



CITY OF LAWNDALE

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

AGENDA LAWNDALE CITY COUNCIL REGULAR MEETING Monday, November 1, 2021 - 6:30 p.m. Lawndale City Hall Council Chamber 14717 Burin Avenue

Any person who wishes to address the City Council regarding any item listed on this agenda or any other matter that is within its subject matter jurisdiction is invited, but not required, to fill out a [Public Meeting Speaker Card](#) and submit it to the City Clerk prior to the oral communications portion of the meeting. The purpose of the card is to ensure that speakers' names are correctly recorded in the meeting minutes and, where appropriate, to provide contact information for later staff follow-up. You are still eligible to submit comment via the [Temporary eComment Policy for Public Meetings](#), the comments will be read verbatim into the record.

How to observe the Meeting:

To maximize public safety while still maintaining transparency and public access, members of the public can now observe the meeting in person, with limited capacity, while strictly adhering to the [City Facilities Entry Protocols](#). Members of the public are still be able to view the meeting on [YouTube "Lawndale CityTV"](#), the [City Website](#), or Lawndale Community Cable Television on Spectrum & Frontier Channel 3.

Copies of this Agenda may be obtained prior to the meeting in the Lawndale City Hall foyer. 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. **PRESENTATIONS**
 - 1. **Senator Steven Bradford's Office - Legislative Update**
- D. **PUBLIC SAFETY REPORT**
- E. **ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA** (Public Comments)
- F. **COMMENTS FROM COUNCIL**
- G. **CONSENT CALENDAR**

Items 2 through 5, will be considered and acted upon under one motion unless a City Councilmember removes individual items for further City Council consideration or explanation.

- 2. **Motion to read by title only and waive further reading of all ordinances listed on the Agenda**
Recommendation: that the City Council approve.

3. **Updates to the Purchasing Policy (2nd Reading)**
Recommendation: that the City Council approve the second reading and adopt Ordinance No. 1181-21 amending sections 3.08.040, 3.08.100 and 3.08.130 of Chapter 3.08, updating the purchasing/contracting thresholds.
4. **Accounts Payable Register**
Recommendation: that the City Council adopt Resolution No. CC-2110-045, authorizing the payment of certain claims and demands in the amount of \$1,359,479.48.
5. **Minutes of the Lawndale City Council Regular Meeting – October 18, 2021**
Recommendation: that the City Council approve.

H. PUBLIC HEARINGS

6. **Continuance of Public Hearing for an Appeal Request (Case No. 21-25 Appealing the Planning Commission’s Decision to Deny Cse No. 20-17 for the Development of a New 7,779 Square Foot Express Carwash Facility on a GC (General Commercial) Zoned Property Located at 15413-15425 Hawthorne Boulevard**
Recommendation: that the City Council (a) direct staff to return with a resolution approving the project as-is; or (b) direct staff to return with a resolution denying the project; or (c) direct staff and the appellant to perform needed studies and negotiations and bring a resolution of approval (with conditions) back for adoption.
7. **Amendments and Additions to Municipal Code to Comply with the Requirements of Senate Bill 1383 (First Readings)**
Recommendation: that the City Council (a) conduct a public hearing (b) determine that amendments as set forth in the ordinance(s) are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) and 15308 of the CEQA Guidelines (c) request for a reading by title only Ordinance No. 1182-21 and move to introduce the ordinance by title only (d) request for a reading by title only Ordinance No. 1183-21 and move to introduce the ordinance by title only (e) request for a reading by title only Ordinance No. 1184-21 and move to introduce the ordinance by title only and (f) request for a reading by title only Ordinance No. 1185-21 and move to introduce the ordinance by title only.

I. ADMINISTRATION

8. **Updated Illegal Fireworks Suppression Plan for 2022**
Recommendation: that the City Council receive and file the proposed Illegal Fireworks Suppression Plan for 2022.
9. **Waiver of Transient Occupancy Tax Late Remittance Penalty for the Best Western Plus South Bay Hotel**
Recommendation: that the City Council receive and file report.

J. CITY MANAGER'S REPORT

K. ITEMS FROM CITY COUNCILMEMBERS

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

L. CLOSED SESSION

11. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is a significant exposure to litigation in one (1) case. The facts and circumstances giving rise to exposure to litigation are unknown.

M. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be held at 6:30 p.m. on Monday, November 15, 2021 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 November 1, 2021 was posted not less than 72 hours prior to the meeting.

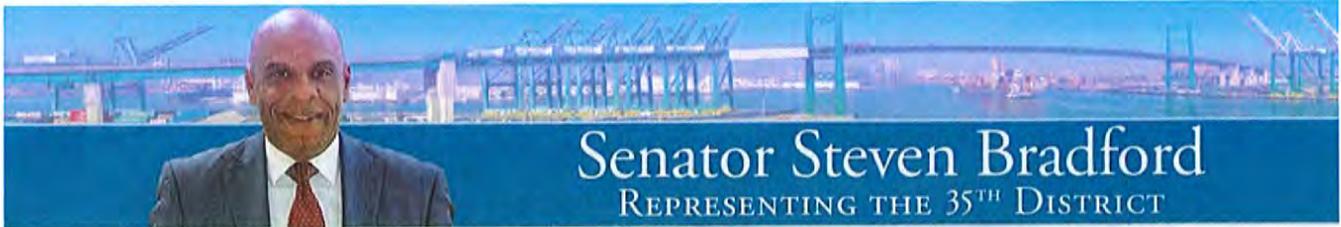
Matthew Ceballos, Assistant City Clerk



CITY OF LAWDALE
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DATE: November 1, 2021
TO: Honorable Mayor and City Council
FROM: Matthew R. Ceballos, Assistant City Clerk *MC*
SUBJECT: Presentation from Senator Bradford's Office- Legislative Update

Public documentation was forwarded to the City Clerk Department for the item and is attached.



Senator Steven Bradford
REPRESENTING THE 35TH DISTRICT

Summary of 2021 Legislative & Budgetary Accomplishments

Public Safety & Criminal Justice Reform:

- **SB 2: Kenneth Ross Jr. Police Decertification Act of 2021**
Jointly Authored with President pro Tempore Toni G. Atkins
Signed into law by the Governor on September 30, 2021. (Chapter 409, Statutes of 2021)
Creates a statewide process to revoke a peace officer's certification for a criminal conviction and certain acts of serious misconduct without regard to conviction. Additionally, the bill will remove some of the more egregious immunities used to avoid full civil rights enforcement using the Bane Act.
- **SB 567: Determinate Sentencing**
Signed into law by the Governor on October 8, 2021. (Chapter 731, Statutes of 2021)
Requires the court in criminal sentencing proceedings to only impose the upper/maximum term if sufficient aggravating facts are first considered by a jury. Further permits the defendant and other parties to dispute facts in the record or present additional facts for sentencing purposes.
- **SB 586: Police Decertification**
Signed into law by the Governor on September 30, 2021. (Chapter 429, Statutes of 2021)
Makes clarifying changes and addresses statutory drafting issues with SB 2, Statutes of 2021, Chapter 409.

Economic Justice:

- **SB 796: Returning Bruce's Beach to its Rightful Owners**
Signed into law by the Governor on September 30, 2021. (Chapter 435, Statutes of 2021)
Allows the County of Los Angeles to return Bruce's Beach to the remaining descendants of the Bruce family, from whom it was wrongfully taken in 1929. This restores the family's namesake and corrects a historical injustice inflicted because of racism and prejudice.
- **SB 26: Fair Pay to Play Act 2.0**
Jointly Authored with Senator Nancy Skinner
Signed into law by the Governor on August 31, 2021. (Chapter 159, Statutes of 2021)
Moves up the implementation date of SB 206 (Skinner/Bradford, Statutes of 2019, Chapter 383), the Fair Pay to Play Act, which allows NCAA collegiate athletes to earn money for the use of their name, image, and likeness; also allows athletes to earn money from their athletic reputation.

Diversity & Equity:

- **SB 655: Insurance Diversity**
Signed into law by the Governor on September 28, 2021. (Chapter 390, Statutes of 2021)
Expands the Supplier Diversity Survey and Governing Board Survey to more companies and requires stronger diversity goals.
- **SB 694: Electric Utility Workforce Diversity**
Signed into law by the Governor on October 8, 2021. (Chapter 733, Statutes of 2021)
Requires electrical utilities to report a detailed summary of their workforce development efforts, including specific information about how that includes state and community conservation corps crew members, as well as formerly-incarcerated CDCR fire camp crew members

Budget:

- **More than \$140 million in direct, equitable investments for Senate District 35, including:**
 - \$60 million to California State University Dominguez Hills to address infrastructure needs;
 - \$50 million for Charles Drew University to construct a medicine and science building and to support more people of color going into the health profession;
 - \$10 million to Martin Luther King, Jr., Community Hospital to provide infrastructure and workforce support;
 - \$8.5 million for the Inglewood Market Street Streetscape Improvement Program and the Market Street Facade and Tenant Improvement Program;
 - \$6 million to support the development of the AltaSea Center for Innovation, an ocean STEM and workforce development facility;
 - \$1.2 million to the Boys & Girls Club of the Los Angeles Harbor for restoration of the Cheryl Green Center for children to play and learn;
 - \$3.5 million for the Los Angeles Black Worker Center to create the Workforce Equity Demonstration Project to assist more workers in obtaining government jobs; and,
 - \$1 million to the Mervyn M. Dymally African American Political & Economic Institute at California State University Dominguez Hills.
- **Additional resources to increase equity in the cannabis industry, including:**
 - \$20 million in additional funding for local equity grant programs;
 - \$30 million in new funding for fee waiver and deferral grants to local equity applicants and licensees; and,
 - A groundbreaking statewide definition of cannabis equity to guide the fee waiver and deferral program listed above.
- **Reform to excessive criminal and vehicle fees, including the elimination of 17 fees that disproportionately harm poor people of color who cannot afford to pay them,** consistent with changes proposed in SB 586 (Bradford, 2021). This action includes \$25 million in funding for fee reform in Fiscal Year 2021 and \$50 million in funding for fee reform in Fiscal Year 2022.

Resolutions:

- **SCR 6: Dr. Martin Luther King, Jr. Day**
(Resolutions Chapter 2, Statutes of 2021)
Honors the late reverend Dr. Martin Luther King, Jr., and commemorates Dr. Martin Luther King, Jr., Day of 2021.

- **SCR 10: Black History Month**
(Resolutions Chapter 5, Statutes of 2021)
Recognizes February as Black History Month and celebrates the accomplishments of African Americans, while encouraging Californians to recognize the many talents of African Americans and the achievements and contributions they have made to our country.
- **SCR 41: Juneteenth**
(Resolutions Chapter 99, Statutes of 2021)
Recognizes June 19, 2021, as Juneteenth and as a day to honor and reflect on the significant role that African Americans have played in the history of the United States and how they have enriched society through their steadfast commitment to promoting unity and equality.
- **SJR 7: Surveillance of Dr. Martin Luther King, Jr.**
Passed by the Senate, pending action by the Assembly
This measure calls for the removal and destruction of the immorally-recorded Federal Bureau of Investigation (FBI) surveillance tapes on Reverend Martin Luther King Jr. During his involvement with the Montgomery bus boycott in 1955, the FBI began monitoring Martin Luther King, Jr., and engaged in immoral and defaming covert operations against him throughout the 1960s, resulting in the wrongful creation of recordings that are currently held under seal by the National Archives & Records Administration.

###

Senator Bradford is the Chair of the Senate Committee on Public Safety, Chair of the California Legislative Black Caucus, and represents the Los Angeles County communities of Carson, Compton, Gardena, Harbor City, Hawthorne, Inglewood, Lawndale, Lennox, San Pedro, Torrance, Watts, Willowbrook, and Wilmington.

For the latest information on the Senator and his legislation, please visit his website at www.Senate.ca.gov/Bradford



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DATE: November 1, 2021
TO: Honorable Mayor and City Council
FROM: Matthew Ceballos, Assistant City Clerk *me*
SUBJECT: Motion Pertaining to the Reading of Ordinances

BACKGROUND

California Government Code reads, in part, as follows:

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

RECOMMENDATION

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



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November 1, 2021

TO: Honorable Mayor and City Council
FROM: Kevin M. Chun, City Manager *KM Chun*
PREPARED BY: Matthew Ceballos, Assistant City Clerk *MC*
SUBJECT: **Updates to the Purchasing Policy (2nd Reading)**

BACKGROUND

On October 18, 2021, City Council directed staff to amend the draft ordinance presented to reduce the “City Manager Award” and incorporate an emergency purchasing threshold for “City Manager Award”.

STAFF REVIEW

The updated proposed contracting/purchasing thresholds are as follows:

	Department Award (No Quotes)	Department Award (Min. 3 Quotes)	City Manager Award (Min. 3 Quotes)	City Council Award (Formal Bidding/RFP)
2021 Purchasing Policy (Proposed)	\$1000	\$5,000	\$15,000 (up to \$50,000 for emergency situations only.)	>\$15,000

*amounts changed to whole numbers for clarity and consistency

Staff has incorporated the modifications into Ordinance No. 1181-21 for the second reading and adoption.

LEGAL REVIEW

The City Attorney’s office has reviewed Ordinance No. 1181-21 and has approved it to form.

FISCAL IMPACT

None.

City Council Meeting – November 1, 2021
Update to the Purchasing Policy (2nd Reading)

RECOMMENDATION

Staff recommends the City Council approved the second reading and adopt Ordinance No. 1181-21 amending sections 3.08.040, 3.08.100 and 3.08.130 of Chapter 3.08, updating the purchasing/contracting thresholds.

Attachments: 1. Ordinance No. 1181-21

ORDINANCE NO. 1181-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAWNDALE, CALIFORNIA, AMENDING SECTIONS 3.08.040, 3.08.100
AND 3.08.130 OF CHAPTER 3.08 OF THE LAWNDALE MUNICIPAL
CODE PERTAINING TO PURCHASING

SUMMARY: This ordinance amends purchasing code for the city adjusting purchasing limits

WHEREAS, the City's purchasing codes are set forth in Lawndale Municipal Code ("LMC") chapter 3.08; and

WHEREAS, LMC chapter 3.08 has been updated from time to time to keep purchasing practices transparent and consistent; and

WHEREAS, the City Council desires to update various purchasing threshold amounts set forth in LMC chapter 3.08 to increase purchasing transparency and align with similar organization's best practices.

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

SECTION 1. Section 3.08.040 (K) of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions in ~~strike through~~, additions in ***bold and italics***):

3.08.040 Purchasing officer—General powers and duties.

The purchasing officer is the head of and has supervision of the purchasing department. The purchasing officer shall have authority to:

K. Maintain a bidders' list, vendors' catalog file and records needed for the efficient operation of the purchasing department. ***The maintenance and record of the bidders' list or vendors catalog file shall be the responsibility of each department, independent of the purchasing department.***

SECTION 2. Section 3.08.100 of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions in ~~strike through~~, additions in ***bold and italics***):

3.08.100 Department award without formal bids.

Purchases of supplies and equipment in amounts up to ~~nine hundred ninety-nine dollars and ninety-nine cents~~ ***one thousand dollars (\$1,000)*** may be made with purchase order and do not require three formal bids. This section does not apply to contracts for services. (Ord. 1148-18 § 1)

SECTION 3. Section 3.08.130(A)(B)(C) of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions in ~~strike through~~, additions in ***bold and italics***):

3.08.130 Contract award thresholds.

A. After complying with a formal bidding or proposal process required, contracts for the purchase of supplies, equipment, and service in amounts up to ~~four thousand nine hundred ninety nine dollars and ninety nine cents~~ ***five thousand dollars (\$5000)*** may be executed by the applicable department head if sufficient funds have been appropriated for this use.

B. After complying with a formal bidding or proposal process required, contracts for the purchase of supplies, equipment, and service in amounts up to ~~forty nine thousand nine hundred ninety nine dollars~~ ***fifteen thousand dollars (\$15,000)*** may be executed by the City Manager if sufficient funds have been appropriated for this use. ***During a state of emergency or unforeseen catastrophe the award limit may be up to fifty thousand dollars (\$50,000).***

C. After complying with a formal bidding or proposal process required, the recommendation for award of any contracts for the purchase of supplies, equipment, and service in amounts of ~~fifty thousand dollars~~ ***more than fifteen thousand dollars (\$15,000)*** or more must be presented to the City Council.

SECTION 2. The City Council finds and determines that 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. 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 foregoing amendments to the Lawndale Municipal Code would only update the City's codes such that it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 3. 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 4. The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2021.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1181-21 at its regular meeting held on the 18th day of October, 2021, and duly approved and adopted said Ordinance at its regular meeting held on the ___ day of _____, 2021, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearny, Mayor Pro Tem					
Bernadette Suarez					
Rhonda Hofmann Gorman					
Sirley Cuevas					

Erica Harbison, City Clerk

Date

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

RESOLUTION NO. CC-2111-045

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWDALE, CALIFORNIA
AUTHORIZING CERTAIN CLAIMS AND DEMANDS
IN THE SUM OF \$1,359,479.48**

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

SECTION 1. That in accordance with Sections 37202 and 37209 of the Government Code, the City Manager, 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 201878 through 201929 for the aggregate total of \$1,359,479.48 are hereby authorized.

Effective Date: November 1st, 2021

Certified by:



Kevin Chun, City Manager

PASSED, APPROVED AND ADOPTED this 1st of November, 2021.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, 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-2111-045 at a regular meeting of said Council held on the 1st day of November, 2021, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann Gorman					
Sirley Cuevas					
Bernadette Suarez					

Erica Harbison, City Clerk

City of Lawndale
Summary of Audited Claims and Demands

Claims and Demands Paid By Check:

Check Date	Beginning	Check Number	Ending	Aggregate Total
10/14/2021		201878	201902	91,958.08
10/21/2021		201903	201929	1,267,521.40
Total Checks				1,359,479.48

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			1,359,479.48

Check Register Report

Date: 10/14/2021
 Time: 10:50 am
 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							
201878	10/14/2021	Printed		4185-WEST	AMERICAN STRUCTURAL PEST	MONTHLY PEST CONTROL-	45.00
201879	10/14/2021	Printed		2207	ASAP SIGN & BANNER	LABOR COST FOR REPLACING OF	60.00
201880	10/14/2021	Printed		2499	BRIGHTON ESCROW INC	RESIDENTIAL PROPERTY REPORT	240.00
201881	10/14/2021	Printed		7766	BURKE, WILLIAMS &	LEGAL SERVICES - AUG. 2021	37,338.00
201882	10/14/2021	Printed		6459	CASC ENGINEERING & CONSULTING	NPDES PERMIT COMPLIANCE	3,530.00
201883	10/14/2021	Printed		0219	COUNTY OF LA DEPT OF PUBLIC WK	TRAFFIC SIGNAL MODIFICATIONS @	351.40
201884	10/14/2021	Printed		7809	DUNCAN'S SOO BANK DO LLC	INSTRUCTOR FEE-LITTLE DRAGONS	828.00
201885	10/14/2021	Printed		1288	EWING IRRIGATION PRODUCTS INC	IRRIGATION PARTS	243.78
201886	10/14/2021	Printed		0441	GOLDEN STATE WATER CO.	WATER USAGE SERVICES	15,975.11
201887	10/14/2021	Printed		6231	GREENLAND SUPPLY INC.	IRRIGATION PARTS	122.34
201888	10/14/2021	Printed		5180	HARRIS COMPUTER SYSTEMS	ANNUAL CITY-VIEW SOFTWARE	22,176.79
201889	10/14/2021	Printed		7662	ITERIS INC	PROFESSIONAL ENGINEERING SVCS-	710.00
201890	10/14/2021	Printed		0338	MANERI SIGN COMPANY	CUSTOM STREET SIGNS	272.06
201891	10/14/2021	Printed		6123	PRUDENTIAL OVERALL SUPPLY	WEEKLY MOP CHARGES	203.68
201892	10/14/2021	Printed		7784	RESTROOM DIRECT	ELKAY EZH2O BOTTLE FILLING	1,145.50
201893	10/14/2021	Printed		3094	SOUTH BAY CENTER FOR DISPUTE	Q3 2021 OPERATION FEE	1,761.00
201894	10/14/2021	Printed		2193-A	SOUTH BAY FORD FLEET & TRUCKS	VEHICLE REPAIR-PWD	899.50
201895	10/14/2021	Printed		0440	SOUTHERN CALIFORNIA GAS CO.	UTILITY GAS CHARGES	1,360.38
201896	10/14/2021	Printed		3672-CCK	U.S. BANK CORPORATE PAYMENT	CREDIT CARD PAYMENT	24.35
201897	10/14/2021	Printed		3672-MSD	U.S. BANK	CREDIT CARD PAYMENT	1,554.27
201898	10/14/2021	Printed		3672-PWD	U.S. BANK	CREDIT CARD PAYMENT	1,563.89
201899	10/14/2021	Printed		2883	UNDERGROUND SERVICE ALERT SC	DIG ALERT TICKETS& MAINT. FEE	85.90
201900	10/14/2021	Printed		3373	VERIZON WIRELESS	CELL PHONE SERVICES	642.48
201901	10/14/2021	Printed		0480	VISTA PAINT	GRAFFITI SUPPLIES	774.65
201902	10/14/2021	Printed		7231	VOLUNTEER FIREFIGHTER ALLIANCE	DONATION FROM P. KEARNEY	50.00

Total Checks: 25

91,958.08

Total Payments: 25

91,958.08

Total Payments: 25

91,958.08

Check Register Report

Date: 10/20/2021
 Time: 2:53 pm
 Page: 1

BANK: WELLS FARGO BANK N.A

City of Lawndale

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK N.A Checks							
201903	10/21/2021	Printed		0372C	AT & T - CALNET3	PHONE CHARGES	2,357.51
201904	10/21/2021	Printed		1056	AT&T GLOBAL SERVICES, INC.	TELEPHONE SYSTEM MAINTENANCE	865.67
201905	10/21/2021	Printed		7194	BAVCO BACKFLOW & APPARATUS	BACKFLOW INSPECTION	485.00
201906	10/21/2021	Printed		0163	CAPITAL OF SOUTH BAY INC.	ELECTRICAL BALLAST - CITY HALL	47.41
201907	10/21/2021	Printed		1820	DIGITAL MAP PRODUCTS, L.L.C.	SUBSCRIPTION & LICENSE FEES FOR	16,170.00
201908	10/21/2021	Printed		0242	FEDEX	SHIPPING CHARGES	26.39
201909	10/21/2021	Printed		6530	GENERAL INDUSTRIAL TOOL & SUPP	UNIFORMS & TOOLS	2,724.36
201910	10/21/2021	Printed		0441	GOLDEN STATE WATER CO.	WATER USAGE SERVICES	2,181.39
201911	10/21/2021	Printed		2773	L. A. CNTY DEPT PUBLIC WORKS	TRAFFIC SIGNAL ACCIDENT REPAIR	2,217.18
201912	10/21/2021	Printed		0308	LOS ANGELES COUNTY	PUBLIC SAFETY SERVICES - July & August	1,002,885.56
201913	10/21/2021	Printed		0663	MIRACLE RECREATION EQUIP CO	SWING SEAT REPLACEMENTS @	950.95
201914	10/21/2021	Printed		7227	OCCUPATIONAL HEALTH CENTERS	PREEMPLOY PHYSICAL/DRUG SCREEN	45.00
201915	10/21/2021	Printed		1140	PACIFIC TIRE SERVICE	TIRE REPAIR & ROTATION #512	110.00
201916	10/21/2021	Printed		5068A	QUADIENT FINANCE USA INC	CITY HALL POSTAGE USAGE -	549.60
201917	10/21/2021	Printed		3915	QUALITY CODE PUBLISHING LLC	SUPPLEMENT # 73	411.00
201918	10/21/2021	Printed		6896	SEQUEL CONTRACTORS INC	SB1 FY20/21 STREET IMPROVEMENT	153,766.05
201919	10/21/2021	Printed		4533	SOUTH BAY LANDSCAPING INC	LANDSCAPING MAINTENANCE SVCS.	19,475.00
201920	10/21/2021	Printed		0439	SOUTHERN CALIFORNIA EDISON CO.	UTILITIES ELECTRICITY	23,372.97
201921	10/21/2021	Printed		0211	SOUTHERN CALIFORNIA NEWS GROUP	LEGAL ADS	522.70
201922	10/21/2021	Printed		0346	SPARKLETT'S	BOTTLE WATER SERVICE- SEP.2021	872.74
201923	10/21/2021	Printed		0444	SFPCA LA	ANIMAL SHELTERING SERVICES -GASB	6,265.00
201924	10/21/2021	Printed		4096	TOTAL COMPENSATION SYSTEMS INC	75 ROLL-FORWARD	2,350.00
201925	10/21/2021	Printed		7828	TREE CASE MANAGEMENT	SITE INSPECTION/REPORT -ANNUAL	2,475.00
201926	10/21/2021	Printed		7835	TT ROOFING INC	SECURITY DEPOSIT REFUND	690.00
201927	10/21/2021	Printed		6865	U.S. BANK PARS ACC #6746022500	FY 21/22 RETIREMENT	24,980.00
201928	10/21/2021	Printed		3672-ASD	U.S. BANK	CREDIT CARD PAYMENT	198.00
201929	10/21/2021	Printed		4526	URBAN RESTORATION GROUP	GRAFFITI REMOVAL SUPPLIES	526.92

Total Checks: 27

Checks Total (excluding void checks): 1,267,521.40

Total Payments: 27

Bank Total (excluding void checks): 1,267,521.40

Total Payments: 27

Grand Total (excluding void checks): 1,267,521.40

**MINUTES OF THE
LAWNDALE CITY COUNCIL REGULAR MEETING
October 18, 2021**

A. CALL TO ORDER AND ROLL CALL

Mayor Pullen-Miles called the meeting to order at 6:30 p.m. in the City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

Councilmembers Present: Mayor Robert Pullen-Miles, Mayor Pro Tem Pat Kearney, Councilmember Bernadette Suarez, Councilmember Rhonda Hofmann Gorman, Councilmember Sirley Cuevas

Other Participants: City Manager Kevin M. Chun, City Attorney Gregory M. Murphy, Los Angeles County Sheriff's Department Lieutenant Christopher Lio, Community Services Director Mike Estes, Assistant to the City Manager/Human Resources Director Raylette Felton, Municipal Services Director Michael Reyes, Community Development Director Sean Moore, Assistant City Clerk Matthew Ceballos, Public Works Director Julian Lee

B. CEREMONIALS

Councilmember Bernadette Suarez led the flag salute and Mayor Robert Pullen-Miles provided the inspiration.

C. PUBLIC SAFETY REPORT

- a. L.A. County Sheriff's Department Updates
- b. L.A. County Fire Department Updates

Lieutenant Christopher Lio summarized the recent law enforcement activities.

Battalion Chief Wesley Anzai provided the Fire Department report.

D. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA (Public Comments)

Deena Sopka, Resident, spoke about illegal parking and stopping near Lawndale High School on Inglewood Ave.

Gary White, Resident, spoke about the homeless issues in the City and surrounding cities and inquired how Los Angeles County responded. Mr. White went on and spoke about the issues with Inglewood Avenue and Manhattan Beach Boulevard, traffic crossing, and illegal trash dumping.

Randal Abram, Resident, spoke about the impact and enforcement of short term rentals in Lawndale.

Fariha Solemani, Manager of South Bay Enterprises, spoke about gang activity, homeless camps, drug use and violence in the area of a strip mall she owns and operates.

Susan Partovi, Dental Office Staff, spoke about the dangers homeless individuals near her place of employment.

E. COMMENTS FROM COUNCIL

Councilmember Bernadette Suarez requested staff to draft a comprehensive homeless plan to clean encampments and provide beds.

Councilmember Sirley Cuevas would like to have a commission or committee to mitigate the homeless issues. Councilmember Sirley Cuevas added there are staff near the Lawndale High School traffic location issuing citations and noted she's also called Republic Services for the illegal dumping on the railroad tracks.

Councilmember Rhonda Hofmann Gorman noted City Council will meet with the new School Superintendent to resolve the traffic issues near the school. Councilmember Hofmann Gorman wanted everyone to know she will attend a meeting covering homelessness for more information and she requested more information on the Airbnb listings throughout the City.

Mayor Pro Tem Kearney inquired if the center with the homeless encampments has contacted staff and requested Sheriff's patrol the area more often.

Mayor Robert Pullen-Miles spoke about the safety hazard of student drop-offs and vehicle traffic near the schools and intends to communicate with the school district to resolve. Mayor Pullen-Miles requested Public Works staff work with Metro to eliminate and mitigate the illegal dumping in the railroad areas. Mayor Pullen-Miles continued to speak about the homeless issues in the City and requested a report of Measure H with Lawndale activities.

F. CONSENT CALENDAR

Items 1 through 5, 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. **Approve the Plans and Specifications, and Authorization to Bid for the Redondo Beach Boulevard Street Improvement Project from Artesia Boulevard to Prairie Avenue, Project No. 2020-02**
Recommendation: that the City Council approve the project plans and specifications and authorize staff to solicit bids for the construction contract. The plans and specifications are filed with the City Clerk's Office.
3. **Accounts Payable Register**
Recommendation: that the City Council adopt Resolution No. CC-2110-043, authorizing the payment of certain claims and demands in the amount of \$88,912.75.
4. **Minutes of the Lawndale City Council Special Meeting – September 28, 2021**

Recommendation: that the City Council approve.

5. Minutes of the Lawndale City Council Regular Meeting – October 4, 2021

Recommendation: that the City Council approve.

Councilmember Suarez inquired about funding agreement for item F.1. Public Works Director Julian Lee responded accordingly.

A motion by Mayor Pro Tem Kearney to approve the consent calendar was seconded by Councilmember Sirley Cuevas and carried by a vote of 5-0.

G. ADMINISTRATION

6. Change Order No. 1 for FY 2020-21 Annual Street Improvements Project

Recommendation: that the City Council (a) approve Change Order No. 1 for FY 2020-21 Annual Street Improvement Project to Sequel Contractors Inc., in the amount of \$547,030; (b) approve Change Order No. 1 for Inspection Services for FY 2020-21 Annual Street Improvement Project to SA Associates in the amount of \$36,000; (c) approve contingency in amount of \$82,060 for Change Order No. 1 for FY 2020-21 Annual Street Improvement Project and (d) approve allocation of 2009 TAB Fund in the amount of \$600,000 to the account number 100-310-700.279 Street Improvements.

Public Works Director Julian Lee provided a report on the Change Order No. 1 for FY 2020-21 Annual Street Improvements Project.

Mayor Pro Tem Kearney inquired on the difference in dollar amount of the original bid and the Change Order. Public Works Director Julian Lee and staff responded accordingly.

