open to the public as City Councilmembers will be teleconferencing into the meeting via Webex Communications.

How to observe the Meeting:

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting on [YouTube “Lawndale CityTV”](#), the [City Website](#), or Lawndale Community Cable Television on Spectrum & Frontier Channel 3.

How to submit Public Comment:

Members of the public may provide public comment by sending comments to the Clerk by email at cityclerk@lawndalecity.org. Please submit your written comments as early as possible, preferably prior to the start of the meeting or if you are unable to email, please call the City Clerk’s Office at (310) 973-3213 by 5:30 p.m. on the date of the meeting. Email comments must identify the Agenda Item Number in the subject line of the email. The public comment period will close once the public comment time for the agenda item has concluded. The comments will be entered into the record and provided to the Council. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. Please see the [Temporary eComment Policy for Public Meetings](#).

Copies of this Agenda packet may be obtained prior to the meeting outside of the Lawndale City Hall foyer or on the [City Website](#). 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. **ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA** (Public Comments)
- E. **COMMENTS FROM COUNCIL**
- F. **CONSENT CALENDAR**

Items 1 through 6, will be considered and acted upon under one motion unless a City Councilmember removes individual items for further City 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. **Biennial Review of the City's Conflict of Interest Code-Amendment**
Recommendation: that the City Council adopt Resolution No. CC-2009-050, approving revisions to the City's Conflict of Interest Code to reflect clean-up, recent staffing, and/or role changes in the City Clerk's, Community Services, Finance, Municipal Services and Public Works Departments.
3. **Youth Advisory Committee Term Extensions**
Recommendation: that the City Council adopt Resolution No. CC-2009-051, extending the terms of the current Youth Advisory Committee members, Kaleb Hafner and Octavio Mendoza for one year, effective October 1, 2020 through September 30, 2021, and Soraya Whaley for two years, effective October 1, 2020 through September 30, 2022.
4. **Park Development Fee Disclosure Report for Fiscal Year Ended June 30, 2020**
Recommendation: that the City Council receive and file the report.
5. **Accounts Payable Register**
Recommendation: that the City Council adopt Resolution No. CC-2009-049, authorizing the payment of certain claims and demands in the amount of \$108,826.37.
6. **Minutes of the Lawndale City Council Regular Meeting – September 8, 2020**
Recommendation: that the City Council approve.

G. PUBLIC HEARING

7. **Animal Licensing Fee Update**
Recommendation: that the City Council (a) conducts a public hearing to receive testimony regarding dog licensing fee increases; (b) and adopt Resolution No. CC-2009-052.
8. **Amending Lawndale Municipal Code Chapter 17.50, Density Bonus Provisions for Residential Units**
Recommendation: that the City Council (a) conduct a public hearing (b) determine that Ordinance No. 1175-20 is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines; and (c) introduce and approve the first reading of Ordinance No. 1175-20, an Ordinance Amending the Lawndale Municipal Code, Chapter 17.50, regarding density bonus standards for affordable residential units to reflect recent changes in state law.

H. ADMINISTRATION

9. Establishing Administrative Citation Fees

Recommendation: that the City Council adopts Resolution No. CC-2009-053, Establishing Administrative Citation Fees.

10. Amending Lawndale Municipal Code Sections 8.24.115 and 8.24.200, Providing Authority for Recovery of Attorney's Fees and Imposition of Treble Damages in Public Nuisance Abatement Actions

Recommendation: that the City Council introduce and approve the first reading of Ordinance 1176-20, Amending Lawndale Municipal Code Sections 8.24.115 and 8.24.200, Providing Authority for Recovery of Attorney's Fees and Imposition of Treble Damages in Public Nuisance Abatement Actions.

11. Cancellation of the Annual Halloween Haunt Event

Recommendation: that the City Council cancel the upcoming Halloween Haunt event scheduled for Saturday, October 31, 2020, from 4:00 p.m. to 8:00 p.m. at the Lawndale Civic Center Plaza.

12. Award of Construction Contract to Shawnan for Inglewood Ave. Phase I Street Improvement Project

Recommendation: that the City Council (a) authorize the Director of Finance to transfer \$46,410 (Prop C Funds) from Phase II (207-310-700.150) to Phase I (207-310-700.151) of the Inglewood Avenue Street Improvement Project, if approved by the Program Administrator; (b) approve and authorize the Director of Finance to increase appropriations from the 2009 TAB Fund in the amount of \$215,123 (307-610-700.151) for the project totaling \$481,468. Increase appropriation another \$46,410 in the 2009 TAB Fund, if the Program Administrator disallows moving Prop C money as outlined in recommendation "(a)" above (i.e., \$481,468 + \$46,410 = \$527,878); (c) award a construction contract in the amount of \$1,177,400.00 to Shawnan for the project with a ten percent (10%) contingency of \$117,740 if necessary to avoid project delays and facilitate timely project completion.

I. CITY MANAGER'S REPORT

J. ITEMS FROM CITY COUNCILMEMBERS

13. Mayor/City Councilmembers Report of Attendance at Meetings and/or Events

K. CLOSED SESSION

14. Conference with Labor Negotiator

The City Council will conduct a closed session, pursuant to Government Code section 54957.6, with the City Manager, the City Attorney and the City's Negotiators, regarding labor negotiations with Local 1895, Council 36, American Federation of State, County and Municipal Employees, AFL-CIO, representing the City's mid-management and classified employees.

15. Public Employee Performance Evaluation

The City Council will hold a closed session, pursuant to Government Code section 54957(b), to conduct an employee evaluation concerning the City Manager.

L. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be held at 6:30 p.m. on Monday, October 5, 2020 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 September 21, 2020 was posted not less than 72 hours prior to the meeting.

Matthew Ceballos, Assistant City Clerk



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

DATE: September 21, 2020
TO: Honorable Mayor and City Council
FROM: Matthew R. Ceballos, Assistant City Clerk *mrc*
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

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DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

PREPARED BY: Matthew R. Ceballos, Assistant City Clerk

SUBJECT: Biennial Review of the City's Conflict of Interest Code – Amendments

BACKGROUND

On May 8, 2020, the Fair Political Practices Commission sent a notice to City Clerks that each local government agency must review its conflict of interest code biennially. In accordance with the Political Reform Act, the City Council is required to notify City agencies to review their codes. On June 1, 2020, the City Council directed staff and the City Attorney to review the City's Conflict of Interest Code, to determine whether it should be revised, and to submit their findings no later than October 1, 2020.

STAFF REVIEW

The Political Reform Act was adopted by the people of the state of California in 1974. The legislative intent of the act was, in part, that the "assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided". The act requires members of City Council, City Manager, City Attorney, City Treasurer (Director of Finance) and Planning Commissioners to disclose all assets and income that might be materially affected by their decisions. The act also requires that every agency "adopt and promulgate" a conflict of interest code. Such codes designate other officials who are required to disclose certain financial interests by filing Statements of Economic Interests (Form 700).

The main sections of the City's Conflict of Interest Code are comprised of the following:

- The officials who are required to file Form 700, and
- The specific types of financial interests they must disclose.

In designing its conflict of interest code, a public agency must determine what types of financial interests might be affected by any particular official's actions. The agency must specifically tailor its conflict of interest code so as not to require the reporting of financial interests that cannot be affected by the public official's actions.

Each position listed in the code is required to report only those types of financial interests which might be affected by their making or participating in the making of governmental decisions.

After review by the respective Department heads, Assistant City Clerk and City Attorney, the following are recommended changes in the conflict of interest code:

- Delete the position of “Finance Director”, this position files already (Finance Director/Treasurer) at the State level (87200 Filer);
- Delete the position of “Cable Commissioners”, the Commission has been disbanded;
- Add the positions of “Administrative Assistant II” to the City Clerk's Department and Community Services Department;
- Add the position of “Assistant Engineer” to the Public Works Department.

Approving Resolution No. CC-2009-050 would implement these changes. If the City Council believes that other positions should be designated in the code or that the incumbent in a position already designated in the code should disclose different financial interests than currently required by the code, Council should direct staff accordingly.

Employees whose position has been added to the code will have an “Assuming Office” date of October 1, 2020.

LEGAL REVIEW

The City Attorney has reviewed and approved the proposed revisions, and reviewed the resolution and approves as to form.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. CC-2009-050, approving revisions to the City's Conflict of Interest Code to reflect clean-up, recent staffing, and/or role changes in the City Clerk's, Community Services, Finance, Municipal Services and Public Works Departments.

Attachments: Conflict of Interest Code designated positions, redlined
Resolution No. CC-2009-050

CONFLICT OF INTEREST CODE PROPOSED AMENDMENTS
Designated Positions Redlined

<u>DESIGNATED POSITIONS*</u>	<u>DISCLOSURE CATEGORY</u>
<u>City Attorney's Office</u> Assistant City Attorney	1(a),(b),(c)
<u>Administrative Services Department</u> Assistant to the City Manager/Director of Human Resources	1(a),(b),(c)
<u>City Clerk's Department</u> City Clerk Assistant City Clerk Deputy City Clerk Administrative Assistant II	1(a),(b),(c) 1(a),(b),(c) 2(b), 3(b) 2(b), 3(b)
<u>Community Development Department</u> Director of Community Development Senior Planner Associate Planner Assistant Planner Building & Safety Plan Check Engineer Building Inspector Building Permit Technician Administrative Assistant II	1(a),(b),(c) 1(a), 4(a),(b),(c), 5(a) 2(a), 4(a), (b),(c), 5(a) 2(a), 4(a),(b),(c), 5(a) 3(a),(b),(c), 4(a),(b),(c) 3(a),(b),(c), 4(a),(b),(c) 4(a),(b),(c) 2(b), 4(b)
<u>Community Services Department</u> Director of Community Services Community Services Supervisor Community Services Coordinator Administrative Assistant II Recreation Coordinator	1(a),(b),(c) 2(b), 4(b), 5(b) 2(b), 5(b) 2(b), 5(b) 2(b), 5(b)
<u>Finance Department</u> Director of Finance Accounting Manager Payroll/Accounting Specialist Accounting Specialist	1(a),(b),(c) 2(a), 4(a)(b), 5(b),(c) 2(a), 4(a),(b),(c), 5(c) 2(a), 4(a),(b),(c), 5(c)
<u>Municipal Services Department</u> Director of Municipal Services Municipal Services Supervisor Code Enforcement Officer I Code Enforcement Officer II	1(a),(b),(c) 2(b), 3(a),(c), 4(a),(b),(c) 3(a),(c), 4(a),(b),(c) 3(a),(c), 4(a),(b),(c)

Municipal Services Officer I	3(a),(c), 4(a),(b),(c)
Municipal Services Officer II	3(a),(c), 4(a),(b),(c)
Administrative Assistant II	2(b), 4(a),(b),(c)

Public Works Department

Director of Public Works	1(a),(b),(c)
Associate Engineer	2(b), 3(a),(b),(c), 4(b), 5(b)
Assistant Engineer	2(b), 3(a),(b),(c), 4(b), 5(b)
Public Works Maintenance Supervisor	2(b), 3(a),(b),(c), 4(b), 5(b)
Public Works Inspector	3(b),(c), 4(a),(b),(c)
Administrative Analyst	2(b), 5(b)

City Council Advisory Bodies

Parks, Recreation, and Social Service Commissioners	2(b) 5(b),(c)
Cable Commissioners	5(e)

Consultants**

* This list includes filers who are required to file Statements of Economic Interests under the City's Conflict of Interest Code. Some filers are already required to do this under state law, including all councilmembers, members of the Planning Commission, City Manager, City Attorney, City Treasurer, and other public officials who manage public investments, to candidates for any of these offices at any election (Cal. Government Code section 87200).

** Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation: The City Manager may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

RESOLUTION NO. CC-2009-050

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
AMENDING THE CITY'S CONFLICT OF INTEREST CODE
BY UPDATING THE POSITIONS DESIGNATED IN THE CODE**

WHEREAS, the Political Reform Act of 1974 ("Act"), California Government Code Section 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code; and

WHEREAS, the Act requires that every local agency review its conflict of interest code every two years; and

WHEREAS, on June 1, 2020, the Lawnsdale City Council directed the City's staff and the City Attorney to review the *Conflict of Interest Code of the City of Lawnsdale, California* ("Code") and submit their findings to the City Council no later than October 1, 2020; and

WHEREAS, all persons designated in an agency's conflict of interest code must file a Statement of Economic Interests (FPPC Form 700) within 30 days of assuming or leaving office and once annually while in office; and

WHEREAS, the City Clerk is designated as the filing official for Form 700s and must notify all officials designated in the conflict of interest code of their reporting obligations; and

WHEREAS, City staff and the City Attorney have recommended certain revisions of the designated positions delineated in Appendices "A" Code; and

WHEREAS, the City Council has reviewed the recommendations of the staff and City Attorney determined that the recommendations are appropriate.

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

SECTION 1. The *Conflict of Interest Code of the City of Lawnsdale, California*, attached hereto as Exhibit "A", is hereby adopted and all previous versions of the Code are rescinded.

SECTION 2. The City Clerk Department is directed to notify those persons whose positions are newly designated in the Code of their obligation to file Statements of Economic Interests, FPPC Form 700, as required by state law, with an Assuming Office date of October 1, 2020.

SECTION 3. This resolution shall take effect as of the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this 21st day of September, 2020.

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-2009-050 at a regular meeting of said Council held on the 21st day of September, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

CONFLICT OF INTEREST CODE OF THE CITY OF LAWDALE, CALIFORNIA

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix "A" designating officials and employees and Appendix "B" establishing disclosure categories shall constitute the conflict of interest code of the City of Lawndale, California.

Designated employees shall file their statements with the City of Lawndale which will make the statements available for public inspection and reproduction (Government Code Section 81008). Statements for all designated employees will be retained by the City of Lawndale.

APPENDIX "A"

DESIGNATED POSITIONS*

DISCLOSURE CATEGORY

City Attorney's Office
Assistant City Attorney

1(a),(b),(c)

Administrative Services Department
Assistant to the City Manager/Director of Human Resources

1(a),(b),(c)

City Clerk's Department
City Clerk
Assistant City Clerk
Deputy City Clerk
Administrative Assistant II

1(a),(b),(c)

1(a),(b),(c)

2(b), 3(b)

2(b), 3(b)

Community Development Department
Director of Community Development
Senior Planner
Associate Planner
Assistant Planner
Building & Safety Plan Check Engineer
Building Inspector
Building Permit Technician
Administrative Assistant II

1(a),(b),(c)

1(a), 4(a),(b),(c), 5(a)

2(a), 4(a), (b),(c), 5(a)

2(a), 4(a),(b),(c), 5(a)

3(a),(b),(c), 4(a),(b),(c)

3(a),(b),(c), 4(a),(b),(c)

4(a),(b),(c)

2(b), 4(b)

Community Services Department
Director of Community Services
Community Services Supervisor
Community Services Coordinator
Administrative Assistant II
Recreation Coordinator

1(a),(b),(c)

2(b), 4(b), 5(b)

2(b), 5(b)

2(b), 5(b)

2(b), 5(b)

Finance Department
Accounting Manager
Payroll/Accounting Specialist
Accounting Specialist

2(a), 4(a)(b), 5(b),(c)

2(a), 4(a),(b),(c), 5(c)

2(a), 4(a),(b),(c), 5(c)

Municipal Services Department
Director of Municipal Services
Municipal Services Supervisor
Code Enforcement Officer I
Code Enforcement Officer II
Municipal Services Officer I
Municipal Services Officer II

1(a),(b),(c)

2(b), 3(a),(c), 4(a),(b),(c)

3(a),(c), 4(a),(b),(c)

3(a),(c), 4(a),(b),(c)

3(a),(c), 4(a),(b),(c)

3(a),(c), 4(a),(b),(c)

Administrative Assistant II

2(b), 4(a),(b),(c)

Public Works Department

Director of Public Works

1(a),(b),(c)

Assistant Engineer

2(b), 3(a),(b),(c), 4(b), 5(b)

Associate Engineer

2(b), 3(a),(b),(c), 4(b), 5(b)

Public Works Maintenance Supervisor

2(b), 3(a),(b),(c), 4(b), 5(b)

Public Works Inspector

3(b),(c), 4(a),(b),(c)

Administrative Analyst

2(b), 5(b)

City Council Advisory Bodies

Parks, Recreation, and Social Service Commissioners

2(b) 5(b),(c)

Consultants**

* This list includes filers who are required to file Statements of Economic Interests under the City's Conflict of Interest Code. Some filers are already required to do this under state law, including all councilmembers, members of the Planning Commission, City Manager, City Attorney, City Treasurer, and other public officials who manage public investments, to candidates for any of these offices at any election (Cal. Government Code section 87200).

** Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation: The City Manager may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX "B"

DISCLOSURE CATEGORIES

Definitions

- The term "City" includes the Lawndale Successor Agency, Lawndale Housing Authority, the Lawndale Cable Usage Corporation and the Lawndale Public Financing Authority.
- The term "interest in real property" has the meaning given in GC 82033.
- The term "investment" has the meaning given in GC 82034.
- The term "income" has the meaning given in GC 82030, which includes gifts, loans, and travel payments.

Disclosure Category 1 - Designated employees must report:

- (a) All interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within the boundaries of the City of Lawndale. No disclosure need be made concerning the principal residence of the designated employee.
- (b) All investments and business positions in business entities located within or subject to the jurisdiction of the City of Lawndale, or if the business entity is doing business or planning to do business in the City of Lawndale, or has done business within the City of Lawndale at any time during the two years prior to the filing of the statement.
- (c) All income from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed.

Disclosure Category 2 - Designated employees have duties that include contracting or purchasing and must report:

- (a) Investments and business positions in and income from business entities providing materials, supplies, services, equipment or machinery of the type used by the City.
- (b) Investments and business positions in and income from business entities providing materials, supplies, services, equipment or machinery of the type used by the designated employee's department or division.

Disclosure Category 3 - Designated employees have duties that relate to construction and must report:

- (a) Investments and business positions in and income from business entities engaged in building or material supply.
- (b) Investment and business positions in and income from, business entities engaged in the construction of public works projects and related services, including equipment and machinery.
- (c) Investments and business positions in and income from business entities engaged in construction and related services, including equipment and machinery.

Disclosure Category 4 - Designated employees have duties that include the issuance or enforcement of City permits and licenses and must report:

- (a) Investments and business positions in and income from business entities which are or could reasonably be expected to become licensed or taxed by the City of Lawndale.
- (b) Investments and business positions in and income from business entities which are subject to the City's regulatory, permit or licensing authority and administered by the designated employee's department or division.
- (c) Interests in real property which are subject to the City's regulatory, permit or licensing authority and administered by the designated employee's department or division.

Disclosure Category 5 - Designated employees must report:

- (a) Investments, business positions in, and income from business entities which engage in land development, construction or related to the acquisition or sale of real property.
- (b) Investments and business positions in and income from entities which provide training, services or facilities of the type utilized by the City.
- (c) Investments and positions in and income from a nonprofit organization located or operating in the City of Lawndale if the source is of the type to receive grants or other monies from the City.



CITY OF LAWDALE

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

DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager *[Signature]*

PREPARED BY: Matthew Ceballos, Assistant City Clerk *[Signature]*
Mike Estes, Director of Community Services

SUBJECT: Youth Advisory Committee – Term Extension

BACKGROUND

Pursuant to City Council Policy No. 94-09, the Lawndale Youth Advisory Committee (YAC) is “an advisory body to the City Council on matters relating to youth and teen programs and activities.” When requested by the City Council, the YAC shall identify the needs of youth and teens and propose new programs intended to meet those needs. The YAC shall periodically review existing programs and shall report its conclusions and recommend actions by the City Council. YAC members serve a two-year term of office that ends on September 30 of each even-numbered year.

STAFF REVIEW

The YAC is made up of seven (7) members appointed by the Mayor with concurrence by the City Council. Each member must reside within the geographical boundaries of Lawndale, must be a student in grade six through 12 and no older than 18 years of age when appointed. In addition, applicants must submit an application for appointment to the City Clerk Department and minor applicants must have permission, via application signature, from a parent or legal guardian.

Due to the COVID-19 pandemic, the current YAC has not been able to meet or take part in any activities since its last regularly scheduled meeting on March 10, 2020. As such, all activities have been suspended until further notice with hopes that physical meetings can resume as soon as it is safe to do so.

The City Clerk Department has not received any new applications for appointment or reappointment. However, due to graduation from high school by four (4) existing YAC members, each are ineligible for an extension of the current term, nor can they apply for a new term. Existing members who were appointed in September 2018 that are ineligible for a new or extended term are as follows:

- Katie Barrios
- Andrew Espindola
- Anyelin Lima
- April Owens

In preparation for the new YAC term beginning October 1, 2020, staff suggests that three existing members who are still eligible, and listed below, be extended to a new or partial term. Due to the COVID-19 pandemic, the three members mentioned below have lost, at a minimum, of 25% of their two-year term dating back to March 10, 2020, YAC's last physical meeting date prior to the pandemic.

- Kaleb Hafner
- Octavio Mendoza
- Soraya Whaley

LEGAL REVIEW

The City Attorney has reviewed Resolution No. CC-2009-051 and has approved it as to form.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. CC- 2009-051, extending the terms of the current Youth Advisory Committee members, Kaleb Hafner and Octavio Mendoza for one year, effective October 1, 2020 through September 30, 2021, and Soraya Whaley for two years, effective October 1, 2020 through September 30, 2022.

Attachments: Resolution No. CC-2009-051

RESOLUTION NO. CC-2009-051

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA,
EXTENDING THE TERMS OF MEMBERS OF THE
YOUTH ADVISORY COMMITTEE**

WHEREAS, the City Council established the Youth Advisory Committee on October 7, 2013, by adopting Resolution No. CC-1310-048 and amending City Council Policy No. 94-09; and

WHEREAS, the Youth Advisory Committee shall be made of up to seven Lawnsdale residents in grades six through twelve and who are 18 years old or younger; and

WHEREAS, pursuant to LMC Section 2.40.230, Youth Advisory Committee members serve a two-year term beginning October 1st of each even-numbered year and ending September 30th of the succeeding even-numbered year; and

WHEREAS, the COVID-19 pandemic has created an inability for the current members to meet consistently or conduct activities; and

WHEREAS, the City has not received any applications for appointment or reappointment to the Youth Advisory Committee from qualified individuals; and

WHEREAS, the Mayor and City Council desire to maintain the membership of the current Youth Advisory Committee.

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

SECTION 1. The following Youth Advisory Committee member's terms are extended by the Mayor with the approval of the City Council: Kaleb Hafner, Octavio Mendoza, and Soraya Whaley.

SECTION 2. The following Youth Advisory Committee shall serve a term of office to commence on October 1, 2020 and expire on September 30, 2021, unless earlier removed: Kaleb Hafner and Octavio Mendoza.

SECTION 3. The following Youth Advisory Committee shall serve a term of office to commence on October 1, 2020 and expire on September 30, 2022, unless earlier removed: Soraya Whaley.

PASSED, APPROVED AND ADOPTED this 21st day of September, 2020.

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-2009-051 at a regular meeting of said Council held on the 21st day of September, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

Date

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: September 21, 2020
TO: Honorable Mayor and City Council
FROM: Kevin M. Chun, City Manager *[Signature]*
PREPARED BY: Marla L. Pendleton, CPA, Director of Finance/ City Treasurer *[Signature]*
SUBJECT: Park Development Fee Disclosure Report for Fiscal Year Ended June 30, 2020

BACKGROUND

In accordance with the Mitigation Fee Act (Government Code (GC) Section 66000 et seq.), the City of Lawndale imposes and collects a \$400 park development fee on new construction. As required, this fee is segregated into a separate interest bearing Park Development Fee Fund restricted for the use of park development.

The Lawndale Municipal Code (LMC), Section 12.34.060 requires an annual accounting of park development fees collected, expended and unexpended balances at the beginning and end of the fiscal year. The LMC requires the information to be made publicly available within sixty days after the close of the fiscal year and reviewed at the next scheduled City Council meeting not less than fifteen days after the information becomes available.

STAFF REVIEW

For the fiscal year ended June 30, 2020, the unexpended park development fees decreased \$25,732.88 from \$33,173.69 to \$7,440.81 as shown below:

Beginning Fund Balance, 7/1/19		\$33,173.69
Park Development Fees Collected	\$ 5,600.00	
Interest Earned	314.52	
Grants Received	<u>2,000.00</u>	
Total Revenue FY 2019-20		7,914.52
Expenditures FY 2019-20		<33,647.40>
Ending Fund Balance, 6/30/20		<u>\$ 7,440.81</u>

The unexpended balance has accumulated as shown in the ten year history summarized below:

FYE 6/30	Beginning Unexpended Balance	Park Development Fees	Grants	Interest	Total FY Revenue	Expenditures	Ending Unexpended Balance
2020	33,173.69	5,600.00	2,000.00	314.52	7,914.52	33,647.40	7,440.81
2019	15,579.67	17,492.00		102.02	17,594.02	0.00	33,173.69
2018	10,715.13	4,800.00		64.54	4,864.54	0.00	15,579.67
2017	9,056.05	1,600.00		59.08	1,659.08	0.00	10,715.13
2016	8,995.67	0.00		60.38	60.38	0.00	9,056.05
2015	8,133.26	800.00		62.41	862.41	0.00	8,995.67
2014	7,707.72	400.00		25.54	425.54	0.00	8,133.26
2013	6,882.95	800.00		24.77	824.77	0.00	7,707.72
2012	6,863.26	0.00		19.69	19.69	0.00	6,882.95
2011	4,837.54	2,000.00		25.72	2,025.72	0.00	6,863.26

During the fiscal year, four water bottle filling stations were installed at Hogan and Rudolph Parks for a total of \$33,647.40, which were partially funded by a \$2,000 grant received from West Basin Municipal Water District. At the end of the fiscal year a \$ 7,440.81 unexpended balance was available for future park development projects.

LEGAL REVIEW

Not applicable.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Staff recommends that City Council receive and file this report.

RESOLUTION NO. CC-2009-049

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
AUTHORIZING CERTAIN CLAIMS AND DEMANDS
IN THE SUM OF \$108,826.37**

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

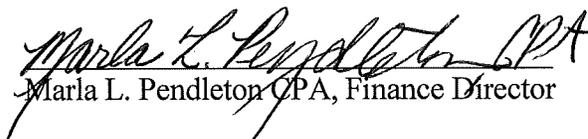
SECTION 1. That in accordance with Sections 37202 and 37209 of the Government Code, the Finance Director, as certified below, hereby attests to the accuracy of these demands and to the availability of funds for the payment thereof.

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 claims and demands paid by check numbers 200202 through 200248 for the aggregate total of \$108,826.37 are hereby authorized.

Effective Date: September 21st, 2020

Certified by:


Marla L. Pendleton CPA, Finance Director

PASSED, APPROVED AND ADOPTED this 21st day of September, 2020.

Robert Pullen-Miles, Mayor

ATTEST:

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

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-2009-049 at a regular meeting of said Council held on the 21st day of September, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

City of Lawndale
Summary of Audited Claims and Demands

Claims and Demands Paid By Check:

Check Date	Check Number		Aggregate Total
	Beginning	Ending	
9/3/2020	200202	200224	24,600.27
9/10/2020	200225	200248	84,226.10
Total Checks			108,826.37

Claims and Demands Paid By Electronic ACH Transfer:

Date	Name of Payee	Description	Amount
Total ACH Payments			0.00

Total Audited Claims and Demands Paid 108,826.37

Check Register Report

Date: 09/03/2020
Time: 4:14 pm
Page: 1

City of Lawndale

BANK: WELLS FARGO BANK N.A

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
200202	09/03/2020	Printed		2615	A-THRONE CO., INC	PORTABLE RESTROOM RENTAL	95.11
200203	09/03/2020	Printed		7396	AMERICAN LANGUAGE SERVICES	GM ELECTIONS AD	330.00
200204	09/03/2020	Printed		0115	AT & T	LONG DISTANCE SERVICES	15.02
200205	09/03/2020	Printed		0372C	AT & T - CALNET3	PHONE CHARGES	40.74
200206	09/03/2020	Printed		0613	BERICOM IT & DESIGN	INFORMATION AND TECH SERVICES	11,902.00
200207	09/03/2020	Printed		7478	CHARLES JOHNSON ROOFING	CONST & DEMO DEBRIS DEP REFUND	90.00
200208	09/03/2020	Printed		0190	COLONIAL LIFE & ACCIDENTS, INC	INSURANCE PREMIUMS	2,305.77
200209	09/03/2020	Printed		0216	DELTA DENTAL	DENTAL INSURANCE PREMIUMS	2,739.88
200210	09/03/2020	Printed		0389	DELTA DENTAL INS	DENTAL PREMUIM	147.91
200211	09/03/2020	Printed		6636	FRONTIER COMMUNICATIONS	PHONE CHARGES	118.56
200212	09/03/2020	Printed		6231	GREENLAND SUPPLY INC.	IRRIGATION REPAIR PARTS	94.78
200213	09/03/2020	Printed		0916	LA OPINION	ELECTIONS ADS	380.00
200214	09/03/2020	Printed		0384	PEP BOYS	VEHICLE EQUIPMENT	84.30
200215	09/03/2020	Printed		6123	PRUDENTIAL OVERALL SUPPLY	UNIFORMS-PUBLIC WORKS MAINTENA	35.84
200216	09/03/2020	Printed		1071	SHOETERIA	WORK BOOTS FOR PWD CREW	787.82
200217	09/03/2020	Printed		4142	TIME WARNER CABLE	CABLE TV SERVICES	1,714.63
200218	09/03/2020	Printed		3672-CSD	U.S. BANK	CREDIT CARD PAYMENT	470.30
200219	09/03/2020	Printed		3672-MSD	U.S. BANK	CREDIT CARD PAYMENT	597.83
200220	09/03/2020	Printed		3672-RSD	U.S. BANK	CREDIT CARD PAYMENT	750.38
200221	09/03/2020	Printed		7059	VIEN DONG DAILY NEWS	ELECTION ADS	87.50
200222	09/03/2020	Printed		0479	VISION SERVICE PLAN	VISION COBRA	1,004.98
200223	09/03/2020	Printed		7320	WEATHERPROOF RFG	CONST & DEMO DEBRIS DEP REFUND	726.00
200224	09/03/2020	Printed		1843	ZEP SALES AND SERVICE	CREDIT MEMO	80.92