A motion by Councilmember Suarez to approve Change Order No. 1 for FY 2020-21 Annual Street Improvement Project to Sequel Contractors Inc., in the amount of \$547,030, approve Change Order No. 1 for Inspection Services for FY 2020-21 Annual Street Improvement Project to SA Associates in the amount of \$36,000, approve contingency in amount of \$82,060 for Change Order No. 1 for FY 2020-21 Annual Street Improvement Project and approve allocation of 2009 TAB Fund in the amount of \$600,000 to the account number 100-310-700.279 Street Improvements, was seconded by Mayor Pro Team Kearney and carried by a vote of 5-0.

7. Updates to the Purchasing Policy

Recommendation: that the City Council (a) adopt Ordinance No. 1181-21 amending sections 3.08.040, 3.08.100 and 3.08.130 of Chapter 3.08, updating the purchasing/contracting thresholds and (b) adopt Resolution No. CC-2110-044, updating City Council Policy No. 53-00 incorporating the updated purchasing/contracting thresholds.

Assistant City Clerk Matthew Ceballos provided the Updates to the Purchasing Policy.

Mayor Robert Pullen-Miles requested clarification on the State of Emergency terminology.

Staff responded that the language means an emergency proclaimed by the State of California, Los Angeles County, or the City of Lawndale as well as an unanticipated emergency that doesn't meet the level of being proclaimed, similar to the prior flooding of the Council Chamber.

Councilmember Suarez inquired on transaction denoted as "City Manager Award" in amounts over \$15,000.

City Manager Kevin Chun responded that there was an estimate of over 50 of expenditures over \$15,000.

A lengthy dialogue ensued between staff and City Council regarding the threshold amounts.

A motion by Councilmember Suarez to approve adopt Ordinance No. 1181-21 amending sections 3.08.040, 3.08.100 and 3.08.130 of Chapter 3.08, updating the purchasing/contracting thresholds and adopt Resolution No. CC-2110-044, updating City Council Policy No. 53-00, incorporating the updated purchasing/contracting thresholds with the updates to the Emergency threshold to "City Manager Award" of up to \$50,000 and up to \$15,000 "City Manager Award" for the normal course of business, was seconded by Mayor Pro Tem Kearney and carried by a vote of 5-0.

8. Potential Cancellation of the Upcoming City Council Meetings

Recommendation: that the City Council cancel the following City Council meetings: Monday, December 20, 2021 and Monday, January 3, 2022.

Mayor Robert Pullen-Miles presented the Potential Cancellation of the Upcoming City Council Meetings.

Mayor Pro Tem Kearney recommended December 20, 2021 City Council meeting continues.

Councilmember Suarez inquired if the agendas are expected to be light in items to present to the City Council.

City Manager recommended to go over small business items.

City Council reached a general consensus, without objection, to cancel the following City Council meetings: Monday, December 20, 2021 and Monday, January 3, 2022.

9. Metro C Line Extension Update

Recommendation: that the City Council receive and file the report.

City Manager Kevin Chun reported on the Metro C Line Extension Update.

Councilmember Cuevas inquired if there will be any stops in Lawndale. City Manager Kevin Chun responded it was proposed by Metro but there will not be a station in Lawndale.

A lengthy dialogue ensued between staff and City Council on the history of Metro with Lawndale and the previous and current proposed designs.

City Council reached a unanimous consensus to receive and file the report.

H. CITY MANAGER'S REPORT

City Manager Kevin Chun announced an Interim Finance Director had been selected and the City is working with a recruiting firm, Koff and Associates, to recruit a permanent Finance Director.

I. ITEMS FROM CITY COUNCILMEMBERS

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

Councilmember Suarez attended the California Joint Powers Insurance Authority Conference and a meeting with South Bay Cities Council of Governments.

Councilmember Sirley Cuevas requested staff place signs or dog waste bags along Grevillea Avenue near the County Library and Lawndale City Hall.

Councilmember Hofmann Gorman had nothing to report and wanted to remind everyone to join Lawndale's Halloween Haunt event on October 30th with the safety of mask.

Mayor Pro Tem Kearney also attended the California Joint Powers Insurance Authority Conference and a meeting with Sherriff's Liability Trust and Oversight Committee.

Mayor Pullen-Miles attended the California Joint Powers Insurance Authority Conference and the Board of Directors meeting, Boys and Girls Club in Carson.

J. CLOSED SESSION

At 8:17 p.m. the City Council entered into Closed Session.

11. Conference with Labor Negotiator

The City Council will conduct a closed session, pursuant to Government Code section 54957.6, with the City Manager Kevin M. Chun, the Assistant City Attorney Christina M. Burrows, and the City's negotiators, Assistant to the City Manager/Human Resources Director Raylette Felton and Special Counsel/Labor Attorney Katy Suttorp, 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.

12. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code section 54956.9(d)(4), because the City is considering whether to initiate litigation in one (1) case.

13. Conference with Legal Counsel – Anticipated Litigation

The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is a significant exposure to litigation in one (1) case. The facts and circumstances giving rise to exposure to litigation are unknown.

At 9:21 p.m. the City Council entered back into open session.

City Attorney Gregory M. Murphy reported that the City Council met in Closed Session to discuss the three items listed on the Closed Session agenda. The City Council was updated on the items and there was no reportable action taken.

K. ADJOURNMENT

There being no further business to conduct, the Mayor adjourned the meeting at 9:22 p.m.

Robert Pullen-Miles, Mayor

ATTEST:

Erica Harbison, City Clerk

Approved: 11/01/2021

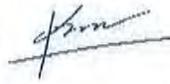


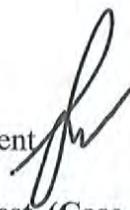
CITY OF LAWNDALE

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

DATE: November 1, 2021

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

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

SUBJECT: **Continuance of Public Hearing for an Appeal Request (Case No. 21-25) Appealing the Planning Commission's Decision to Deny Case No. 20-17 for the Development of a New 7,779 Square Foot Express Carwash Facility on a GC (General Commercial) Zoned Property Located at 15413-15425 Hawthorne Boulevard**

BACKGROUND

At its meeting on October 4, 2021, the City Council opened the public hearing, received public testimony and continued this item requesting approval of a Special Use Permit and Development Permit to construct a 7,779 square foot, single story express car wash facility. During the meeting the appellant and several of his representatives spoke favorably in support of the project. One resident spoke against the carwash project indicating that there was a proliferation of carwashes in the City and insufficient housing. The proposed car wash included an express car wash tunnel, three lanes for vehicle queuing, 35 parking stalls, vacuums, and a wide variety of landscaping throughout. The project is located at 15413-15425 Hawthorne Boulevard.

The Appellant's grounds for filing the appeal are that the project is compatible and consistent with the findings that are required to be made. Although the hearing before the City Council is part of an appeal process, it is a De Novo hearing. This means the City Council reviews and makes a decision on the Project, as if no prior Planning Commission hearing had been held. All aspects of the Planning Commission's prior action, including the decision to deny the application, are reviewable by the City Council. Upon conclusion of the appeal hearing, and any continuances of the hearing, the City Council may affirm, reverse, or modify the Planning Commission's action.

STAFF ANALYSIS

Staff has provided an analysis for the City Council to consider for the potential range of alternatives:

Approve Project:

The City Council may approve the project as proposed by the appellant. The approval will be for the Special Use Permit and the Development Permit and will allow the appellant to move forward with submitting to Building and Safety for plan check. The design and paint color design will have to be consistent with the plans/concept drawings that were presented to staff for review, in that, the design/color scheme that was presented by the appellant is inconsistent with the requirements of the

Deny Project:

The City Council may affirm the Planning Commission’s decision to deny the project. The decision of the City Council upon an appeal is final and conclusive. Chapter 6, Section C, Subsection 6d of the Hawthorne Boulevard Specific Plan (“HBSP”) “Development Review and Approval” outlines the criteria a project must meet for the approval of a development permit. Based on staff’s review of the Project, as explained more fully in the Staff Report of October 4 (attached as Exhibit H), the Project does not meet all of the criteria for a development permit as outlined on the attached resolution.

Lawndale Municipal Code Section 17.28.014 requires that the City make certain findings before the City may approve Special Use Permits. As stated in the Staff Report of October 4, staff cannot recommend approval based upon its review of the findings required under LMC Sections 17.28.014. A and E. These findings require that the City find that the proposed project will not be detrimental to the public health or injurious to the community and find that the project is consistent with the City’s General Plan. Staff’s review indicates that the proposed project is not consistent with the Special Use Permit findings because the proposed project compromises overall public health and is injurious to achieving the required regional housing needs assessment (RHNA) housing units.

Staff’s review further indicates that the proposed project is not consistent with the General Plan, because the proposed project does not help to achieve the overall intent of the Land Use and Housing elements. The purpose of the goals and policies identified is to provide for adequate housing that meets the existing and future needs of the community. Developing the site with a carwash development would be inconsistent with the General Plan because it would remove sites explicitly identified as part of the Housing Element’s inventory of suitable and adequate housing to meet existing and future needs of the community. In addition, issues relevant to the General Plan’s Economic Element arose at the City Council hearing of October 4. In response to comments from the appellant’s representatives, staff raised issues about whether the project could comply with the Economic Element’s requirement that commercial projects be revenue-positive for the City. At this time, based on the lack of sales tax arising from carwash operations, it does not appear that this requirement could be met.

Approve Project With Conditions:

The City Council may direct staff and the appellant to modify the project and bring the request back to the City Council for adoption with conditions of approval. The revisions may include conducting all of the studies that were originally requested including providing an economic/fiscal impact and land uses analysis, traffic study and performing a peer review for the noise study that was submitted for review, as well as negotiating a development agreement that would provide some type of financial benefit in lieu of taxes in order that the project would comply with the Economic Element. This would provide the City with additional information to mitigate project impacts prior to formal adoption of a resolution of approval.

COMMISSION REVIEW

The Planning Commission conducted its public hearing on Case No. 20-17 on July 28, 2021. All evidence was heard at the public hearing, including input from Lawndale residents and property owners within the vicinity of the Project. After fully considering and analyzing all the information presented, the Planning Commission concluded that necessary findings for approval of the Project could not be made and adopted Resolution No. 20-15, denying the Project (Attachment “D”).

LEGAL REVIEW

The City Attorney has reviewed and approved as to form Resolution No. CC-2110-042.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and take one of the following actions:

1. Direct staff to return with a resolution approving the project as-is; or
2. Direct staff to return with a resolution denying the project; or
3. Direct staff and the appellant to perform needed studies and negotiations and bring a resolution of approval (with conditions) back for adoption.

Attachments:

- A. Architectural Plans
- B. Photographs of Site
- C. Department and Agency Comments
- D. Planning Commission Resolution No. 20-15
- E. Appeal Application
- F. Resolution No. CC-2110-042
- G. Housing Element - Sites Inventory
- H. City Council Staff Report (dated October 4, 2021)
- I. Public Hearing Notice

Attachment "A"
Architectural Plans

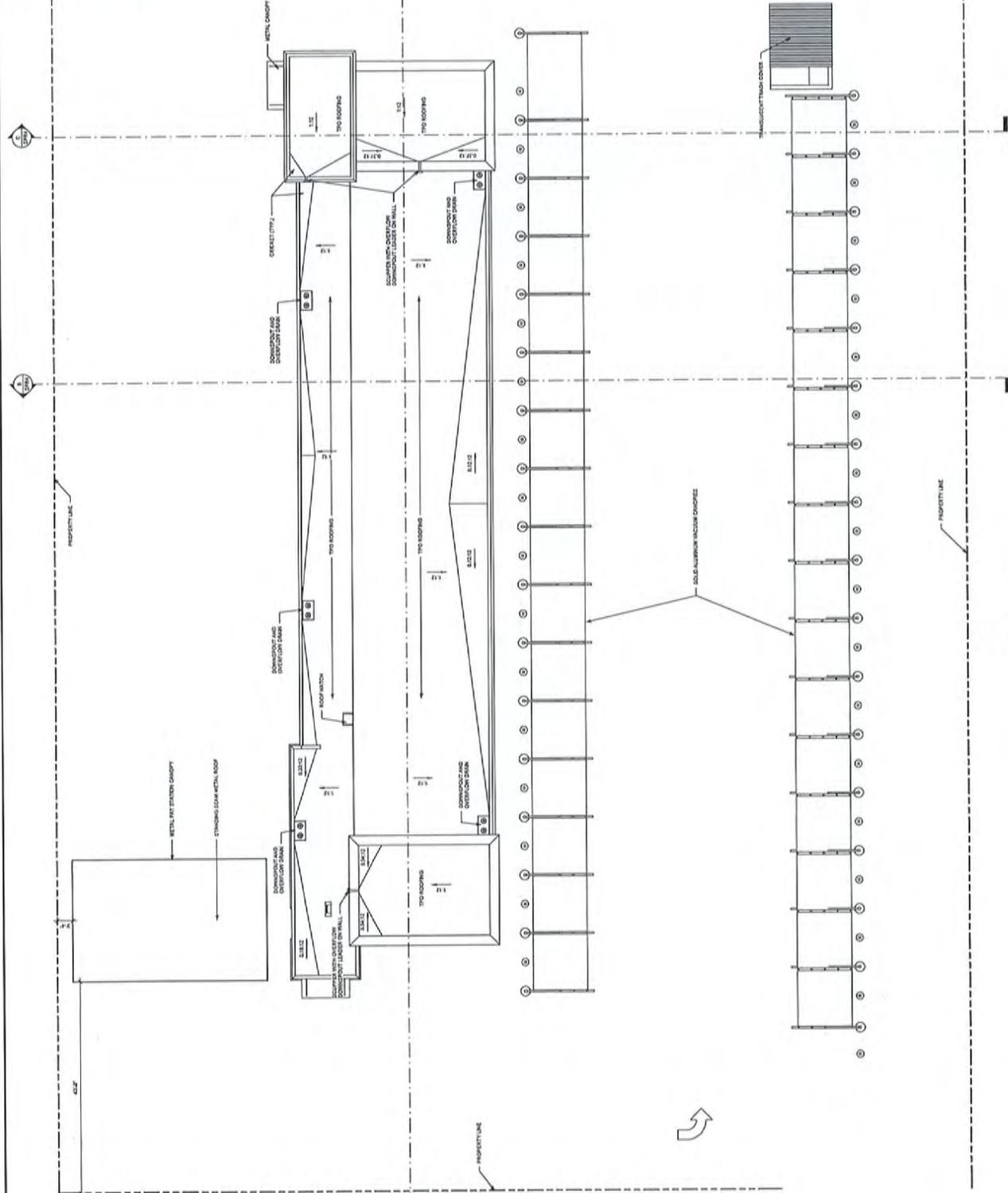


ANDRESEN ARCHITECTURE INC.
27287 ORANGE WAY, FONTANA, CA 92333 (951) 355-6633



Project: Car Wash for
Lantern Express Car Wash
45413 Redwood Blvd, Fontana, CA 92320
20 Jan. 2020
A 18 Sept. 2020
18-3401

Roof Plan SPR5



Roof Plans, Inc.
SPR-147

SPR #19-88 / CASE # 20-17

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OWNER/DEVELOPER:

1408 S. LINCOLN BLVD
LOS ANGELES, CA 90017
323-457-1200 FAX

ENGINEER:

SAKE ENGINEERS INC. P.C.
4400 CRENSHAW BLVD. #202
LOS ANGELES, CA 90008
(310) 558-7100 FAX
(310) 278-8830 FAX

SOIL ENGINEER:

SOIL EXPLORATION COMPANY, INC.
1000 W. 10TH ST. #200
LOS ANGELES, CA 90057
(310) 558-7100 FAX
(310) 278-8830 FAX

ASSESSORS PARCEL NO.:

4079-016-004, 4079-018-001, 4079-018-004, 4079-018-007

TOTAL ACRES:

1.25 AC
1.25 AC (0.0000)
1.50 AC (14.227 S.F.)
0.18 AC (1,614 S.F.)

UTILITIES:

ELECTRIC: SO. CAL. EDISON COMPANY
GAS: SOLID STATE WATER COMPANY
SEWER: SOLID STATE WATER COMPANY
CABLE TV: CITY OF LAWNDALE
SCHOOL: LAWNDALE SCHOOL DISTRICT

TOPOGRAPHY:

LAWNDALE, CALIFORNIA
NORTHWEST CORNER OF 156TH ST.
(310) 558-1411 FAX

ZONING AND LAND USE:

EXIST. ZONING: GENERAL COMMERCIAL
PROPOSED LAND USE: COMMERCIAL
CITY OF LAWNDALE

BASIS OF ELEVATION:

FIELD SURVEY ON 1/10/2008, BM = 02841, ELEV = 81.91'

BASIS OF BEARING:

THE CONTINUAL OF IMPROVED BULLWARD BLVD
ON MAP RECORDED IN BOOK 17 PAGE 13 OF MAPS
PARCEL 1780

FLOOD ZONE:

UNDEVELOPED FLOOD ZONE
COMMUNITY FLOOD NO. 000215-17870
08/28/2008

LEGAL DESCRIPTION:

OF LOTS 3, 4, AND 5, OF LAWNDALE AS SHOWN
ON MAP RECORDED IN BOOK 17 PAGE 13 OF MAPS
RECORDS OF LOS ANGELES COUNTY.

EARTHWORK:

CUT: 1,311 C.Y.±
FILL: 311 C.Y.±
DRAIN: 350 C.Y.±

NOTE:

DATA OBTAINED FROM HERE ARE FOR REFERENCE ONLY.
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE
CITY OF LAWNDALE SPECIFICATIONS AND THE
CITY ENGINEER'S RECOMMENDATIONS.

EASEMENTS:

1.5' EASEMENT FOR UTILITY LINES
5' EASEMENT FOR SIDEWALK
5' EASEMENT FOR SIDEWALK

LEGEND:

— FLOW LINE
— PROPERTY LINE
— EXISTING SIDEWALK
— PROPOSED SIDEWALK
— EXISTING DRIVEWAY
— PROPOSED DRIVEWAY
— EXISTING DRIVEWAY
— PROPOSED DRIVEWAY
— EXISTING DRIVEWAY
— PROPOSED DRIVEWAY

1.5' EASEMENT FOR UTILITY LINES
5' EASEMENT FOR SIDEWALK
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CITY OF LAWNDALE

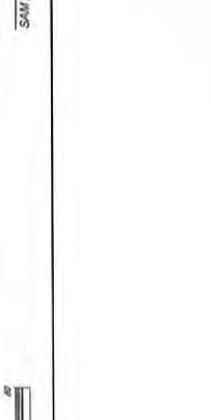
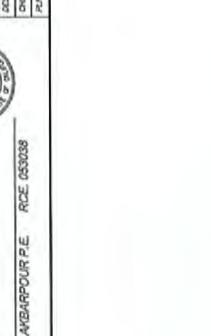
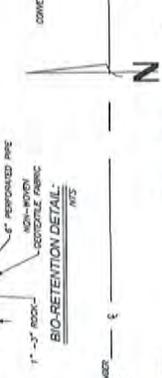
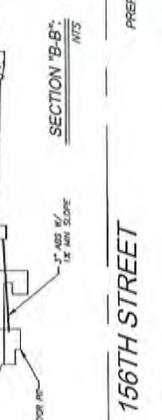
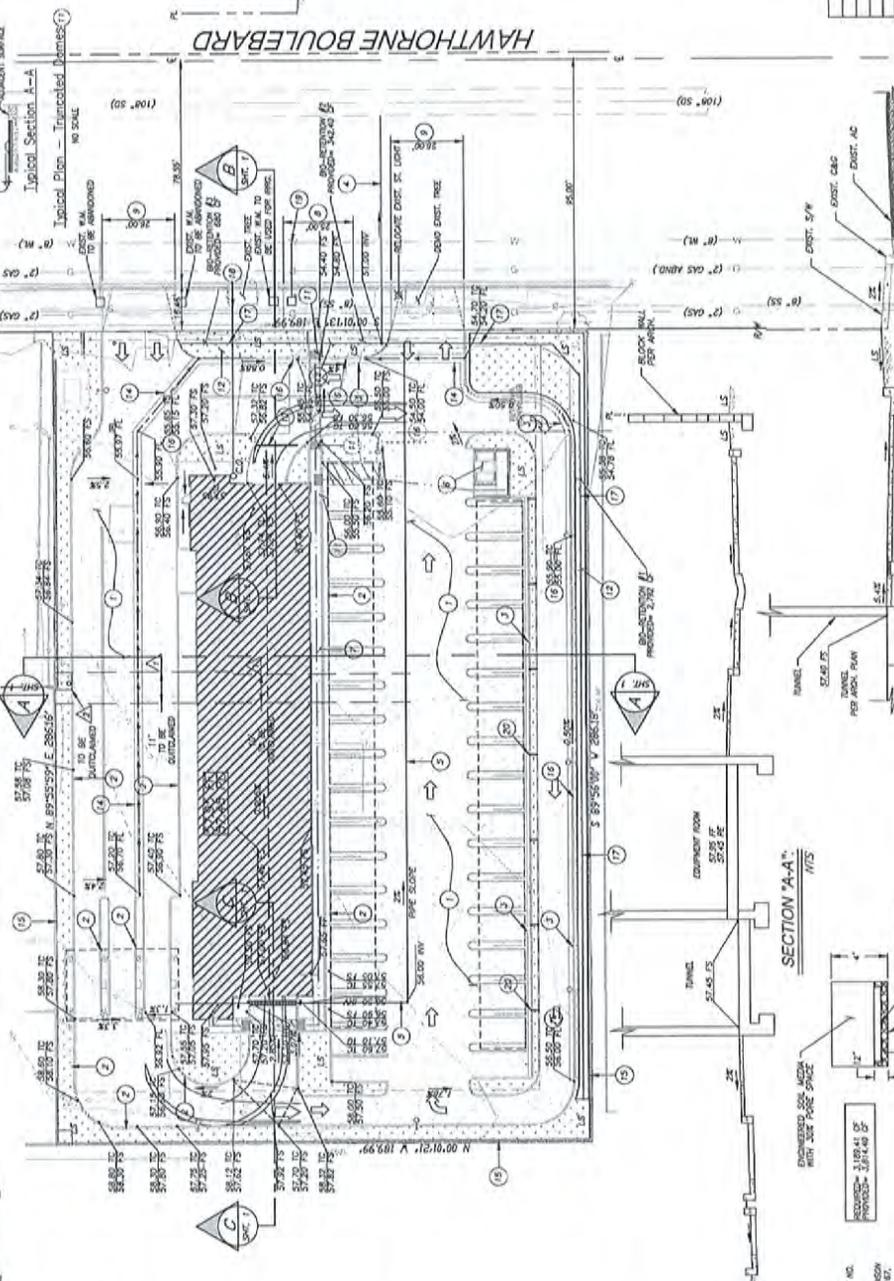
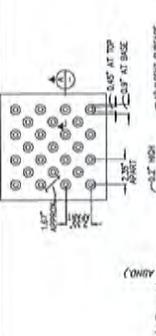
SITE PLAN

OF LOTS 3, 4, AND 5, OF LAWNDALE AS SHOWN ON MAP RECORDED IN BOOK 17
PAGE 13 OF MAPS RECORDS OF LOS ANGELES COUNTY.

15413 HAWTHORNE BOULEVARD

SAKE ENGINEERS, INC.

AUGUST, 2020



CONSTRUCTION NOTES:

- 1. CONST. 6" P.C.C. 1/2" REBAR WITH ADDED
- 2. CONST. 6" CURB PER CITY OF LAWNDALE STD.
- 3. CONST. 6" CURB PER CITY OF LAWNDALE STD.
- 4. INSTALL 12" WIDE PIPE
- 5. INSTALL 6" DIA. 24" PVC DRAIN PIPE PER DETAIL HEREON
- 6. CONST. RUSH ENCASEMENT PER EACH PLAN
- 7. CONST. 4" P.C.C. WALKWAY
- 8. REMOVE EXIST. DRIVEWAY
- 9. CONST. DRIVEWAY APPROACH PER CITY OF LAWNDALE STD.
- 10. PAINT STRIPING PER EACH PLAN
- 11. INSTALL REINFORCED CONCRETE
- 12. CONST. 8" WIDE DRIVEWAY PER DETAIL HEREON
- 13. CONST. TRAFFIC MARKS 6" WIDE TRAFFIC DRAWN OR APPROVED EQUAL
- 14. CONST. 3" WIDE DRIVEWAY OUTER
- 15. CONST. GREEN WALL PER EACH PLAN
- 16. CONST. 12" CURB DRAWING @ 20' O.C.
- 17. INSTALL 6" APPROXIMATE PORE
- 18. INSTALL 8" SLOTTED LATERAL
- 19. INSTALL 2" WIDE ACER
- 20. INSTALL (2) 2" PVC PIPE @ EVERY 20'

REVISIONS:

NO.	DATE	DESCRIPTION
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DATE:

08/28/2020

BY:

SAKE ENGINEERS, INC.

DATE:

08/28/2020

PLANTING NOTES

ROOT BARRIERS:
 Use Linear Root Barrier when tree is within 5' min. distance adjacent to hardscape areas. Root Barriers shall be installed per detail. Root Barrier shall extend the specified length of tree canopy or storm per plans.

PLANT QUALITY REQUIREMENTS
 All plant materials shall be full vigorous & healthy nursery stock - including the top of plant and the root system. All plant materials shall meet the current American Standard For Nursery Stock (ANSI Z603.1-2004) the Landscape Architect must be consulted regarding all plant materials as they arrive on-site. Plant materials for installation on-site shall be sent representative photographs of plant materials. The Landscape Architect reserves the right to reject unacceptable plant materials. A representative sample of the botanical name tag, furnished by the nursery stock supplier, shall remain attached to the plants until final acceptance.

Unacceptable conditions for plants in general:
 Plant materials that are the incorrect species.
 Plants materials with apparent fungal diseases (mildew, rust, black-spot, etc.).
 Plants that are debilitated due to stress or disease. Foliage that is chlorotic, wind or frost burned, or in any other way damaged.

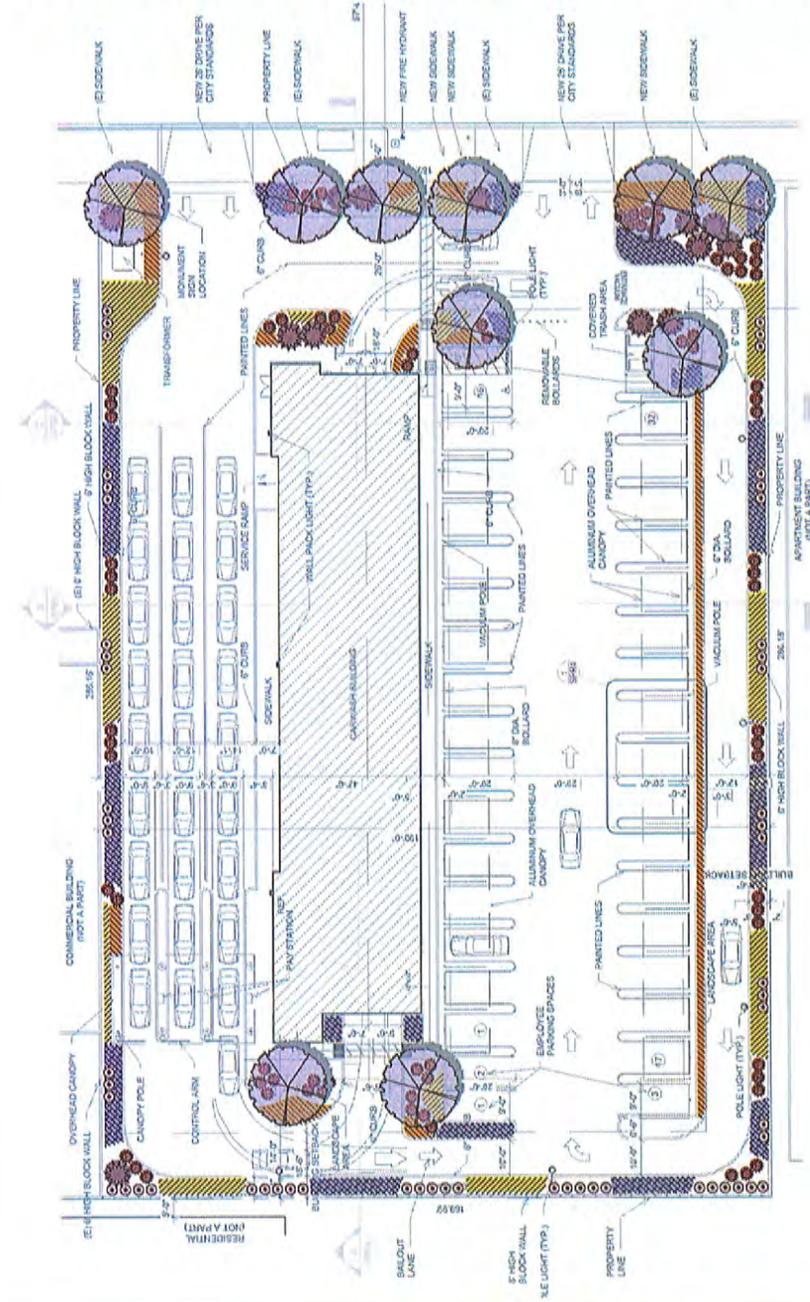
Unacceptable conditions for root systems:
 Plants with exposed roots, girdled roots, overgrown or undensated root systems will be considered unacceptable.

SOIL AMENDMENTS, TESTING AND PREPARATION
 The Contractor shall be responsible for soil testing. The contractor shall document sample locations and provide agronomic soils test for planted areas (1 test per 150 ft of linear planter). Contractor shall submit test results to the Project Landscape Architect and amend the soil per soil lab recommendations.

PLANT INSTALLATIONS AT EXISTING TREE ROOTS
 All plant materials shall be installed in a way that does not damage existing tree roots. Contractor may remove plant container tops to 1 gallon at the problem areas only with written permission from Client and/or Landscape Architect.

MULCH
 A minimum of 2" layer of medium grained bark mulch shall be applied to all shrubs and unplanted areas and a minimum of 2" mulch shall be applied to groundcover areas. Submit samples to Landscape Architect for approval prior to installation.