Total Checks: 23

Checks Total (excluding void checks): 24,600.27

Total Payments: 23

Bank Total (excluding void checks): 24,600.27

Total Payments: 23

Grand Total (excluding void checks): 24,600.27

Check Register Report

Date: 09/10/2020
Time: 3:47 pm
Page: 1

City of Lawndale

BANK: WELLS FARGO BANK N.A

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
200225	09/10/2020	Printed		7470	ARAMARK REFRESHMENT SVCS LLC	COFFEE-TEA SERVICES - AUG 2020	125.33
200226	09/10/2020	Printed		7564	COLANTUONO, HIGHSMITH, &	SCE COALITION SHARE OF COSTS	344.59
200227	09/10/2020	Printed		3377	H F & H CONSULTANTS, LLC	SOLID WASTE MANAGEMENT CONSULT	7,381.50
200228	09/10/2020	Printed		7647	GILBERT IRWIN	CONST & DEMO DEBRIS DEP REFUND	3,200.00
200229	09/10/2020	Printed		7649	JRDTSP LLC	VEHICLE MAINTENANCE	312.15
200230	09/10/2020	Printed		0329	L.A. COUNTY ASSESSOR'S OFFICE	2 MAPS	10.00
200231	09/10/2020	Printed		0325	LIEBERT CASSIDY WHITMORE	EMPLOYMENT INVESTIGATIVE SVCS	9,638.00
200232	09/10/2020	Printed		0337	MANAGED HEALTH NETWORK	EMPLOYEE ASSIST PROGRAM	94.05
200233	09/10/2020	Printed		6134	JOHN MARTINEZ	PLANNING COMMISSION STIPEND	50.00
200234	09/10/2020	Printed		1050	UFFE MOLLER	PLANNING COMMISSION STIPEND	50.00
200235	09/10/2020	Printed		5895	RICOH USA INC	LEASE AND USAGE CHARGES-COPIER	2,142.66
200236	09/10/2020	Printed		7241	CARLA L ROSE-PRYOR	PLANNING COMMISSION STIPEND	50.00
200237	09/10/2020	Printed		6379	SHI	HP COLOR LASERJET PRO	322.46
200238	09/10/2020	Printed		7648	SIM DEVELOPMENT LLC	PLAN CHECK FEE REFUND	13,549.50
200239	09/10/2020	Printed		6680	SCOTT SMITH	PLANNING COMMISSION STIPEND	50.00
200240	09/10/2020	Printed		0435	SO BAY CITIES COUNCIL OF GOVTS	DC WATERSHED MANAGEMENT 20-21	24,588.00
200241	09/10/2020	Printed		0439	SOUTHERN CALIFORNIA EDISON CO.	UTILITIES ELECTRICITY	18,425.71
200242	09/10/2020	Printed		0440	SOUTHERN CALIFORNIA GAS CO.	UTILITY GAS CHARGES	430.02
200243	09/10/2020	Printed		7281	TELECOM LAW FIRM, P.C.	LEGAL SERVICES	166.67
200244	09/10/2020	Printed		2002	THE STANDARD, UNIT 22	INSURANCE PREMIUMS	1,575.50
200245	09/10/2020	Printed		3672-CDD	U.S. BANK	CREDIT CARD PAYMENT	26.35
200246	09/10/2020	Printed		3672-CMD	U.S. BANK	CREDIT CARD PAYMENT	172.12
200247	09/10/2020	Printed		0479	VISION SERVICE PLAN	VISION COBRA	21.49
200248	09/10/2020	Printed		7409	WILLDAN FINANCIAL SERVICES	PROFESSIONAL SERVICES	1,500.00

Total Checks: 24	Checks Total (excluding void checks):	84,226.10
Total Payments: 24	Bank Total (excluding void checks):	84,226.10
Total Payments: 24	Grand Total (excluding void checks):	84,226.10

**MINUTES OF THE
LAWNDALE CITY COUNCIL REGULAR MEETING
September 8, 2020**

A. CALL TO ORDER AND ROLL CALL

Mayor Pullen-Miles called the meeting to order at 6:33 p.m. in the City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

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

Other Participants: City Clerk Rhonda Hofmann Gorman, City Manager Kevin M. Chun, Deputy City Attorney Alondra Espinosa, Los Angeles County Sheriff's Department Sergeant Sandy Nitz, Community Services Director Mike Estes, Assistant to the City Manager/Human Resources Director Raylette Felton, Municipal Services Director Michael Reyes, Finance Director Marla Pendleton, Community Development Director Sean Moore, Assistant City Clerk Matthew Ceballos, and Interim Public Works Director Kahono Oei.

B. CEREMONIALS

Mayor Pro Tem Suarez led the flag salute.

C. PUBLIC SAFETY REPORT

Sergeant Sandy Nitz summarized recent law enforcement activities.

D. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA

- Mike Don, Board Member of the South Bay Bicycle Coalition, spoke about the safety and increase of bike ridership and the need for bikeways to prevent accidents.

E. COMMENTS FROM COUNCIL

No comments provided.

F. CONSENT CALENDAR

1. Consideration of Claims Against the City

Recommendation: that the City Council reject the claims filed by Lucia M. Magnifico and Jonnathan Flores and instruct staff to process the appropriate correspondence to the claimants.

2. Final Parcel Map No 82885 for the subdivision of property located at 4626 163rd Street

Recommendation: that the City Council approve Final Parcel Map 82885

3. **Right-of-Way Dedication for property located at 4626 163rd Street**
Recommendation: that the City Council approve the right-of-way dedication and authorize the City Clerk to transmit the documents to the County of Los Angeles Registrar Recorder/County Clerk's office.
4. **Administering Agency-State Agreement for State-Funded Projects (Caltrans Master Agreement No. 00570S)**
Recommendation: that the City Council adopt Resolution No. CC-2009-047, authorizing the Mayor to execute the revised Caltrans Master Agreement No. 00570S.
5. **Accounts Payable Register**
Recommendation: that the City Council adopts Resolution No. CC-2009-046, authorizing the payment of certain claims and demands in the amount of \$490,241.14.
6. **Minutes of the Lawndale City Council Special Meeting – August 13, 2020**
Recommendation: that the City Council approve.
7. **Minutes of the Lawndale City Council Regular Meeting – August 17, 2020**
Recommendation: that the City Council approve.
8. **Minutes of the Lawndale City Council Special Meeting – September 1, 2020**
Recommendation: that the City Council approve.

LAWNDALE PUBLIC FINANCING AUTHORITY

9. **Annual Report of Redevelopment Bond Payments for Fiscal Year 2019-2020**
Recommendation: that the Directors receive and file the report.
10. **Minutes of the Public Financing Authority Annual Meeting – September 3, 2019**
Recommendation: that the Directors approve.

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

G. **ADMINISTRATION**

Due to technical difficulties Mayor Pullen-Miles recommend taking the agenda out of order, there being no objection, the City Council took item 13 as the first Administration item.

13. **Award of Professional Engineering Service agreement to Iteris Inc., for the Local Road Safety Plan Study**
Recommendation: that the City Council (a) approve a Professional Engineering Services agreement with Iteris, Inc. for a not-to-exceed maximum amount of \$79,955 for the Local Road Safety Plan Study; (b) authorize the use of UDAG funding for the \$8,000 required local matching funds; and (c) direct the Director of Finance to adjust the budget as indicated in the Fiscal Impact section of the staff report.

Interim Public Works Director Kahono Oei, reported on the proposed award of Professional Engineering Service agreement to Iteris Inc., for the Local Road Safety Plan Study.

Councilmember Kearney inquired about the lowest bidder. Interim Public Works Director Kahono Oei and City Manager Kevin M. Chun explained the selection process was based on professional experience not exclusively the lowest bid.

A motion by Councilmember Kearney to approve a Professional Engineering Services agreement with Iteris, Inc. for a not-to-exceed maximum amount of \$79,955 for the Local Road Safety Plan Study; authorize the use of UDAG funding for the \$8,000 required local matching funds; and direct the Director of Finance to adjust the budget as indicated in the Fiscal Impact section of the staff report was seconded by Mayor Robert Pullen-Miles and carried by a vote of 5-0.

- 11. Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding Allocation**
Recommendation: that the City Council receive and file this report and/or provide further direction to staff regarding the City's CARES Act funding allocations.

Municipal Services Director Michael Reyes, provided a report regarding Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding Allocation.

The Council reached a unanimous consensus to receive and file this report regarding the City's CARES Act funding allocations

- 12. Purchase of Automated License Plate Reader for use by the Los Angeles Sherriff's Department**
Recommendation: that the City Council approve a \$5000 increase in appropriations to use the California Law Enforcement Equipment Fund for the initial payment of an Automated License Plate Reader to be used for contract Sheriff Department services.

Municipal Services Director Michael Reyes, provided a report regarding Purchase of an Automated License Plate Reader for use by the Los Angeles Sherriff's Department.

Councilmember Osborne inquired if the purchase process is the same as the first plate reader the city acquired. Director Reyes and City Manager Kevin M. Chun responded accordingly.

Councilmember Kearney inquired about the funding source for the purchase, Director Reyes responded accordingly.

Mayor Pullen-Miles inquired if the purchase would be reimbursed by the Sheriff's Department and ownership of the equipment, City Manager Chun responded that the payment would be made through our Sherriff's contract every year and the hardware would be owned by the City but used by the Sheriff.

Mayor Pullen-Miles inquired about civil liberties issues in using an Automated License Plate Reader, Director Reyes responded that the issue had been looked into and didn't feel there were any civil liberty issues.

A motion by Councilmember Osborne to approve a \$5000 increase in appropriations to use the California Law Enforcement Equipment Fund for the initial payment of an Automated License Plate Reader to be used for contract Sheriff Department services was seconded by Councilmember Kearny and carried by a vote of 5-0.

14. Opposing County of Los Angeles Charter Amendment, Measure J

Recommendation: that the City Council approve Resolution No. CC-2009-048 opposing County of Los Angeles Charter Amendment, Measure J.

City Manager Kevin M. Chun reported on the proposed resolution opposing County of Los Angeles Charter Amendment, Measure J.

Councilmember Osborne expressed his support in the Resolution opposing Measure J.

Mayor Pro Tem Suarez expressed her support in the Resolution opposing Measure J.

A motion by Councilmember Kearney to approve Resolution No. CC-2009-048 opposing County of Los Angeles Charter Amendment, Measure J was seconded by Councilmember Osborne and carried by a vote of 5-0.

CITY MANAGER'S REPORT

No report provided.

H. ITEMS FROM CITY COUNCILMEMBERS

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

Councilmember Osborne had nothing to report.

Councilmember Reid announced his gratitude for the Memorial Day Weekend and he attended the City Council Special meeting.

Council Kearney inquired on the timeline of opening of City Hall and relocating Community Services Department to save on energy costs.

Mayor Pro Tem Suarez had nothing to report.

Mayor Robert Pullen-Miles attended the regular meeting of Los Angeles County Sanitation District.

I. ADJOURNMENT

There being no further business to conduct, the Mayor adjourned the meeting at 7:14 p.m.

Robert Pullen-Miles, Mayor

ATTEST:

Rhonda Hofmann Gorman, City Clerk

Approved: 9/21/2020



CITY OF LAWDALE

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

DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

PREPARED BY: Michael Reyes, Director of Municipal Services 
Marla L. Pendleton, CPA, Director of Finance/City Treasurer 

SUBJECT: Animal Licensing Fee Update by Adopting Resolution No. CC-2009-052, Establishing the Amount of Dog Licensing Fees Pursuant to Chapter 3.32 of the City of Lawndale Municipal Code

BACKGROUND

Chapter 3.32, Administrative Fees, of the City of Lawndale Municipal Code (LMC) authorizes the City to recover reasonable estimated costs of providing services by establishing fees for such services through resolution adoption. Government Code Section 38792 specifically allows the City to collect a license fee for dogs, which does not exceed the cost of services relating to dogs, including, but not limited to animal shelter and animal control programs. The current dog license fee was adopted by the City Council on October 1, 2012 in Resolution Number CC-1210-067. This resolution requires residents to license all dogs residing in the City and to renew annually. Discounts are given to residents for dogs that are spayed and neutered, as well as for senior citizen dog owners. A recent comparison of neighboring cities showed that the City is charging far less for licensing dogs than other cities in the South Bay. Currently, the costs of licensing and maintaining records has increased; however the fees have not been updated since 2012. With dog licensing and animal enforcement actions being migrated into the new Citywide Citizen Serve online payment program, additional processing fees will be incurred by the City for dog licensing.

STAFF REVIEW

The Municipal Services Department handles all animal services calls for the City and also shares the operating costs of licensing and registration of dogs with the Finance Department. On average, more than 1,400 dogs are licensed each year in the City. To license a dog, the resident is charged \$20 per dog, but only pays \$10 if the animal has been spayed or neutered. Residents may get an additional discount if they are senior citizens, reducing the costs further. Currently, it is possible to register a dog within the City for as little as \$5.

With the introduction of the new Citizen Serve program, residents will have the ability to register their animals online, 24-hours a day, seven-days a week. Staff will continue to play a role in the licensing and registration of animals, but Citizen Serve will be adding an additional \$3.50 fee for each license issued. With these added fees, the costs to the Municipal Services Department will be pronounced.

By law the City must treat any injured, stray animals that are not likely to die from their injuries. An injured, stray domestic animal must be taken to our contracted animal care hospital and treated. These costs can reach upwards of \$400 per stray animal, for surgery and medicine. Injured wildlife must also be collected by staff and are euthanized, resulting in additional unreciprocated costs. Unforeseen events involving stray animals puts an additional burden onto the budget of the Municipal Services Department which is not matched by current licensing fees.

For these reasons, staff recommends increasing the license fee for an unaltered dog to just below our survey average of \$60 per dog. As an incentive, for spay or neutered dogs, we recommend a fee at one-third the unaltered license fee, or \$20. For senior residents, the 50% discount is recommended to continue setting the fee at \$30 and \$10 for unaltered and altered pets, respectively. The new fees will offset costs incurred by the City, while remaining the lowest licensing fees in the South Bay.

As required for proposed fee increases, the notice of public hearing for this matter was published in the Daily Breeze on September 11 and September 16, 2020. If adopted by City Council, the recommended fee increase will be effective on October 1, 2020. Included as attachments to this report are the Dog Licensing Fee Survey, Resolution No. CC-2009-052, and Proof of Publishing.

LEGAL REVIEW

The City Attorney has reviewed Resolution No. CC-2009-052 and approved it as to form.

FISCAL IMPACT

As a result of adopting the change in dog licensing fees, additional revenue is anticipated to cover the costs of providing animal control services.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing to receive testimony regarding dog licensing fee increases and adopt Resolution No. CC-2009-052.

Attachments: Dog Licensing Fee Survey
Resolution No. CC-2009-052
Proof of Publishing

Attachment 1

Dog Licensing Fee Survey

Dog Licensing Fees

City	Senior Residents Rates		Late Fee	Online Processing Fee
	Unaltered	Altered		
Redondo Beach	\$60.00	\$20.00	\$25.00	
Manhattan Beach	\$52.00	\$20.00	\$20.00	
Torrance	\$62.00	\$24.00	\$20.00	Yes - O/S Company
El Segundo	\$83.00	\$21.00	\$10.00	2.75% of Fee
Hawthorne	\$54.00	\$21.00	\$54.00	2.4% of Fee
Inglewood	\$60.00	\$20.00	\$5 month; Max \$30	
Hermosa Beach	\$89.00	\$21.00	\$10.00	
Gardena	\$60.00	\$25.00	\$7.50	
Average Fee for 8 Cities Surveyed	\$65.00	\$21.50	\$46.50	\$12.06
Lawndale (Current)	\$20.00	\$10.00	\$10.00	50% of License Fee
Lawndale (Recommended)	\$60.00	\$20.00	\$30.00	50% of License Fee
Recommended Increase	\$40.00	\$10.00	\$20.00	\$5.00

Attachment 2

Resolution No. CC-2009-052

RESOLUTION NO. CC-2009-052

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA,
UPDATING THE AMOUNT OF DOG
LICENSING FEES ADOPTED PURSUANT TO CHAPTER 3.32
OF THE LAWNSDALE MUNICIPAL CODE**

WHEREAS, Chapter 3.32 of the Lawnsdale Municipal Code ("LMC") and applicable state laws authorize the City of Lawnsdale to recover reasonable estimated costs of providing services by establishing fees for such services; and

WHEREAS, LMC Chapter 3.32 further provides that the City Council shall establish such fees by adoption of a resolution; and

WHEREAS, the City Council has reviewed the draft updated Dog Licensing fee schedule, attached as Exhibit "A" and incorporated herein; and

WHEREAS, a notice of public hearing for this matter was published in the *Daily Breeze* on September 11 and 16, 2020; and

WHEREAS, a public hearing was held by the City Council at its regular meeting on September 21, 2020, and all interested parties were given an opportunity to be heard regarding this matter.

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 updated fee amounts for Dog Licensing set forth on Exhibit "A" have been computed by the City's Municipal Services Department and will be collected by the City Finance Department for services provided by the City.

SECTION 3. That the Dog Licensing fees set forth on Exhibit "A" are exempt from the definition of "tax" under California Constitution Article 13C and Proposition 26, and that these fee will not exceed the cost of providing the associated service and are adopted, effective November 2, 2020.

SECTION 4. That the imposition of fees is not a "project" under the California Environmental Quality Act ("CEQA") as defined in Section 15378(b)(4) of the CEQA Guidelines.

SECTION 5. As of November 2, 2020, all previously adopted Resolutions establishing fees for the same service, specifically, Resolutions CC-1205-032 and CC-1210-067 are deemed repealed and replaced.

PASSED, APPROVED AND ADOPTED this 21st day of September, 2020.

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-2009-052 at a regular meeting of said Council held on the 21st day of September, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

Exhibit "A"

City of Lawndale Dog Licensing and Permit Fee Schedule November 2, 2020

Description	Current Rate	Proposed Rate	Proposed Increase
Dog License	\$20.00	\$60.00	\$40.00
(Spayed/Neuter)	\$10.00	\$20.00	\$10.00
(Senior Discount)	\$10.00	\$30.00	\$20.00
(Spayed/Neuter + Senior Discount)	\$5.00	\$10.00	\$5.00
<i>Late Penalty – Non Registered Dog is discovered by Staff</i>			
(Resident receives Courtesy Notice)	\$40.00	50% of license fee	50% of license fee
(Spayed/Neuter)	\$20.00	50% of license fee	50% of license fee
(Senior Discount)	\$20.00	50% of license fee	50% of license fee
(Spayed/Neuter)	\$10.00	50% of license fee	50% of license fee
<i>Late Renewal – Registered Dog is renewed after license has expired</i>			
Late Renewal	\$30.00	50% of license fee	50% of license fee
(Spayed/Neuter)	\$15.00	50% of license fee	50% of license fee
(Senior Discount)	\$15.00	50% of license fee	50% of license fee
(Spayed/Neuter + Senior Discount)	\$7.50	50% of license fee	50% of license fee

Attachment 3
Proof of Publishing

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

CITY OF LAWNSDALE/MUNICIPAL SERVICES
DEPARTMENT
DONNA BANKS
14717 BURIN AVENUE
LAWNSDALE, CA 90260

Account Number: 5100844

Ad Order Number: 0011410730

Customer's Reference crodriguez@lawnsdalecity.org
/ PO Number:

Publication: Daily Breeze

Publication Dates: 09/11/2020, 09/16/2020

Amount: \$494.44

Payment Amount: \$0.00

Invoice Text: CITY OF LAWNSDALE
Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the Lawnsdale City Council will conduct a public hearing to consider RESOLUTION No. CC-2009-052: Animal Licensing Fees, to recover reasonable estimated costs of providing services by establishing fees for such services, updated animal license fees will be presented to the Lawnsdale City Council for approval. The data required by Govt. Code § 66016 is available for review Monday through Thursday, 7:00 a.m. to 6:00 p.m., in the City Clerk Department offices located at 14717 Burin Ave., Lawnsdale, California. This includes the amount of cost required to provide service for which the fee is set and the revenue sources anticipated to provide the service, including General Fund revenues. All interested parties are encouraged to appear and express concerns on the proposal. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to the public hearing. The public hearing will be held on September 21, 2020 at 6:30 p.m. in the Lawnsdale City Hall located at 14717 Burin Ave., Lawnsdale, California 90260. For further information regarding this matter, you may contact the Municipal Services Department at (310) 973-3200.
Pub Sep 11, 16, 2020
(1t)DB(11410730)

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

(Space below for use of County Clerk Only)

5100844

Legal No. **0011410730**

CITY OF LAWDALE/MUNICIPAL SERVICES
DEPARTMENT
DONNA BANKS
14717 BURIN AVENUE
LAWDALE, CA 90260

**CITY OF LAWDALE
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that the Lawndale City Council will conduct a public hearing to consider RESOLUTION No. CC-2009-052: Animal Licensing Fees, to recover reasonable estimated costs of providing services by establishing fees for such services, updated animal license fees will be presented to the Lawndale City Council for approval.

The data required by Govt. Code § 66016 is available for review Monday through Thursday, 7:00 a.m. to 6:00 p.m., in the City Clerk Department offices located at 14717 Burin Ave., Lawndale, California.

This includes the amount of cost required to provide service for which the fee is set and the revenue sources anticipated to provide the service, including General Fund revenues.

All interested parties are encouraged to appear and express concerns on the proposal. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to the public hearing.

The public hearing will be held on September 21, 2020 at 6:30 p.m. in the Lawndale City Hall located at 14717 Burin Ave., Lawndale, California 90260.

For further information regarding this matter, you may contact the Municipal Services Department at (310) 973-3200.

**Pub Sep 11, 16, 2020
(1)DB(11410730)**

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

09/11/2020, 09/16/2020

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 11th day of September, 2020.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington.



CITY OF LAWDALE

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

DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

PREPARED BY: Sean M. Moore, AICP, Director of Community Development 

SUBJECT: Case No. 20-30: Consideration of the amendment to Chapter 17.50 of the Lawndale Municipal Code, density bonus provisions for residential units, in order to adopt recent changes in the State law and finding of exemption from CEQA

BACKGROUND

Density bonus programs or regulations are employed to provide financial incentives for developers to build affordable housing. In 2011, the City Council established density bonus regulations as required by State law. However, since the City's adoption of its density bonus regulations in 2011, there have been further amendments to the State laws relating to density bonuses regulations.

Amendments to the Density Bonus regulations were last considered and adopted back in 2017 by City Council. Most recently, State adopted AB 1763 became effective on January 1, 2020, which in turn necessitates further amendments to the City's current density bonus Regulations.

STAFF REVIEW

The proposed amendments to the City's density bonus regulations are intended to bring the City's Code in compliance with the recent changes in the State law. The proposed amendments to the Lawndale Municipal Code as it relates to density bonus requirements can be broadly summarized as follows:

- Updates to the eligibility requirements for density bonuses;
- Revises definitions for eligible parties, incentives, and concessions;
- Provides additional incentives to developers for development projects for housing foster youth, disabled veterans, and homeless persons;
- Updates affordability requirements and time limits;
- Reduces parking requirements for projects near major public transit areas;
- Adds requirements for developers to replace pre-existing affordable units; and
- Provides provisions for donations of land.

The proposed ordinance revises, updates, and clarifies all of the above in Chapter 17.50, as adopted by the California Legislature, pursuant to AB 1763.

ENVIRONMENTAL ASSESSMENT

Staff is requesting that the Planning Commission recommend that the City Council determine that the project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments to the City density bonus regulations, are consistent with the state density bonus housing law.

PUBLIC REVIEW

Notices of a public hearing were posted on the bulletin board outside City Hall and published in the *Daily Breeze* on September 11, 2020. As of the writing of this staff report, no comments from the public have been received concerning the proposed density bonus amendments.

PLANNING COMMISSION REVIEW

At a public hearing on September 9, 2020, the Planning Commission reviewed the draft ordinance and approved Resolution 20-13 recommending that the City Council adopt Ordinance No. 1175-20.

LEGAL REVIEW

The City Attorney has reviewed Ordinance No. 1175-20 and has approved it as to form.

FISCAL IMPACT

Not Applicable

RECOMMENDATION

It is recommended that the City Council do the following;

- A. Conduct a public hearing;
- B. Determine that Ordinance No. 1175-20 is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
- C. Introduce the first reading of Ordinance No. 1175-20, an Ordinance Amending the Lawndale Municipal Code regarding density bonus standards for affordable residential units to reflect recent changes in state law.

Attachments:

- A. PC Resolution 20-13

B. Ordinance No.1175-20
C. Proof of Publishing Daily Breeze Notice

ATTACHMENT A

PC Resolution 20-13

RESOLUTION NO. 20-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAWNSDALE, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 17.50 OF THE LAWNSDALE MUNICIPAL CODE, DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS, IN ORDER TO ADOPT RECENT CHANGES IN THE STATE LAW (CITY-WIDE) AND ADOPT A FINDING OF CEQA EXEMPTION

WHEREAS, Government Code Section 65915 requires cities to provide certain incentives, concessions or density bonuses to an applicant constructing housing units, a portion of which are restricted as affordable units or units restricted for senior citizens; and

WHEREAS, in 2011, the City Council of the City of Lawnsdale ("City Council") established density bonus regulations as required by State law ("City's Density Bonus Ordinance"); and

WHEREAS, in 2017, the City Council adopted amendments to the City's Density Bonus Ordinance to reflect the state density bonus laws, which were effective on January 1, 2017; and

WHEREAS, in 2019, the State Legislature once again amended Government Code Section 65915 through the adoption of AB 1763, , and those changes became effective January 1, 2020; and

WHEREAS, amendments to the City's Density Bonus Ordinance, Chapter 17.50 of the Lawnsdale Municipal Code ("LMC"), are intended to ensure compliance with the changes in the State Law; and

WHEREAS, on September 9, 2020, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendments to Chapter 17.50 of the LMC; and

WHEREAS, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the Planning Commission has reviewed, analyzed and studied said proposal.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAWNSDALE, 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 Planning Commission further finds and determines that the changes to the City's Zoning Code made by this Ordinance are consistent with the General Plan of the City of Lawnsdale. Additionally, the proposed updates to the Lawnsdale Municipal Code would bring

the City's Code up to date with the State Density Bonus Law pertaining to affordable residential units.

Section 3. The Planning Commission does hereby recommend that the City Council amend the Lawndale Municipal Code, by adopting the proposed ordinance, amend the Code regarding density bonus standards for affordable residential units in order to reflect recent changes in State Law.

Section 4. The Planning Commission does hereby recommend that the City Council find and determine that the proposed amendments are exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the Lawndale Municipal Code would update the City's density bonus standards for affordable residential units in order to reflect recent changes in state law.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF SEPTEMBER, 2020

Uffe Moller, Chairperson
Lawndale Planning Commission

ATTEST

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

I, Sean M. Moore, AICP, Community Development Director for the City of Lawndale, California, do hereby certify that the foregoing **Resolution No. 20-13** was duly approved and adopted by the Planning Commission of the City of Lawndale at a regular meeting of said Commission held on the **9th day of September, 2020** by the following roll call vote:

AYES: Moller, Martinez, Cuevas, Smith, Rose-Pryor
NOES:
ABSENT:
ABSTAINED:

Sean M. Moore, AICP
Community Development Director

ATTACHMENT B

Ordinance No. 1175-20

ORDINANCE NO. 1175-20

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
AMENDING LAWNSDALE MUNICIPAL CODE CHAPTER 17.50
TO UPDATE DENSITY BONUS STANDARDS FOR
CONSISTENCY WITH STATE LAW**

SUMMARY: This ordinance updates standards for awarding density bonuses for residential developments consistent with recent changes in state law.

WHEREAS, Government Code Section 65915 requires cities to provide certain incentives, concessions or density bonuses to an applicant constructing housing units, a portion of which are restricted as affordable units or units restricted for senior citizens; and

WHEREAS, Government Code Section 65915(a) requires cities to adopt an ordinance that specifies how compliance with this density bonus requirements will be implemented; and

WHEREAS, the state legislature recently passed legislation, Assembly Bill 1763 (“AB 1763”), amending Government Code section 65915, to update state density bonus requirements effective January 1, 2020, specifically with regard to 100% affordable housing projects; and

WHEREAS, the City now desires to amend Lawnsdale Municipal Code (“LMC”) Chapter 17.50 to ensure compliance with current requirements in state density bonus law; and

WHEREAS, the City further desires to amend LMC Chapter 17.50 to make clarifying updates to the City’s density bonus requirements to ensure those requirements are implemented consistent with state law; and

WHEREAS, at a properly noticed public hearing held at a regular meeting of the Planning Commission of the City on September 9, 2020, the Planning Commission considered this issue and adopted Resolution No. 20-13 recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council, after notice duly given as required by law, held a public hearing on September 21, 2020 in the City Hall council chamber located at 14717 Burin Avenue, Lawnsdale, California, to consider the Planning Commission’s recommendation on this matter as set forth in its Resolution No. 20-30.

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

SECTION 1. The City Council of the City of Lawnsdale makes the following findings:

A. The above recitals are true and correct and incorporated fully herein.

B. The changes to the City’s Municipal Code made by this Ordinance are consistent with the General Plan of the City of Lawndale.

SECTION 2. Chapter 17.50 of the Lawndale Municipal Code is replaced to read, in its entirety, as follows (deletions marked in ~~strikethrough~~, additions in ***bold and italics***):

“Chapter 17.50 DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS

- 17.50.010 Purpose.
- 17.50.020 Definitions.
- 17.50.030 ***Eligibility requirements for density bonuses.***
- 17.50.035 Density bonuses and replacement affordable housing requirements.
- 17.50.040 Additional density bonus for donations of land.
- 17.50.050 Density bonus and incentives for condominium conversions.
- 17.50.060 Density bonus and concessions/incentive for child care facilities.
- 17.50.065 Commercial housing—Agreement for partnered housing to contribute affordable housing.
- 17.50.070 General provisions governing density bonus calculations.
- 17.50.080 Incentives and concessions.
- 17.50.090 Waivers and modifications of development standards.
- 17.50.100 Parking incentives.
- 17.50.110 Standards for density bonus housing developments.
- 17.50.120 Application requirements.
- 17.50.130 Density bonus housing agreements.
- 17.50.140 Administrative fee.
- 17.50.150 Violations of affordable housing requirements.
- 17.50.160 Effects of state law.

17.50.010 Purpose.

This chapter is being enacted: (A) to provide incentives for the production of housing for very low income, low income, moderate income, and senior citizen households, ***as well as transitional foster youth, disabled veterans, homeless persons, and lower income students***; (B) to provide incentives for the construction of child care facilities serving very low, lower and moderate income households; and (C) to implement Sections 65915, 65915.5, and 65917 of the Government Code as required by Section 65915(a). In enacting this chapter, the city also intends to implement the goals, objectives, and policies of the city’s general plan housing element to encourage the construction of affordable housing in the city. It is also the city’s intent to encourage the development of rental housing to serve an economically diverse community. Accordingly, the city desires to provide a density bonus upon the request of an applicant when the applicant is not otherwise required to include affordable or senior citizen restricted units in a project.

17.50.020 Definitions.

For purposes of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this chapter its most reasonable interpretation.

“Affordable housing cost” bears the meaning as defined in Section 50052.5 of the Health and Safety Code, as may be amended.

“Affordable ownership costs” means average annual housing costs, including mortgage payments, property taxes, homeowners insurance, and homeowners’ association dues, if any, which do not exceed the following:

Very low income households: fifty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

Lower income households: seventy percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

Moderate income households: one hundred ten percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty-five percent.

On an annual basis, the city shall make available copies of the U.S. Department of Housing and Urban Development household income limits applicable to owner-occupied affordable units subject to this chapter and may determine an inflation factor to establish the affordable ownership cost limits applicable to an affordable unit.

“Affordable rent” bears the same meaning as defined in Section 50053 of the Health and Safety Code, as may be amended.

“Affordable units” are dwelling units which are affordable to very low, lower, or moderate income households as defined by this chapter or by any federal or state housing program and are subject to rental, sale, or resale provisions to maintain affordability.

“Applicant” means a developer or applicant for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of the ordinance codified in this chapter pursuant to Section 65915(b) of the Government Code.

“Area median income” means area median income for Los Angeles County as published by the state of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.

“Assumed household size based on unit size” means a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

“Child care facility” means a child day care facility other than a family day care home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

“City” means the city of Lawndale, California, including the city’s redevelopment agency and/or the city’s housing authority acting on behalf of the city.

“Common interest development” *shall have the same meaning as provided in Section 4100 of the Civil Code.*

“Density bonus” means a density increase over the otherwise allowable zoning maximum gross residential density on a site as of the date of application by the applicant to the city, granted pursuant to this chapter, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

“Density bonus housing agreement” means an agreement governing affordable and density bonus units as a condition of granting any density bonus, as further described in Section 17.50.130 of this chapter.

“Density bonus units” mean residential units granted pursuant to this chapter which exceed the otherwise allowable zoning maximum residential density for a housing development.

“Development standard” means any site or construction condition including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a housing development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, or regulation. A “site and construction condition” is a development condition or law that provides a specification for the physical development of a site and buildings on the site in a housing development.

“Disabled veterans” shall have the same meaning as provided in Section 18541 of the Government Code.

“First approval” means the first of the following approvals to occur with respect to a housing development: specific plan, development agreement, planned development permit, tentative map, minor land division, use permit, design permit, building permit, or any other development entitlement permit listed in Title 17 of this code.

“Homeless persons” shall have the same meaning as provided in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11302).

“Homeless service provider” shall have the same meaning as provided in Section 103577(e)(3) of the Health and Safety Code.

“Household income” means the combined adjusted gross household income for all adult persons living in a residential unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.