TOTAL LOT AREA: 54,370 S.F.
BUILDING FOOTPRINT: 7,779 S.F.
NET LOT AREA: 46,591 S.F.
LANDSCAPE AREA: 7,803 S.F.
LANDSCAPE IS 16.7% OF NET LOT AREA



PRELIMINARY WATER USE CALCULATIONS

Reference Eto: 45.1E1
 Minimum Allowable Water Allocation Equations:
 MAWA = (Eto) (0.62) [(ETAF x LA) + (ETWU x LA)]
 Eto: 0.62 ETAF: 0.62 LA: 7889 SJA: 0
 23.81 0.62 0.62 0.62 0.62 0

Conservation Factor: 0.65 (non-residential)
 95.57% MAWA: 79,072 ETWU

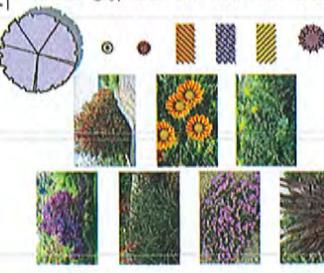
Estimated Total Water Use Equations:
 ETWU = Eto x 0.62 x ETAF x LA
 HYDROZONE MATRIX

ZONE	HYDROZONE	S.F.	NETOTAL	PLANT TYPE	PLANT FACTOR	Eto	0.62	ETAF	LA	ETWU	IRIGATION METHOD
SHRUBS	7740	50%	LOW	0.30	0.81	43.81	0.62	0.37	7740	77,864.97	Drainage
TREES	90	1%	MODERATE	0.40	0.81	43.81	0.62	0.40	90	1,207.21	Drainage
										ETWU	79,072
										Total Landscape	7,803

PLANT PALETTE

WUCOLS	SIZE	CONT.	Q1
Mod.	25-35" TALL & WIDE	35' Box	1
Low	8-10" TALL, 3'-4" WIDE	5 Gallon	
V. Low	3'-4" TALL & WIDE	5 Gallon	
Low	0.5'-1' TALL & WIDE	1 Gallon	
Low	1'-2' TALL, 3'-5" WIDE	1 Gallon	
Low	1" TALL, 1'-2" WIDE	1 Gallon	
Low	7-8" TALL & WIDE	5 Gallon	

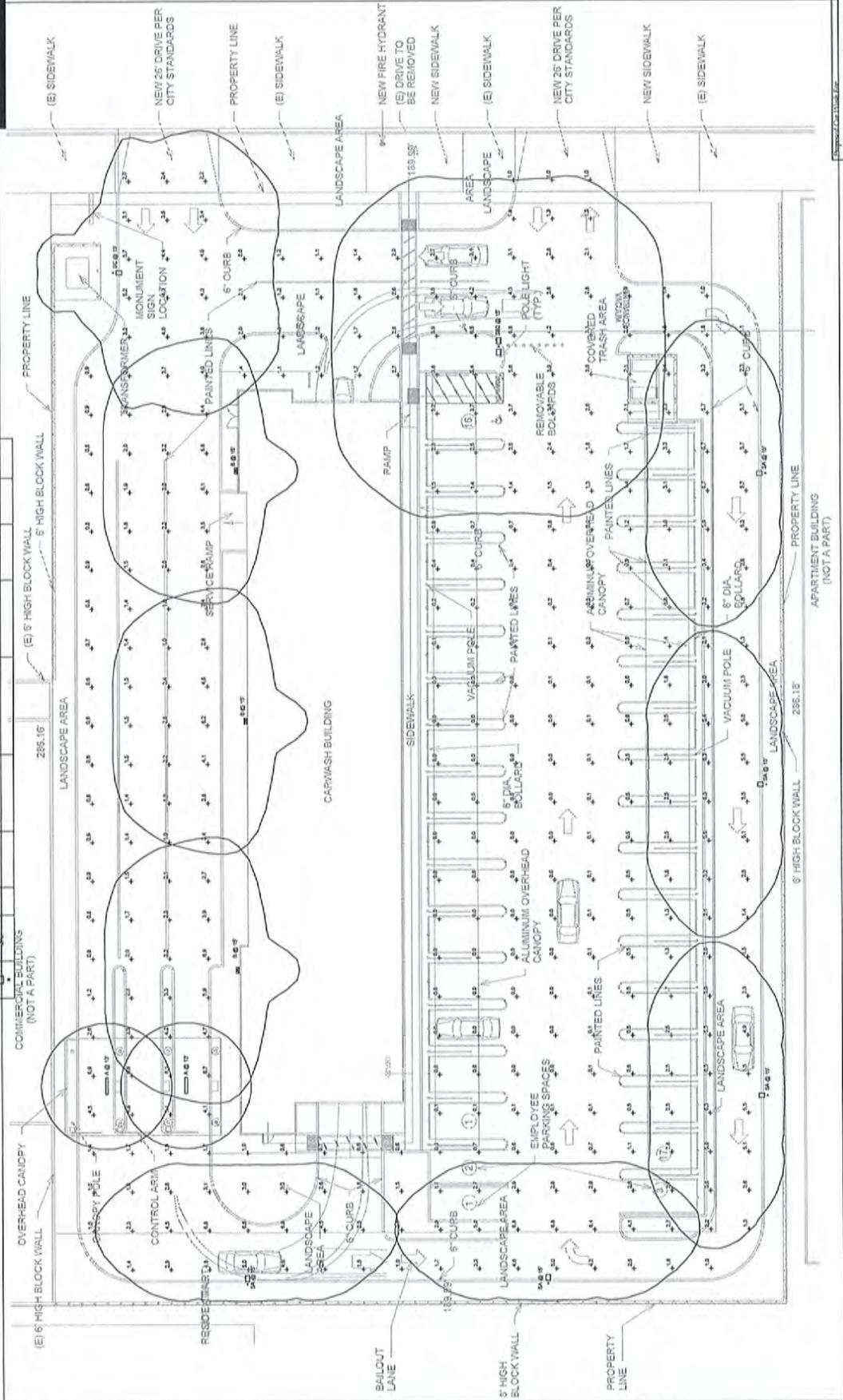
- CERCIS canadensis
- EASTERN REDBUD
- CALLISTEMON viminalis 'Slim'
- SLIM BOTTLERUSH
- HEPERALOE parviflora
- RED YUCCA
- GAZANIA rigens
- TREASURE FLOWER
- LANIFANA montevicensis
- TRAILING LANIFANA
- MAHONIA repens
- CREeping MAHONIA
- PHORMIUM tenax 'Autropurpureum'
- BRONZE NEW ZEALAND FLAX



Note: All landscaped areas shall be sufficiently landscaped to the satisfaction of the Community Development Director



Condition	Symbol	Area	Per	Per	Per	Per	Per
As Shown		100	100	100	100	100	100
Proposed		100	100	100	100	100	100



RPM
 RAYMOND P. MURPHY
 14141 14TH STREET, SUITE 100
 SAN DIEGO, CA 92161
 (619) 521-1111
 www.rpm.com

LAURENDE EXPRESS CAR WASH
 15413 HARDWARE ROAD, FARMVILLE, CA 92010
 29 JAN 2020
 14-3601

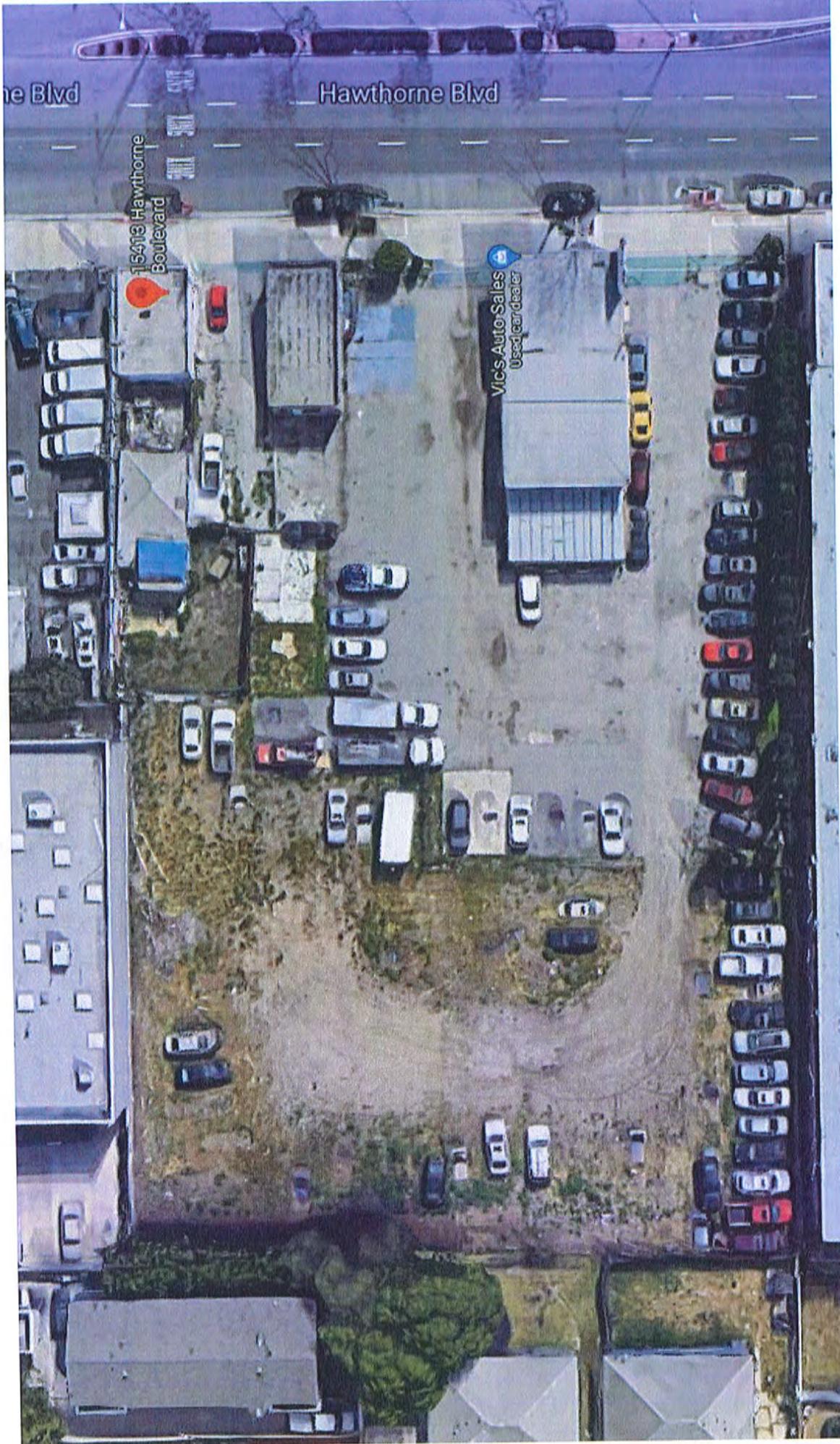
SITE LIGHTING PHOTOMETRIC STUDY
 E-1

SITE LIGHTING PHOTOMETRIC STUDY
 SCALE 1/8"=1'-0"

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Attachment "B"

Photographs of Site

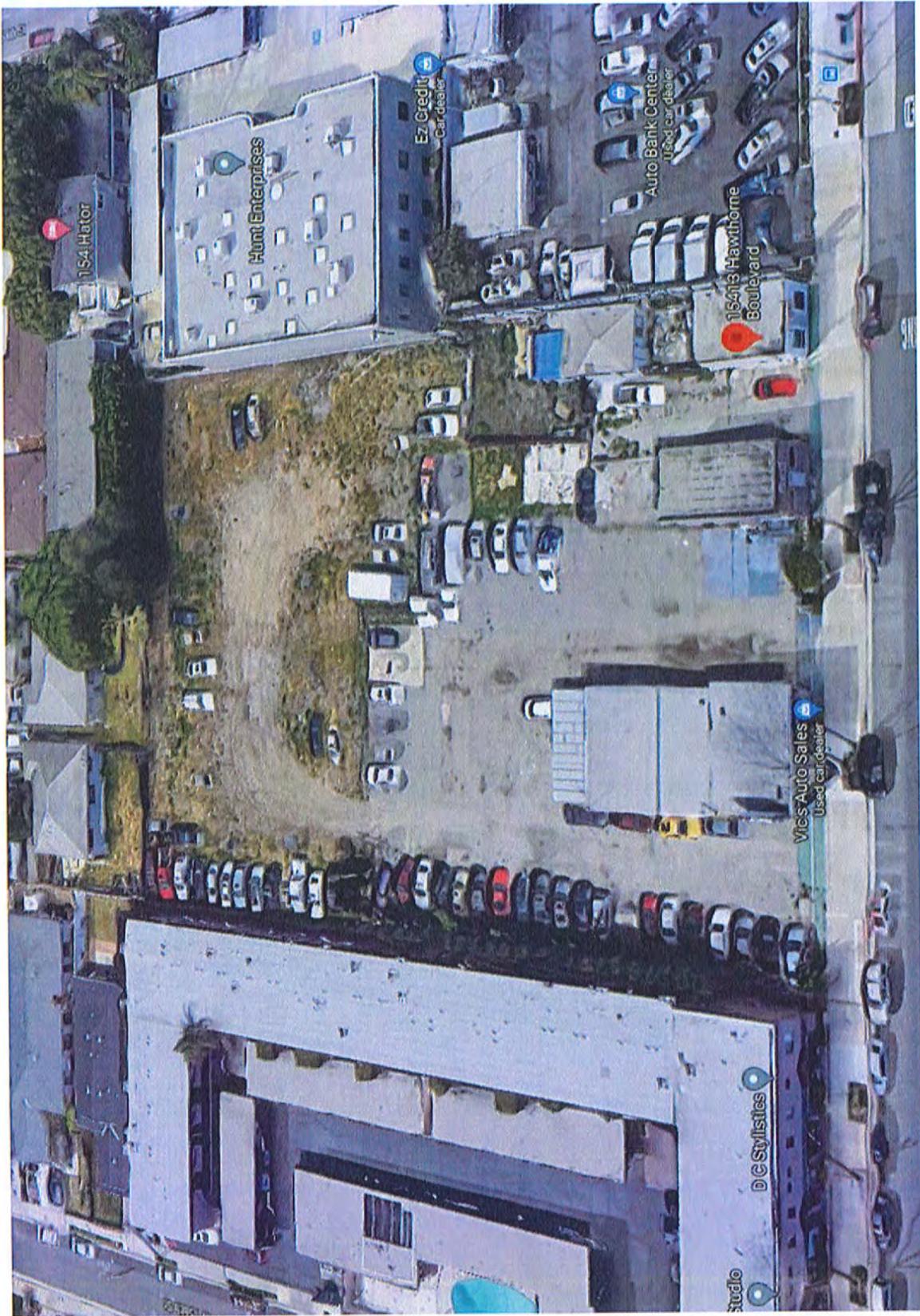


the Blvd

Hawthorne Blvd

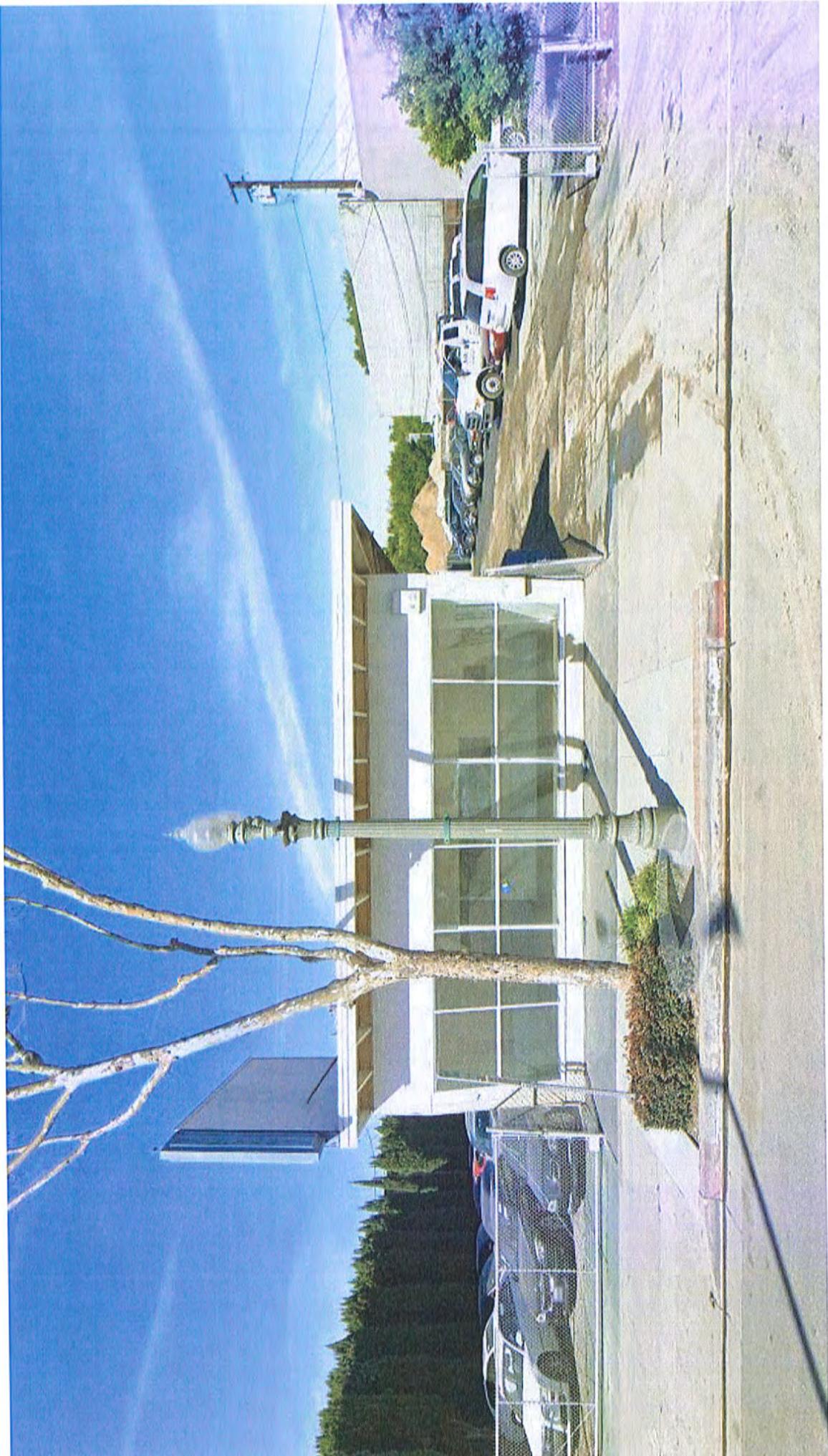
15413 Hawthorne Boulevard

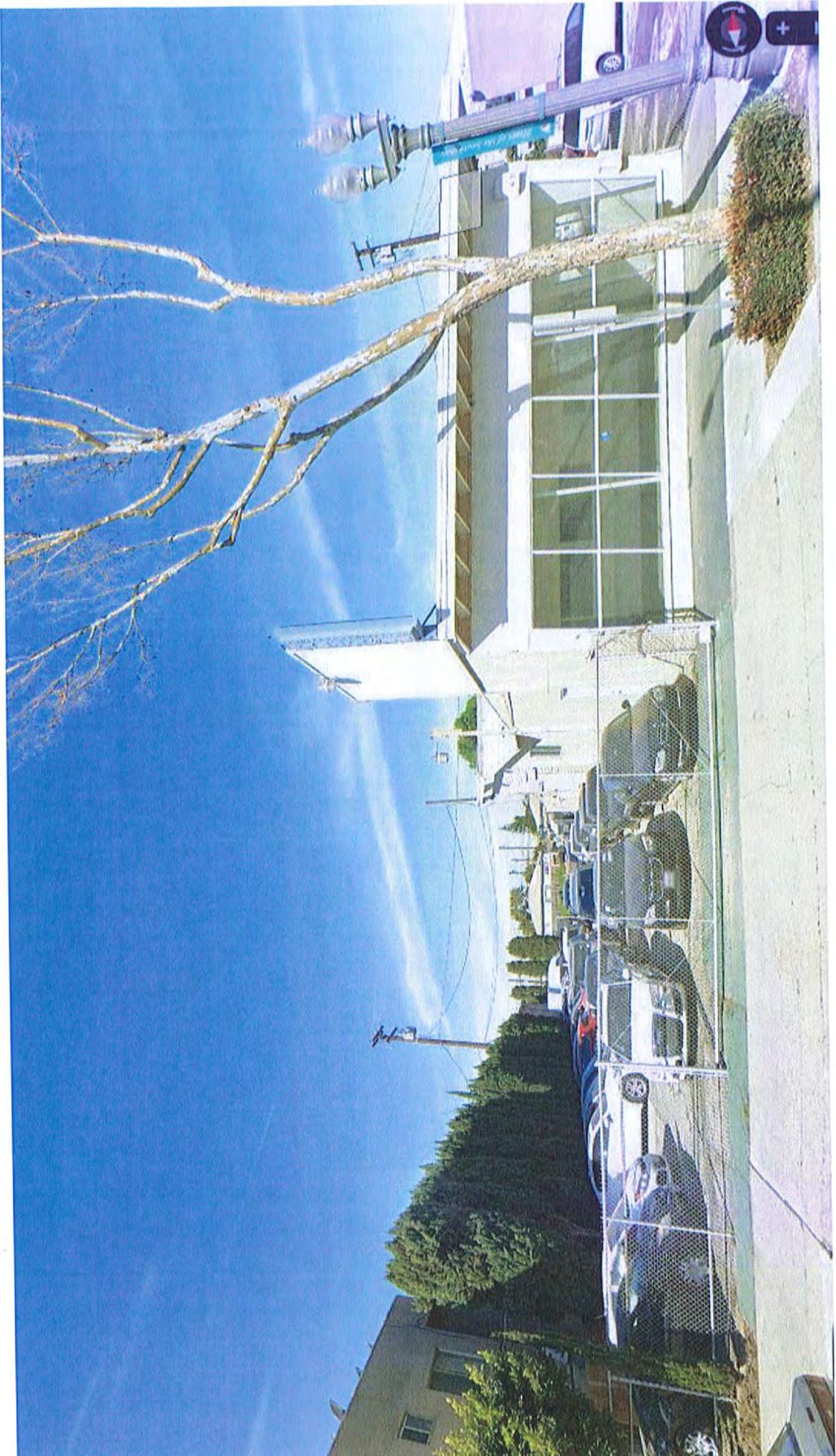
Vic's Auto Sales
Used car dealer











Attachment "C"

Department and Agency Comments



14717 BURIN AVENUE • LAWDALE, CALIFORNIA 90260 • (310) 973-3230 • FAX (310) 970-2183

DEPARTMENT/AGENCY TRANSMITTAL RESPONSE

Project: CASE NO. 20-17; SPECIAL USE PERMIT, LOT MERGER, PRELIMINARY ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A 7,936 SQUARE FOOT EXPRESS CAR WASH FACILITY WITH QUEUING, CANOPIES, PAVED PARKING LOT AND LANDSCAPING LOCATED AT 15413 HAWTHORNE BOULEVARD IN THE CITY OF LAWDALE.

- Our department/agency has no comments, concerns and/or conditions regarding the above-mentioned project.
- Our department has attached our comments, concerns and/or conditions regarding the above-mentioned project.
- Our comments, concerns and/or conditions regarding the above-mentioned project are:

Name: Timothy Chen Date: 7/8/20

Position: Associate Civil Engineer

Department: LA Co Public Works

Agency: Building & Safety



14717 BURIN AVENUE • LAWDALE, CALIFORNIA 90260 • (310) 973-3230 • FAX (310) 970-2183

DEPARTMENT/AGENCY TRANSMITTAL RESPONSE

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- Our department/agency has no comments, concerns and/or conditions regarding the above-mentioned project.
- Our department has attached our comments, concerns and/or conditions regarding the above-mentioned project.
- Our comments, concerns and/or conditions regarding the above-mentioned project are:

See attached letter and instructions to work with New Business Department.

Name: Michael Carbajal Date: 7/13/2020

Position: Operations Engineering Technician

Department: Southwest District

Agency: Golden State Water Company



**Golden State
Water Company**
A Subsidiary of American States Water Company

July 13, 2020

Rafael Garcia
City of Lawndale
Community Development Department
14717 Burin Avenue
Lawndale, CA 90260

Dear Rafael Garcia,

After reviewing the City of Lawndale SUP No. 20-17 located at 15413 Hawthorne Boulevard, Lawndale, Golden State Water Company (GSWC) do not have comments or questions about the project as proposed.

The following are information for the applicant to use:

1. The Architecture plans (SPR1 – SPR4) show construction of a car wash facility at above reference project address. The applicant shall contact GSWC for fire flow tests once LA County Fire Department has issued their fire protection requirements on the aforementioned project. I have attached a LA County Fire Prevention Division Form 196 for the applicant to use.
2. A copy of GSWC's water system Atlas Map is attached.
3. If applicant decide to install new meter(s) for the units, the applicant shall contact GSWC to initiate application for new service installation. Below are general guidelines for water service applications.
 - a. For new service installation with meter size larger than 2-inch and/or system upgrade, the applicant is to request a cost estimate and project review prior to construction. A cost estimate is needed to evaluate system modifications to provide adequate supply to the project. To set up new service or for a cost estimate please contact Ms. Julia Rivas, New Business Administrator. A \$1,500 deposit will be required to determine what modifications are needed to the system. A copy of New Service Installation Application form is included for the applicant to use. Ms. Rivas is located at our Via Verde office located at:

Golden State Water Company
160 E. Via Verde
San Dimas, CA 91773
(909) 305-5427 x349



**Golden State
Water Company**
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- b. For new service installation with meter size of 2-inch diameter and below, the applicant is to request an Application for New Service Installation. A copy of New Service Installation Application form is included for the applicant to use. The forms are available and application can be submitted at our CSA office located at:

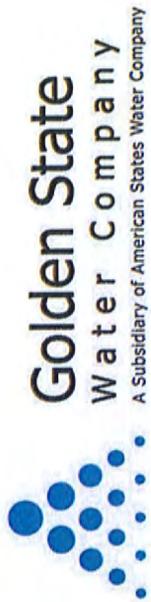
Golden State Water Company
1600 W Redondo Beach Blvd, Suite 101
Gardena, CA 90247
(310) 767-8200

Sincerely,

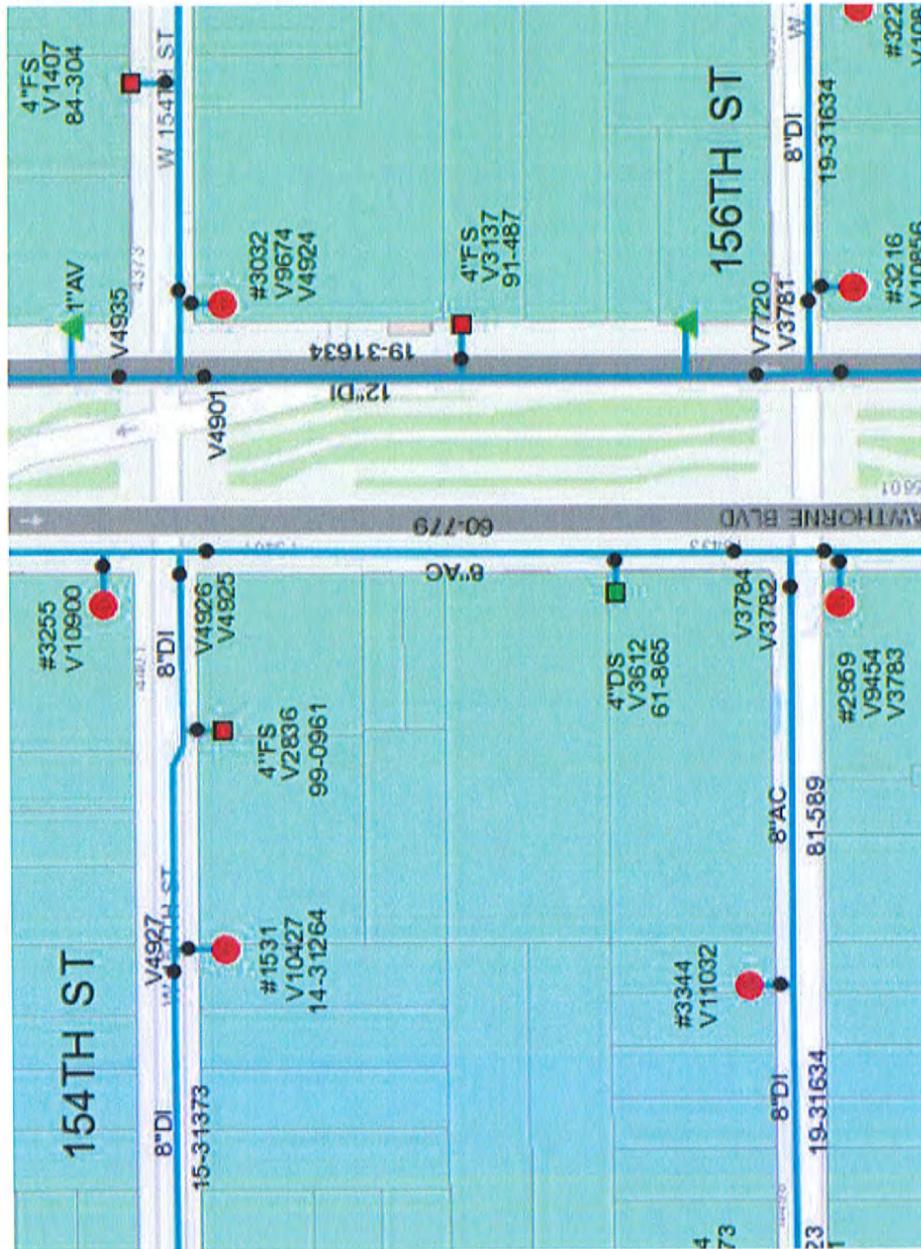
Joseph Zhao, PE, PhD
Operations Engineer

Cc: Joseph Salcido – GSWC Southwest Water Operations Superintendent
Julia Rivas – GSWC New Business Administrator

Encl: Attachment A - Water System Atlas Map
Attachment B - LA County Fire Prevention Division Form 196
Attachment C
C. 1 New Business Department Application for Water Service (larger than 2-inches)
C. 2 Application for New Service Installation (2-inches and below)



Appendix A: GSWC Water System Map





Golden State
Water Company

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Attachment B - LA County Fire Prevention Division Form 196



FORM 196
Rev. 04/03

COUNTY OF LOS ANGELES FIRE DEPARTMENT FIRE PREVENTION DIVISION

Fire Prevention Engineering
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4125 Fax (323) 890-4129

Information on Fire Flow Availability for Building Permit

For All Buildings Other Than Single Family Dwellings (R-3)

INSTRUCTIONS:

Complete parts I, II (A) when:

Verifying fire flow, fire hydrant location and fire hydrant size.

Complete parts I, II (A), & II (B) when:

For buildings equipped with fire sprinkler systems, and/or private on-site fire hydrants.