“Housing development” means one or more groups of projects for residential units in the planned development of the city, including mixed-use developments. “Housing development” also includes a subdivision or common interest development approved by the city and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Section 65863.4(d) of the Government Code, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. For purposes of this chapter, ‘housing development’ does not include projects for less than five dwelling units.

“Incentives and concessions” are regulatory concessions as listed in Section 17.50.080 of this chapter.

“Lower income household” shall have the same meaning as provided in *Section 50079.5 of the Health and Safety Code*.

“Lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Section 69432.7(k)(1) of the Education Code.

“Major transit stop” *shall have the same meaning as provided* in Section 21155(b) of the Public Resources Code.

“Market-rate unit” means a dwelling unit which is not an affordable unit or an inclusionary unit.

“Maximum residential density” means the maximum number of dwelling units permitted by the zoning ordinance and land use element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this chapter.

“Moderate income household” shall have the same meaning as ***“persons and families of moderate income”*** as provided in *Section 50093 of the Health and Safety Code*.

“Persons and families of low or moderate income” shall have the same meaning as provided in Section 50093 of the Health and Safety Code.

“Replace” and “replacement,” in the context of Section 17.50.035, means either of the following:

1. If any dwelling units described in Section 17.50.035(A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in Section 17.50.035(A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number; or

2. If all dwelling units described in Section 17.50.035(A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall

provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low income and very low income renter households occupied these units in the same proportion of low income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.

For purposes of this definition, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

"Senior citizen housing development" means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least thirty-five dwelling units) and Section 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

"Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

"Special needs housing development" shall have the same meaning as provided in Section 51312 of the Health and Safety Code.

"Supportive housing development" shall have the same meaning as provided in Section 50675.14 of the Health and Safety Code.

"Transitional foster youth" shall have the same meaning as provided in Section 66025.9 of the Education Code.

"Very low income household" shall have the same meaning as provided in *Section 50105 of the Health and Safety Code.*

17.50.030 Eligibility requirements for density bonuses.

A. ***Eligible Housing Development Projects.*** Upon written request to the city, an applicant for a housing development is eligible for a density bonus ***in the amount stated below***, provided that the applicant agrees to construct the housing development in accordance with one of the following criteria ***and satisfies the other requirements of this chapter:***

1. ***Very Low Income Units.*** ***Developments with five percent of the total dwelling units (excluding units added by the density bonus) designated for very low income households are entitled to a density bonus of twenty percent over the maximum residential density.***

2. ***Low Income Units.*** ***Developments with ten percent of the total dwelling units (excluding units added by the density bonus) designated for lower income households are entitled to a density bonus of twenty percent over the maximum residential density.***

3. **Moderate Income Units.** *Developments with ten percent of the total dwelling units (excluding units added by the density bonus) designated for moderate income households are entitled to a density bonus of five percent over the maximum residential density, provided that the development is a common interest development and provided that all units in the developer are offered to the public for purchase.*

4. **One Hundred Percent Lower Income Or Moderate Income Units.** *Developments with at least eighty percent of the total units, exclusive of a manager's unit or units, designated for lower income households, and all other units (up to twenty percent of the total units) designated for moderate income households, are entitled to a density bonus of eighty percent of the number of units designated for lower income households (excluding units added by the density bonus). However, if the housing development is located within one-half mile of a major transit stop the city will not impose any maximum controls on density.*

5. **Senior Citizen Housing Developments.** *Senior citizen housing developments are entitled to a density bonus of twenty percent of the number of senior housing units provided.*

6. **Foster, Veteran and Homeless Housing.** *Developments with ten percent of the total dwelling units (excluding any units permitted by the density bonus) designed for transitional foster youth, disabled veterans, or homeless persons are entitled to a density bonus of twenty percent of the number of the transitional units giving rise to a density bonus.*

7. **Lower income student housing.** *Student housing developments with twenty percent of the total units (excluding any units permitted by the density bonus) designated for lower income students are entitled to a density bonus of thirty-five percent of the student housing units, provided that the development meets the following requirements:*

a. *All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subsection (A)(7), the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subsection (A)(7) is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.*

b. *The eligibility of a lower income student under this subsection (A)(7)(b) shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subsection (A)(7)(a), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.*

c. *The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subsection (A)(7)(c).*

For purposes of calculating a density bonus granted pursuant to this subsection (A)(7), the term “unit” means one rental bed and its pro rata share of associated common area facilities.

B. Higher Density Bonus for Greater Contribution of Affordable Units. Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsections (A)(1), (A)(2), or (A)(3) of this section, as follows:

1. Very low income units—For each one percent increase above five percent in affordable units for very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent, as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. Lower income units—For each one percent increase above ten percent in affordable units for lower income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent, as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5

3. Moderate income ownership units—For each one percent increase above ten percent in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent, as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27

	Percentage Density Bonus
Percentage Moderate Income Units	
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

C. Continued Affordability. Affordable units that qualified a housing development for a density bonus shall remain affordable as follows:

1. **Requirements.**

a. Very low income and lower income rental dwelling units shall remain at an affordable rent to the designated income group for a minimum of fifty-five years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.

b. Housing developments described in subsection (A)(4) shall be subject to a recorded affordability restriction for a minimum of fifty-five years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units. The rent for at least twenty percent of the units in the development shall be set at an affordable rent and the rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

c. The foster care, veteran and homeless units described in *subsection (A)(6)* shall be subject to a recorded affordability restriction of fifty-five years and shall be provided at the same affordability level as very low income units.

d. The lower income student housing units described in subsection (A)(7) shall be subject to a recorded affordability restriction of fifty-five years. The rent provided in the applicable units of the development for lower income students shall be calculated at thirty percent of sixty-five percent of the area median income for a single-room occupancy unit type.

e. Replacement units per Section 17.50.035 that are rental dwelling units shall be subject to a recorded affordability restriction for at least fifty-five years.

f. Replacement units per Section 17.50.035 that are for-sale units, shall be subject to the **provisions of subsection (C)(2).**

2. An applicant shall agree to, and the city shall ensure, that the initial occupant of all for-sale units that qualified the applicant for *a* density bonus are persons and families of very low, low, or moderate income and that the units are offered at an affordable housing cost. The city shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within *five* years for any of the purposes described in Section 33334.2(e) of the Health and Safety Code that promote homeownership.

b. For purposes of this subsection (C)(2), the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

c. For purposes of this subsection (C)(2), the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

3. The resale price of any owner-occupied affordable unit shall not exceed the affordable ownership costs with the following exceptions: (a) customary closing costs and costs of sale; or (b) costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed; or (c) consideration of permanent capital improvements installed by the seller.

4. These provisions for continued affordability shall be a provision of the density bonus housing agreement required by Section 17.50.130.

D. Specification of Basis for Density Bonus. Each applicant who requests a density bonus pursuant to this section, shall elect **which category in subsection (A) the density bonus award will be based on.** Each housing development is entitled to only one density bonus. Density bonuses from more than one *category* may not be combined.

17.50.035 Density bonuses and replacement affordable housing requirements.

A. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are, or if the dwelling units have been vacated or demolished in the five-year period preceding the application have been, subject to a recorded covenant, ordinance, or law that restricts rents to affordable rent levels; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

1. The proposed housing development (inclusive of the units replaced pursuant to this section) contains affordable units at no less than the percentages set forth in Section 17.50.030(A); or

2. Each unit in the development (exclusive of a manager's unit or units) is affordable to, and occupied by, either a lower or very low income household.

17.50.040 Additional density bonus for donations of land.

A. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval donates land to the city in accordance with this section, the applicant shall be eligible for a fifteen percent density bonus at the site of the housing development *plus any increase in the density bonus granted under subsection (C)*. The density bonus provided pursuant to this section shall be in addition to any density bonus granted pursuant to Section 17.50.030, up to a maximum combined density bonus of thirty-five percent.

B. To qualify for the additional density bonus described in subsection (A) of this section, the donation of land must meet all of the following criteria:

1. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and

2. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and

3. The donated land is at least one acre in size or is large enough to permit development of at least forty units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and

4. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by *Section 65583.2(i) of the Government Code* if the design is not reviewed by the city prior to the time of transfer; and

5. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with Section 17.50.030(C), which deed restriction shall be recorded upon the donated property at the time of its transfer; and

6. The land will be transferred to the city or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and

7. The land is within the boundary of the proposed housing development or within one-quarter mile of the boundary of the proposed housing development; and

8. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.

C. Additional Density Bonus Based on Greater Suitability of Land for Very Low Income Housing. For each one percent increase above the minimum ten percent in the number of very low

income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent, up to a maximum of thirty-five percent, as follows:

Percentage of Very Low Income Units That Can Be Accommodated on Donated Land	Percentage of Additional Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

17.50.050 Density bonus and incentives for condominium conversions.

A. An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: (1) at least thirty-three percent of the total units of the proposed condominium project to persons and families of low or moderate income; or (2) at least fifteen percent of the total units of the proposed condominium project to lower income households; and

(3) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this section.

B. Condominium conversions qualified under subsection (A) may receive one of the following, at the city's option:

1. A flat density bonus of twenty-five percent to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this chapter or pursuant to *Section 65915 of the* Government Code. Qualified applicants may choose to implement a lower density bonus.

2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.

C. The city reserves the right to place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value pursuant to this section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

D. Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant other sections of this chapter. Nothing in this section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.

E. An applicant for approval to convert apartments to a condominium project may submit to a city a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The procedures for processing an application pursuant to this section shall be those established pursuant to Chapter 17.80.

F. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, and either of the following applies:

1. The proposed condominium project, inclusive of the units replaced, contains affordable units at the percentages set forth in subsection A of this section.

2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

17.50.060 Density bonus and concessions/incentive for child care facilities.

A. A housing development that is eligible for a density bonus pursuant to Section 17.50.030 which includes a child care facility qualified under this section is also eligible for either of the following, at the option of the city, if requested in writing by the applicant:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. A child care facility will only qualify the housing development for an additional density bonus or incentive or concession if it is: (1) located on the premises of, as part of, or adjacent to the housing development; and (2) the housing development is eligible for a density bonus pursuant to Section 17.50.030. As a condition of approving the additional density bonus for the housing development, the child care facility must meet *both* of the following criteria:

1. The child care facility shall be used exclusively for child care for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to Section 17.50.030(C); and
2. Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units in that housing development that are proposed to be affordable to very low income households, lower income households, or moderate income households pursuant to Section 17.50.030.

C. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession or incentive for a child care facility if it makes a written finding, based upon substantial evidence, that the community already has adequate child care facilities.

17.50.065 Commercial housing—Agreement for partnered housing to contribute affordable housing.

When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in Section 65915.7 of the Health and Safety Code to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city shall grant to the commercial developer *a* development bonus as prescribed in Section 65915.7 of the Health and Safety Code. This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

17.50.070 General provisions governing density bonus calculations.

A. For the purposes of any provisions in this chapter, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.

C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

D. For the purposes of this chapter, the term “total units” or “total dwelling units” in a housing development does not include those units added by any density bonus.

E. Regardless of the number or extent of affordable *or qualifying* units, senior housing, land dedication, child care facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty-five percent, *except as provided in Section 17.50.030(A)(4)*.

TABLE 1: Density Bonus Summary				
<i>A density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35% (except as provided in Section 17.50.030(A)(4)), and an additional sq. ft. bonus may be granted for a child care facility.</i>				
<i>Qualifying Element of Development Project</i>	<i>Minimum Percentage or Requirement</i>	<i>Bonus Granted</i>	<i>Additional Bonus for Each 1% Increase in Affordable Units</i>	<i>% Affordable Units Required for Maximum 35% Bonus</i>
Affordable Housing				
<i>Very low income units</i>	<i>5%</i>	<i>20%</i>	<i>2.5%</i>	<i>11%</i>
<i>Lower income units</i>	<i>10%</i>	<i>20%</i>	<i>1.5%</i>	<i>20%</i>
<i>Moderate income units (ownership units only)</i>	<i>10%</i>	<i>5%</i>	<i>1%</i>	<i>40%</i>
<i>Lower/Moderate income units</i>	<i>At least 80% lower; remaining units moderate</i>	<i>80% of number of lower income units⁽¹⁾</i>	—	—
<i>Senior citizen housing</i>	<i>Qualified senior citizen housing development</i>	<i>20% of the number of senior citizen housing units</i>	—	—
<i>Foster, disabled veteran and homeless housing</i>	<i>10%</i>	<i>20% of the number of qualifying units</i>	—	—

<i>Lower income student housing</i>	20%	35% of the student housing units	—	—
<i>Land donation for very low income housing</i>	<i>Land donated can accommodate number of very low income units equal to 10% of units in project</i>	15%	1%	<i>Land donated can accommodate number of very low income units equal to 30% of units in project</i>
<i>Child care facility</i>	<i>Development qualifies for density bonus under Section 17.50.030; facility meets requirements in Section 17.50.060.</i>	<i>Equal to or greater than sq. ft. in child care facility ⁽²⁾</i>	—	—
Condominium Conversion				
<i>Lower income units</i>	15%	25% ⁽³⁾	—	<i>N/A Maximum density bonus is 25%</i>
<i>Low/Moderate income units</i>	33%	25% ⁽³⁾	—	<i>N/A Maximum density bonus is 25%</i>

Notes:

(1) If the housing development is located within one-half mile of a major transit stop the city will not impose any maximum density requirement.

(2) Or an additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility, at the city's option.

(3) Or an incentive of equal value, at the city's option.

17.50.080 Incentives and concessions.

A. Definition of a Qualified Concession or Incentive. An applicant for a density bonus pursuant to Section 17.50.030 may also submit to the city a written proposal for specific incentives or concessions as provided in this section. The applicant may also request a meeting with the city's city manager or designee to discuss such proposal. For purposes of this chapter, concessions and incentives include any of the following:

1. Reductions in site development standards or modifications of zoning requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These include, without limitation, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required. In order to qualify as a “concession or incentive,” the city must be able to find, based on substantial evidence, that the requested reductions in site development standards result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be set as specified in Section 17.50.030(C); or

2. Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located; or

3. Other regulatory incentives or concessions proposed by the applicant or the city, so long as the city can find, based on substantial evidence, that such proposals result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be set as specified in Section 17.50.030(C).

B. Findings to Deny Concession or Incentive. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for affordable rents for the targeted units to be set as specified in Section 17.50.030(C); or

2. The concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income and moderate-income households; or

3. The concession or incentive would be contrary to state or federal law.

C. Number of Concessions or Incentives. If all other provisions of this section are satisfied, an applicant will be eligible for the following number of incentives and concessions:

1. One incentive or concession for housing developments where at least five percent of the total units are for very low income households, at least ten percent of the total units are for lower income households, or at least ten percent of the total units in a common interest development are sold to moderate income households;

2. Two incentives or concessions for housing developments where at least ten percent of the total units are for very low income households, at least twenty percent of the total units are for lower income households, or at least twenty percent of the total units in a common interest development are sold to moderate income households; or

3. Three incentives or concessions for housing developments where at least fifteen percent of the total units are for very low income households, at least thirty percent of the total units are for lower income households, or at least thirty

percent of the total units in a common interest development are sold to moderate income households.

4. Four incentives or concessions for projects meeting the criteria of Section 17.50.030(A)(4). If the project is located within one-half mile of a major transit stop the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

<i>TABLE 2: Incentives and Concessions Summary</i>				
<i>Affordable Units</i>				
<i>% Very Low Income Units</i>	<i>% Lower Income Units</i>	<i>% Moderate Income Units Sold in CID</i>	<i>% Lower/Mod Income Units</i>	<i>Number of Incentives/Concessions</i>
<i>5%</i>	<i>10%</i>	<i>10%</i>	<i>—</i>	<i>1</i>
<i>10%</i>	<i>20%</i>	<i>20%</i>	<i>—</i>	<i>2</i>
<i>15%</i>	<i>30%</i>	<i>30%</i>	<i>—</i>	<i>3</i>
<i>—</i>	<i>—</i>	<i>—</i>	<i>At least 80% lower income; remaining units moderate income</i>	<i>4</i>
<i>Other Qualifying Project Element⁽¹⁾</i>				
<i>Child care facility</i>				<i>1⁽²⁾</i>
<i>Commercial Housing with Partnered Housing Agreement</i>				<i>See Section 17.50.065</i>
<i>Condominium Conversion</i>				
<i>33% of total units provided to persons or families of low or moderate income, or 15% of total units provided to lower income households</i>				<i>1⁽³⁾</i>

(1) No incentives or concessions are available for land donation.