PROJECT INFORMATION (To Be Completed By Applicant)

PART I

Building Address: _____

City or Area: _____

Nearest Cross Street: _____

Distance of Nearest Cross Street: _____

Applicant: _____ Telephone: () _____

Address: _____

City: _____

Occupancy (Use of Building): _____ Sprinklered: Yes No

Type of Construction: _____

Square Footage: _____ Number of Stories: _____

Present Zoning: _____

Applicant's Signature

Date

PART II-A

**INFORMATION ON FIRE FLOW AVAILABILITY
(To be completed by Water Purveyor)**

Location _____

Distance from _____ Hydrant Number _____
Nearest Property Line _____ Size of Hydrant _____ Size of Water main _____

Static PSI _____ Residual PSI _____ Orifice size _____ Pitot _____

Fire Flow at 20 PSI _____ Duration _____ Flow Test Date / Time _____

Location _____

Distance from _____ Hydrant Number _____
Nearest Property Line _____ Size of Hydrant _____ Size of Water main _____

Static PSI _____ Residual PSI _____ Orifice size _____ Pitot _____

Fire Flow at 20 PSI _____ Duration _____ Flow Test Date / Time _____

Location _____

Distance from _____ Hydrant Number _____
Nearest Property Line _____ Size of Hydrant _____ Size of Water main _____

Static PSI _____ Residual PSI _____ Orifice size _____ Pitot _____

Fire Flow at 20 PSI _____ Duration _____ Flow Test Date / Time _____

PART II-B SPRINKLERED BUILDINGS/PRIVATE FIRE HYDRANTS ONLY

Detector Location (check one) Above Grade Below Grade Either

Backflow Protection Required (Fire Sprinklers/Private Hydrant) (check one) Yes No

Minimum Type of Protection Required (check one) Single Check Detector Assembly

Double Check Detector Assembly Reduced Pressure Principle Detector Assembly

Golden State Water Company _____
Water Purveyor

Signature _____

Date _____

Title _____

This Information is Considered Valid for Twelve Months

Fire Department approval of building plans shall be required prior to the issuance of a Building Permit by the jurisdictional Building Department. Any deficiencies in water systems will need to be resolved by the Fire Prevention Division only prior to this department's approval of building plans.

PROJECT ADDRESS :



Golden State
Water Company
A Subsidiary of American States Water Company

Attachment C.1

New Business Department Application for Water Service (larger than 2-inches)

APPLICATION FOR WATER SERVICE

GENERAL INFORMATION (Type or print clearly in ink)

Applicant's Name: <small>(Responsible party for contract execution and funding)</small>		
Mailing Address:		
City:	State:	Zip Code:
Telephone No:	Email Address:	
Contact Name (if different from Applicant):		
Telephone No:	Email Address:	
Project Name:		
Service Address or Location:		
City:	State:	Zip Code:
What is being constructed at this location:		
Desired Completion Date for Work:		

WATER SERVICE (Select as appropriate)

Classification ¹	Lateral Size <small>(Available Size:1",2",4",6",8",10",12")</small>	Quantity
<input type="checkbox"/> Domestic		
<input type="checkbox"/> Commercial		
<input type="checkbox"/> Industrial		
<input type="checkbox"/> Irrigation (Landscaping)		
<input type="checkbox"/> Reuse Existing Services (if any)		
<input type="checkbox"/> Abandon Existing Service (if any)		

FIRE PROTECTION (Select as appropriate. See Applicant's Checklist Item No. 3. Fire Protection for requirements)

Public	
<input type="checkbox"/> Public Fire Hydrant	Quantity _____
Fire Flow requirements _____ gpm @ 20psi for a duration of _____ hours.	
Private (Fire service size required)	
<input type="checkbox"/> Private On Site Fire Hydrant	<input type="checkbox"/> Fire Sprinkler System
Fire Service Size _____	Quantity _____
Fire Flow requirements _____ gpm @ 20psi for a duration of _____ hours.	

PLAN PREPARATION (Select one)

<input type="checkbox"/> GSWC	<input type="checkbox"/> Applicant's Consultant (Requires GSWC review and approval)
Provide water plans per GSWC's standards for GSWC to review. Please visit www.gswater.com/about-gswc/contractor for CAD requirements and sample plans.	

¹Provide house number to each unit, store, or building if 2 or more services – Prepare Service Survey Report

BIDDING PROCESS (Select one)

Available Bid options. THREE COMPETITIVE BIDS ARE REQUIRED. Class A or C-34 License classification required for qualification with Golden State Water Company (select one):

- GSWC solicits project bids and manages project for Applicant using GSWC-qualified contractors.
- Install & Convey (I&C) – Applicant solicits bids directly from GSWC-qualified contractors.

Upon written request, Golden State Water Company (GSWC) may allow the Applicant to use their contractor to Install & Convey (I&C) the requested facilities. Applicant must submit the request for I&C with their Contractor's contact information. The I&C contractor is responsible for obtaining all applicable construction permits and must be an approved contractor by GSWC's Procurement Department.

NON-REFUNDABLE APPLICATION DEPOSIT ²

A non-refundable deposit of **\$2,500** applies for application review and plan checking.

Project Type	Description
Type 1	All Services 2" or less on existing water mains - Contact Local GSWC CSA
Type 2 ³	Fire Hydrant, Fire or Domestic Service Larger than 2" on existing water mains
Type 3a ⁴	Main Extension – 100' or less to Serve Individuals per CPUC Rule No.15
Type 3b ⁴	Main Extension – To Serve Subdivisions, Tracts, Housing Projects, Individual Development, Commercial Buildings, or Shopping Centers per CPUC Rule No.15
Type 4 ⁴	Water Supply Assessment or Tariff Map Extension Required

APPLICANT'S CHECKLIST

The following items are required with your submittal in order for GSWC to process your request for service. All boxes must be completed or marked N/A. Incomplete submittals will be rejected by GSWC.

Examples of required submittal documents are available at www.gswater.com/about-gswc/contractor

1. Complete GSWC's Application for Water Service.
2. Anticipated Size and Demand of Water Service (Requested on Application and shown on Site/Plot Plan):

<input type="checkbox"/> Domestic <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Irrigation (Landscaping)	<input type="checkbox"/> Abandon Existing Services (if any) <input type="checkbox"/> Reuse Existing Services (if any) <input type="checkbox"/> Service Survey Report (if 2 or more services) Please visit www.gswater.com/about-gswc/contractor for Service Survey Report
--	---
3. Fire Protection (approved by Fire Department/Agency):
 - Fire Flow Availability form (pdf copy)
Signed by GSWC with a current date: Los Angeles County area, valid for 6 months. All other areas, valid for 1 year.
 - Public Fire Hydrant:
 - Approved Written Fire Flow Requirements for Public Hydrant (pdf copy)
 - Stamped Plans of Required Public Fire Hydrant Location (pdf copy)
 - Fire Service:
 - Anticipated Size (requested on Application and shown on Site /Plot Plan)
 - Approved Written Fire Flow Requirements for Private On-site Fire Hydrant (pdf copy)
 - Stamped plans of Private On-site Fire Hydrants and/or Fire Sprinkler System (pdf copy)
4. Location Map:
 - Tract Map, Parcel Map, or Assessor's Parcel Map showing subject property and cross street

²Total cost will be determined upon completion of project.

³Preliminary Cost Estimate (PCE) available upon request.

⁴Additional design deposit may be required, if applicable, the additional amount will be conveyed in a PCE.

APPLICANT'S CHECKLIST

5. Plans (with written Permitting Agency's conditions of approval):
- Site/Plot Plan (mark approximate location of fire hydrant, fire, domestic, and/or irrigation service) on GSWC's CAD Standard drawing format, including utilities in public right-of-way.
 - Provide copy of all plans in electronic format (AUTOCAD and pdf)
Please visit www.gswater.com/about-gswc/contractor for detailed CAD requirements.
- Improvement plans for new development including Subdivisions, Tracts, Housing Projects, Individual Development, Commercial Buildings, or Shopping Centers (provide additional items):
- Sanitary Sewer Design
 - Grading Plans
 - Storm Drain Plans
 - Landscaping Plans
- Note: Permitting Agency's approved plans will be required prior to finalization of water plans.
6. Non-Refundable Application Deposit Check made payable to "GSWC".
7. Supplemental Water – Santa Maria Customer Service area only
Contact Operations Engineer at (805) 349-7407 in the Santa Maria CSA Office

The Applicant's signature acknowledges to have read the *New Business Narrative*, completed application, and that **financial responsibility of fees and for services rendered** will be paid by, or excess deposit refunded to, the applicant.

Print Name: _____ Date: _____

Signature of Applicant: _____

Submit completed application and required submittal documents electronically on a USB flash drive to the New Business Department address. Use same naming convention as listed on the Applicant's Checklist for all required items.

INCOMPLETE APPLICATIONS WILL BE REJECTED AND RETURNED TO THE APPLICANT

CONTACT INFORMATION

<p>Mr. Robert N. Hanford, P.E. New Business Manager RHanford@gswater.com</p>	<p>Ms. Heather Cole x 348 New Business Contract Administrator Heather.Cole@gswater.com</p>	<p>Ms. Julia Rivas x 349 New Business Contract Administrator JRivas@gswater.com</p>
---	---	--

For all questions, please call or contact one of the following:

Ms. Heather Cole

Service Areas:

Coastal District: Cypress Ridge, Los Osos, Edna Valley, Santa Maria, Lake Marie, Nipomo, Orcutt, Sisquoc, and Tanglewood.

Northern District: Arden Cordova, Arden Manor, Gold River, Rancho Cordova, Sacramento, Bay Point, and Clearlake.

Foothill District: Claremont, Montclair, Pomona, Upland, San Dimas, Charter Oaks, Covina, Glendora, La Verne, Walnut, Arcadia, El Monte, Irwindale, Monrovia, Monterey Park, Rosemead, San Gabriel, and Temple City.

Mtn./Desert District: Barstow, Calipatria, Niland, Morongo Valley, Apple Valley, Lucerne Valley, and Wrightwood.

Ms. Julia Rivas

Service Areas:

Central District: Artesia, Cerritos, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Whittier, Bell, Bell Gardens, Cudahy, Hollydale, Huntington Park, Paramount, Santa Fe Springs, South Gate, Willowbrook, and Culver City.

Southwest District: Athens, Carson, Compton, Del Aire, El Camino Village, El Segundo, Gardena, Gardena Heights, Hawthorne, Inglewood, Lawndale, Lennox, Redondo Beach, and Torrance.

Orange County District: Buena Park, Cypress, Garden Grove, La Palma, Los Alamitos, Rossmoor, Seal Beach, Stanton, Cowan Heights, Lemon Heights, Orange, Placentia, Santa Ana, and Yorba Linda.

CROSS-CONNECTION CONTROL CHECKLIST FOR NEW WATER SERVICE

Applicant's Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone No:	Email Address:	
Contact Name (if different from Applicant):		
Telephone No:	Email Address:	
Water Use Survey:		Height or No. Stories
Type of Facility:	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Story Building	
What type of business will be at this location?		
<small>(If the kind of business has not yet been determined, a review for appropriate backflow protection will be required prior to the activation of the service, upon determination of the business activities.)</small>		
For Domestic and/or Dedicated Irrigation Services, is there or will there be:		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	any equipment that uses water for cooling, heating, or recirculation (i.e. cooling tower or steam boiler?)
<input type="checkbox"/>	<input type="checkbox"/>	any aspirators on site?
<input type="checkbox"/>	<input type="checkbox"/>	any chemicals used or stored on site?
<input type="checkbox"/>	<input type="checkbox"/>	any water wells or booster pumps on site?
<input type="checkbox"/>	<input type="checkbox"/>	reclaimed/recycled water on site?
<input type="checkbox"/>	<input type="checkbox"/>	any water storage tanks or reservoirs on site?
<input type="checkbox"/>	<input type="checkbox"/>	a pool, spa, decorative pond or fountain?
<input type="checkbox"/>	<input type="checkbox"/>	facilities for pumping, injecting or spreading fertilizers, pesticides or other substances?
<input type="checkbox"/>	<input type="checkbox"/>	sewage lift stations or gray water systems?
Notes or comments: _____		
For All Fire Services, will:		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	the fire system be looped with water supplied by two or more fire services that are inter-connected?
<input type="checkbox"/>	<input type="checkbox"/>	the fire system contain any chemicals, such as antifreeze or rust inhibitors?
<input type="checkbox"/>	<input type="checkbox"/>	the facility have hydrants on site, stand pipes or pumper connections?
<input type="checkbox"/>	<input type="checkbox"/>	there be any pump onsite for the fire system?
<input type="checkbox"/>	<input type="checkbox"/>	the fire system also be supplied by an auxiliary source of water (i.e. pond, reservoir, storage tank)?
<input type="checkbox"/>	<input type="checkbox"/>	the fire system be dual use (domestic and fire)?
Residential Dual Use Service (Domestic and Fire Sprinklers):		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Will the fire service be a flow-through system (connected at the end of the system to a point of use such as a toilet, dishwasher or other fixture to prevent water from becoming stagnant)?
<input type="checkbox"/>	<input type="checkbox"/>	If the fire system is a closed system (not flow-through), will the fire system be construction of material certified to NSF/NASI standard 61 (marked NSF-61 or NSF-pw)? If yes, what will the primary material be? _____
Notes or comments: _____		
<p>Note: Answering YES to either of the Dual-Use questions above may trigger an exemption to the requirements for backflow protection for residential dual use applications. For details or questions regarding the Cross-Connection Control Checklist for New Water Service, please contact the Water Quality Department at waterquality@gswater.com.</p> <p>All required backflow assemblies will be installed within 5 feet of the point of connection per GSWC's standards. Any deviation from this requires approval from GSWC's Water Quality Department.</p>		



Golden State
Water Company

A Subsidiary of American States Water Company

Attachment C.2

Application for New Service Installation (2-inches and below)



Application for New Service Installation
Southwest District
1600 W Redondo Beach Blvd, Suite 101
Gardena, California 90247
Tel: (310) 767-8200 FAX: (310) 436-6065

Customer or Business Name: _____

Driver's License #: _____ SSN or Fed Tax ID: _____

New Service Street Address: _____

Customer Mailing Address: _____

Customer Home Phone: _____ Cell Phone: _____

Customer Email Address: _____

Contact Person Name: _____ Phone: _____

New Service Will Provide Water To:

- Single Family Home
- More than one residential unit. Number of Units: _____
- Commercial Property. Type of Business: _____
- Manufacturing. Product Manufactured: _____
- Irrigation
- Fire Service
- Other. Explain _____

Customer Signature _____ Date: _____

To Be Completed by Customer

AMERICAN STATES WATER COMPANY

Residential Water Meter Sizing Worksheet

(5/8 thru 2 inch Meters)



Name: _____
 Address: _____
 Phone No.: _____

Dwelling Information: No. Bedrooms: _____ Lot Size: _____ APN: _____
 No. Bathrooms: _____ Dwelling SF: _____ Lot No. _____

Type of Dwelling: Single Family Town Home/Condominium Multifamily

AWWA M22 Fixture Values (Second Edition 2004)		Residential		
Indoor Uses:	Fill in all shaded areas	Fixture Value	No. of Fixtures	Total FV
Lavatory/Bar Faucet (Combination Hot & Cold Water Faucet)		1.5		0
Bathtub (With or Without Shower Over)		8		0
Bidet		2		0
Clothes Washing Machine (Indicate Total Number of Machines)		6		0
Dishwasher (Total Number of Machines)		2		0
Utility Faucet (Combination Hot & Cold Water Faucet)		4		0
Kitchen Faucet (Combination Hot & Cold Water Faucet)		2.2		0
Shower Head (Combination Hot & Cold Shower System)		2.5		0
Flush Toilet (1.6 GPF Tank Style)		4		0
Total Indoor FV's:				0
Outdoor Uses:				
Lawn Sprinklers (max no. of heads per station)		1.5		0
Hose bibs Connections (ea):				
1/2-inch		5		0
3/4-inch		9		0
1-inch		12		0
Subtotal Outdoor FV's:				0
Flow Design Chart		No. of Dwellings		
Meter Selection	Maximum Peak Flow Rate	0	X	1
Size	Flow Rate			
5/8" x 3/4" meter	22 gpm	Peak Demand @ 60 psi Recommended meter size: 5/8 inch		
3/4" x 3/4" meter	33 gpm			
1" meter	55 gpm			
1-1/2" meter	110 gpm			
2" meter	176 gpm			
		0	0	0
		FV's		
		gpm		

Prepared By: _____ Date: _____
 Approved By: _____ Date: _____
 Comments: _____
 Notes: _____



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

July 22, 2020

Ref. DOC 5784676

Mr. Rafael Garcia, Associate Planner
Community Development Department
City of Lawndale
14717 Burin Avenue
Lawndale, CA 90260

Dear Mr. Garcia:

Comment Letter for Case No. 20-17

The Los Angeles County Sanitation Districts (Districts) received the letter and plans for the subject project forwarded by your office on July 9, 2020. The proposed project is located within the jurisdictional boundary of District No. 5. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' JOA-1A South Hawthorne-Warfield Avenue Extension Trunk Sewer, located in 156th Street at Hawthorne Boulevard. The Districts' 21-inch diameter trunk sewer has a capacity of 3.4 million gallons per day (mgd) and conveyed a peak flow of 0.9 mgd when last measured in 2017.
2. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 261.1 mgd.
3. The expected increase in average wastewater flow from the project site, described in the plan as a 7,936 square-foot tunnel car wash, is 20,450 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the [Table 1, Loadings for Each Class of Land Use](#) link.
4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is used by the Districts to upgrade or expand the Sewerage System. Payment of a connection fee will be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717 or at araza@lacsdsd.org.

Very truly yours,



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:dc

cc: A. Schmidt
A. Howard



14717 BURIN AVENUE • LAWDALE, CALIFORNIA 90260 • (310) 973-3230 • FAX (310) 970-2183

DEPARTMENT/AGENCY TRANSMITTAL RESPONSE

Project: CASE NO. 20-17; SPECIAL USE PERMIT, LOT MERGER, PRELIMINARY ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A 7,936 SQUARE FOOT EXPRESS CAR WASH FACILITY WITH QUEUING, CANOPIES, PAVED PARKING LOT AND LANDSCAPING LOCATED AT 15413 HAWTHORNE BOULEVARD IN THE CITY OF LAWDALE.

- Our department/agency has no comments, concerns and/or conditions regarding the above-mentioned project.
- Our department has attached our comments, concerns and/or conditions regarding the above-mentioned project.
- Our comments, concerns and/or conditions regarding the above-mentioned project are:

See attachment dated 7/20/2020.

Name: Alex Choa Date: 7/20/2020

Position: Associate Engineer

Department: P.W.

Agency: City of Lawndale



Public Works Department Plan Review Comment Checklist

Project Address: 15413 Hawthorne Boulevard Project Valuation: _____

Date: 7/20/2020 Reviewer: Alex Chou

Architect or Owner

1st check 2nd check 3rd check 4th check

Applicant:

Mr. Doug Andresen
Andersen Architecture Inc.
17087 Orange Way, Fontana, CA 92335
(909) 355-6688
doug.andresen@aaifirm.com

Project Description:

Case 20-17:
Special use permit, lot merger, preliminary environmental assessment and development permit for the development of a 7,936 square foot express car wash facility with queuing, canopies, paved parking lot, and landscaping located at 15413 Hawthorne Boulevard

The Public Works Department has reviewed the subject project and has the following comments. If you have any questions, please contact the Public Works Department at (310) 973-3260. The applicant shall provide own responding comments to each item below:

1. Pay of all applicable fees and plan check fees with Public Works Department.
2. The applicant shall provide documentation that lots composing the property were legally tied together to the satisfaction of the Department of Public Works/Engineering Division. After reviewing the documents, the Department of Public Works /Engineering Division require the submission and recordation of a Parcel Map or Lot Merger.
3. The applicant shall provide a copy of property deed or title reports within 6 months old to the Department of Public Works/Engineering Division.
4. The applicant shall provide a soils report.
5. The applicant shall submit topo plans show all existing condition within private property, existing features, existing buildings, trees, dimensions, and any existing easements.
6. The applicant shall submit street plans show all existing condition within public right-of-way, curb/gutter, driveway, trees, dimensions, utilities, signs, striping, and proposed improvements.



Public Works Department Plan Review Comment Checklist

7. The applicant shall submit offsite improvement plans for review and approval. The offsite improvement plans include but not limited to propose utilities service connections, concrete work, pavement work, striping, and signs.
8. The applicant shall submit a grading and drainage plan prepared and signed by a registered Civil Engineer. Submit a "Final Grading and Drainage Certificate" signed by the California registered engineer, stating that the project was constructed according to the approved grading/drainage plan and that the project drains to the street and does not block the cross-lot drainage from adjacent property.
9. The applicant shall provide a proposed staging plan, haul route map, and off street parking during construction. The applicant must designate a construction staging area on the site. Any construction activity that may require closing the roadway shall be discussed and mitigated in the staging plan.
10. Remove and replace all existing driveway approaches. All new driveway approaches shall be commercial driveway and comply with the Americans with Disabilities Act (ADA) and completed per satisfaction to the City Engineer.
11. Relocate water meter(s) and/or other utilities outside of driveway approach area.
12. Remove and replace damaged and substandard sidewalk along the frontage of the property. All new sidewalk shall comply with the Americans with Disabilities Act (ADA) and completed per satisfaction to the City Engineer.
13. Remove and replace damaged and substandard curb & gutter along the frontage of the property and completed per satisfaction to the City Engineer.
14. The applicant shall provide slurry seal surface treatment Type II from edge of gutter to edge of median of Hawthorne Boulevard fronting the property from property line to property line per satisfaction to the City Engineer.
15. Provide Los Angeles County Sanitation District letter of approval/fee receipt for sewer connection fee.
16. The applicant shall pay necessary sewer connection fees.
17. The applicant shall submit proposed sewer impact study prepared by the engineer.
18. The applicant shall obtain sewer connection permit from the Public Works Department for proposed new sewer lateral. All new sewer lateral must be minimum of six inch diameter vitrified clay pipe within the public right-of-way. The applicant shall provide a copy of sewer video inspection to the Public Works Department prior to the final sign off.



Public Works Department Plan Review Comment Checklist

19. All new proposed utilities shall be constructed underground.
20. All existing utilities shall be constructed underground if any modifications are proposed for the electrical service panel.
21. All SCE vaults and structures shall be placed underground on owner's property.
22. The applicant shall obtain approval from SCE for the easement abandonment. The applicant shall provide a copy of recorded abandon SCE easement to the Department of Public Works.
23. The applicant shall obtain approval from SCE for maintenance access easements. The applicant shall provide a copy of recorded new easements to the Department of Public Works.
24. Replace survey markers and monuments damaged or destroyed during construction. Developer/Owner's surveyor is responsible for filing Corner Records with the Los Angeles County Surveyor for all monuments disturbed as part of construction.
25. Obtain permit from the Engineering Division is required for all off-site improvements.
26. The applicant shall provide a copy of LA County Fire Department clearance letter to the Department of Public Works.
27. All required water meters, meter service changes and/or fire protection lines shall be installed by the developer. Any new water meters shall be installed in parkways. All existing water meter to be abandon shall be remove per Golden State Water Company and replace with new sidewalk per satisfaction to the City Engineer.
28. This development is subject to the City's Standard Urban Stormwater Mitigation Plan Ordinance (SUSMP). The applicant shall provide a copy of approved SUSMP letter to the Department of Public Works.
29. The applicant shall prepare onsite water recycling system. The applicant shall submit a copy of approved water recycling system to the Department of Public Works.
30. The applicant shall provide a copy of approved storm water pollution prevention plan (SWPPP) to the Department of Public Works.
31. The applicant shall provide a copy of approved best management practice plan (BMP) to the Department of Public Works.



Public Works Department Plan Review Comment Checklist

32. This project is subject to the City of Lawndale's Construction and Demolition Ordinance. Building permits and/or demolition permits shall not be issued until developer/project owner contacts the Department of Public Works, Engineering Division for further information.
33. The applicant shall provide a copy of surveyor's certification letter to the City Engineer, certifying that monuments were not disturbed during construction. Otherwise, the applicant is responsible to replace survey monuments damaged or destroyed during construction. Developer/Owner's surveyor is responsible for filing Corner Records with the Los Angeles County Surveyor for all monuments disturbed as part of construction.
34. Remove all existing USA utility pavement markings from sidewalk and street prior to final completion of the project.
35. The applicant shall apply for a change of address permit prior to the final sign off.
36. Prior to issuance of C of O permit, the applicant shall replace to the satisfaction of the City Engineer, any damaged street improvements, such as sidewalk, curb and gutter and driveway. The required ultimate street improvements shall be subject to the review and approval of the City Engineer. All service lines shall be in operation.
37. The applicant shall submit traffic impact analyst report prepared by California licensed traffic/civil engineer.
38. The applicant shall submit corner sight distance study for ingress and egress proposed driveways.
39. The applicant shall provide parking study prepared by California licensed traffic/civil engineer.
40. No final sign off shall be given until all conditions of approval from the Department of Public Works have been completed.

Lot Merger Conditions:

41. The applicant shall provide \$3,045 plan check fee for reviewing Lot Merger.
42. The applicant shall submit (2) copies of title report (less than 6 months old) of all the affected properties.
43. The applicant shall submit (2) copies of the Grant Deed of all affected parcels.



Public Works Department Plan Review Comment Checklist

44. The applicant shall submit (2) copies of current recorded Parcel or Tract Map and any prior recorded maps.
45. The applicant shall submit (2) copies of an Alta Land Survey indicating all boundaries of parcel, all land improvements, all easements, all right-of-ways, and all utilities. The survey must be conducted by a California Registered Engineer or California licensed Land Surveyor.
46. The applicant shall submit (2) copies of the exhibits and plat map before and after the Lot Merger. The legal description and plat map shall have parcel numbers, bearings and distances, directions, easements, utilities, name and address of the property owner, and wet seal stamp and signature by a California Registered Engineer or California licensed Land Surveyor.
47. The applicant shall submit a notarized Lot Merger Certificate signed by all owners.
48. The applicant shall be responsible to record the approved Lot Merger document with the County of Los Angeles. No Building Permit will be issued until the final documents are recorded with the County Register/Recorder.



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DEPARTMENT/AGENCY TRANSMITTAL RESPONSE

Project: CASE NO. 20-17; SPECIAL USE PERMIT, LOT MERGER, PRELIMINARY ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A 7,936 SQUARE FOOT EXPRESS CAR WASH FACILITY WITH QUEUING, CANOPIES, PAVED PARKING LOT AND LANDSCAPING LOCATED AT 15413 HAWTHORNE BOULEVARD IN THE CITY OF LAWDALE.

Our department/agency has no comments, concerns and/or conditions regarding the above-mentioned project.

Our department has attached our comments, concerns and/or conditions regarding the above-mentioned project.

Our comments, concerns and/or conditions regarding the above-mentioned project are:

SEE ATTACHED

Name: Sgt ALAN HEALEY Date: 7/7/20

Position: TRAFFIC SERGEANT

Department: LOS ANGELES COUNTY SHERIFF DEPT

Agency: LIASD - TRAFFIC





OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



ALEX VILLANUEVA, SHERIFF

July 7, 2020

Mr. Rafael Garcia, Associate Planner
Community Development Department
14717 Burin Avenue
Lawndale, California 90260

On July 5, 2020, the Los Angeles County Sheriff's Department received a Department/Agency transmittal response requesting our input on project #20-17; Special use permit, Lot Merger, Preliminary Environmental Assessment and Development permit for the development of a 7,936 square foot express car wash facility with queuing, canopies, paved parking lot and landscaping located at 15413 Hawthorne Boulevard in the City of Lawndale.

The Los Angeles County Sheriff's Department, Lawndale Traffic Office, has comments and/or concerns regarding the above mentioned project.

1. We would recommend drive (E) be an exit only to prevent any cross traffic collisions between vehicles exiting the covered vacuum area or the carwash building exit.
2. The driveway of the southwest corner of the property be increased from 10' to 12' to reduce the likely hood of vehicle collisions with the concrete curb during a turning movement.

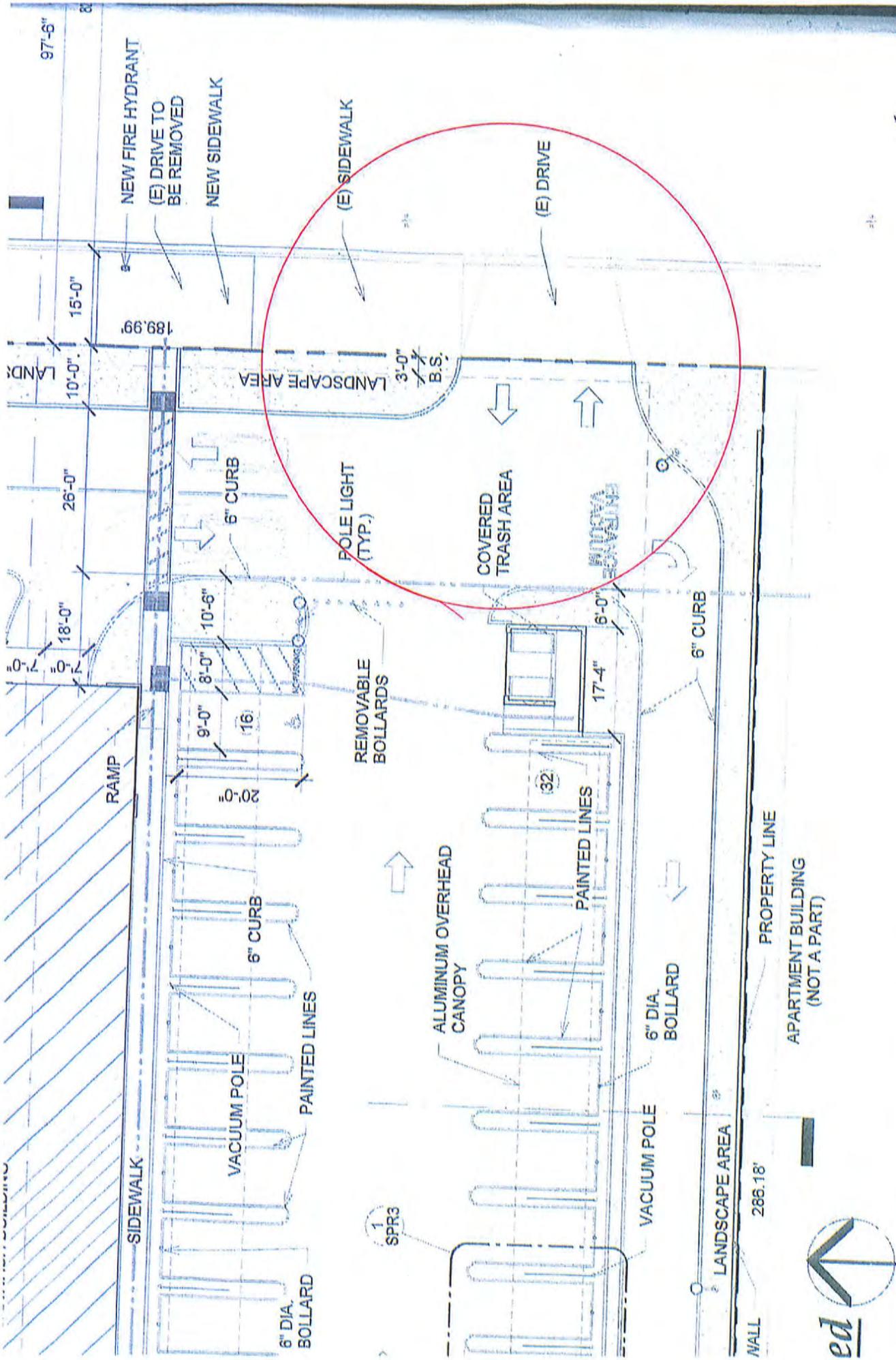
Sincerely,

Alan Healey

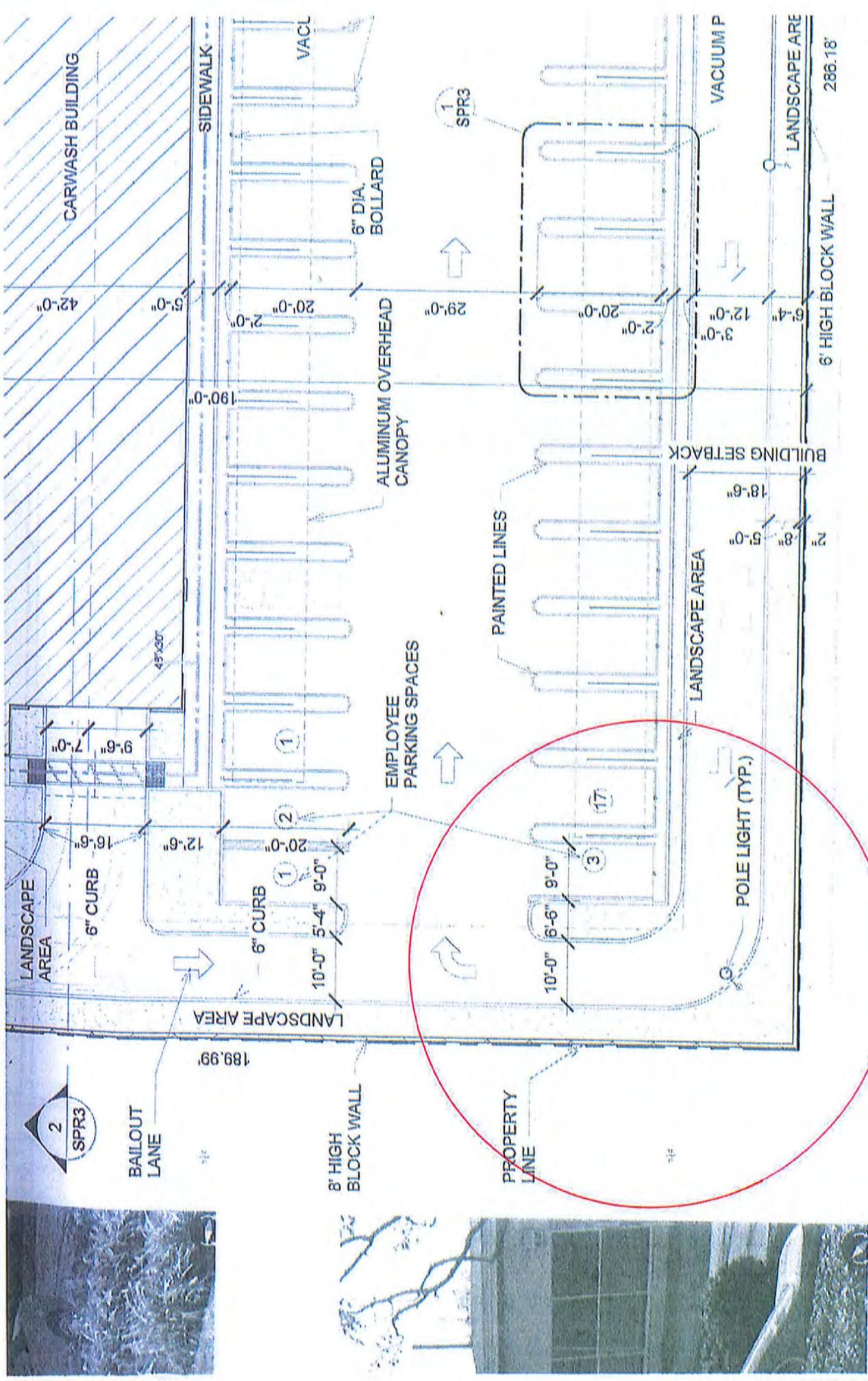
Sergeant, Los Angeles County Sheriff's Department

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —



TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF DOUGLAS ANDRESEN



Site Plan - Proposed
 1" = 20'-0"

THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO AN

Attachment "D"

Planning Commission Resolution No. 20-15

RESOLUTION NO. 20-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAWNSDALE, CALIFORNIA, PERTAINING TO CASE NO. 20-17: SPECIAL USE PERMIT AND DEVELOPMENT PERMIT TO DEVELOP A SINGLE STORY, 7,779 SQUARE FOOT EXPRESS CAR WASH FACILITY ON A GC (GENERAL COMMERCIAL) ZONED LOT LOCATED AT 15413-15425 HAWTHORNE BOULEVARD

WHEREAS, an application was filed by Timothy E. Berger (“Applicant”) seeking approval of a Special Use Permit and Development Permit (collectively, “Case No. 20-17”) for the construction and development of a single story 7,779 square foot express carwash facility (“Project”), located at 15413-15425 Hawthorne Boulevard (“Subject Property”); and

WHEREAS, the Property is zoned GC (General Commercial); and

WHEREAS, pursuant to Lawndale Municipal Code (“LMC”) Section 17.28.020, the approval of a Special Use Permit (“SUP”) is required for the construction of any carwash facility in any commercial zone; and

WHEREAS, the Subject Property is located within the Hawthorne Boulevard Specific Plan area and the land use and development standards of the Hawthorne Boulevard Specific Plan (“HBSP”) therefore apply to the Project; and

WHEREAS, the HBSP requires Planning Commission approval of a Development Permit for the construction of any new building per Table 2-1 (Revised June, 2001), “Applicability of Development Permit,” of the Hawthorne Boulevard Specific Plan; and

WHEREAS, pursuant to Section C of Chapter 6 of the HBSP, when a project is subject to both a Development Permit and a SUP, both permits will be processed concurrently; and

WHEREAS, the HBSP and LMC Section 17.56.280 provides requirements for carwashes in commercial zones; and

WHEREAS, Case No. 20-17 was properly noticed for a public hearing before the Planning Commission on July 14, 2021; and

WHEREAS, on July 14, 2021, the Planning Commission opened the public hearing, but continued the public hearing to the meeting on July 28, 2021; 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 having reviewed, analyzed and studied said proposal.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
LAWNDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1: The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2: Pursuant to the special use permit requirements in LMC §17.28.014, the Planning Commission has analyzed the findings that each must be made before the granting of the special use permit, and finds as follows:

Special Use Permit (pursuant to LMC Section 17.28.014):

A. The granting of a Special Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Finding cannot be made. The State has identified the existence of a housing crisis within California and has recently enacted new housing legislation that identifies the existence of a housing crisis and attempts to combat issues pertaining to housing access and affordability. This includes the adoption of SB 330 (Housing Crisis Act of 2019), AB 1763 (Planning and zoning: density bonuses: affordable housing), AB 1485 (Housing development: streamlining), AB 101 (Housing Development and Financing), AB 68 (Land use: accessory dwelling units), SB 13 (Accessory dwelling units), AB 671 (Accessory dwelling units: incentives), AB 2753 (Density bonuses: density bonus application), AB 3194 (Housing Accountability Act: project approval), SB 828 (Land use: housing element), SB 35 (Streamline Approval Process), AB 72 (Enforce Housing Element Law), AB 1397 (Adequate Housing Element Sites) and SB 166 (No Net Loss).

The City has experienced the effects of this housing crisis and due to its unique situation as a smaller, urbanized City with limited vacant lands, has limited opportunity and vacant land to address the housing crisis. Lawndale is an older urbanized City with limited development opportunities on vacant lands.

The City's existing opportunities to provide for housing have the capacity to yield only 425 units. However, the regional housing needs assessment ("RHNA"), which identifies the need for housing within each jurisdiction, identifies the upcoming need for the City to provide the capacity to yield 2,497 housing units. The RHNA allocation increase in housing units for this sixth cycle is more than six-times greater in comparison to the previous cycle. The City's vacant sites do not have the capacity to meet the City's current and upcoming share (i.e. 2,497 housing units for the sixth cycle allocation) of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. Many of these sites are occupied by small businesses with large parking areas and are located along Hawthorne Boulevard. The development of an express carwash on the subject site would preclude the site from accommodating any housing to meet the future housing needs of the community and eliminate a site identified in the Housing Element's Site

Inventory of a site that is approximately 54,370 square feet in area and can accommodate up to 41 residential units at a density of 1 unit per 1,320 square feet, from potential housing development. This project will also be located nearby an existing car wash. The City currently contains a total of four carwashes within the city's boundaries.

The proposed project is not consistent with this finding because the proposed project compromises overall public health and is injurious to achieving the required RHNA housing units and threatens the City's ability to provide for the housing needs of its growing population, especially where the City does have additional capacity of developable land. It is critical to maintain the sites identified as part of the Housing Element sites inventory in order to meet the future housing needs of the community and failure to do so threatens the City's ability to address its housing needs and the existing housing crisis. Developing the site with a carwash development would be inconsistent with this finding because it would remove the sites explicitly identified as part of the sites inventory list that are suitable for providing adequate housing to meet existing and future needs of the community.

- B. The use applied for at the location indicated is proper for an approved Special Use Permit.

Finding can be made. Carwashes are allowed in the GC zone with approval of a Special Use Permit. The General Commercial zoning district is intended to provide a broad range of commercial activity including general retail, restaurants, service commercial, personal service, lodging and office uses.

- C. The site for the proposed use is adequate in size and shape to accommodate said use, and all yard, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust said use with the land and uses in the neighborhood.

Finding can be made. The proposed carwash is located in the General Commercial zoning district which allows for a wide variety of commercial uses including carwashes with approval of a Special Use Permit. The site is 54,370 square feet in area and will comply with setbacks, provide walls, parking, queuing lanes and landscaping throughout.

- D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Finding can be made. The site abuts Hawthorne Boulevard along the east. Hawthorne Boulevard is oriented in a north-south direction and contains six travel lanes, a center median area used for parking and some parallel parking opportunities along the sidewalks. Hawthorne Boulevard serves as a primary transportation route, a corridor of economic activity and a community focal point for the City. Hawthorne Boulevard will be able to adequately accommodate the traffic generated by the proposed use.

E. The granting of such special use permit is consistent with the City's General Plan.

Finding cannot be made. The proposed use is not consistent the General Plan Land Use Element Policy 6.g, Goal 7 as well as Housing Element Goals 1 and 2.

Land Use Element

Policy 6g: The City shall protect, encourage and where feasible, provide housing opportunities for low and moderate income households, as well as for the homeless.

The site has been identified as an underutilized site as part of the housing inventory of the City's Housing Element (2013-2021). The underutilized sites inventory identifies sites that are suitable for redevelopment into higher density residential uses. Lawndale is an older urbanized City with limited development opportunities on vacant lands. As such, the City has limited capacity to meet the City's current (i.e. 381 housing units) and upcoming share (i.e. 2,497 housing units) of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. The project is not consistent with this land use policy because it is proposing to develop the site as a carwash development which would preclude it from potentially providing future housing needs for low and moderate income households.

Land Use Goal 7: Encourage the establishment of commercial development which contributes positively to the City image and identity as well as generates revenues and employment opportunities.

Most of the revenue generated by carwashes is not taxable because it is a service based business operation. The sale of services where no tangible personal property is transferred or where the transfer of property is incidental, are not subject to sales and use taxes in the State of California (California Department of Tax and Fee Administration, Publication 61, 2018). The use provides no other tangible benefits to the community or surrounding residents while lacking compatibility to the surrounding land uses. Furthermore, the express carwash is designed to operate in a largely automated format with few staff. Very few, if any, employment opportunities will result from the approval of the project.

Housing Element

The site has been identified as an underutilized site as part of the housing inventory of the City's Housing Element (2013-2021). The underutilized sites inventory identifies sites that are developed with existing commercial, manufacturing and/or residential uses that are suitable for redevelopment into higher density residential uses. Lawndale is an older urbanized City with limited development opportunities on vacant lands. As such, the City has limited capacity to meet the City's current and upcoming share of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. Many of these sites are occupied by small

businesses with large parking areas and are located along Hawthorne Boulevard. Similarly, the existing site is improved with underutilized commercial buildings where an automotive use to be operated. The project is not consistent with the following Housing Element Goals:

Goal 1: Assist in the provision of adequate housing that meets the existing and future needs of the community. Establish a balanced approach to meeting the housing needs of both renter- and owner-households.

The development of an express carwash on the subject site would preclude the site from accommodating any housing to meet the future housing needs of the community and is inconsistent with Goal 1's purpose to provide for adequate housing that meets the existing and future needs of the community. The site is approximately 54,370 square feet in area and can accommodate up to 41 residential units at a density of 1 unit per 1,320 square feet. Developing the site with a carwash development would be inconsistent with the General Plan's Housing Element because it would remove sites explicitly identified as part of the sites inventory list that are suitable for providing adequate housing to meet existing and future needs of the community.

Goal 2: Provide adequate housing sites through appropriate land use, zoning, and specific plan designations to accommodate the City's Share of regional housing needs.

The site has been identified as an underutilized site as part of the housing inventory of the City's Housing Element (2013-2021). The underutilized site is ideal for redevelopment into a higher density residential development. Lawndale is an older urbanized City with limited development opportunities on vacant properties. As such, the City has limited capacity to meet the City's current and upcoming share of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. Developing the subject property as a carwash development would preclude the site from being utilized as a future housing site.

Section 3: Pursuant to the Development Permit requirements in Chapter 6 of the Hawthorne Boulevard Specific Plan, the Planning Commission has analyzed the findings that each must be made before the granting of the development permit, and finds as follows:

- 1) The Project is consistent with the development stands and design guidelines of the Hawthorne Boulevard Specific Plan.

Finding can be made. The Project has met the development standards for setbacks, landscaping, lot coverage site configuration, and building requirements for the General Commercial zone, it has also satisfied the design guidelines by having a well-articulated mass and bulk, a significant amount of landscaping, and use of contemporary façade material types that provide texture to exterior walls. The

overall height of the project will also comply with the height requirements of the HBSP.

- 2) The project will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards.

Finding can be made. The proposed carwash is allowed with approval of a Special Use Permit. The subject property is sufficient to accommodate the use of the facilities and will not negative impact the surrounding neighborhood. The project is located on Hawthorne Boulevard, which is a major thoroughfare that can adequately accommodate the traffic generated by the project.

- 3) The Project maintains and enhances the attractive and orderly development contemplated by the Hawthorne Boulevard Specific Plan.

Finding can be made. The project meets all of the development standards and design guidelines. The project improves the aesthetic appeal of Hawthorne Boulevard, because the existing buildings will be replaced with a new more attractive development. The building is designed to have a contemporary aesthetic and its façade materials provide an improved exterior. The project, as proposed, will comply with the Hawthorne Boulevard Specific Plan requirements for new developments.

- 4) The Project provides a desirable environment for its occupants, community residents, and visiting public through good aesthetic use of materials, texture and color.

Finding can be made. The building is designed to have a contemporary modern architectural style and is enhanced with a well-articulated roof. The façade will be improved with stucco and accented by cultured stone veneer. These design features produce a better aesthetic in comparison to the existing buildings which exist on the site.

- 5) The Project would not be detrimental to the public, health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Finding cannot be made. The State has identified the existence of a housing crisis within California and has recently enacted new housing legislation that identifies the existence of a housing crisis and attempts to combat issues pertaining to housing access and affordability. This includes the adoption of SB 330 (Housing Crisis Act of 2019), AB 1763 (Planning and zoning: density bonuses: affordable housing), AB 1485 (Housing development: streamlining), AB 101 (Housing Development and Financing), AB 68 (Land use: accessory dwelling units), SB 13 (Accessory dwelling units), AB 671 (Accessory dwelling units: incentives), AB 2753 (Density bonuses: density bonus application), AB 3194 (Housing Accountability Act: project approval), SB 828 (Land use: housing element), SB 35 (Streamline Approval

Process), AB 72 (Enforce Housing Element Law), AB 1397 (Adequate Housing Element Sites) and SB 166 (No Net Loss).

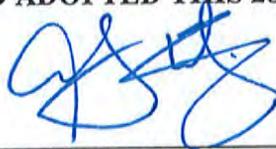
The housing crisis presents unique challenges to the City of Lawndale. The City of Lawndale is an older urbanized City with limited development opportunities on vacant lands. As discussed in the City's current Housing Element, the City has been largely built out, and previous housing growth has primarily been satisfied through single-family infill such as allowing the majority of residential lots in the community to have more than one housing unit. The Housing Element further identifies how housing development in the future will likely need to take place as mixed-use development as part of the revitalization project along Hawthorne Boulevard and various other infill and underutilized parcels throughout the community.

The current Housing Element, which addressed the previous RHNA planning period for the fifth cycle, identified how the City had to accommodate a total of 381 residential units and how the City only had approximately 19.6 acres of developable land on 29 parcels with the capacity to yield 425 units. However, the City's upcoming regional housing needs assessment allocation for the 6th housing cycle for the City is 2,497 housing units.

This severe increase in housing units needed to accommodate basic housing needs, combined with the City's limited opportunities for growth on vacant lands, threatens the City's ability to provide for the housing needs of its growing population, especially where the City does have additional capacity of developable land. The City's vacant sites do not have the capacity to meet the City's current and upcoming share (i.e. 2,497 housing units for the sixth cycle allocation) of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. The development of an express carwash on the subject site would preclude the site from accommodating any housing to meet the future housing needs of the community and eliminate a site identified in the Housing Element's Site Inventory of a site that is approximately 54,370 square feet in area and can accommodate up to 41 residential units at a density of 1 unit per 1,320 square feet, from potential housing development, and exacerbate the existing housing crisis within the City.

Section 4: The Planning Commission hereby denies this Project in its entirety based on the findings of fact.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF JULY 2021



John Martinez, Chairperson

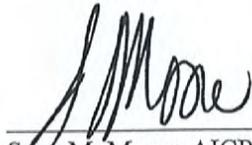
I, Sean M. Moore, AICP, Community Development Director for the City of Lawndale, California, do hereby certify that the foregoing **Resolution No. 20-15** was duly approved and adopted by the Planning Commission of the City of Lawndale at a regular meeting of said Commission held on the **28th day of July 2021** by the following roll call vote:

AYES: Martinez, Smith, Sitka, Price, Escamilla

NOES:

ABSENT:

ABSTAIN:



Sean M. Moore AICP, Community Development Director

Attachment "E"
Appeal Application



14717 BURIN AVENUE • LAWYDALE CALIFORNIA • (310) 973-3200 • (310) 970-2183

Case Number: 21-25
Date Filed: 2/11/2021

COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION FOR APPEALS

Project Address: 15413-15425 Hawthorne Blvd.
 Legal Description (Assessor's Parcel Number): 4079-018 • 004,005, 006, 007
 Project Description: 7,779 s.s. Express Car Wash Facility on GC Zoned Property

Property Owner (s) Name (s): Roy Giles
 Property Owner's Address: 7329 Alverstone Ave., Los Angeles, 90045
 Phone Number: 310.905.9124 Fax Number: N/A E-mail: rncgiles@att.net
 Contact Person Name (representative of property owner): Katherine Hennigan
 Contact Persons Address: 555 W. Fifth St., Suite 3500, Los Angeles, CA 90013
 Phone Number: 213.986.2131 Fax Number: N/A E-mail: kate@collaborate-la.com

Owner Authorization for Contact Person: I hereby authorize the above-listed individual to act on my behalf in all matters relevant to this application.

x Bill Giles
(Owner's Signature)

Materials Certification: I certify that the information and exhibits herewith, including the accuracy of the mailing radius information submitted are true and correct to the best of my knowledge:

x Jimothy E. Bergen
(Applicant's Signature)



PLEASE INCLUDE A DETAILED DESCRIPTION OF PROPOSAL

Appeal of determination by Lawndale Planning Commission on July 28, 2021,
denying approval of a 7,779 s.f. express car wash facility for the following reasons:

1. Car wash is consistent with applicable general and specific plan.
2. This site is not available for housing under the regional housing needs assessment.
3. Other reasons that may be detailed subsequent to this filing.
4. The project does not have any environmental impacts.
5. The applicant submitted substantial evidence in the record to support the lack
of environmental impacts, including the Traffic Analysis by HKA, dated February
20, 2020 and the Acoustic Study by MD Acoustics, LLC, dated July 27, 2020,
which were provided to the Planning Commission.
6. The applicant made all of the required findings in the Lawndale Municipal Code
to support approval of the Special Use permit and Development Permit for a
car wash on the Property.
7. The Planning Commission erred and abused its discretion by failing to consider
the application in the manner required by law.

Attachment "F"

Resolution No. CC-2110-042

RESOLUTION NO. CC-2110-042

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAWNDALE, CALIFORNIA, SETTING FORTH FINDINGS
OF FACT AND DETERMINATIONS RELATIVE TO CASE
NO. 21-25: SPECIAL USE PERMIT AND DEVELOPMENT
PERMIT REQUESTING TO DEVELOP AN EXPRESS
CARWASH FACILITY ON A GC (GENERAL
COMMERCIAL) ZONED LOT LOCATED AT 15413-15425
HAWTHORNE BOULEVARD**

WHEREAS, an application was filed by Timothy E. Berger (“Applicant”) seeking approval of a Special Use Permit and Development Permit (collectively, “Case No. 20-17”) for the construction and development of a single story 7,779 square foot express carwash facility (“Project”), located at 15413-15425 Hawthorne Boulevard (“Subject Property”); and

WHEREAS, the Property is zoned GC (General Commercial) and is designated as “Commercial” in the City’s General Plan and located within the Hawthorne Boulevard Specific Plan area; and

WHEREAS, pursuant to Lawndale Municipal Code (“LMC”) Section 17.28.020, the approval of a Special Use Permit (“SUP”) is required for the construction of any carwash facility in any commercial zone; and

WHEREAS, the Project will be required to be developed in accordance with the standards set forth in the Lawndale Municipal Code (“LMC”) and subject to the conditions deemed appropriate by the City Council as set forth herein; and

WHEREAS, the HBSP requires approval of a Development Permit for the construction of any new building per Table 2-1 (Revised June, 2001), “Applicability of Development Permit,” of the Hawthorne Boulevard Specific Plan; and

WHEREAS, pursuant to Section C of Chapter 6 of the HBSP, when a project is subject to both a Development Permit and a SUP, both permits will be processed concurrently; and

WHEREAS, the HBSP and LMC Section 17.56.280 provides requirements for carwashes in commercial zones; and

WHEREAS, after conducting a public hearing and considering all evidence, the Planning Commission adopted Resolution No. 20-15 on July 28, 2021, denying Case No. 20-17; and

WHEREAS, on August 11, 2021, a request for appeal (Case No. 21-25) was timely submitted to the City Clerk, appealing the decision of the Planning Commission to deny Case No. 20-17 (“Appeal”); and

WHEREAS, Lawndale Municipal Code section 17.12.140, entitled “Appeal hearings,” provides that “[a]t all appeal hearings, the city council shall decide the matter de novo as if no prior planning commission hearing had been held[;]”; and

WHEREAS, on October 4, 2021, the City Council conducted a public hearing on the Appeal and continued it to November 1, 2021; and

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 foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. The facts set forth in the Staff Report are true and correct.

SECTION 3. Pursuant to the special use permit requirements in LMC §17.28.014, the City Council has analyzed the findings that each must be made before the granting of the special use permit, and finds as follows:

Special Use Permit (pursuant to LMC Section 17.28.014):

- A. The granting of a Special Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Finding can be made. The subject property is located on the west side of Hawthorne Boulevard; and is 54,370 square feet in lot area. Currently the existing site is largely underutilized with three commercial building along the east side of the property.. Now the applicant is develop a new express carwash facility which will be automated and designed to operate with significantly less staff. The property is zoned General Commercial (GC) which is intended to allow for a variety of commercial uses including carwashes with approval of a Special Use Permit. The proposed project will also result in the demolition of the existing underutilize commercial buildings. In all, the approval of the Special Use Permit will not be detrimental to the public health, or welfare or injurious to the property or improvements in such zone or vicinity.

- B. The use applied for at the location indicated is proper for an approved Special Use Permit.

Finding can be made. Carwashes are allowed in the GC zone with approval of a Special Use Permit. The General Commercial zoning district is intended to provide a broad range of commercial activity including general retail, restaurants, service commercial, personal service, lodging and office uses.

- C. The site for the proposed use is adequate in size and shape to accommodate said use, and all yard, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust said use with the land and uses in the neighborhood.

Finding can be made. The proposed carwash is located in the General Commercial zoning district which allows for a wide variety of commercial uses including carwashes

with approval of a Special Use Permit. The site is 54,370 square feet in area and will comply with setbacks, provide walls, parking, queuing lanes and landscaping throughout.

- D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Finding can be made. The site abuts Hawthorne Boulevard along the east. Hawthorne Boulevard is oriented in a north-south direction and contains six travel lanes, a center median area used for parking and some parallel parking opportunities along the sidewalks. Hawthorne Boulevard serves as a primary transportation route, a corridor of economic activity and a community focal point for the City. Hawthorne Boulevard will be able to adequately accommodate the traffic generated by the proposed use.

- E. The granting of such special use permit is consistent with the City's General Plan.

Finding can be made. The proposed use is consistent the General Plan Land Use Element Goal 1, Policy 2b, Policy 5l and Policy 7e.

Land Use Element

Goal 1: Preserve and enhance the environment, values, aesthetic character, and image of Lawndale as a vital, attractive, desirable and safe urban community.

The applicant is proposing too completely redevelop the subject property and construct an express carwash that will be more automated with fewer staff and upgraded equipment and technology. The carwash will also include a new commercial façade with colored stucco, stone veneer and a wide variety of architectural features that will enhance the overall appearance of the building with a newer and more modern contemporary design with a complimentary paint color scheme. The building will improve the overall the overall aesthetic character of the area that will help to make the area more attractive and desirable.

Policy 2b: In order to minimize conflicts with adjacent land uses, adequate setbacks, buffering and/or innovative site design shall be required.

The subject property is located on the west side of Hawthorne Boulevard. The lot is approximately 54,370 square feet in area and is surrounded by commercially zoned properties in all directions with exception to the west. The main carwash building is centered on the subject site and provides approximately a 49 foot setback on the north, 54 feet on the east, 99 feet on the south and 44 feet on the west. The considerable setbacks will serve in minimizing conflicts between the proposed use and the adjacent properties especially along the residential uses to the south and west.

Policy 5l: Architectural design shall enhance the neighborhood, community values and City image.

The new carwash will boast a wide variety of architectural features including varying planes of the exterior walls, articulating the different parts of the building façade by use of colors, the elimination of large blank, monolithic walls, incorporating various paint colors and pop-out walls and varying roof heights. The exterior of the building will provide a modern more contemporary architecture with colored stucco, decorative contemporary metal awnings and stone veneer. Overall the proposed architectural design shall enhance the neighborhood with the improved exterior façade.

Policy 7e: Commercial architecture shall emphasize establishing identity to businesses while representing tasteful and visually appealing design that is compatible with the surrounding structures.

The proposed architectural will provide a tasteful and visually appealing contemporary design that is compatible with the neighborhood by providing varying planes of the exterior walls, articulating of the different parts of the building façade by use of colors, the elimination of large blank walls, incorporating various paint colors and pop-out walls and varying roof heights. The new commercial façade will also include colored stucco, stone veneer and a wide variety of architectural features that will enhance the overall appearance of the building with a newer and more modern contemporary design with a complimentary paint color scheme.

SECTION 4. Pursuant to the Development Permit requirements in Chapter 6 of the Hawthorne Boulevard Specific Plan, the City Council has analyzed the findings that each must be made before the granting of the development permit, and finds as follows:

- 1) The Project is consistent with the development stands and design guidelines of the Hawthorne Boulevard Specific Plan.

Finding can be made. The Project has met the development standards for setbacks, landscaping, lot coverage site configuration, and building requirements for the General Commercial zone, it has also satisfied the design guidelines by having a well-articulated mass and bulk, a significant amount of landscaping, and use of contemporary façade material types that provide texture to exterior walls. The overall height of the project will also comply with the height requirements of the HBSP.

- 2) The project will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards.

Finding can be made. The proposed carwash is allowed with approval of a Special Use Permit. The subject property is sufficient to accommodate the use of the facilities and will not negative impact the surrounding neighborhood. The project is located on Hawthorne Boulevard, which is a major thoroughfare that can adequately accommodate the traffic generated by the project.

- 3) The Project maintains and enhances the attractive and orderly development contemplated by the Hawthorne Boulevard Specific Plan.

Finding can be made. The project meets all of the development standards and design guidelines. The project improves the aesthetic appeal of Hawthorne Boulevard, because the existing buildings will be replaced with a new more attractive development. The building is designed to have a contemporary aesthetic and its façade materials provide an improved exterior. The project, as proposed, will comply with the Hawthorne Boulevard Specific Plan requirements for new developments.

- 4) The Project provides a desirable environment for its occupants, community residents, and visiting public through good aesthetic use of materials, texture and color.

Finding can be made. The building is designed to have a contemporary modern architectural style and is enhanced with a well-articulated roof. The façade will be improved with stucco and accented by cultured stone veneer. These design features produce a better aesthetic in comparison to the existing buildings which exist on the site.

- 5) The Project would not be detrimental to the public, health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Finding can be made. The subject property is located on the west side of Hawthorne Boulevard; and is 54,370 square feet in lot area. Currently the existing site is underdeveloped and improved with three older commercial buildings that face Hawthorne Boulevard. Now the applicant is proposing to redevelop the site with a new express carwash facility which will be automated and designed to operate with significantly less staff. The property is zoned General Commercial (GC) which is intended to allow for a variety of commercial uses including carwashes with approval of a Special Use Permit. In all, the approval of the Special Use Permit will not be detrimental to the public health, or welfare or injurious to the property or improvements in such zone or vicinity.

SECTION 5. That the City Council hereby approves the Project (Case No. 21-25) in its entirety, subject to the execution and fulfillment of the following conditions:

1. The Applicant shall submit a check to the City within 5 days of approval of this Project, made payable to the Los Angeles County Recorder's Office, in the amount of \$75.00 for the filing of a Categorical Exemption pursuant to the CEQA.
2. Within thirty (30) days of approval of this Project, the Applicant shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that the he/she accepts and shall be bound by all of the conditions.
3. The Applicant shall submit the building construction documents to the City for plan check within one year of approval of this Project. Failure to comply with this condition shall automatically render the Special Use Permit and Design Review approval null and void. All conditions of approval shall be satisfied within 24 months of the approval of this Project. The Applicant may file for an extension of the Special Use Permit and Design Review approval provided that such application is properly filed with the City at least 30 days prior to the expiration date.