(2) Or a density bonus equal to or greater than the square feet in child care facility, at the city's option.

(3) Or a density bonus of twenty-five percent, at the city's option.

D. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly-owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.

E. The granting of a concession or incentive shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this chapter, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the proposal meets the definition of an “incentive or concession.” Except as provided in Sections 17.50.080(C) and 17.50.090(A), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

17.50.090 Waivers and modifications of development standards.

A. *Except as provided in subsection (E), applicants granted a density bonus pursuant to Section 17.50.030 may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this chapter. The applicant may also request a meeting with the city to discuss such request for waivers and modifications.*

B. To obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of physically precluding the construction of a housing development meeting the criteria of Section 17.50.030(A) at the densities or with the concessions or incentives permitted by this chapter.

C. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.50.080.

D. The city may deny a request for any waiver, modification or reduction of development standards if the waiver, modification or reduction would have a specific adverse impact and there be no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

E. Notwithstanding subsection (A), a housing development that receives a waiver from any maximum controls on density pursuant to Section 17.50.030(A)(4) shall not be eligible for, and shall not receive, a waiver or reduction of development standards pursuant to this Section, other than as expressly provided in Section 17.50.030(A)(4) and 17.50.080(C)(4).

17.50.100 Parking incentives.

A. Except as provided in subsections (B) and (C) hereof, upon the written request of the applicant for a housing development meeting the criteria for a density bonus under Section 17.50.030, the city shall not require a vehicular parking ratio that exceeds the following:

1. Zero to one-bedroom units: one on-site parking space.
2. Two to three-bedroom units: two on-site parking spaces.
3. Four and more bedroom units: two and one-half parking spaces.

B. Notwithstanding subsection (A), if a development includes (1) the maximum percentage of low income or very low income units provided for in Section 17.50.030(B)(1) and (B)(2), and (2) is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the city shall not impose

a vehicular parking ratio that exceeds 0.5 spaces per bedroom. For purposes of this section, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

C. Notwithstanding subsection (A), if a development consists solely of rental units, exclusive of manager units, with an affordable housing cost to lower income families, then, upon the request of the developer, the city shall **only** impose vehicular parking ratios *consistent with the following*:

1. If the development is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

2. If the development is a for-rent housing development for individuals who are sixty-two years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

3. ***Notwithstanding subsection (D), if the development is either a special needs housing development or a supportive housing development, then the city shall not impose any minimum parking requirement, provided that if the development is a special needs housing development, the*** development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

D. Notwithstanding subsections (B), (C)(1), and (C)(2), if the city or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven years prior to any density bonus application, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in subsection (A), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low income and very low income individuals, including seniors and special needs individuals. The city shall bear the costs of any such study. The city shall make findings, based on the parking study completed in conformity with this subsection, supporting the need for the higher parking ratio.

E. Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking. This section shall apply to a development that meets the requirements of Section 17.50.030, but only at the request of the applicant.

F. A request pursuant to this Section shall not reduce or increase the number of incentives or concessions to which the applicant is otherwise entitled.

17.50.110 Standards for density bonus housing developments.

A. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market-rate units

in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this code.

B. For developments with multiple market-rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market-rate unit mix.

C. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

17.50.120 Application requirements.

A. A written application for a density bonus, incentive, concession, waiver, or modification pursuant to this chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on the form prescribed by Section 17.12.030 of this code and shall additionally include at least the following information:

1. Site plan showing total number of units, number and location of affordable units, and number and location of proposed density bonus units. The site plan shall describe the size, in square footage, of all affordable units and density bonus units.

2. A marketing plan that describes how the applicant will inform the public, and those within the appropriate income groups, of the availability of affordable units.

3. The location, structure (attached, semi-attached, or detached), proposed tenure (for sale or rental), and size of the proposed market-rate units, any commercial space, density bonus units, and/or affordable units.

4. Level of affordability proposed for each affordable housing unit and proposals for ensuring affordability.

5. Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. The application shall include evidence that the requested incentives and concessions are required for the provision of affordable housing costs and/or affordable rents, as well as evidence relating to any other factual findings required under Section 17.50.050.

6. If a density bonus or concession is requested in connection with a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 17.50.080 can be made.

7. If a density bonus or concession/incentive is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included Section 17.50.090 can be made.

8. For phased projects, a phasing plan that provides for the timely development of the number of affordable units proportionate to each proposed phase of development.

9. Any other information reasonably requested by the planning commission to assist with evaluation of the application, excepting that neither the city nor any body thereof may condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law or the terms of this chapter.

B. An application for a density bonus, incentive or concession pursuant to this chapter shall be considered by and acted upon by the approval body with authority to approve the housing development and subject to the same administrative appeal procedure, if any, as more particularly described in Chapter 17.12 of this code. The city shall notify the applicant for a density bonus whether the application is complete in a manner consistent with *Section 65943 of the Government Code*. The application shall be processed in the same timeframes as applicable to the underlying development approval. In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval. Provisions of this code governing standards of design review and/or special use permits that are more restrictive than, or contrary to, the provisions of this chapter shall be inapplicable to an application for density bonus.

C. For housing developments requesting a waiver, modification or reduction of a development standard, an application pursuant to this subsection shall be heard in conjunction with the application for density bonus in accordance with Chapter 17.12 of this municipal code. A public hearing shall be held by the planning commission and the commission shall issue a determination. Pursuant to *Section 65915 of the Government Code*, the planning commission shall approve the requested waiver/modification or reduction of development standards, unless one of the following conditions applies:

1. The development standards subject to the waiver/modification do not have the effect of physically precluding the construction of the housing development *meeting the criteria in Section 17.50.030(A)* at the densities or with the concessions or incentives permitted pursuant to this chapter.

2. The waiver/modification will have a specific adverse impact.

D. The decision of the city planning commission may be appealed to the city council in accordance with Chapter 17.12. Notice of any city determination pursuant to this section shall be provided to the same extent as required for the underlying development approval.

17.50.130 Density bonus housing agreements.

A. In General. As a condition to approval of any density bonus pursuant to this chapter, the applicant shall agree to enter into a density bonus housing agreement with the city, which agreement shall be binding upon the applicant and all successors in interest. The form of the density bonus housing agreement will vary, depending on the manner in which the provisions of this chapter are satisfied for a particular development. The agreement shall be recorded as a restriction on the parcel or parcels on which the affordable units and the density bonus units will be constructed. The approval and recordation of the agreement shall take place prior to final map

approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The agreement must include, at minimum, all of the information required for the initial application as set forth in Section 17.50.120(A).

B. Density Bonus Housing Agreements for Ownership Units. In the case of housing developments consisting of ownership units, the density bonus housing agreement must provide the following additional conditions governing the sale and use of affordable units during the applicable affordability restriction period:

1. Affordable units shall be sold or resold only to very low income households, lower income households, or moderate income households in a common interest development, at an affordable ownership cost as defined by this chapter.

2. Affordable units shall be owner-occupied by very low or lower income households, or by moderate income households within a common interest development.

3. Any conditions as necessary or directed by the city council (or other such governing body in the case of the redevelopment agency or housing authority) for the subordination or prioritization of liens or mortgages upon the parcel underlying the owner-occupied affordable unit(s).

4. The purchaser of each affordable unit shall execute a deed instrument approved by the city, which instrument shall restrict the sale of the affordable unit in accordance with this chapter during the applicable affordability restriction period. Such instrument shall be recorded against the parcel containing the affordable unit and shall contain such provisions as the city may require to ensure continued compliance with this chapter and with *Section 65915 of the Government Code*. With respect to moderate income affordable units, the instrument or agreement shall provide for equity-sharing as set forth *in Section 17.50.030(C)(2) of this code and Section 65915 of the Government Code*. The deed restrictions required for affordable units shall specify that the title to the subject property shall only be transferred with prior written approval by the city.

5. ***Equity-sharing agreements shall be secured by a deed of trust insured by a title insurance policy in favor of the City and paid for by the property owner. Owner shall execute such other documents as reasonably required by the City.***

6. Any additional obligations relevant to the compliance with this chapter.

C. Density Bonus Housing Agreements for Rental Units. In the case of housing developments consisting of rental units, the density bonus housing agreement must provide the following additional conditions governing the use of affordable units during the affordability restriction period:

1. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing affordable rent and maintaining affordable units for qualified tenants.

2. Provisions requiring owners or managers of the housing development to verify household incomes for all tenants in affordable units and maintain books and records to demonstrate compliance with this chapter.

3. Provisions requiring owners or managers of the housing development to submit an annual report to the city, which includes the name(s), address, and income of each household occupying affordable units, and which identifies the bedroom size and monthly rent or cost of each affordable unit.

4. Provisions describing the amount of, and timing for payment of, administrative fees to be paid to the city for the on-going compliance monitoring of the provisions of this chapter pursuant to Section 17.50.140.

5. Any conditions as necessary or directed by the city council (or other such governing body in the case of the redevelopment agency or housing authority) for the subordination or prioritization of liens or mortgages upon the parcel underlying the tenant-occupied affordable units.

6. The property owner of each for-rent housing development containing affordable units shall execute a deed instrument approved by the city, which instrument shall restrict the leasing of the affordable unit in accordance with this chapter during the applicable affordability restriction period. Such instrument shall be recorded against the parcel containing the affordable units and shall include the provisions of this chapter and shall provide, at a minimum, each of the following provisions: (a) the affordable units shall be leased to and occupied by eligible households; (b) the affordable units shall be leased at rent levels affordable to eligible households for the full duration of the affordability period; (c) subleasing of affordable units shall not be permitted without the express written consent of the city; and (d) title to the subject property shall only be transferred with prior written approval by the city.

7. Any additional obligations relevant to the compliance with this chapter.

17.50.140 Administrative fee.

An administrative fee shall be charged to the applicant for city review of all materials submitted in accordance with this chapter and for on-going enforcement of the provisions of this chapter. The fee amount shall be established by city council resolution. Fees will be charged for staff time and materials associated with the following activities: development review process, agreement drafting, project marketing and lease-up, and estimated city-incurred costs of monitoring long-term compliance of the affordable units.

17.50.150 Violations of affordable housing requirements.

A. In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in a rental affordable unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the city in the event the tenant cannot be located), any excess rent charges.

B. In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to a household purchasing an owner-occupied affordable unit, the city may take the appropriate legal action to recover, and the affordable unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any excess sales costs.

C. Nothing in this section limits or waives any other remedies the city may have available to it in law or equity.

17.50.160 Effects of state law.

This chapter implements the laws for density bonuses and other incentive and concessions available to qualified applicants under *Sections 65915 through 65918 of the Government Code* . In the event these Government Code sections are amended, those amended provisions shall be incorporated into this chapter as if fully set forth herein. Should any inconsistencies exist between the amended state law and the provisions set forth in this chapter, the amended state law shall prevail.”

SECTION 3. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this ordinance is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. More specifically, this Ordinance merely implements the requirements of state law, allowing developers to seek a density bonus pursuant to Government Code Section 65915.

SECTION 4. 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 5. 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 21st day of September, 2020.

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. 1175-20 at its regular meeting held on the 21st day of September, 2020, and duly approved and adopted said ordinance at its regular meeting held on the 21st day of September, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

ATTACHMENT C

Proof of Publishing Daily Breeze Notice

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

5007749

CITY OF LAWDALE/COMMUNITY DEVELOPMENT
DEPT
ACCOUNTS PAYABLE
14717 BURIN AVENUE
LAWDALE, CA 90260

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

09/11/2020

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 11th day of September, 2020.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington.

(Space below for use of County Clerk Only)

Legal No. **0011410330**

**PUBLIC NOTICE
CITY OF LAWDALE
CITY COUNCIL
CASE NO: 20-30**

Notice is hereby given that at 6:30 p.m. on Monday Sept 21, 2020 the Lawndale City Council will hold a public hearing in the City Council Chambers located at 14717 Burin Avenue, Lawndale, CA to review the following proposal:

CASE NO. 20-30: CONSIDERATION TO AMEND THE LAWDALE MUNICIPAL CODE CHAPTER 17.50 TO UPDATE THE DENSITY BONUS STANDARDS FOR CONSISTENCY WITH STATE LAW

On September 9th, 2020 the Lawndale Planning Commission voted 5 to 0 recommending the City Council approve the proposed regulations.

Pursuant to the California Environmental Quality Act (CEQA) the City of Lawndale has prepared an initial study. It has been determined that the project will not have any significant impacts on the environment, and therefore a negative declaration will be adopted.

The files for this proposal are available for review Monday through Thursday, 7:00 a.m. to 6:00 p.m., in the Community Development Department offices located at 14717 Burin Avenue, Lawndale, California. Any grounds for opposing this project must be made at the time of the meeting or made in written correspondence. If you challenge this matter in court, you may be limited to raising only those issues that you or someone else raised during the meeting.

The City of Lawndale's contact person is Jared Chavez, Senior Planner, Community Development Department at (310) 973-3206.

**Pub Sep 11, 2020
(11)DB(11410330)**

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

CITY OF LAWNSDALE/COMMUNITY
DEVELOPMENT DEPT
ACCOUNTS PAYABLE
14717 BURIN AVENUE
LAWNSDALE, CA 90260

Account Number: 5007749

Ad Order Number: 0011410330

Customer's Reference SMOORE@lawnsdalecity.org
/ PO Number:

Publication: Daily Breeze

Publication Dates: 09/11/2020

Amount: \$305.36

Payment Amount: \$0.00

Invoice Text: **PUBLIC NOTICE
CITY OF LAWNSDALE
CITY COUNCIL
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Pub Sep 11, 2020 (1t)DB(11410330)



CITY OF LAWDALE

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

DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager *[Signature]*

PREPARED BY: Michael Reyes, Director of Municipal Services *[Signature]*

SUBJECT: Adoption of Resolution No. CC-2009-053, Establishing Administrative Citation Fees

BACKGROUND

On March 16, 2020 the City Council directed staff to prepare an ordinance to enable the use of administrative citations as a means to gain compliance on violations of the Lawndale Municipal Code (“LMC”) and as an alternative measure to taking Code violation cases to criminal court, which should also save the City Attorney’s fees.

Over the past few months, staff has made various presentations to the City Council to answer questions regarding the administrative citation process, the offenses that violators could be cited for, and the appeals process for violating parties to follow once a citation had been issued. On August 17, 2020, the City Council adopted Ordinance No. 1174-20, establishing Chapter 1.11 of the Lawndale Municipal Code, which makes any violation of the Lawndale Municipal Code subject to an administrative fine or penalty. This ordinance is now in effect.

The last two steps needed to have the entire process in place are the adoption of administrative citation fine amounts and the adoption of an ordinance establishing the appeals board to hear the appeal of administrative citations issued for building and safety code violations. This report presents the City Council with a resolution to adopt administrative citation fines. .

STAFF REVIEW

Approximately one month ago, the introduction of an ordinance authorizing administrative citations was approved unanimously. Questions were presented by the City Council as to how citations would be issued, how appeals would be heard and the amounts of the citations. The existing method for Code Enforcement Cases involves an inspection and verification of an existing violation, followed by a notification to the violating party seeking their compliance. If compliance is not achieved, a second notice of violation is issued, followed by a final notice and eventually a conference between staff, the City Attorneys’ Office, and the violating party. If compliance is still not achieved, then the matter is handled by the City Attorneys’ Office and the violating party is charged criminally.

This is an effective process when large scale violations exist and thousands of dollars in unpaid permit fees are in question. This method is less effective when the violations are smaller issues, such as

unsightly lawns, inoperable vehicles and trash cans left out. For this reason, administrative citations will assist the City by inserting into the existing process the means for Staff, specifically Code Enforcement Officers, the ability to issue citations to violating parties after sufficient notice has been given to make corrections, but when compliance has still not been achieved.