4. The Project shall be developed in accordance with all applicable City, County, State and Federal regulations.
5. Approval of the Project does not authorize the Applicant or any employee, contractor, subcontractor, etc. to encroach upon adjacent properties.
6. Violation of, or noncompliance with, any of these conditions or other applicable provisions of the LMC shall constitute grounds for a code enforcement action.
7. Construction plans shall be submitted to the Community Development Department (Planning and Building Divisions), Public Works Department, and other agencies as required for review and approval prior to the issuance of any building permits.
8. Any changes made to the approved set of plans shall be reviewed and subject to the approval of the Community Development Director, inclusive of any façade changes.
9. Except as set forth in subsequent conditions, and subject to City department and public agency corrections and conditions, the Property shall be developed substantially in accordance with the application and plans submitted. Any major changes as determined by the Community Development Director must be brought back for review to the Planning Commission at the Applicant's expense.
10. The adjacent property owners shall be notified at least ten (10) days prior to any demolition, grading or construction on the Property.
11. The Applicant shall install a new decorative masonry wall with decorative cap around the periphery of the property. Fences/walls in the rear and side yard setback area shall be 6 feet in height. A fence/wall in the front yard setback is not required but, if installed, must comply with LMC Section 17.48.050, i.e. up to forty eight inches in height provided that any portion over thirty inches is see-through. The Applicant shall submit a fence permit application for all fences that are to be installed as part of this project.
12. All exterior light fixtures shall be directed onto the Property and no direct glare shall be visible from adjoining residentially zoned and/or developed properties. The maximum allowable illumination at the property line shall not exceed 0.5 foot-candles.
13. A landscape plan that complies with the requirements of LMC Chapter 17.88, Water Efficient Landscape, to the satisfaction of the Community Development Director, must be approved prior to the issuance of building permits. Trees planted in the front yard setback shall be a minimum 36" box tree. Landscaping plans must be submitted to the planning department concurrently with building and safety plan submittal.
14. The Project shall comply with all Los Angeles County Fire Department conditions of approval.
15. The Applicant shall indemnify, defend, and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding against the City or its agents, officers or employees in connection with the Project including any action to attack, set aside, void or annul any approval by the City concerning the Project or the City's refusal to issue certificates of

occupancy for the Applicant's failure to comply with any of these conditions of approval. The City shall promptly notify the Applicant of any filed claim, action or proceeding and shall cooperate fully in the defense of the action.

16. The Project shall comply with all of the provisions of Title 13 of the LMC relating to public services and storm water management. The Project shall also conform to National Pollutant Discharge Elimination System (NPDES) standards and Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, if applicable, prior to any grading operations.
17. All property drainage shall be directed to the street in a manner acceptable to the Building Official. The Applicant shall not block existing drainage from adjacent properties and must show sufficient elevations outside of the property and contour lines to allow the Building Official to ascertain that existing drainage from adjacent properties is not blocked and adequate retaining systems are installed.
18. The Applicant shall contact Golden State Water Company for review of the existing water main once Los Angeles County Fire Department has issued its fire protection requirements for this Project.
19. The Applicant shall request a cost estimate for water system modifications and project review prior to the start of construction from Golden State Water Company.

Public Works/City Engineer Conditions:

20. Pay of all applicable fees and plan check fees with Public Works Department.
21. The applicant shall provide documentation that lots composing the property were legally tied together to the satisfaction of the Department of Public Works/Engineering Division. After reviewing the documents, the Department of Public Works /Engineering Division require the submission and recordation of a Parcel Map or Lot Merger.
22. The applicant shall provide a copy of property deed or title reports within 6 months old to the Department of Public Works/Engineering Division.
23. The applicant shall provide a soils report.
24. The applicant shall submit topo plans show all existing condition within private property, existing features, existing buildings, trees, dimensions, and any existing easements.
25. The applicant shall submit street plans show all existing condition within public right-of-way, curb/gutter, driveway, trees, dimensions, utilities, signs, striping, and proposed improvements.
26. The applicant shall submit offsite improvement plans for review and approval. The offsite improvement plans include but not limited to propose utilities service connections, concrete work, pavement work, striping, and signs.
27. The applicant shall submit a grading and drainage plan prepared and signed by a registered Civil Engineer. Submit a "Final Grading and Drainage Certificate" signed by the California registered engineer, stating that the project was constructed according to the approved grading/drainage plan

and that the project drains to the street and does not block the cross-lot drainage from adjacent property.

28. The applicant shall provide a proposed staging plan, haul route map, and off street parking during construction. The applicant must designate a construction staging area on the site. Any construction activity that may require closing the roadway shall be discussed and mitigated in the staging plan.
29. Remove and replace all existing driveway approaches. All new driveway approaches shall be commercial driveway and comply with the Americans with Disabilities Act (ADA) and completed per satisfaction to the City Engineer.
30. Relocate water meter(s) and/or other utilities outside of driveway approach area.
31. Remove and replace damaged and substandard sidewalk along the frontage of the property. All new sidewalk shall comply with the Americans with Disabilities Act (ADA) and completed per satisfaction to the City Engineer.
32. Remove and replace damaged and substandard curb & gutter along the frontage of the property and completed per satisfaction to the City Engineer.
33. The applicant shall provide slurry seal surface treatment Type II from edge of gutter to edge of median of Hawthorne Boulevard fronting the property from property line to property line per satisfaction to the City Engineer.
34. Provide Los Angeles County Sanitation District letter of approval/fee receipt for sewer connection fee.
35. The applicant shall pay necessary sewer connection fees.
36. The applicant shall submit proposed sewer impact study prepared by the engineer.
37. The applicant shall obtain sewer connection permit from the Public Works Department for proposed new sewer lateral. All new sewer lateral must be minimum of six inch diameter vitrified clay pipe within the public right-of-way. The applicant shall provide a copy of sewer video inspection to the Public Works Department prior to the final sign off.
38. All new proposed utilities shall be constructed underground.
39. All existing utilities shall be constructed underground if any modifications are proposed for the electrical service panel.
40. All SCE vaults and structures shall be placed underground on owner's property.
41. The applicant shall obtain approval from SCE for the easement abandonment. The applicant shall provide a copy of recorded abandon SCE easement to the Department of Public Works.
42. The applicant shall obtain approval from SCE for maintenance access easements. The applicant shall provide a copy of recorded new easements to the Department of Public Works.

43. Replace survey markers and monuments damaged or destroyed during construction. Developer/Owner's surveyor is responsible for filing Corner Records with the Los Angeles County Surveyor for all monuments disturbed as part of construction.
44. Obtain permit from the Engineering Division is required for all off-site improvements.
45. The applicant shall provide a copy of LA County Fire Department clearance letter to the Department of Public Works.
46. All required water meters, meter service changes and/or fire protection lines shall be installed by the developer. Any new water meters shall be installed in parkways. All existing water meter to be abandon shall be remove per Golden State Water Company and replace with new sidewalk per satisfaction to the City Engineer.
47. This development is subject to the City's Standard Urban Stormwater Mitigation Plan Ordinance (SUSMP). The applicant shall provide a copy of approved SUSMP letter to the Department of Public Works.
48. The applicant shall prepare onsite water recycling system. The applicant shall submit a copy of approved water recycling system to the Department of Public Works.
49. The applicant shall provide a copy of approved storm water pollution prevention plan (SWPPP) to the Department of Public Works.
50. The applicant shall provide a copy of approved best management practice plan (BMP) to the Department of Public Works.
51. This project is subject to the City of Lawndale's Construction and Demolition Ordinance. Building permits and/or demolition permits shall not be issued until developer/project owner contacts the Department of Public Works, Engineering Division for further information.
52. The applicant shall provide a copy of surveyor's certification letter to the City Engineer, certifying that monuments were not disturbed during construction. Otherwise, the applicant is responsible to replace survey monuments damaged or destroyed during construction. Developer/Owner's surveyor is responsible for filing Corner Records with the Los Angeles County Surveyor for all monuments disturbed as part of construction.
53. Remove all existing USA utility pavement markings from sidewalk and street prior to final completion of the project.
54. The applicant shall apply for a change of address permit prior to the final sign off.
55. Prior to issuance of C of O permit, the applicant shall replace to the satisfaction of the City Engineer, any damaged street improvements, such as sidewalk, curb and gutter and driveway. The required ultimate street improvements shall be subject to the review and approval of the City Engineer. All service lines shall be in operation.
56. The applicant shall submit traffic impact analyst report prepared by California licensed traffic/civil engineer.

57. The applicant shall submit corner sight distance study for ingress and egress proposed driveways.
58. The applicant shall provide parking study prepared by California licensed traffic/civil engineer.
59. No final sign off shall be given until all conditions of approval from the Department of Public Works have been completed.
60. The applicant shall provide \$3,045 plan check fee for reviewing Lot Merger.
61. The applicant shall submit (2) copies of title report (less than 6 months old) of all the affected properties.
62. The applicant shall submit (2) copies of the Grant Deed of all affected parcels.
63. The applicant shall submit (2) copies of current recorded Parcel or Tract Map and any prior recorded maps.
64. The applicant shall submit (2) copies of an Alta Land Survey indicating all boundaries of parcel, all land improvements, all easements, all right-of-ways, and all utilities. The survey must be conducted by a California Registered Engineer or California licensed Land Surveyor.
65. The applicant shall submit (2) copies of the exhibits and plat map before and after the Lot Merger. The legal description and plat map shall have parcel numbers, bearings and distances, directions, easements, utilities, name and address of the property owner, and wet seal stamp and signature by a California Registered Engineer or California licensed Land Surveyor.
66. The applicant shall submit a notarized Lot Merger Certificate signed by all owners.
67. The applicant shall be responsible to record the approved Lot Merger document with the County of Los Angeles. No Building Permit will be issued until the final documents are recorded with the County Register/Recorder.

Additional Conditions:

68. The Applicant shall provide sufficient decorative outdoor lighting for all units, to the satisfaction of the Community Development Director.
69. The Electrical Panel (Box) may not encroach into any required driveway, parking area or side yard setback.
70. All exterior materials to be used shall be approved by the Community Development Director prior to the issuance of a building permit.
71. All second story scuppers must be directed onto the Property and installed in a manner acceptable to the Community Development Director.
72. All newly planted trees shall require root barriers, double staked, and guy wired.

73. All driveway and parking areas shall be concrete and the Applicant shall install a decorative stamped and color sealed concrete driveway along the first twenty feet of driveway to the satisfaction of the Community Development Director. The color and pattern shall be approved by the Community Development Director prior to installation.
74. No exterior security bars shall be allowed to be placed along the buildings' façade.
75. Driveway and parking areas shall incorporate center swales. All drainage in common and private use areas shall be underground and shall not incorporate open gutters or underground swales.
76. The location of all backflow devices shall be approved by the City prior to installation. Back flow devices shall be located to the furthest extent possible from the property line.
77. All building drainage shall be directed onto the Property and shall be oriented toward the interior of the Property, with no downspouts or gutters directing drainage away from the Property.
78. The location of all electrical panels and meters shall be approved by the City prior to installation. Electrical panels and meters are prohibited in the front yard setback. Electrical panels and meters shall be screened with landscaping as approved by the City. Electrical panels may not encroach into any required driveway, parking area or side yard setback.
79. Except as set forth in the conditions of approval, development shall take place as shown on the approved site plans and elevations. Any deviation must be approved by the Director of Community Development before any construction occurs.
80. The entire site shall be kept in good, first class condition, free from trash, debris and litter at all times, and all trash, debris and litter shall be removed as soon as possible but at least within 24 hours.
81. All landscaping and irrigation systems shall be continuously maintained in good repair by the property owners or homeowners association. Irrigation systems shall not produce overspray. All landscaping shall be maintained in a healthy condition and dying and dead landscaping shall be promptly replaced with similar plant materials and of a size similar to the plant being replaced.
82. All planning conditions of approval shall be printed as general notes on the front pages of the approved set of building plans.
83. Tarps are prohibited from use as carports, patio covers, shade covers, and covers for outdoor storage in all front and side setback areas, rear yard areas, and over driveways and in parking and circulation areas.
84. The site shall be developed and maintained in accordance with the approved plans which include site plans, landscape plans, building floor plans, architectural elevations, list of approved exterior materials and colors on file in the Community Development Department, the conditions contained herein, and the Zoning Code.
85. Unless otherwise permitted, construction activity may be conducted between the hours of seven a.m. and seven p.m., Monday through Friday (except national holidays), and eight a.m. and five

p.m. Saturdays. Construction activity is prohibited at all other hours and on Sundays and national holidays.

86. At the completion of the project, final approval from the Planning Division shall be obtained prior to Building and Safety Division final approval. All conditions of approval shall be met prior to final approval by the Planning Division.
87. The Project shall comply with all development standards set forth in LMC Section 17.80.070(A) pertaining to condominium developments.
88. All roof top equipment must be fully screened from public view on all sides of the building elevations.
89. The applicant shall include a clause in the Conditions, Covenants, and Restrictions that prohibits unpermitted conversions, or subdivisions, of any interior spaces within both units, into habitable spaces.
90. All Planning fees shall be current before building permits are issued.
91. All flatwork and landscaping work shall require the approval of a Flatwork Permit before permits are issued.
92. Any new walls/fences shall require approval of a fence permit application.

PASSED, APPROVED AND ADOPTED this 1st day of November, 2021.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, 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-2110-042 at a regular meeting of said Council held on the 1st day of November, 2021, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann Gorman					
Sirley Cuevas					
Bernadette Suarez					

Erica Harbison City Clerk

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

Attachment "G"

Housing Element - Sites Inventory

IV. HOUSING RESOURCES

This section identifies resources that are available for the development, rehabilitation, and preservation of housing in the City of Lawndale. The analysis includes an assessment of land resources for future housing development, the City's ability to satisfy its share of the region's future housing need, the financial resources available to support housing activities and the administrative resources available to assist in implementing the City's housing programs. Additionally, this section examines opportunities for energy conservation.

A. Residential Development Potential

1. Regional Housing Needs Allocation

State Housing Element law requires that a local jurisdiction accommodates a share of the region's projected housing needs for the planning period. This share, called the Regional Housing Needs Allocation (RHNA), is important because State law mandates that the jurisdiction must provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction's ability in providing adequate land to accommodate the RHNA.

The Southern California Association of Governments (SCAG), as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions within the six-county region.¹¹ For the 2013 Housing Element update, the City of Lawndale is allocated a RHNA of 381 units by SCAG as follows:

- Extremely Low/Very Low-Income (up to 50 percent of AMI): 96 units (24.8 percent)¹²
- Low-Income (51 to 80 percent of AMI): 57 units (15.4 percent)
- Moderate-Income (81 to 120 percent of AMI): 62 units (16.4 percent)
- Above Moderate-Income (more than 120 percent of AMI): 166 units (43.4 percent)

The City must ensure the availability of residential sites at adequate densities and appropriate development standards to accommodate these units.

¹¹ Southern California Association of Governments (SCAG) covers a six-county region, including Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial.

¹² The City has a RHNA allocation of 96 very low income units (inclusive of extremely low income units). Pursuant to new State law (AB 2634), the City must project the number of extremely low income housing needs based on Census income distribution or assume 50 percent of the very low income units as extremely low. According to the CHAS data developed by HUD using 2006-2008 ACS data, the City had 31.2 percent very low income households (14.0 percent extremely low income and 17.2 percent very low income) as shown in Table 7. Therefore the City's RHNA of 96 very low income units may be split into 43 extremely low and 53 very low income units. However, for purposes of identifying adequate sites for the RHNA, State law does not mandate the separate accounting for the extremely low income category.

2. Residential Sites Inventory

The RHNA planning period for the fifth Housing Element update cycle extends from January 1, 2014 to October 31, 2021 and the City must meet its RHNA requirement using potential development on suitable vacant and/or underutilized sites within the community. The City must document how zoning and development standards on existing sites facilitate housing to accommodate the 381-unit RHNA identified earlier.

The State, through AB 2348, has established "default" density standards for local jurisdictions. State law assumes that a density standard of 30 units per acre for metropolitan jurisdictions, such as Lawndale, is adequate for facilitating the production of housing affordable to lower income households. Using this guideline, a number of the sites included in the inventory with an allowable density of 30 units per acre or greater are counted towards the City's lower income RHNA. However, many of the underutilized sites in the inventory, while meeting the established density standards set by the State for lower income sites, have been conservatively credited as moderate or above moderate income sites based on the physical characteristics of the lot, staff knowledge of the property, and the expressed intent and plans of developers.

Density Factor and Assumptions

Before the recent housing market crash, an economic research consultant was commissioned to conduct a feasibility study of mixed use developments in the South Bay. Eight hypothetical models of various urban development forms ranging from medium density residential to high density mixed use were formulated for feasibility testing. Each model involves the recycling of low-intensity uses to medium- to high-intensity uses. Residential density assumptions used in this study were between 25.0 and 38.0 units per acre. Lawndale's maximum density of 33.0 units per acre and realistically achievable density of 26.4 units per acre fall within this range. When determining the realistic capacity of commercially zoned sites, a number of performance standards and criteria were taken into account as well as the potential for the sites to develop with uses other than residential in zones GC and OC districts. These include: lot size, location, and configuration (such as potential for lot consolidation, street frontage, access, etc.); parking standards; height limits; required commercial component; existing and adjacent uses; and appropriateness for mixed use developments. The South Bay feasibility study shows that at these densities, stand-alone residential uses and mixed use with a residential component all yield very high internal rates of return, justifying the recycling of existing properties.

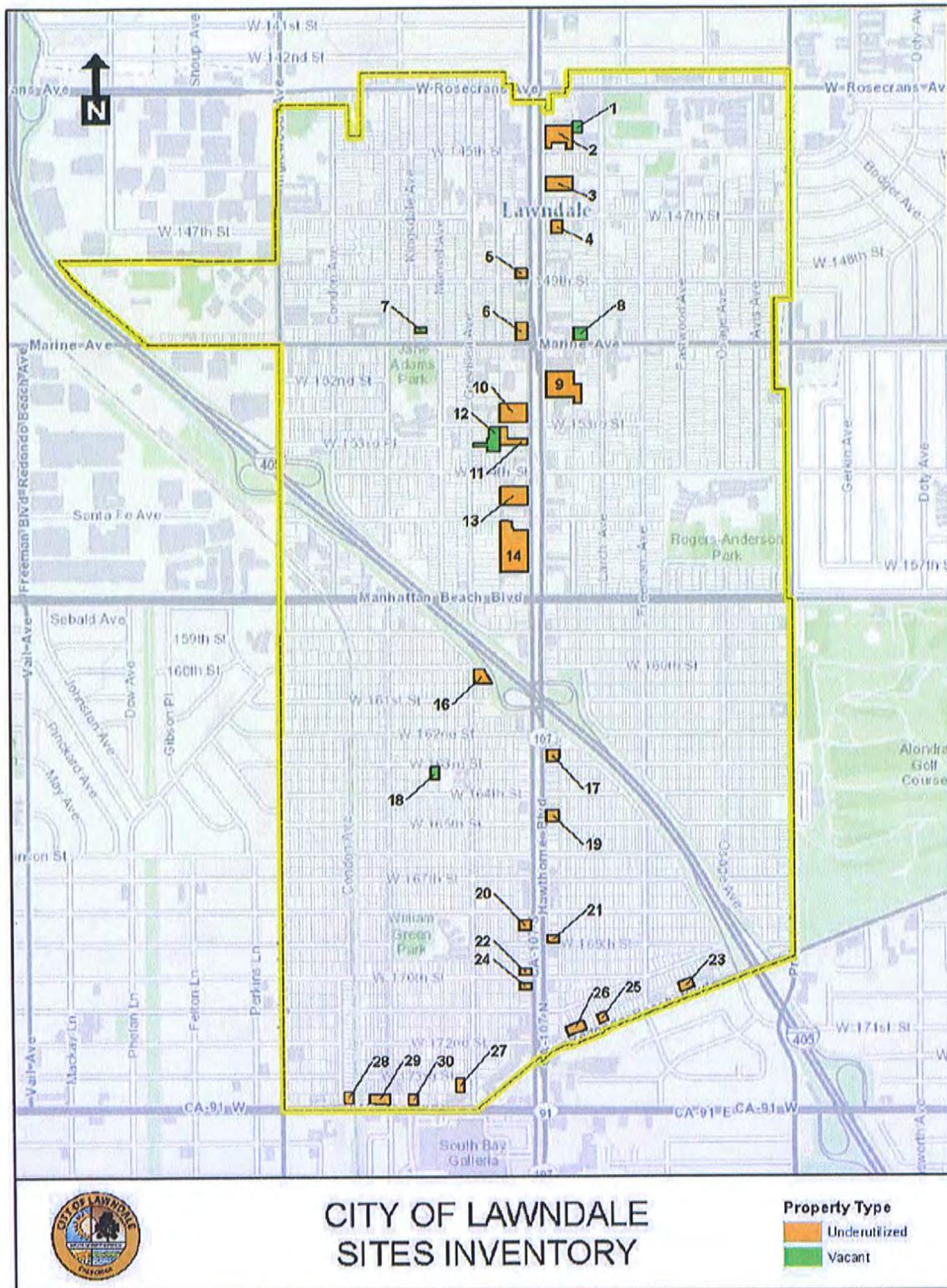
Due to the depressed housing market, limited residential development has occurred since adoption of the 2008-2014 Housing Element. Three development applications in recent years were used to assess the development density that can be achieved considering the City's development standards.

One 0.26-acre R-3 site was being proposed for eight attached homes at a density of 30 units per acre. Another affordable housing proposal was a 38-unit senior housing project on the 0.87-acre site (Site 3). This project would yield a density of 43.7 units per acre, inclusive of a 35-percent density bonus. Excluding the density bonus, this project would still yield a density of 33.0 units per acre. While these projects did not proceed due to the economy, this

analysis demonstrated the feasibility of using 26.4 units per acre as the potential density in calculating capacity, based on the City's development standards. Capacity for most sites in the inventory is based on the potential 26.4 units per acre; no density bonus was used in estimating capacity.

The City's overall sites inventory consists of 19.6 acres of developable land on 29 parcels with the capacity to yield at least 425 new units during the RHNA period. The sites are depicted in (Figure 7Error! Reference source not found.)Error! Reference source not found. and summarized in Table 29. A parcel-by-parcel listing of these sites with specific analysis of potential yield is included in Appendix A.

Figure 7: Lawndale Sites Inventory



Vacant Sites

The inventory of vacant residential and commercial land is limited to less than two acres. Of this acreage, 1.7 acres are zoned to allow residential uses at a maximum allowable density of 33.0 units per acre (average density at 26.4 units per acre). The remaining small vacant site is zoned R-2 and can accommodate up to 17.4 units per acre (average density at 13.9 units per acre). The combined capacity of the vacant 1.94 acres, given existing land use controls and zoning standards, is at least 47 new dwelling units (see Appendix A).

Underutilized Sites

A total of 24 underutilized sites on 16.05 acres of commercial and residential land have been identified in the City's sites inventory. Although some portions of each of these sites are developed with existing commercial, manufacturing, and/or residential uses, these sites are ripe for redevelopment into higher density residential uses. An estimated minimum 378 new dwelling units can be accommodated on the selected underutilized sites. It should be noted, however, that the underutilized sites identified in the 2013-2021 Housing Element represent a very small percentage of total underutilized parcels in the City zoned to accommodate up to 33.0 dwelling units per acre.

Status/Zoning	# of Parcels	Total Acreage	Max. Density	Realistic Density	Net Unit Capacity	Income Level
Vacant						
C-M	1	0.42	33.0	26.4	11	Lower
R-3	3	1.28	33.0	26.4	33	Lower
R-2	1	0.24	17.4	13.9	3	Above Moderate
<i>Subtotal</i>	<i>5</i>	<i>1.94</i>		<i>Lower Income: 44 units Above Moderate Income: 3 units Total: 47 units</i>		
Underutilized						
GC	3	4.71	33.0	26.4	121	Lower
	2	4.37			114	Moderate
	8	3.04			70	Above Moderate
NC	9	3.27	33.0	26.4	64	Above Moderate
R-3-P	1	0.26	33.0	26.4	5	Above Moderate
R-2	1	0.40	17.4	13.9	4	Above Moderate
<i>Subtotal</i>	<i>24</i>	<i>16.05</i>		<i>Lower Income: 121 units Moderate Income: 114 units Above Moderate: 143 units Total: 378 units</i>		
Total	29	17.99		425 units		

3. Availability and Suitability of Sites

Lawndale is an older urbanized City with limited development opportunities on vacant land. As such, the City's vacant sites do not have the capacity to meet the City's share of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. As shown in (Figure 7)Error! Reference source not found., most sites are along Hawthorne Boulevard. Most of the underutilized parcels identified by the City in the residential sites inventory are occupied by small independent businesses with large parking areas.

Improvement-to-Land Value Ratio (ILR)

According to the methodology developed by the University of California for the State of California Business, Transportation, and Housing Agency, the ratio of land improvements to land value (ILR) can facilitate identification of underutilized sites with potential for infill or redevelopment with higher density residential uses. An improved site may be considered underutilized if it is located in a non-single-family area (e.g., commercial, industrial, multifamily, etc.) if the total value of improvements on the site is less than the total value of the underlying land (i.e., $ILR < 1.0$). Improved sites within single-family residential areas that have improvements valued at less than half of the land value (i.e., $ILR < 0.5$) may also be considered underutilized. Each of the 24 underutilized sites identified in Appendix A and summarized in Table 29 meets these criteria.

Existing Uses

Determining a site's ILR is rarely enough to establish that a site has a reasonable potential to redevelop with higher density residential uses within the planning period. Improved properties included in the City's sites inventory have been carefully screened to eliminate parcels with commercial structures built within the past 15 years, residential structures built within the past 30 years, as owners of newer structures may not be inclined to redevelop their properties even though the land value may be more than the value of improvements. Oddly-shaped parcels may be difficult to achieve minimum density thresholds and have therefore also been excluded from the sites inventory.

All the sites identified include marginal uses such as independent auto repair shops or used car sales, small homes on large lots, small commercial offices or retail businesses that have outdated configuration and marginal operations.

Prior to the recession, various developers and property owners had expressed interest in redevelopment opportunities in the City, particularly along Hawthorne Boulevard. However, development in the City has been at a near standstill since 2007. The City anticipates resumed interests as the economy recovers.

Small Lot Development

Most of the City's parcels were created long ago and are relatively small. To facilitate redevelopment of properties within the Hawthorne Boulevard Specific Plan area, the Specific Plan contains incentives for lot consolidation:

- Required parking may be reduced up to a maximum of 20 percent provided that a finding can be made that adequate parking will be available to serve the subject project.

Section J of the Specific Plan outlines development incentives which may be granted at the discretion of the City Council to achieve a high quality development, one of those incentives being a potential reduction (20 percent maximum) in the parking required by code. In order to grant this incentive, an applicant would need to demonstrate that a proposed project would be adequately parked with fewer parking spaces than the Municipal Code calls for. An applicant might demonstrate this by way of a comparative analysis of similar uses in different locations and/or jurisdictions; however, the figures must be defensible.

For example, the community center project in the City (although just outside the boundaries of the Specific Plan area), the architect looked at the parking provided by other recently constructed community centers and calculated the number of parking spaces per thousand-square-foot for each project, which equated to figures significantly less than what the Lawndale Municipal Code would otherwise require. The City Council found the argument to be legitimate and that the community center project would be adequately parked. Each case would be reviewed individually and there are multiple ways for an applicant to justify a parking reduction; however, the provision of less than required parking must be defensible.

- Area of permitted signs may be increased by a maximum of 10 percent provided that a finding can be made that the increased area does not distract from the beautification and pedestrian-oriented objectives set in the Specific Plan and that the increased size of signs on one parcel will not adversely affect the visibility of signs on adjacent parcels.

The original Specific Plan also included a provision for increased FAR as an incentive for lot consolidation. As the City subsequently removed FAR restrictions in the Specific Plan area, this incentive is no longer needed. Recent commercial developments along Hawthorne Boulevard have involved lot consolidation. The City has been actively encouraging potential developers to look into developing mixed used projects along Hawthorne Boulevard, where lot consolidation would be necessary.

Infrastructure Availability

As discussed in the previous Housing Constraints chapter of this Element, the City has adequate water and sewer capacity to accommodate the RHNA of 381 units. However, older infrastructure and narrow streets have constrained development in the City. Therefore, the City focuses future development in the Hawthorne Boulevard Specific Plan area where existing infrastructure and planned improvements can facilitate additional mixed use development in the community.

4. Adequacy of Sites to Meet the RHNA

An estimated minimum 425 new housing units can be accommodated on 29 vacant and underutilized sites in Lawndale. The City's RHNA is 381 units, including 96 very low income, 57 low income, 62 moderate income, and 166 above moderate income units. The sites summarized in Table 29 above have the potential to yield at least 425 net new dwelling units by the end of the 2014–2021 RHNA period. State law (AB 2348) established a default density of 30 units per acre to facilitate the development of lower income housing in urbanized communities. Strictly based on density, the City offers the potential for 460 units to be developed on vacant and underutilized properties zoned for 33 units or more per acre. Thus, up to 418 lower income units could potentially be developed on the identified sites, far exceeding the City's RHNA of 153 lower income units. However, when considering lot sizes, many small sites were conservatively classified as moderate or above moderate income housing sites. Therefore, the City's sites inventory by income/feasibility as presented in Table 30 represents a conservative estimate - at least 165 lower income, 114 moderate income, and 146 above moderate income units. This estimate does not preclude the actual use of these sites for affordable housing.

	Very Low	Low	Moderate	Above Moderate	Total
RHNA	96	57	62	166	381
<i>Residential Sites Inventory</i>					
Vacant Sites	44	0	3	47	
Underutilized Sites	121	114	143	378	
Total	165	114	146	425	
Surplus	+12	+52	-20	+44	

B. Financial Resources

As a small and built out community, Lawndale has limited financial resources available for affordable housing. The City leverages, to the maximum extent feasible, local funds with federal and State funds in meeting its housing and community development objectives.

1. Housing Choice Voucher (Section 8) Rental Assistance

The Housing Choice Voucher Program (formerly known as Section 8) represents a significant housing resource for very low income, especially for extremely low income households. Specifically, pursuant to HUD regulations, each housing authority must set aside a portion of the Housing Choice Vouchers for extremely low income households.

The Lawndale Housing Authority contracts with the Housing Authority of the County of Los Angeles to administer its Section 8 Housing Choice Voucher program. This program provides rental assistance to very low income households. As of March 2013, 212 Lawndale

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**PUBLIC NOTICE
CITY OF LAWNDALE
CITY COUNCIL
CASE NO: 21-25**

Notice is hereby given that at 6:30 p.m. on Monday, October 4, 2021 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. 21-25: PUBLIC HEARING FOR AN APPEAL REQUEST (CASE NO. 21-25) APPEALING THE PLANNING COMMISSION'S DECISION TO DENY CASE NO. 20-17 OF A NEW 7,779 SQUARE FOOT EXPRESS CAR WASH GC FACILITY ON A WASH GC (GENERAL COMMERCIAL) ZONED AT PROPERTY LOCATED AT 15413-15425 HAWTHORNE BOULEVARD

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 Rafael Garcia, Associate Planner, Community Development Department at (310) 973-3240.

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Attachment "H"

City Council Staff Report (dated October 4, 2021)



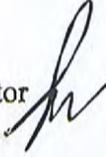
CITY OF LAWNDALE

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

DATE: October 4, 2021

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

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

PREPARED BY: Rafael Garcia, Associate Planner 

SUBJECT: **Public Hearing for an Appeal Request (Case No. 21-25) Appealing the Planning Commission's Decision to Deny Case No. 20-17 for the Development of a New 7,779 Square Foot Express Carwash Facility on a GC (General Commercial) Zoned Property Located at 15413-15425 Hawthorne Boulevard**

BACKGROUND

At its meeting of July 28, 2021, the Planning Commission adopted Resolution No. 20-15 (Attachment "D") denying Case No. 20-17, requesting approval of a Special Use Permit and Development Permit to construct a 7,779 square foot, single story express car wash facility. The proposed car wash included an express car wash tunnel, three lanes for vehicle queuing, 35 parking stalls, vacuums, and a wide variety of landscaping throughout. The project was to be located at 15413-15425 Hawthorne Boulevard within the GC (General Commercial) zone (the "Project").

Fourteen days after the Planning Commission's decision, on August 11, 2021, the applicant, Timothy Berger, filed a timely appeal of the Planning Commission's decision (Attachment "E"). The Appellant's grounds for filing the appeal are that the project is compatible and consistent with the findings that are required to be made. Accordingly, pursuant to Section 17.12.130 of the Lawndale Municipal Code (LMC) the City Clerk was required to, and did, agendize this hearing within 60 days of the filing of the appeal.

Although the hearing before the City Council is part of an appeal process, it is a de novo hearing. This means the City Council reviews and makes a decision on the Project, as if no prior Planning Commission hearing had been held. All aspects of the Planning Commission's prior action, including the decision to deny the application, are reviewable by the City Council. Upon conclusion of the appeal hearing, and any continuances of the hearing, the City Council may affirm, reverse, or modify the Planning Commission's action.

EXECUTIVE SUMMARY

Original Case: Case No. 20-17: Special Use Permit and Development Permit for a new express carwash facility.

Applicant: Timothy E. Berger
1658 S. Litchfield Road, Building No. 110
Goodyear, AZ 85338

Property Owner: Roy Giles/Roy J. Giles Trust
7239 Alverstone Avenue
Los Angeles, CA 90045

Location: 15413-15425 Hawthorne Boulevard (“Property”)

APN: 4079-018-005, 4079-018-006, 4079-018-004, 4079-018-007

Zone: GC (General Commercial) Zone and within the Hawthorne Boulevard Specific Plan

Site: Site frontage: 189.99 ft. (along Hawthorne Boulevard)
Site depth: 266.18 ft.
Area: 54,370 sq. ft.

Project Description:

The Applicant is seeking approval of a Special Use Permit and Development Permit to construct a 7,779 square foot, single story express car wash facility. The proposed car wash includes a 180 foot express car wash tunnel, three vehicle queuing lanes that will queue 10 vehicles in each lane, 35 parking stalls, 3 of which will be for employees, 32 vacuums stalls, and a wide variety of landscaping throughout.

The Property currently consists of multiple lots which are proposed to be merged into a single lot as part of the Project, totaling to 54,370 square feet in size. The site is largely undeveloped, but does contain a total of three commercial buildings oriented towards Hawthorne Boulevard, one of which used to operate as a used car dealer as well as a lumber yard and another which is currently operating as income tax services office. The existing buildings are proposed to be demolished in order to accommodate the new car wash facility project.

General Plan:

The City’s General Plan designates the Property as “commercial,” to provide the community with a wide variety of retail shops, restaurants, services and office uses to meet the daily needs of residents.

Zoning Code:

The Property is zoned GC (General Commercial). The zone allows for the construction of a carwash with approval of a Special Use Permit by the Planning Commission.

STAFF REVIEW

Project Description and Analysis:

Most of the building would be used to accommodate the car wash tunnel, but would include sufficient room to completely enclose all of the car wash equipment and would also include a small office, lobby and public restrooms. The south half of the lot would be improved with a vacuum queuing lane for vehicles exiting the car wash tunnel, as well as a total of 35 stalls with canopies to provide shade for customers vacuuming. The vacuum lane would be designed to only allow one-way traffic which would enhance traffic flow through the vacuum area. To further improve the onsite vehicle circulation the project would incorporate small green and red lights along the vacuum canopies above each vacuum stall to assist customers in finding available vacuum stalls. The applicant is also proposing a completely automated service with minimum guidance from employees. There would be one person overseeing the self-payment area and one person assisting customers in order to guide their vehicles into the wash tunnel. During busy times, there would also be a third staff person roaming the self-vacuuming area to answer questions or offer customer support. The project has been designed with parking spaces and vacuum spaces that meet the requirements of a standard parking space.

Compliance with Development Standards:

The project conforms to the development standards of the GC (General Commercial) Zone as part of the Hawthorne Boulevard Specific Plan (HBSP) which sets forth requirements for carwashes. The following matrix identifies the development standards and proposed development characteristics:

Development Standards	Required	Proposed	Compliance
Lot Size	10,000 sq. ft. minimum lot size	54,370 sf	Yes
Lot Coverage	90% of total lot area	24.2%	Yes
Front Yard Setback	3 feet (per HBSP)	54 feet	Yes
Side Yard Setback	3 feet street side 0 interior side	49’-4” feet. North Side 18’-6” feet. South Side	Yes
Rear Yard Setback	0 feet (per HBSP)	18’-6” feet	Yes
Height	50 feet or four (4) stories (per HBSP)	30 ft.	Yes
Parking	1 space for every 250 square feet of gross floor area (32 stalls required).	35 total stalls are provided. 3 of the stalls will be designated for employee parking.	Yes
Landscaping	7% total	15.9%	Yes

The General Commercial Zone allows for the development of carwashes with the approval of a Special Use Permit. The zone requires lots to be a minimum of 10,000 square feet in lot area and allows development to have a height of up to 50 feet or 4 stories. The proposed project consists of a single story carwash on a site totaling 54,320 square feet. The applicant is proposing to merge all of the lots in order to comply with the minimum lot area and height requirements. The proposed lot coverage is 24.2 percent (including vacuum canopies), which is significantly less than the maximum 90 percent lot coverage allowed pursuant to the Hawthorne Boulevard Specific Plan.

Parking:

The Lawndale Municipal Code (LMC) does not prescribe a parking standard for carwash uses; however, the Director of Community Development can apply an analogous parking standard to assure that sufficient parking is provided on the site. The project would be required to provide one parking stall for every 250 square feet of gross floor area which equates to 32 required stalls. The project is proposing to provide a total of 35 parking spaces, consisting of 32 vacuum off-street parking spaces and 3 parking spaces for onsite staff. This business model greatly reduces the need to have additional onsite parking, in that much of the service is automated and operates unmanned with few staff members.

Building Design:

The Applicant has incorporated design features into the building to provide sufficient interest on the building elevations that are visible from the public right-of-way. The design for the building facade includes components of the modern contemporary architectural style typical in Southern California. The Applicant has provided architectural interest and detail to break up the buildings, particularly along the front elevations, using such design features/elements as:

- Varying the planes of the exterior walls.
- Articulating the different parts of the building façade by use of colors.
- Avoiding blank walls.
- Varying the roof height.
- Establishing a prominent entrance.
- Incorporating various paint colors to the pop out walls.
- Single story development to reduce bulk and massing along Hawthorne Blvd.

As illustrated in the attached building elevation of this staff report, the proposed building elevations are consistent with the HBSP architectural requirements and guidelines.

Floor Plan:

The interior of the single-story building would include a 180-foot-long carwash tunnel to house the automated washing equipment in a self-contained manner. It would also include a mechanical equipment room to house all of the equipment and vacuums to eliminate any noise impacts on the surrounding properties. The balance of the interior space would be designated for a small lobby, office, breakroom and two restrooms.

Landscaping:

The project proposes a total of 15.9 percent of the gross site area to be landscaped. Staff would require the applicant to increase the landscaping to 20 percent in order to adequately screen and landscape the entire site. The landscaping proposed is as follows:

- 7,125 sq. ft. of live landscaping including parking lot landscaping areas.
- The front of the site facing Hawthorne Boulevard landscaped with a total of (8) 36-inch box trees as well as a variety of landscaping.

Hours of Operation:

Hours of operation limited to 7:00 am to 7:00 pm every day of the week.

Driveway Access and Onsite Circulation:

The proposed Project would be accessed from Hawthorne Boulevard. All traffic would enter and exit through the Hawthorne Boulevard entrance on the north side of the site and exist on the south side.

Trash Enclosure:

A trash enclosure is included and would be setback approximately 42 feet as measured from the front property line. It would include landscaping to screen it from view and would be designed to conform to the LMC.

Development Permit:

Chapter 6, Section C, Subsection 6d of the HBSP “Development Review and Approval” outlines the criteria a project must meet for the approval of a development permit. Based on staff’s review of the Project, as shown on the plans and conditions, the Project does not meet all of the criteria for a development permit as outlined on the attached resolution. Specifically, staff cannot recommend that the Project would not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity, for the reasons as discussed in further detail in the Special Use Permit discussion below.

Special Use Permit:

Lawndale Municipal Code Section 17.28.014 requires that the City make certain findings before the City may approve Special Use Permits. However, staff cannot recommend approval based upon its review of the findings required under LMC Sections 17.28.014. A and E. These findings require that the City find that the proposed project will not be detrimental to the public health or injurious to the community and find that the project is consistent with the City’s General Plan. Staff’s review indicates that the proposed project is not consistent with the Special Use Permit findings because the proposed project compromises overall public health and is injurious to achieving the required regional housing needs assessment (RHNA) housing units. Staff’s review further indicates that the proposed project is not consistent with the General Plan, because the proposed project does not help to achieve the overall intent of the Land Use and Housing elements. The purpose of the goals and policies identified is to provide for adequate housing that meets the existing and future needs of the community. Developing the site with a carwash development would be inconsistent with the General Plan because it would

remove the sites explicitly identified as part of the Housing Element’s inventory of suitable and adequate housing to meet existing and future needs of the community.

Detriment to Public Health or Injurious to the Community:

The State of California has identified the existence of a housing crisis within the state. In the last several years the California Legislature has enacted new housing legislation that has acknowledged the existence of a state housing crisis and attempted to combat issues pertaining to housing access and affordability. This includes the adoption of SB 330 (Housing Crisis Act of 2019), AB 1763 (Planning and zoning: density bonuses: affordable housing), AB 1485 (Housing development: streamlining), AB 101 (Housing Development and Financing), AB 68 (Land use: accessory dwelling units), SB 13 (Accessory dwelling units), AB 671 (Accessory dwelling units: incentives), AB 2753 (Density bonuses: density bonus application), AB 3194 (Housing Accountability Act: project approval), SB 828 (Land use: housing element), SB 35 (Streamline Approval Process), AB 72 (Enforce Housing Element Law), AB 1397 (Adequate Housing Element Sites) and SB 166 (No Net Loss). The purpose of this legislation is to provide a renewed focus on the housing crisis and the threat it presents to citizens of California.

The housing crisis presents unique challenges to the City of Lawndale. The City of Lawndale is an older urbanized City with limited development opportunities on vacant lands. As discussed in the City’s current Housing Element, the City is largely built out, and previous housing growth has primarily been satisfied through single-family infill such as allowing the majority of residential lots in the community to have more than one housing unit. The Housing Element further identifies how housing development in the future will likely need to take place as “mixed-use development as part of the revitalization project along Hawthorne Boulevard and various other infill and underutilized parcels throughout the community.” (Lawndale Housing Element, Page 2). The current Housing Element, which addressed the previous RHNA planning period for the fifth cycle, identified how the City had to accommodate a total of 381 residential units. The breakdown was as follows:

Very-Low Income Units:	96
Low Income Units:	57
Moderate Income Units:	62
Above-Moderate Income Units:	166
Total Units:	381

The City had identified approximately 19.6 acres of developable land on 29 parcels with the capacity to yield 425 units, which was sufficient to address the housing needs at the time. However, SCAG’s proposed RHNA allocation for the 6th housing cycle for the City was a total allocation of 2,497 housing units. The unit breakdown is as follows:

Very-Low Income Units:	732
Low Income Units:	311
Moderate Income Units:	371
Above-Moderate Income Units:	1,083
Total Units:	2,497

The RHNA allocation increase in housing units for the sixth cycle is more than six-times greater in comparison to the previous cycle. This significant increase in housing units needed to accommodate basic housing needs, combined with the City’s limited opportunities for growth on vacant lands, threatens the City’s ability to provide for the housing needs of its growing population, especially where the City does have additional capacity of

developable land. Due to these unique circumstances, the City must rely on recycling of current underutilized properties for residential development and the City cannot afford to lose any more capacity to develop housing. Therefore, it is critical to maintain the sites identified as part of the Housing Element sites inventory to meet the future housing needs of the community.

The proposed Project location is one that has been identified as part of the housing inventory of the City's Housing Element. Developing the site with a carwash would remove one of the few sites explicitly identified as part of the sites inventory list that are suitable for providing adequate housing to meet existing and future needs of the community, and as a new use, would prevent the site from being used as housing for the foreseeable future. As such, approval of this Project would be detrimental to public health and safety because it would exacerbate the existing housing crisis within the City.

Consistency with the General Plan - Land Use Element:

Lawndale Municipal Code Section 17.28.014.E. requires the Planning Commission's make findings that a project is consistent with the City's General Plan before approving a special permit. Staff's review indicates that the proposed use is not consistent the General Plan Land Use Element Policy 6.g and Goal 7.

Policy 6g: "The City shall protect, encourage and where feasible, provide housing opportunities for low and moderate income households, as well as for the homeless."

The site has been identified as an underutilized site as part of the housing inventory of the City's Housing Element (2013-2021). The underutilized sites inventory identifies sites that are suitable for redevelopment into higher density residential uses. Lawndale is an older urbanized City with limited development opportunities on vacant lands. As such, the City has limited capacity to meet the City's current (i.e., 381 housing units) and upcoming share (i.e., 2,497 housing units) of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. The project is not consistent with this land use policy because it is proposing to develop the site as a carwash which would preclude it from potentially providing future housing needs for low and moderate income households.

Land Use Goal 7: "Encourage the establishment of commercial development which contributes positively to the City image and identity as well as generates revenues and employment opportunities."

Most revenue generated by carwashes is not taxable, in that, it is a service based business operation. The sale of services where no tangible personal property is transferred or where the transfer of property is incidental, are not subject to sales and use taxes in the State of California (California Department of Tax and Fee Administration, Publication 61, 2018). The use provides no other tangible benefits to the community or surrounding residents while lacking compatibility to the surrounding land uses. Furthermore, the proposed express carwash is designed to operate in a largely automated format with few staff. Very few, if any, employment opportunities would result from the approval of the project.

Consistency with the General Plan - Housing Element:

The site has been identified as an underutilized site as part of the housing inventory of the City's Housing Element (2013-2021). The underutilized sites inventory identifies sites that are developed with existing commercial, manufacturing and/or residential uses that are suitable for redevelopment into higher density residential uses. As noted above, Lawndale is an older urbanized City with limited development opportunities on vacant lands. As such, the City has limited capacity to meet the City's current and upcoming share of the

regional housing need and the City must rely on recycling of current underutilized properties for residential development. Many of these sites are occupied by small businesses with large parking areas and are located along Hawthorne Boulevard. Similarly, the existing site is improved with underutilized commercial buildings where an automotive business used to exist. With this in mind, staff’s review indicates that the project is not consistent with the following Housing Element Goals:

Goal 1: “Assist in the provision of adequate housing that meets the existing and future needs of the community. Establish a balanced approach to meeting the housing needs of both renter- and owner-households.”

The development of an express carwash on the subject site would preclude the site from accommodating any future housing needs of the community, and therefore, is inconsistent with Goal 1. The site is 54,370 square feet in area and can accommodate up to 41 residential units at a density of 1 unit per 1,320 square feet. Developing the site with a carwash would be inconsistent with the General Plan’s Housing Element because it would remove the sites explicitly identified as part of the sites inventory list that are suitable for providing adequate housing to meet existing and future needs of the community.

Goal 2: “Provide adequate housing sites through appropriate land use, zoning, and specific plan designations to accommodate the City’s Share of regional housing needs.”

The site has been identified as an underutilized site as part of the housing inventory of the City’s Housing Element (2013-2021). The underutilized site is ideal for redevelopment into a higher density residential development. Lawndale is an older urbanized City with limited development opportunities on vacant properties. As such, the City has limited capacity to meet the City’s current and upcoming share of the regional housing need and the City must rely on recycling of current underutilized properties for residential development. Developing the subject property as a carwash would preclude the site from being utilized as a future housing site.

COMMISSION REVIEW

The Planning Commission conducted its public hearing on Case No. 20-17 on July 28, 2021. All evidence was heard at the public hearing, including input from Lawndale residents and property owners within the vicinity of the Project. After fully considering and analyzing all the information presented, the Planning Commission concluded that necessary findings for approval of the Project could not be made and adopted Resolution No. 20-15, denying the Project (Attachment “D”).

LEGAL REVIEW

The City Attorney has reviewed and approved as to form Resolution No. CC-2110-042.

RECOMMENDATION

IT IS RECOMMENDED THAT the City Council take the following action:

- 1) Conduct a public hearing;
- 2) Adopt the findings of fact and determinations relative to the submitted application;
- 3) Adopt Resolution No. CC-2110-042 denying the Special Use Permit and Development Permit.

City Council Meeting – October 4, 2021

Public Hearing for an Appeal Request (Case No. 21-25 Appealing the Planning Commission's Decision)

Attachments:

- A. Architectural Plans
- B. Photographs of Site
- C. Department and Agency Comments
- D. Planning Commission Resolution No. 20-15
- E. Appeal Application
- F. Resolution No. CC-2110-042
- G. Housing Element - Sites Inventory

Attachment "I"

Public Hearing Notice

Daily Breeze

1771 S. Lewis Street
Anaheim, CA 92805
310-543-6635

5007749

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

09/24/2021

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

Dated at Torrance, California
On this 24th day of September, 2021.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawnsdale, 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.

Legal No. 0011489982

PUBLIC NOTICE CITY OF LAWNSDALE CITY COUNCIL CASE NO: 21-25

Notice is hereby given that at 6:30 p.m. on Monday, October 4, 2021 the Lawnsdale City Council will hold a public hearing in the City Council Chambers located at 14717 Burin Avenue, Lawnsdale, CA to review the following proposal:

CASE NO. 21-25: PUBLIC HEARING FOR AN APPEAL REQUEST (CASE NO. 21-25) APPEALING THE PLANNING COMMISSION'S DECISION TO DENY CASE NO. 20-17 FOR THE DEVELOPMENT OF A NEW 7,779 SQUARE FOOT EXPRESS CAR WASH FACILITY ON A GC (GENERAL COMMERCIAL) ZONED PROPERTY LOCATED AT 15413-15425 HAWTHORNE BOULEVARD

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, Lawnsdale, 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 Lawnsdale's contact person is Rafael Garcia, Associate Planner, Community Development Department at (310) 973-3240.

Pub Sep 24, 2021
(1)DB(11489982)

Daily Breeze

1771 S. Lewis Street
Anaheim, CA 92805
310-543-6635

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

Account Number: 5007749

Ad Order Number: 0011489982

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

Publication: Daily Breeze

Publication Dates: 09/24/2021

Amount: \$266.24

Payment Amount: \$0.00

Invoice Text: PUBLIC NOTICE
CITY OF LAWNSDALE
CITY COUNCIL
CASE NO: 21-25

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Pub Sep 24, 2021 (1t)DB(11489982)



CITY OF LAWDALE

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

DATE: November 1, 2021

TO: Honorable Mayor and City Council

FROM: Kevin Chun, City Manager *Kevin Chun*

PREPARED BY: Julian Lee, Director of Public Works Director/City Engineer *Julian Lee*
Sean M. Moore, AICP, Director of Community Development *Sean M. Moore*
Grace Huizar, Administrative Analyst *Grace Huizar*

SUBJECT: Amendments to Municipal Code to Comply with the Requirements of Senate Bill 1383

BACKGROUND

In September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane emissions reduction targets representing the next step in California's environmental protection strategy. Methane emissions result from the decomposition of organic waste in landfills and are a source of greenhouse gas emissions. SB 1383 directs the Department of Resources Recycling & Recovery (CalRecycle) to adopt regulations and requirements to achieve state-wide goals including a goal to reduce organic waste disposed in landfills by 75 percent by the year 2025.

Compliance with SB 1383 requires the City to develop commercial and residential organics waste collection programs, edible food recovery programs, procurement mechanisms for SB 1383-qualifying recycled content products, enforcement, and penalties of mandated organic waste diversion and jurisdictional municipal code updates aligned with the legislative mandates of SB 1383. Under SB 1383, CalRecycle has the authority to financially penalize non-compliant jurisdictions up to \$10,000 per day, per violation.

On August 19, 2019, City Council awarded an agreement to Republic Services, through a competitive request for proposal process, for the collection of solid waste, recyclables, and organic materials. The agreement's seven-year term began January 1, 2020, and addresses the organic waste collection requirements of SB 1383, and the majority of the reporting and public education and outreach requirements which will reduce the impact on City staff for complying with these requirements.

STAFF REVIEW

In order to address the mandatory organic waste requirements of SB 1383, staff developed amendments to the City's Municipal Code Chapters 3.08 (Purchasing), 8.28 (Solid Waste – Collection and Management), 15.28 (Green Building Standards Code), and 17.88 (Water-Efficient Landscaping). The table on the following page, summarizes the SB 1383 requirements incorporated by Municipal Code chapter numbers.

Purchasing	Solid Waste – Collection and Management	Green Building Standards Code	Water Efficient Landscaping
Chapter 3.08	Chapter 8.28	Chapter 15.28	Chapter 17.88
Added Section 3.08.150 to address recycled-content paper requirements.	Amended to include: <ul style="list-style-type: none"> • Collection, contamination, monitoring, and waste stream inspection requirements; • Organic waste food generator waivers; and, • Enforcement for non-compliance with Chapter 8.28. 	Added Section 15.28.051 to address the requirement for accessible areas for recycling and organics in developments.	Updated Sections of 17.88 to incorporate requirements pertaining to compost and mulch for water-efficient landscaping.

Adoption of the proposed ordinance numbers 1182-21, 1183-21, 1184-21, and 1185-21 will assist the City in complying with SB 1383 by adopting SB 1383-compliant code provisions within Chapters 3.08, 8.28, 15.28, and 17.88.

ENVIRONMENTAL ASSESSMENT

Staff requests that the City Council determine that the proposed amendments contained in the attached ordinances are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15308 of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment and that an exemption exists for actions by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of 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. Furthermore, these amendments serve to address SB 1383, which is intended to protect the environment from climate pollutants, and as such, are also exempt from CEQA.

PUBLIC REVIEW

Notices of a public hearing were posted on the bulletin board outside City Hall and published in the *Daily Breeze* on October 22, 2021. As of the writing of this staff report, no comments from the public have been received concerning the proposed amendments.

PLANNING COMMISSION REVIEW

Ordinances that amend the zoning code must generally be submitted to the Planning Commission for their review and recommendation. At a public hearing held on October 13, 2021, the Planning Commission reviewed the draft ordinance and approved Resolution 21-13 recommending that the City Council adopt the proposed amendments pertaining to Chapter 17.88 pertaining to Water-Efficient Landscaping requirements. The other proposed amendments under Chapters 3 and 15 were not subject to Planning Commission review because they do not involve changes to the City’s zoning code.

LEGAL REVIEW

The City Attorney's office has reviewed the ordinance and has approved it as to form.

FISCAL IMPACT

There are no indefinable fiscal impacts to the City's General Fund associated with the proposed amendments.

CONCLUSION

The proposed amendments are mandated under SB 1383 which requires the City to develop regulations to reduce organic waste disposed in landfills by 75 percent by the year 2025. All of the proposed amendments are consistent with the City's General Plan and Municipal Code, and State law.

RECOMMENDATION

Staff recommends that the City Council do the following;

1. Conduct a public hearing;
2. Determine that amendments as set forth in the ordinance(s) are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) and 15308 of the CEQA Guidelines;
3. Request, for a reading by title only, Ordinance No. 1182-21, and move to introduce the ordinance by title only;
4. Request, for a reading by title only, Ordinance No. 1183-21, and move to introduce the ordinance by title only;
5. Request, for a reading by title only, Ordinance No. 1184-21, and move to introduce the ordinance by title only; and
6. Request, for a reading by title only, Ordinance No. 1185-21, and move to introduce the ordinance by title only.

ATTACHMENTS

1. Ordinance No. 1182-21
2. Ordinance No. 1183-21
3. Ordinance No. 1184-21
4. Ordinance No. 1185-21
5. Resolution No. CC-2111-046

ATTACHMENT 1
Ordinance No. 1182-21

ORDINANCE NO. 1182-21

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWDALE, CALIFORNIA ADDING
SECTION 3.08.150 TO THE LAWDALE MUNICIPAL CODE,
RELATING TO PURCHASING OF RECYCLED PAPER PRODUCTS.**

SUMMARY: This ordinance amends Section 3.08.150 of the Lawndale Municipal Code, to address mandatory organic waste disposal reduction provisions related to the purchasing of recycled paper products, as required by Senate Bill 1383.

WHEREAS, in September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane emissions reduction targets representing the next step in California's environmental protection strategy; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane; and

WHEREAS, the SB 1383 regulations place requirements on multiple entities including cities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services, to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383 will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, SB 1383 further requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations; and

WHEREAS, the purpose of this ordinance is to implement such requirements set forth in SB 1383.

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 recitals above are true and correct.

SECTION 2. A new Section 3.08.150 is added to the Lawndale Municipal Code to read, in its entirety, as follows:

“3.08.150 Procurement Requirements for City Departments, Direct Service Providers, and Vendors

A. All vendors providing Paper Products and Printing and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent (30%), by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 10% of the total cost for non-recycled items.
2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
5. Provide records to the City's recordkeeping designee of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 308.150(a)(3) and 308.150(a)(4) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.
6. Maintain records required by 308.150(a)(5) for five (5) years.

B. Definitions

1. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
2. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

3. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61)."

SECTION 3. This Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 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. This ordinance would update the Lawndale Municipal Code in order to bring it into compliance with state law related to statewide organic waste disposal reduction and address climate change, and as such, is also exempt under CEQA Guidelines Section 15308, which exempts actions by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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 to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 20__.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1182-21 at its regular meeting held on the 1st day of November, 2021, and duly approved and adopted said ordinance at its regular meeting held on the ____ day of _____, 20__, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann-Gorman					
Bernadette Suarez					
Sirley Cuevas					

Erica Harbison, City Clerk

Date

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

ATTACHMENT 2
Ordinance No. 1183-21

ORDINANCE NO. 1183-21

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA AMENDING
CHAPTER 8.28 OF THE LAWNSDALE MUNICIPAL CODE,
RELATING TO WASTE REQUIREMENTS.**

SUMMARY: This ordinance amends Chapter 8.28 of the Lawnsdale Municipal Code, to address mandatory organic waste disposal reduction provisions related to the purchasing of recycled paper products, as required by Senate Bill 1383.

WHEREAS, in September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane emissions reduction targets representing the next step in California's environmental protection strategy; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane; and

WHEREAS, the SB 1383 regulations place requirements on multiple entities including cities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services, to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383 will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, SB 1383 further requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations; and

WHEREAS, the purpose of this ordinance is to implement such requirements set forth in SB 1383.

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 finds that the recitals above are true and correct.

SECTION 2. Chapter 8.28 is amended to read is amended to read, in its entirety, as set forth in Exhibit "A".

SECTION 3. This Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 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. This ordinance would update the Lawndale Municipal Code in order to bring it into compliance with state law related to statewide organic waste disposal reduction and address climate change, and as such, is also exempt under CEQA Guidelines Section 15308, which exempts actions by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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 to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 20__.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1183-21 at its regular meeting held on the 1st day of November, 2021, and duly approved and adopted said ordinance at its regular meeting held on the ____ day of _____, 20__, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann-Gorman					
Bernadette Suarez					
Sirley Cuevas					

Erica Harbison, City Clerk

Date

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

Exhibit “A”

Chapter 8.28 SOLID WASTE—COLLECTION AND MANAGEMENT

Article I. Definitions

8.28.010 Definitions.

A. “Alternative daily cover” or “ADC” has the same meaning as in Title 27 of the California Code of Regulations.

B. “Alternative intermediate cover” or “AIC” has the same meaning as in Title 27 of the California Code of Regulations.

C. “Bin” means a rigid container with hinged lids and wheels with a capacity of at least one (1) cubic yard and less than ten (10) cubic yards.

D. “Bulky items” means solid waste that cannot and/or would not typically be accommodated within a cart including specifically: furniture (including chairs, sofas, mattresses, and rugs); appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as “white goods”); residential wastes (including wood waste, tree branches, scrap wood, debris from building remodeling, rocks, sod and earth); electronic equipment (including stereos, televisions, computers and monitors, VCRs, microwaves and other similar items commonly known as “brown goods” and “e-waste”); and clothing. Bulky items do not include car bodies, tires, construction and demolition debris or items requiring more than two persons to remove. Other items not specifically included or excluded above will be collected provided that they are not more than eight feet in length, four feet in width, or more than 150 pounds. In the event a question ever arises as to whether a specific item or category of items meets the definition of bulky items, city shall be responsible to determine whether said definition shall apply, which determination shall be final and binding on the parties. ~~means an item of solid waste too large to fit in a cart on the premises, including but not limited to large household appliances, furniture, carpets, mattresses, televisions or other large electronic equipment, and green waste larger than six inches in diameter or six feet in length, such as tree stumps, trunks or branches.~~

E. “CalRecycle” means the State of California’s Department of Resources Recycling and Recovery, and, as this department was structured prior to January 1, 2010, the California Integrated Waste Management Board or CIWMB.

A-F. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

B-G. “Cart” means a ~~polyethylene wheeled plastic~~ container with a hinged lid and wheels serviced by an automated or semi-automated solid waste collection truck with a capacity of no less than 30- and no greater than 101- gallons.

H. “City” means the city of Lawndale and all territory within its jurisdictional boundaries.

C-I. “City manager” means the city enforcement official, chief operating officer, executive director, or other executive in charge or their authorized person(s) who is/are partially or whole responsible for enforcing this chapter or their designee.