Per direction from the City Council at the introduction of Ordinance No. 1174-20, the proposed fine schedule for administrative citations, as set forth in the attached resolution, specifies:

- \$100 for the first violation
- \$250 for the second violation
- \$500 for the third violation
- EXCEPT for violations of Chapter 8.12 of the LMC, regarding fireworks, are \$1,000 for each violation

Per Ordinance No. 1174-20, citations that remain unpaid will accrue late fees of 50% of the fine if not paid within 20 days of the date of issuance. An additional 10% will be added to the original fine for each subsequent month the violation remains unpaid, up to, but not to exceed 100% of the overdue fine. Unpaid fines will become liens against property owners, or go to collections for renters.

Violating parties will have the option to appeal any administrative citation via a hearing officer provided by Citation Processing Center for violations regarding non-building related issues, or by a yet to be established hearing board for issues with building related violations.

Once the City Council adopts this fine schedule, staff will order citation books. Staff is being trained regarding this new process and currently anticipates that administrative citation issuance should begin in approximately 6 weeks.

LEGAL REVIEW

The City Attorney has reviewed and approved Resolution No. CC-2009-053.

FISCAL IMPACT

Staff estimates that funding required for the Municipal Services Department and City Attorney's Office will decrease as administrative citations should minimize the number of code cases being taken to court

RECOMMENDATION

Staff recommends that the City Council approve the Resolution No. CC-2009-053.

ATTACHMENT

Resolution No. CC-2009-053

RESOLUTION NO. CC 2009-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA ADOPTING ADMINISTRATIVE FINE AMOUNTS FOR ADMINISTRATIVE CITATIONS ISSUED PURSUANT TO LAWNSDALE MUNICIPAL CODE CHAPTER 1.11 FOR VIOLATIONS OF THE LAWNSDALE MUNICIPAL CODE

WHEREAS, Article XI, Section 7 of the California Constitution gives the City Council the authority to make and enforce regulations to protect the health, safety and welfare of the City's residents; and

WHEREAS, pursuant to Government Code Section 53069.4(a)(1), the City Council may by ordinance make any violation of any ordinance enacted by the City Council subject to an administrative fine or penalty; and

WHEREAS, Chapter 8.12 of the Lawnsdale Municipal Code (the "Fireworks Regulations") contains requirements related to (without limitation) the use, storage, and sale of fireworks in the City; and

WHEREAS, on August 17, 2020, the City Council adopted Ordinance No. 1174-20, establishing Chapter 1.11 of the Lawnsdale Municipal Code, which makes any violation of the Lawnsdale Municipal Code subject to an administrative fine or penalty; and

WHEREAS, the City Council now desires to adopt specific administrative fines for violations of the Lawnsdale Municipal Code including the City's Fireworks Regulations.

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

SECTION 1. Pursuant to Title 1, Chapter 1.11 of the Lawnsdale Municipal Code the administrative fine schedule for municipal code violations shall be \$100 for the first violation, \$250 for the second violation, and \$500 for the third violation, except for violations of Chapter 8.12 of the Lawnsdale Municipal Code, which shall be \$1,000.00 for each violation.

SECTION 2. The adoption of this resolution approves and sets forth a procedure for establishing fines and penalties for administrative citations and is, therefore, exempt from the California Environmental Quality Act (Public Resources Code Sections 21080 et seq.) pursuant to Public Resources Code Section 21080(b)(8).

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 4. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED this 21th day of September, 2020.

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-2009-053 at a regular meeting of said Council held on the 21th day of September, 2020, by the following roll call vote:

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

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: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager *KM Chun*

PREPARED BY: Michael Reyes, Director of Municipal Services *MR*

SUBJECT: Introduction of Ordinance No. 1176-20 to Provide Authority for Recovery of Attorneys' Fees and Imposition of Treble Damages in Public Nuisance Abatement Actions

BACKGROUND

Existing portions of the City of Lawndale Municipal Code ("LMC") reference the authority for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance. As the applicable law has changed slightly, staff is recommending that the City Council amend the LMC to provide authority for recovery of attorney's fees in a nuisance abatement case generally and imposition of treble damages (triple award of damages) against property owners upon entry of a second civil or criminal judgement with a two-year period.

Ordinance No.1176-20 will amend LMC Sections 8.24.115 and 8.24.200 to add these provisions regarding attorney's fees.

STAFF REVIEW

While existing language in the LMC addresses and allows for the recovery of attorneys' fees, the proposed update will authorize the collection of treble damages and for the recovery of reasonable attorney fees in the event that a property owner is found liable for a second or subsequent civil or criminal judgement within a two year period. This additional penalty is hoped to deter property owners from repeatedly allowing code violations to occur on their property.

Government Code section 38773.5 gives cities authority to provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance, while Government Code section 38773.7 authorizes cities to adopt an ordinance declaring that the city is entitled to three times the City's actual costs of abatement when a city receives a second judgment to abate a public nuisance within two years. The introduction of Ordinance No. 1176-20 will amend the LMC to provide this authority for recovery of attorney's fees in nuisance abatement cases and impose treble damages against property owners.

LEGAL REVIEW

The City Attorney's office has reviewed the attached Ordinance and approves it to form.

FISCAL IMPACT

There will be no fiscal impact associated with this Ordinance although it could result in the City recovering slightly more in fees and costs on occasion.

RECOMMENDATION

Staff recommends that the City Council approve the first reading to introduce Ordinance 1176-20.

Attachments: Ordinance No. 1176-20

ORDINANCE NO. 1176-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAWDALE, CALIFORNIA AMENDING SECTIONS 8.24.115 AND 8.24.200 OF THE LAWDALE MUNICIPAL TO PROVIDE AUTHORITY FOR RECOVERY OF ATTORNEYS' FEES AND IMPOSITION OF TREBLE DAMAGES IN PUBLIC NUISANCE ABATEMENT ACTIONS

SUMMARY: This ordinance will provide authority for the recovery of attorneys' fees and imposition of treble damages for certain types of public nuisance abatement actions.

WHEREAS, Government Code section 38773.5 authorizes a city to provide, by ordinance, for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance; and

WHEREAS, Government Code section 38773.7 authorizes a city to provide, by ordinance, that upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a public nuisance condition that may be abated in accordance with an ordinance enacted pursuant to Government Code sections 38773.5 and 38773.6, except for conditions abated pursuant to Health & Safety Code section 17980, the court may order that person to pay treble the costs of abatement; and

WHEREAS, the City Council now desires to amend the Lawndale Municipal Code to provide authority for recovery of attorneys' fees in nuisance abatement cases generally and imposition of treble damages against property owners upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that the property owner is responsible for certain types of public nuisance conditions.

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

SECTION 1. The City Council of the City of Lawndale finds that the above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Section 8.24.115 of the Lawndale Municipal Code is hereby amended to read, in its entirety, as follows (deletions marked in ~~strike through~~, additions in *bold and italics*):

~~"8.24.115 Two or more abatements in a two-year period. Treble damages.~~

~~If the city abates the same property two or more times in a two-year period, the city shall recover three times the total value of the assessments, penalties, costs, and attorneys' fees incurred in connection with the second or subsequent abatement. In addition to the penalties provided for in this chapter, upon entry of a second or subsequent civil or criminal judgment within a two-year period against an owner of a property responsible for a public nuisance and~~

subject to this chapter, the city is authorized to request that the court order the owner to pay treble the costs of abatement, except if any such judgment relates to an abatement of conditions pursuant to California Health and Safety Code Section 17980.”

SECTION 3. Section 8.24.200 of the Lawndale Municipal Code is hereby amended to read, in its entirety, as follows (deletions marked in ~~striketrough~~, additions in *bold and italics*):

~~“Any time attorneys’ fees, recovered pursuant to this chapter, are recoverable as a result of litigation, the prevailing party shall be entitled to attorneys’ fees.”~~

- A. The prevailing party in any action, administrative proceeding, or special proceeding to abate a public nuisance, or in any appeal or other judicial action arising therefrom, shall be entitled to recover its reasonable attorneys’ fees. Recovery of attorneys’ fees shall be limited to those actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys’ fees. In no action or proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the city in the action or proceeding.
- B. In addition to the award of attorneys’ fees pursuant to the provisions of subsection A of this section, the prevailing party in any action, administrative proceeding, or special proceeding to abate a public nuisance, or in any appeal or other judicial action arising therefrom, shall be entitled to recover its reasonable attorneys’ fees incurred in any post-judgment proceedings to collect or enforce the judgment.”

SECTION 4. Adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that adoption of this ordinance, amending existing sections to the City’s municipal Code to clarify the intent, will have a significant effect on the environment. Therefore, adoption of this ordinance is not subject to CEQA.

SECTION 5. 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 6. 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 _____, 2020.

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. 1176-20 at its regular meeting held on the ___ day of _____, 2020, and duly approved and adopted said ordinance at its regular meeting held on the ___ day of _____, 2020, by the following roll call vote:

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

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney



CITY OF LAWNDALE

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

DATE: September 21, 2020
TO: Honorable Mayor and City Council
FROM: Kevin M. Chun, City Manager *KM*
PREPARED BY: Mike Estes, Director of Community Services *ME*
SUBJECT: Annual Halloween Haunt Special Event Program Cancellation

BACKGROUND

The City of Lawndale Halloween Haunt special event program has been one of the City's most well-attended events. After five years at Alondra County Regional Park between 2007 and 2011, in October 2012, the Halloween Haunt event was moved to the Lawndale Civic Center Plaza to take advantage of the new Lawndale Community Center and vastly improved and aesthetically pleasing Civic Center. In the past, this event has drawn upwards of approximately 1,500 people.

STAFF REVIEW

Due to the COVID-19 (Coronavirus) pandemic and ongoing "Safer at Home" and "Shelter in Place" orders as directed by federal, state and county officials, the City has cancelled a vast majority of Community Services Department programs and events until further notice. However, essential programs for seniors such as Senior Congregate Meals Delivery and Meals on Wheels programs have continued during the pandemic and will continue to operate accordingly.

The City previously made operational changes as it relates to special event programs on the following dates in 2020: March 16, April 6, May 18, June 1, June 15 and July 20 at which all special event programs were cancelled outside of the City's annual Memorial Day Ceremony which was held as a virtual event this past May.

Although there have been preliminary discussions going back several months about moving the Halloween Haunt event to Friday, October 30, 2020, so youth event attendees can enjoy trick-or-treating on Halloween night and still attend the event, the discussions are moot at this point due to the ongoing COVID-19 pandemic.

Per the Los Angeles County "Safer at Home" Order, the Health Officer orders the closure of "activities where more frequent and prolonged person-to-person contacts are likely to occur." The Health Officer's order also identifies the closure of "all events and gatherings", unless specifically allowed by the officer's order.

Now that the event is fewer than 60 days away, it is believed that we have missed our window of opportunity to functionally market and advertise the event. Under normal circumstances, marketing and

advertising of the event would begin approximately 90 days in advance of the event; however, no later than 60 days prior.

FISCAL IMPACT

At this point no money has been spent on the Halloween Haunt event, nor have any future financial commitments been made. If the event is cancelled by the City Council, the City's Fiscal Year 2020-21 General Fund Budget will realize a savings of approximately \$9,200.00 in operational costs and staff wages.

RECOMMENDATION

Staff recommends that the City Council cancel the upcoming Halloween Haunt event scheduled for Saturday, October 31, 2020, from 4:00 p.m. to 8:00 p.m. at the Lawndale Civic Center Plaza.



CITY OF LAWNDALE

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

DATE: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager *KMChun*

PREPARED BY: Kahono Oei, P.E., Director of Public Works/City Engineer *OK*
Marla L. Pendleton, CPA, Director of Finance *Marla L. Pendleton, CPA*
Alex Chou, Associate Engineer *AKC*

SUBJECT: Award of Construction Contract to Shawnan of Downey, CA for Inglewood Avenue Phase I Street Improvement Project

BACKGROUND

Inglewood Avenue is a major highway that runs north and south providing access to the I-405 Freeway and connects to several major highway systems that transports average daily traffic of 54,000 commuters to surrounding South Bay cities. Over the years, the roadway pavement on Inglewood Avenue has deteriorated due to its large traffic volume. Hence, the City has budgeted and scheduled for the maintenance work on Inglewood Avenue in three phases.

In March 2019, the City Council awarded Phase III of the Inglewood Avenue Street Improvement Project construction contract to Excel Paving Company. The Phase III project limits were from Marine Avenue to Rosecrans Avenue and was completed in October 2019.

The Phase I project consists of the combination of two small projects (Phase I and Phase II) into one large project. This Phase I project limits are from Marine Avenue to the railroad tracks north of Manhattan Beach Boulevard.

In July 2020, the City Council approved the Phase I project plans and specifications and authorized staff to solicit bids for construction.

The scope of the Phase I project includes pavement rehabilitation by cold milling and asphalt overlay, reconstruction of A.D.A. compliant ramps, driveway approaches, sidewalk, striping and pavement markings, replacement of streets signs, utility adjustments to grade, and other related appurtenances. In addition, this project includes traffic signal upgrade at the intersection of Inglewood Avenue and I-405 Freeway. In order to complete traffic signal work, the City and contractor will coordinate to secure a Caltrans right-of-way encroachment permit. The work at the intersection includes removing and replacing aging traffic signal poles, mast arms, and related appurtenances.

Furthermore, Inglewood Avenue is a shared street between the cities of Redondo Beach and Lawndale. The original scope of the work for Phase I was to include the traffic signal upgrades at the intersection of Inglewood Avenue and Manhattan Beach Boulevard. However, after several meetings with the City

of Redondo Beach, they agreed to include the traffic signal upgrades as well as the pavement rehabilitation from the intersection of Inglewood Avenue and Manhattan Beach Boulevard to the south of railroad tracks as a part of their Capital Improvement Project in the next fiscal year. In exchange, the City of Lawndale will complete the portion of the pavement rehabilitation on Inglewood Avenue from Marine Avenue to the north of railroad tracks which lies within the City of Redondo Beach as a part of this project.

STAFF REVIEW

The Notice Inviting Bids was advertised in the Daily Breeze, Bid America, and FW Dodge (green sheet).

Bids were received and opened on Thursday, August 6, 2020 by the City Clerk’s office staff in accordance with City bidding procedures. Five bids were received with bid bonds, evidence of contract licensing, insurance coverage, and project references for contracts of similar size and scope. Bids received are listed in the table below:

Bidders	Bid Amount
Shawnan, Downey, CA	\$1,177,400.00
Hardy & Harper, Inc., Lake Forest, CA	\$1,195,282.00
Excel Paving Company, Long Beach , CA	\$1,209,700.00
All American Asphalt, Corona, CA	\$1,235,081.90
Sequel Contractors, Inc., Santa Fe Springs, CA	\$1,263,150.00
<i>Engineer’s Estimate</i>	<i>\$1,144,250.00</i>

The Engineer’s estimate for his work is \$1,144,250.00 which is slightly lower than the lowest bid amount.

As a result of the bid analysis, staff finds that the contractor Shawnan has submitted the lowest responsible and responsive bid for the project in the amount of \$1,177,400. There are sufficient funds available in Prop C 25 Grants and Prop C Funds to accommodate the cost of construction.

Staff performed a background check and found the contractor’s license is current and active. The contractor’s references were contacted and all indicated satisfactory work was performed.

Staff recommends the award of a construction contract to Shawnan of Downey, CA. The project is anticipated to be completed in 120 working days from issuance of the Notice to Proceed, which will likely be issued in October 2020.

LEGAL REVIEW

The contract will be the City’s public works contract which was approved as to form by the City Attorney.

FISCAL IMPACT

Total project funding including 10% contingency is \$1,295,140. Total funding is available from Proposition C 25 Grants, Proposition C Funds and 2009 Tax Anticipation Bond (TAB) Funds. Of the total funding, the use of \$46,410 of Proposition C Funds requires City Council approval of a reallocation to move these funds from the line item for the Inglewood Avenue Widening Project Phase II to Phase I. City Council appropriation approval is also required to use an additional \$215,123 of the available 2009 TAB funding.

Project Cost Estimate:

Contract Amount:		\$1,177,400.00
10% Contingency:		<u>\$ 117,740.00</u>
Total Amount:		<u>\$1,295,140.00</u>

Available Funds:

Prop C 25 Grants	240-310-700.151	\$ 559,232.00
Prop C Funds	207-310-700.150*	\$ 46,410.00
Prop C Funds	207-310-700.151	\$ 208,030.00
2009 TAB Funds	307-610-700.151**	<u>\$ 481,468.00</u>

Total Amount: **\$1,295,140.00**

* If approved by Program Administrator, move budget from 207-310-700.150 to 207-310-700.151; otherwise use additional funding available in 2009 TAB Funds.

** \$266,345 is currently appropriated to the project; an additional \$215,123 for a total of \$481,468 of 2009 TAB funding is needed for project costs. The funding is available and unappropriated at this time. If Program Administrator disallows use of Prop C Funds, another \$46,410 in 2009 TAB funding will be necessary, totaling \$527,878.

RECOMMENDATION

Staff recommends that the City Council:

1. Authorized the Director of Finance to transfer \$46,410 (Prop C Funds) from Phase II (207-310-700.150) to Phase I (207-310-700.151) of the Inglewood Avenue Street Improvement Project, if approved by the Program Administrator;
2. Approve and authorized the Director of Finance to increase appropriations from the 2009 TAB Fund in the amount of \$215,123 (307-610-700.151) for the project totaling \$481,468. Increase appropriation another \$46,410 in the 2009 TAB Fund, if the Program Administrator disallows moving Prop C money as outlined in recommendation 1 above (i.e., \$481,468 + \$46,410 = \$527,878).
3. Award a construction contract in the amount of \$1,177,400.00 to Shawnan for the project with a ten percent contingency of \$117,740 if necessary to avoid project delays and facilitate timely project completion.

Attachments:

1. Construction Contract Agreement
2. Project Location Map

ATTACHMENT 1
Construction Contract Agreement

AGREEMENT

THIS AGREEMENT, made and entered into this **21st** day of **September, 2020** by and between the **CITY OF LAWDALE, CALIFORNIA**, hereinafter referred to as the "**City**," and **Shawnan** hereinafter referred to as the "**Contractor**".

WITNESSETH: That the parties hereto do mutually agree as follows:

ARTICLE I: For and in consideration of the payments and agreements hereinafter mentioned to be made and performed by said City, said Contractor agrees with said City to construct the work under the City's specification entitled "**Inglewood Avenue Street Improvement Project, Project No. 2019-10**" and to perform and complete in a good and workmanlike manner all the work pertaining thereto shown on the drawings and described in the specifications herein, to furnish at his own proper cost and expense all tools, equipment, labor, and materials necessary therefor, except such material and equipment as in said specifications as expressly stipulated to be furnished by said City, and to do everything required by this Agreement and the said specifications and plans.

ARTICLE II: For furnishing all said materials and labor, furnishing and removing all plant, temporary works or structures, tools and equipment and doing all the work contemplated and embraced in this Agreement, also for all loss and damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties which may arise from or be encountered in the prosecution of the work until its acceptance by said City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work, except such as in the said specifications are expressly stipulated to be borne by said City, and for well and faithfully completing the work the whole thereof, in the manner shown and described in said drawings and specifications and in accordance with the requirements of the Engineer, said City will pay and said Contractor shall receive in full compensation therefor the prices named in the Bidding Schedule of the Bid hereto attached.

ARTICLE III: City agrees to pay and Contractor agrees to accept in full payment for this Work or Improvement the stipulated sum of **One Million One Hundred Seventy-seven Thousand Four Hundred and 00/100 Dollars (\$1,177,400.00)**.

City agrees to make monthly payments and final payment in accordance with the method set forth in the Specifications.

ARTICLE IV: All work to be done under this contract shall be completed within **one hundred-twenty (120) working days**, exclusive of maintenance periods, beginning on the date stipulated in the written Notice to Proceed issued by the Engineer. Any changes in time and/or price are to be submitted to the City Engineer, in writing, within 2 days of the occurrence giving rise to the request and shall request a formal decision from the City within 10 days and shall include data supporting the request.

ARTICLE V: Time is of the essence with respect to the performance by Contractor of its duties. Failure of the Contractor to complete the work within the time allowed will result in damages being sustained by the City. Such damages are, and will continue to be, impracticable and extremely difficult to determine. For each consecutive calendar day, or portion thereof, in excess of the time specified for completion of the work (as adjusted), the Contractor shall pay to the City, or the City may deduct from any payments due or to become due to Contractor, the sum of \$1000.00 per day.

Execution of this Agreement shall constitute agreement by the City and the Contractor that the specified liquidated damages per day is the minimum value of the costs and actual damage caused by the failure of the Contractor to complete the work within the allotted time, that such sum is liquidated damages and shall not be construed as a penalty, and that such sum may be deducted from payments due the Contractor if such delay occurs.

ARTICLE VI: The City hereby promises and agrees with said Contractor to employ, and does hereby employ, said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to for the price aforesaid, and hereby contracts to pay for the same, at the time, in the manner, and upon the conditions set forth in said specifications; and the said parties for themselves, their heirs, executors, administrators, successors, and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE VII: The Notice Inviting Sealed Bids, the Instructions to Bidders, the Bid, the Specifications, and the Drawings mentioned therein, all addenda issued prior to the opening of the bid by the City, all contract change orders issued after execution of the Contract Agreement, the Special Provisions, Non-Collusion Declaration, Faithful Performance Bond, Payment Bond, all of which are essential parts of this contract, are hereby incorporated in and made part of this Agreement.

ARTICLE VIII: Contractor acknowledges and agrees that he and any subcontractor under him must comply with the provisions of the State Labor Code requiring every employer to pay at least the minimum prevailing rate of per diem wages for each craft, classification, or type of workman needed to execute this contract. State general prevailing wage determination as established by the California Department of Industrial Relations (DIR) available at <http://www.dir.ca.gov/DLSR/PWD/index.htm>. The statutory provisions for penalties for failure to pay prevailing wages and/or failure to otherwise comply with state's wage and hour laws will be enforced.

The applicable prevailing rate of per diem wages are on file at the City of Lawndale Department of Public Works, 4722 Manhattan Beach Boulevard, Lawndale, California 90266, and are available to any interested party on request. The Contractor is required to post at the job site the prevailing rate of per diem wages and other notices prescribed by regulation.

ARTICLE IX: The Contractor shall supply the City with certificates of insurance for the types and amounts of insurance required for this project as described in the Instructions to Bidders for this project. Said certificates must comply with all requirements for sufficient insurance as described in the Instructions to Bidders.

ARTICLE X: The Contractor hereby agrees that the Contractor and any subcontractor under him submit weekly to the DIR directly and provide copy to City, certified copies of the payroll records for all said workers and shall comply with all statutory requirements relating to certified copies of payroll records, including the maintenance of the records, their certification, and their availability for inspection as required by Labor Code Section 1776 and as required under Subsection 7-2.6 of said Standard Specifications for Public Works Construction. In addition, the Contractor and any subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement) in a format prescribed by the Labor Commissioner no less than monthly as follows:

These new requirements will apply to all public works projects that are subject to the prevailing wage requirements of the Labor Code without regard to funding source.

ARTICLE XI: Pursuant to Labor Code Section 1725.5, Contractor and any subcontractor must be registered with the California Department of Industrial Relations prior to performing any work under this Agreement. Further, this project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

ARTICLE XII: Contractor shall indemnify, defend with legal counsel approved by City, and hold harmless City, its officers, officials, employees, agents, and volunteers from and against all liability, loss, damage, expense, cost (including without limitation reasonable legal counsel fees, expert witness fees and all other costs and fees of litigation) of every nature arising out of or in connection with Contractor's negligence, recklessness or willful misconduct in the performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage which is caused by the sole negligence or willful misconduct of the City. Should conflict of interest principles preclude a single legal counsel from representing both City and Contractor, or should City otherwise find Contractor's legal counsel unacceptable, then Contractor shall reimburse the City its costs of defense, including without limitation reasonable legal counsels fees, expert fees and all other costs and fees of litigation. The Contractor shall promptly pay any final judgment rendered against the City (and its officers, officials, employees and volunteers) with respect to claims determined by a trier of fact to have been the result of the Contractor's negligent, reckless or wrongful performance. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

Contractor obligations under this section apply regardless of whether or not such claim, charge, damage, demand, action, proceeding, loss, stop notice, cost, expense, judgment, civil fine or penalty, or liability was caused in part or contributed to by an Indemnatee. However, without affecting the rights of City under any provision of this Agreement, Contractor shall not be required to indemnify and hold harmless City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In instances where City is shown to have been actively negligent and where City's active negligence accounts for only a percentage of the liability involved, the obligation of Contractor will be for that entire portion or percentage of liability not attributable to the active negligence of City.

ARTICLE XIII: Contractor's services are being provided to the City as that of an independent contractor. Contractor represents and warrants that the personnel used to provide services to the

City pursuant to this Agreement are classified by Contractor as employees. In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement claims or is determined by a federal or state agency, a court of competent jurisdiction, or the California Public Employees' Retirement System ("CalPERS") to be classified as other than an independent contractor for the City, then Contractor shall indemnify, defend, and hold harmless the City for the payment of any and all assessed fines, penalties, judgments, employee and/or employer contributions, and any other damages and costs assessed to the City as a consequence of, or in any way attributable to, the assertion that Contractor or any persons Contractor used to provide services under this Agreement are employees of the City.

ARTICLE XIV: The City, in accordance with Public Contract Code Section 22300, shall permit the substitution of securities for any moneys withheld by the City to secure performance under a contract. The City hereby incorporates herein all of the provisions set forth in Public Contract Code Section 22300.

ARTICLE XV: In the performance of this agreement, the Contractor shall not engage in, nor permit others he may hire to engage in, discrimination in the employment of persons because of their race, religious creed, color, or national origin, except as provided in Government Code Section 12940. Violation of this provision may result in the imposition of penalties as provided in Labor Code Section 1735.

ARTICLE XVI: It is to be made known that the improvement contemplated in the performance of this contract may require by the State of California shall exercise general supervision; the State of California, therefore, shall have the right to assume full and direct control over this contract whenever the State of California, at its sole discretion, shall determine that its responsibility to the United States so requires.

ARTICLE XVII: The Contractor shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the contract and such other records as may be deemed necessary by the City to assure proper accounting for all project funds, both federal and non-federal shares. These records will be made available for audit purposes to the City or any authorized representative and will be retained for 3 years after the expiration of this contract, unless permission to destroy them is granted by the City.

ARTICLE XVIII: No officer or employee of the City shall have any financial interest in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which affects his financial interest or the financial interest of any corporation, partnership or association in which he is interested, in violation of any State statute or regulation. Similarly, Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

ARTICLE XIX: The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

ARTICLE XX: Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and Contractor agrees to submit to the personal jurisdiction of such court in the event of such action.

CITY: CITY OF LAWNSDALE,
CALIFORNIA

Dated _____, 20__

By: _____
MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Dated _____, 20__

CONTRACTOR: **SHAWNAN**

By: _____
AUTHORIZED REPRESENTATIVE

Shawn A Smith, President

TITLE

By: _____
AUTHORIZED REPRESENTATIVE

John A. Smith, Secretary

TITLE

(Attach acknowledgment for each
Authorized Representative of Contractor.)

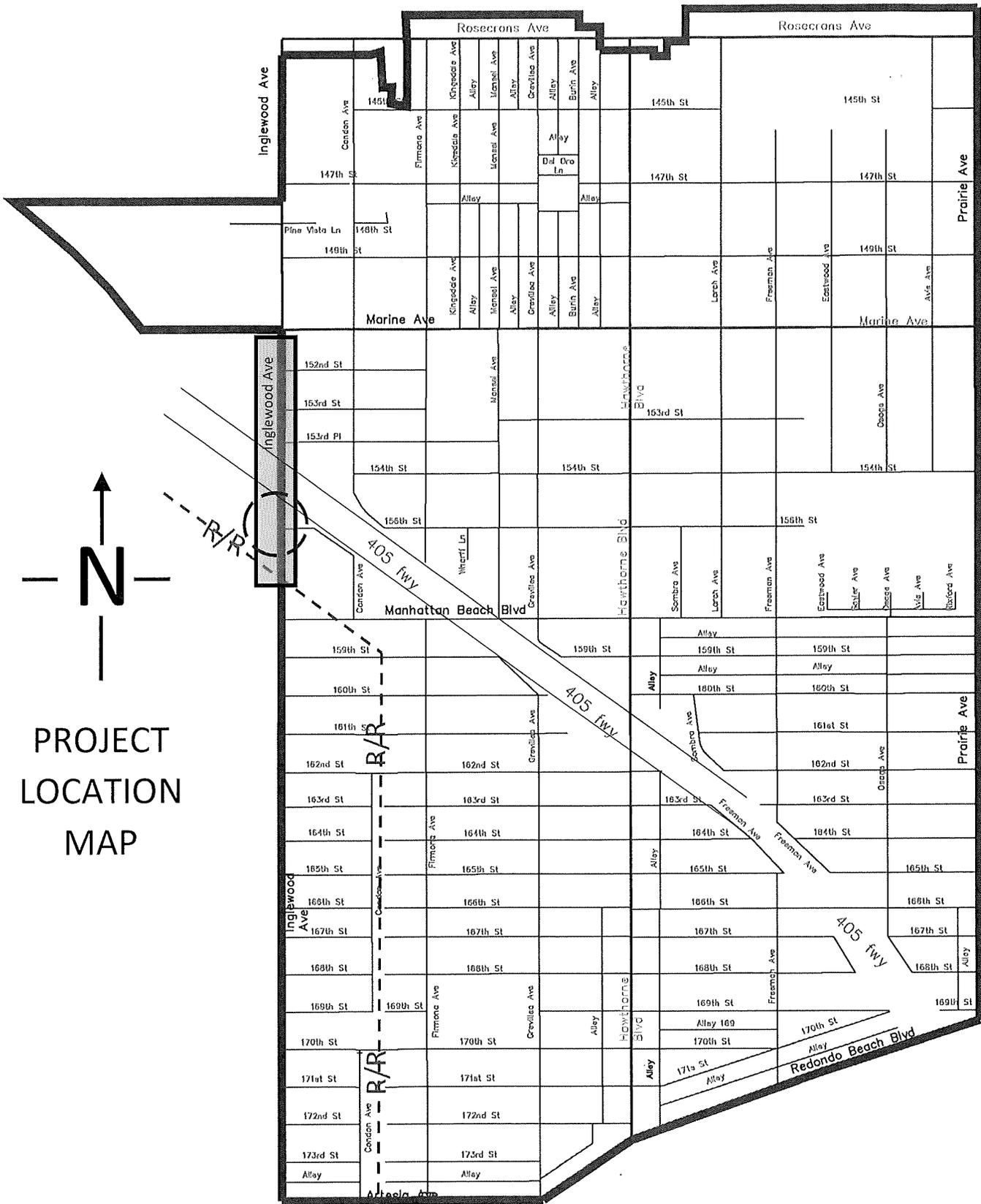
Address: **12240 Woodruff Ave.**
Downey, CA 90241

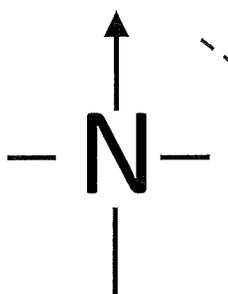
Phone: **(562) 803-9977**

Fax: **(562) 803-9955**

Email: **estimating@shawnan.com**

ATTACHMENT 2
Project Location Map




 PROJECT
 LOCATION
 MAP

-  PROPOSED STREET IMPROVEMENT
-  PROPOSED TRAFFIC SIGNAL UPGRADE



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

DATE: September 21, 2020
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: September 21, 2020

TO: Honorable Mayor and City Council

FROM: Matthew R. Ceballos, Assistant City Clerk *MC*

SUBJECT: Conference with Labor Negotiator - Local 1895, Council 36, American Federation of State, County and Municipal Employees, AFL-CIO, representing the City's mid-management and classified employees

No public documents were 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: September 21, 2020
TO: Honorable Mayor and City Council
FROM: Matthew R. Ceballos, Assistant City Clerk *mc*
SUBJECT: Public Employee Performance Evaluation – City Manager

No public documents were forwarded to the City Clerk Department for this item.