J. “Collect” or “collection” means to take physical possession, and to transport and remove ~~solid~~ ~~wastediscarded materials~~ within and from property within the city.

K. “Commercial” refers to services performed at or for commercial premises.

D-L. “Commercial edible food generator” includes a tier one or a tier two commercial edible food generator or as otherwise defined in 14 CCR. For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR.

M. “Commercial premises” means premises upon which business activity is conducted, and any other premises not defined as residential premises, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding residential premises upon which business activities are

conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary herein, premises upon which the following uses are occurring shall be deemed to be commercial premises: assisted living facilities, convalescent homes, dormitories, extended stay motels, group residential facilities, group care facilities, hotels, and motels.

N. “Commercially generated recyclable materials” means recyclable materials generated at commercial and/or industrial property and separated by the waste generator for collection apart from refuse.

O. “Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed one hundred (100) cubic yards and seven hundred and fifty (750) square feet, as specified in 14 CCR; or, as otherwise defined by 14 CCR.

P. “Compliance review” means a review of records by a city to determine compliance with this chapter.

Q. “Compost” has the same meaning as in 14 CCR, which stated, as of the effective date of this chapter, that “compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

R. “Compostable plastics” or “compostable plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR. .

S. “Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR.

~~—“Construction and demolition debris” or “C&D” means any combination of inert building material and solid waste material resulting from building, construction, alteration, repair, or demolition, as defined in 22 CCR, including asphalt, brick, stone, cement, lumber, plaster, carpeting, drywall, plastic pipe, steel, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements or on any residential or commercial buildings or other structures. This term includes, but is not limited to, asphalt, concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging; roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps; and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.~~

~~E. “Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR.~~

T. “Construction and demolition debris” or “C&D” means any combination of inert building material and solid waste material resulting from building, construction, alteration, repair, or demolition, as defined in 22 CCR, including asphalt, brick, stone, cement, lumber, plaster, carpeting, drywall, plastic pipe, steel, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements or on any residential or commercial buildings or other structures. This term includes, but is not limited to, asphalt, concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging; roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps; and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.

~~F.—~~

U. “Containers” means all types of ~~solid-waste~~discarded materials receptacles, including carts, bins, and roll-off boxes.

V. “Customer” means the person having the care and control of any premises in the city receiving solid waste handling service from the franchisee pursuant to the terms of the franchise.

W. “Designee” means an entity that a city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this chapter as authorized in 14 CCR. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

G.X. “Discarded materials” means recyclable materials, organic materials, solid waste, and C&D placed by a generator in a collection container and/or at a location for the purposes of collection excluding excluded waste.

H.Y. “Disposal” means the ultimate disposition of solid waste collected at a landfill or otherwise in full regulatory compliance.

Z. “Divert/diversion” means to divert from disposal facilities or transformation facilities through source reduction, recycling, and composting, as provided in Section 41780 of California Public Resources Code as such act may be hereafter amended or superseded provided that divert or diversion shall include delivery to transformation facilities if the overall diversion achieved by the city is at a level where delivery to such facilities shall be considered diversion pursuant to the act.

AA. “Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR. For the purposes of this chapter or as otherwise defined in 14 CCR, “edible food” is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

BB. “Electronic waste or e-waste” means electronic equipment and includes, but is not limited to, stereos, televisions, computers and computer monitors, VCRs, cellular phones, fax machines, household copiers, computer printers, other items with electric plugs that are banned from landfilling, and other similar items commonly known as “brown goods.”

CC. “Enforcement action” means an action of the city to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

DD. “Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its waste generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, state, or federal law, regulation, or chapter, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in city, or its designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose city, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the city’s collection programs and the waste generator or customer has properly placed the materials for collection pursuant to instructions provided by city or its designee for collection services.

EE. “Franchise” means the special right granted by the city to an entity to provide ~~solid waste~~discarded materials services within the city.

FF. “Food distributor” means a company that distributes food to entities including, but not limited to supermarkets and grocery stores, or as otherwise defined in 14 CCR.

GG. “Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

HH. “Food recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR.

II. “Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR, including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR pursuant to 14 CCR.

JJ. If the definition in 14 CCR for food recovery organization differs from this definition, the definition in 14 CCR shall apply to this chapter.

KK. “Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined

in 14 CCR. A food recovery service is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR.

LL. "Food scraps" means all food such as, but not limited to fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

MM. "Food service provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR.

NN. "Food-soiled paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

OO. "Food waste" means all kitchen and food scraps, animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; food-soiled paper; fruit waste, grain waste, dairy waste, meat, and fish waste, which has been source separated from other solid waste. food waste is a subset of organic materials and excludes hazardous materials.

PP. "Food waste self-hauler" means a self-hauler who generates and hauls, utilizing their own employees and equipment, an average of one cubic yard or more per week, or 6,500 pounds or more per quarter of their own food waste to a location or facility that is not owned and operated by that self-hauler. Food waste self-haulers are a subset of self-haulers.

QQ. "Grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR.

RR. "Hauler route" means the designated itinerary or sequence of stops for each segment of the city's collection service area, or as otherwise defined in 14 CCR.

J-SS. "High diversion organic waste processing facility" means a facility that is in compliance with the reporting requirements of 14 CCR and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR for organic waste received from the "mixed waste organic collection stream" as defined in 14 CCR; or, as otherwise defined in 14 CCR.

~~K. "Green waste" means leaves, plants, grass clippings, tree trimmings, brush, tree and bush trunks and branches and other forms of organic waste generated from landscape and gardens, which are not hazardous waste.~~

~~L-TT. "Hazardous material" means any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State of California, or the United States Government. The term "hazardous material" includes, without limitation, any material or substance which is: (i) petroleum or oil or gas or any direct or derivate product or byproduct thereof; (ii) defined as a "hazardous waste," "extremely hazardous waste" or "restricted hazardous waste" under Section 25115, 25117 or 25122.7, or listed pursuant to Section 25140, of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law); (iii) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act); (iv) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Sections 25501(j) and (k) and 25501.1 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory); (v) defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances); (vi) "used oil" as defined under Section 25250.1 of the California Health and Safety Code; (vii) asbestos; (viii) listed under Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations, or defined as hazardous or extremely hazardous pursuant to Chapter 10 of Division 4.5 of Title 22 of the California Code of Regulations; (ix) defined as waste or a hazardous substance pursuant to the Porter-Cologne Act, Section 13050 of the California Water Code; (x) designated as a "toxic pollutant" pursuant to the Federal Water Pollution Control Act, 33 U.S.C. Section 1317; (xi) defined as "hazardous waste" pursuant to the Federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq. (42 U.S.C. Section 6903); (xii) defined as a "hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 6901; (xiii) defined as "hazardous~~

A violation of this chapter is punishable as an infraction pursuant to Section 1.08.030 of this code, punishable as a misdemeanor pursuant to Section 1.08.020 of this code, or punishable with an administrative citation pursuant to Section 1.11 of this code. Each day a violation of Chapter 8.28 exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation, as the case may be.

A. Penalty amounts for select administrative citations

The penalty levels for violations of Sections 8.28.020, 8.28.024, 8.28.025, 8.28.081, 8.28.082, 8.28.161, and/or 8.28.162. are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

B. Factors considered in determining penalty amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range pursuant to Section 8.28.210(A).

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

C. Compliance deadline extension considerations

City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the city is under a corrective action plan with CalRecycle pursuant to 14 CCR due to those deficiencies.

D. Appeals process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may seek a review of the decision by following the process prescribed in Section 1.11.060 of this code.

E. Education period for non-compliance with Sections 8.28.020, 8.28.024, 8.28.025, 8.28.081, 8.28.082, 8.28.161, and/or 8.28.162.

Beginning January 1, 2022 and through December 31, 2023, city will conduct inspections, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance with Sections 8.28.020, 8.28.024, 8.28.025, 8.28.081, 8.28.082, 8.28.161, and/or 8.28.162; of this chapter, and if city determines that waste generator, responsible party, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024. City may also conduct remote monitoring, if implemented, to determine compliance with this chapter.

F. Civil penalties for non-compliance with Sections Sections 8.28.020, 8.28.024, 8.28.025, 8.28.081, 8.28.082, 8.28.161, and/or 8.28.162.

Beginning January 1, 2024, if the city determines that a waste generator, responsible party, self-hauler, hauler,

tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this with Sections 8.28.020, 8.28.024, 8.28.025, 8.28.081, 8.28.082, 8.28.161, and/or 8.28.162. of this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this chapter, as needed.

G. Enforcement table

Table 1. List of Violations(Optional)

<u>Requirement</u>	<u>Description of Violation</u>
<u>Commercial business multi-family premises responsibility requirement</u>	<u>Responsible party for a commercial business or multi-family premises fails to provide or arrange for organic waste collection services consistent with city requirements and as outlined in this chapter, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.</u>
<u>Organic waste generator or responsible party requirement</u>	<u>Organic waste generator or responsible party fails to comply with requirements pursuant to this chapter.</u>
<u>Hauler requirement</u>	<u>A hauler providing single-family, multi-family or commercial collection service fails to transport discarded materials to a facility, operation, activity, or property that recovers organic waste, as prescribed by this chapter.</u>
<u>Hauler requirement</u>	<u>A hauler providing single-family, multi-family or commercial recyclable materials, organic materials, or solid waste collection service fails to obtain applicable approval issued by the city to haul recyclable materials, organic materials, or solid waste as prescribed by this chapter.</u>
<u>Hauler requirement</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the city, as prescribed by this chapter.</u>
<u>Self-hauler requirement</u>	<u>A waste generator or responsible party who is a self-hauler fails to comply with the requirements of this chapter.</u>
<u>Commercial edible food generator requirement</u>	<u>Tier one commercial edible food generator fails to arrange to recover the maximum amount of its edible food that would otherwise be disposed by establishing a contract or written agreement with a food recovery organization or food recovery service and/or fails to comply with other requirement of this chapter commencing Jan. 1, 2022.</u>
<u>Commercial edible food generator requirement</u>	<u>Tier two commercial edible food generator fails to arrange to recover the maximum amount of its edible food that would otherwise be disposed by establishing a contract or written agreement with a food recovery organization or food recovery service and/or fails to comply with other requirements of this chapter commencing Jan. 1, 2024.</u>

<u>Requirement</u>	<u>Description of Violation</u>
<u>Commercial edible food generator requirement</u>	<u>Tier one or tier two commercial edible food generator intentionally spoils edible food that is capable of being recovered by a food recovery organization or food recovery service.</u>
<u>Commercial business responsible party, multi-family premises responsible party, commercial edible food generator, food recovery organization or food recovery service</u>	<u>Failure to provide or arrange for access to an entity's premises for any inspection or investigation.</u>
<u>Recordkeeping requirements for commercial edible food generator</u>	<u>Tier one or tier two commercial edible food generator fails to keep records, as prescribed by Section 8.28.081 of this chapter.</u>
<u>Recordkeeping requirements for food recovery services and food recovery organizations</u>	<u>A food recovery organization or food recovery service that has established a contract or written agreement to collect or receive edible food directly from a commercial edible food generator pursuant to 14 CCR fails to keep records, as prescribed by Section 8.28.081 of this chapter.</u>

8.28.210 Violation – Penalty.

A violation of this ~~chaptersection~~ is punishable as an infraction pursuant to Section 1.08.030 of this code, ~~or~~ punishable as a misdemeanor pursuant to Section 1.08.020 of this code, **or punishable with an administrative citation pursuant to Section 1.11 of this code.** Each day a violation of Chapter 8.28 exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation, as the case may be.

8.28.215 Reward for information on the violation of Sections 8.28.090 or 8.28.140.

The city's director of public works may offer an award for information leading to the apprehension and/or conviction of any person(s) for the violation of Section 8.28.090 or 8.28.140. Such monetary reward must be authorized and offered by resolution of the city council and shall specify (if available) the location, date, and details of the violation as well as the amount of the monetary reward being offered. Any monetary award shall be paid not later than thirty calendar days from and after the filing of a criminal complaint against the person(s) accused of violating Section 8.28.090 or 8.28.140. Except as otherwise set forth in this section, the reward process for information on violations of Section 8.28.090 or 8.28.140 shall comply with Chapter 1.10 of this code.

8.28.220 Authority.

The city manager or designee shall have the authority to enforce the provisions of this Chapter 8.28. This authority shall be in addition to the authority granted to the chief of police, community development director and code enforcement officer pursuant to this code.

8.28.230 Civil action by solid waste collector.

Nothing in this Chapter 8.28 shall be deemed to limit the right of an authorized solid waste collector or any other person to bring a civil action as may be provided by state or federal law against any person who violates this chapter, or Section 41950 of the California Public Resources Code, nor shall a criminal conviction for any violation of this Chapter

8.28 exempt any person from a civil action brought by an authorized solid waste collector or any other person.

Article VII. Construction and Demolition Debris

8.28.250 Purpose.

The purpose of this article is to promote the recycling of construction and demolition debris which is recyclable and reusable, as defined in Section 8.28.260, to protect the public health, safety, and welfare and to meet the city's obligations under state law, including Assembly Bill 939 and the California Green Building Standards Code.

8.28.260 Definition of recyclable and reusable materials.

For the purposes of this article, "recyclable and reusable construction" or "demolition debris" means and includes any material which is any of the following:

- A. Masonry building materials and similar products generally used in construction including, but not limited to, asphalt, concrete, rock, stone, and brick;
- B. Materials including all dimensional lumber, fencing, or construction wood that has not been chemically treated, creosoted, CCA pressure treated, contaminated, or painted;
- C. Plant and land-clearing debris including trees, tree parts, shrubs, stumps, logs, brush, soil or any other type of plant or ~~green-wasteyard waste~~ that is cleared from a site for construction or other purpose;
- D. Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences;
- E. Roofing materials, including wood shingles, asphalt, stone, tile and slate-based roofing materials;
- F. Other salvageable materials including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bathtubs and appliances;
- G. Any other construction or demolition debris that is nonhazardous and available for recycling or reuse, as identified on the approved building plans issued by the city.

8.28.270 Minimum construction and demolition debris diversion requirements.

- A. All projects subject to this article, which shall be referred to as "covered projects," must reuse, recycle, or divert from landfills or disposal sites at least sixty-five percent of all demolition and construction debris generated unless a lower rate is approved by the city as a part of the project's waste reduction and recycling plan ("WRRP") required pursuant to Section 8.28.300.
- B. Diversion may be satisfied by any of the following methods:
 1. Documented on-site reuse of the construction and demolition debris.
 2. Documented delivery of construction and demolition debris to an approved recycling facility, as described in Section 8.28.310.
 3. Other methods approved by the city, as set forth on the approved plans issued by the city.

C. Nonresidential, newly constructed buildings shall reuse and/or recycle one hundred percent of plant and land-clearing debris including trees, stumps, rocks and associated vegetation and soils resulting from land clearing.

D. Nonresidential addition and alteration projects must also divert universal waste from landfills.

8.28.280 Compliance requirements.

A. Projects Subject to This Article. All construction, demolition, addition, alteration, and remodel projects within the city which require a building, demolition, or similar permit, and which are not otherwise excluded by Section 8.28.290 or subsection C of this section shall, at a minimum, divert the amount of construction and demolition debris mandated by Section 8.28.270(A) or the approved WRRP for the project from landfills and are covered projects. Demolition followed by construction on the same site which requires separate permits shall be considered two separate projects. Otherwise, concurrent permits at the same site are considered one project for the purposes of this article.

B. City-Sponsored Projects. Unless specifically exempted by the city, all city-sponsored construction and demolition projects shall be subject to the requirements of this article, including threshold limits, except that the city shall be exempt from paying a security deposit. The city may exempt any city-sponsored project, including any project of the redevelopment agency or housing authority, from the requirements of this article. Nevertheless, the city may require alternative diversion requirements for any city-sponsored project that has otherwise be exempted from the requirements of this article.

C. All Other Projects. All construction, addition, alteration, and remodel projects within the city that are below the thresholds for covered projects set forth in Section 8.28.290, or which are otherwise excluded from complying with this article as the result of having an approved WRRP, are nevertheless encouraged to divert at least fifty percent of all project-related construction and demolition debris.

8.28.290 Threshold requirements.

If a project meets any of the following thresholds, it is a covered project and must meet all requirements for covered projects set forth in this article.

A. Demolition and Construction Projects. All demolition projects and all newly constructed buildings are covered projects. Nonresidential addition, alteration, and repair projects are covered projects. Residential additions and alterations which increase the building footprint area, volume, or size are all covered projects. All covered projects are subject to the diversion requirements set forth in this article and require the submittal of a waste reduction and recycling plan prior to beginning any construction, remodeling or demolition activities. Failure to comply with any of the terms of this article shall subject the building/demolition permit applicant, or any party who was obligated to obtain a permit but failed to do so, to penalties as described in this article.

B. Deconstruction/Recovery Interval for Demolition Projects. Applicants for all demolition projects shall perform deconstruction and make materials available for salvage and reuse through sale or donation, in addition to other recycling methods. Every demolition project shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the applicant to recover the maximum feasible amount of designated recyclable and reusable materials prior to demolition. Recovered and salvaged designated recyclable and reusable material from every project shall be counted towards meeting the diversion requirement. Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be taken to re-use facilities for storage or sale. Receipts from recipients shall be obtained for material given away, as well as for items sold.

C. All permits for construction, remodeling, and/or demolition issued for a covered project shall be conditioned upon compliance with this article.

8.28.300 Waste reduction and recycling plans.

A. Except as otherwise specified in this article, each applicant who applies for a building or demolition permit for a covered project shall submit a waste reduction recycling plan (WRRP) on a form to be provided

by the city concurrent with his or her application for a building or demolition permit. No permit or exemption shall be issued for a covered project until a WRRP has been approved by the public works director or designee.

B. To be deemed complete, a WRRP shall contain the following information:

1. The estimated volume or weight of project waste to be generated identified by material type;
2. The maximum volume or weight of each type of material that can feasibly be diverted via reuse or recycling;
3. The vendor(s) that the applicant proposes to use to haul each type of material;
4. The volume or weight of each type of material that can be reused on site;
5. The volume or weight of each type of material that can be given away or sold on the premises;
6. The facility(ies) that each type of material will be hauled to, and the expected diversion rate per material type;
7. The estimated volume or weight of construction and demolition debris that will be disposed of as a part of the project per material type; and
8. Verification that universal waste from nonresidential addition and alteration projects will be properly disposed and diverted from landfills.

C. Because actual material weights are not available at this stage, estimates may be used. In estimating the volume or weight of materials identified in the WRRP, each applicant shall use the standardized conversion rates approved by the city for this purpose. If an applicant calculates the projected feasible diversion rate as described above, and finds that the rate does not meet the diversion goal, the applicant must submit additional information to the city which supports a request for approval of a lower diversion rate. If this documentation is not included, the WRRP shall be deemed incomplete.

D. Approval. No building or demolition permit shall be issued for any covered project unless and until the director of public works or designee has approved the WRRP. A WRRP shall not be required, however, where emergency demolition is required to protect public health or safety. The director of public works or designee shall only approve a WRRP if it is determined that all of the following conditions have been met:

1. The WRRP provides all of the information required by this article;
2. The WRRP indicates how the minimum diversion requirements of all construction and demolition debris generated by all covered projects will be diverted, or that an alternate diversion goal has been approved; and
3. The applicant has submitted the appropriate security deposit.

E. Non-approval. If the director of public works or designee determines that the WRRP is incomplete or fails to indicate how the minimum diversion requirements, or the alternative approved diversion goal, of all construction and demolition debris generated by the project will be diverted, the WRRP shall be returned to the applicant indicating either:

1. "Further explanation needed" with a statement of the type of additional information needed; or
2. "Disapproved" with a statement of reasons for the disapproval. When a WRRP has been disapproved, the director of public works, or designee, shall notify the building department to immediately stop processing the building or demolition permit application.

8.28.310 Certified recycling facilities.

A. The city may, but is not required to, approve certified recycling facilities, including facilities for recycling, composting, materials recovery and re-use facilities. Failure of the city to approve any recycling facility(ies) shall not relieve the duty to recycle construction demolition debris as required herein.

B. A facility may only be certified after the owner or operator of the facility submits documentation, satisfactory to the public works director or designee, indicating that:

1. The facility has obtained all applicable federal, state, and local permits, and is in full compliance with all applicable regulations; and

2. The percentage of waste from construction, demolition, and alteration activities that is actually diverted by such facility from landfill disposal meets a minimum percentage level determined by the city.

8.28.320 Application fee.

As a part of any application for, and prior to the issuance of, any building or demolition permit that involves the creation of construction or demolition debris, every applicant for a covered project, unless exempt, shall pay the city an application fee which will compensate the city for all expenses incurred in reviewing the applicant's WRRP and reviewing performance of the plan. The amount of such fee shall be established by a resolution of the city council and may be modified from time to time. This fee is nonrefundable and will not be returned in the event a permit is cancelled.

8.28.330 Diversion security deposit.

Each applicant for a permit for a covered project shall concurrently remit a security deposit in the amount equal to three percent (3%) of the first one hundred thousand dollars (\$100,000), two percent (2%) of next four hundred thousand dollars (\$400,000), one percent (1%) of the next five hundred thousand dollars (\$500,000) and one-fourth percent (.25%) for amount over one million dollars (\$1,000,000), of the estimated value of the project. The security deposit may be paid via cash, cashier's check, personal check or money order.

8.28.340 Exemptions from WRRP and security deposit requirements.

- A. Neither a WRRP nor a security deposit shall be required for any of the following types of projects:
1. Work which only requires a plumbing, electrical, or mechanical permit;
 2. A seismic tie-down project;
 3. A roofing project which does not include tearing-off of an existing roof;
 4. The installation of new fencing, but not replacement of existing fencing;
 5. The installation of pre-fabricated patio enclosures and covers when no foundation or other structural building modifications are required;
 6. The installation of pre-fabricated accessories such as signs or antennas which do not require structural building modifications;
 7. City-sponsored projects that have been specifically exempted by the city;
 8. Emergency demolition which is necessary to protect the public health and safety;
 9. Projects, as determined by the public works director or designee, not generating construction or demolition debris.

8.28.350 Refund of security deposit.

- A. The director of public works may authorize the refund of a security deposit which was erroneously paid or collected, or any portion of a security deposit erroneously given in excess of the required amount.
- B. The director of public works may authorize the full refund of a security deposit when a permit application is withdrawn or cancelled before any work has begun.
- C. The director of public works may authorize the full refund of a security deposit when the applicant has satisfactorily submitted the report required by Section 8.28.370 and that the director of public works has verified at least the minimum diversion requirements have been met.
- D. If the director of public works determines that the diversion requirement for a specific project has not been

achieved, he or she shall determine, on a case-by-case basis whether the applicant has made a good faith effort to comply with this article. In the director of public work's sole discretion, the director of public works may authorize a partial refund of a security deposit when less than the minimum diversion requirement is met. The partial refund shall not exceed that portion of the security deposit that is in the same ratio as the demonstrated amount of diverted waste.

E. Any security deposit, or portion thereof, that is returned will be returned without interest.

F. A security deposit for which a refund has not been requested will be forfeited sixty days after issuance of the certificate of occupancy or sixty days after expiration of a permit if the required WRRP has not been completed and submitted to the city.

G. When a security deposit has been forfeited as the result of an expired permit on a suspended project, if new permits are issued for the completion of the same project within one year of the prior permit's expiration, the permittee may request that the forfeited security deposit be applied to the new permit if the permittee has retained all documentation of recycling and disposal for the entire project. Upon receipt of such a request, the decision to authorize or deny this request shall be in the sole discretion of the public works director, or designee.

8.28.360 Forfeiture and city use of security deposit.

A. If the director of public works determines that an applicant has not made a good faith effort to comply with this article, or if an applicant fails to submit the documentation required by Section 8.28.370 within the required period, the security deposit shall be forfeited.

B. Forfeited security deposits shall be used by the city for ~~solid waste~~discarded materials and recycling related purposes including, but not limited to:

1. Planning, implementing, or promoting solid waste diversion programs;
2. Developing or improving the infrastructure needed to divert waste from landfills;
3. Educating generators and handlers of solid waste in the city regarding ~~solid waste~~discarded materials recycling and disposal alternatives;
4. Reviewing the accuracy of solid waste collector's reports, WRRPs and other ~~solid waste~~discarded materials records.

8.28.370 Reporting.

A. Within sixty days following the completion of a covered project, the applicant shall, as a condition precedent to release of its security deposit, submit to the public works director documentation of its compliance with this article or the applicable WRRP. Necessary documentation includes a final completed "construction and demolition debris recycling and disposal report summary" which lists the actual tonnage of materials removed, recycled and diverted, supported by original receipts and weight tags or other records of measurement from recycling companies, contractors and/or landfill and disposal companies (this form is included with the building permit application). Receipts and weight tags shall be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged, or otherwise disposed of.

B. If a project involves both demolition and construction, and the applicant has not met the diversion requirement for demolition, the public works director or designee may, in addition to other remedies set forth in this article, require a higher percentage of diversion for construction than that amount required by Section 8.28.270, provided that the higher percentage is no higher than the shortfall in diversion from demolition. In the alternative, the applicant may submit a letter, signed under penalty of perjury, stating that no designated recyclable or reusable materials were generated from the demolition project. This statement shall be verified by the public works director or designee.

8.28.380 Appeal—Construction and demolition debris diversion requirements.

Upon payment of an appeal fee in an amount established by a resolution of the city council, which may be amended from time to time, the applicant may appeal to the city manager a decision of the director of public works to deny an exemption or withhold all or any portion of a security deposit. Notice of appeal from the decision of the director of publicworks must be filed with the city manager's office within ten calendar days of the date of the decision being appealed.

The notice of appeal shall set forth in concise language the particular decision or decisions complained of and the reasonwhy the person feels aggrieved thereby. Failure to file a notice of appeal within the time prescribed herein constitutes a waiver of any objection to the decision(s) of the director of public works and such decision(s) shall be final; otherwise, the decision of the city manager is final.

8.28.390 Enforcement of this article.

A. Any violation of this article is punishable as a misdemeanor pursuant to Chapter 1.08 of this code.

B. In addition to the penalties herein, if violations of the provisions of this article exist in connection with a coveredproject requiring completion of a WRRP, the city may use various administrative measures to ensure compliance, including, but are not limited to:

1. Withholding a permit or a certificate of occupancy for a project until all violations have been corrected;
2. Issuing a stop work notice until all violations have been corrected;
3. Stopping all inspections for the project until all violations have been corrected; and
4. Applying any other civil or criminal penalties or liabilities recommended by the city attorney.

Article VIII. Effective Date

8.28.400 Effective date.

This ordinance shall be effective commencing January 1, 2022.

ATTACHMENT 3
Ordinance No. 1184-21

ORDINANCE NO. 1184-21

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA ADDING
SECTION 15.28.051 TO THE LAWNSDALE MUNICIPAL CODE,
RELATING TO ACCESSIBLE AREAS FOR RECYCLING AND ORGANICS IN
DEVELOPMENTS.**

SUMMARY: This ordinance adds Section 15.28.051 of the Lawnsdale Municipal Code, to address mandatory organic waste disposal reduction provisions related to accessible areas for recycling and organics in developments, as required by Senate Bill 1383.

WHEREAS, in September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane emissions reduction targets representing the next step in California's environmental protection strategy; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane; and

WHEREAS, the SB 1383 regulations place requirements on multiple entities including cities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services, to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383 will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, SB 1383 further requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations; and

WHEREAS, the City has already adopted some sections related to CALGreen Building Standards; and

WHEREAS, the purpose of this ordinance is to implement such additional provisions related to accessible areas for recycling and organics in developments, as required by SB 1383.

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 finds that the recitals above are true and correct.

SECTION 2. Section 15.28.051 is added to Chapter 15.28 (Green Building Standards Code) as follows:

“15.28.051 Accessible Areas for Recycling.

As more fully described below, the Building Official, and permittees, shall ensure adequate space for recycling is incorporated into building plans as required by the California Code of Regulations, Title 23, the California Green Building Standards Code, Chapter 4 Residential Mandatory Measures, and Chapter 5 Nonresidential Mandatory Measures.

A. 4.410.2 Recycling by Occupants. Pursuant to Sections 4.408.1 and 4.410.2 of the California Green Building Standards Code, 24 CCR, Part 11, where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and are identified for the depositing, storage and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.

B. 5.410.1 Recycling by Occupants. Pursuant to Sections 5.408.1 and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11, provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive.

C. 5.410.1.1 Additions. Pursuant to Sections 5.408.1 and 5.410.1.1 of the California Green Building Standards Code, 24 CCR, Part 11, all additions conducted within a 12-month period under single or multiple permits, resulting in an increase of 30 percent or more in floor area, shall provide recycling areas on site.”

SECTION 3. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to 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. This ordinance would update the Lawndale Municipal Code in order to bring it into compliance with state law related to statewide organic waste disposal reduction and address climate change, and as such, is also exempt under CEQA Guidelines Section 15308, which exempts actions by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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 to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 20__.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1184-21 at its regular meeting held on the 1st day of November, 2021, and duly approved and adopted said ordinance at its regular meeting held on the ____ day of _____, 20__, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann-Gorman					
Bernadette Suarez					
Sirley Cuevas					

Erica Harbison, City Clerk

Date

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

ATTACHMENT 4
Ordinance No. 1185-21

ORDINANCE NO. 1185-21

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA AMENDING CHAPTER 17.88 OF THE
LAWNSDALE MUNICIPAL CODE,
PERTAINING TO MODEL WATER EFFICIENCY LANDSCAPING ORDINANCE**

SUMMARY: This ordinance amends Chapter 17.88 of the Lawnsdale Municipal Code, to address mandatory organic waste disposal reduction provisions related to the MWELO (Model Water Efficient Landscape Ordinance), as required by Senate Bill 1383.

WHEREAS, in September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane emissions reduction targets representing the next step in California's environmental protection strategy; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane; and

WHEREAS, the SB 1383 regulations place requirements on multiple entities including cities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services, to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383 will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, SB 1383 further requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations; and

WHEREAS, any ordinance that amends the zoning code must generally be submitted to the Planning Commission for their review and recommendation; and

WHEREAS, this ordinance amends the zoning code to incorporate the MWELO requirements under SB 1383; and

WHEREAS, at a public hearing held on October 13, 2021, the Planning Commission reviewed this ordinance and approved Resolution 21-13, recommending that the City Council adopt the ordinance; and

WHEREAS, the City Council, after notice duly given as required by law, held a public hearing on November 1, 2021 in the City Hall council chamber located at 14717 Burin Avenue, Lawnsdale, California, to consider this matter; and

WHEREAS, the purpose of this ordinance is to implement the MWELO-related requirements set forth in SB 1383 and as recommended by the Planning Commission.

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

SECTION 1. The City Council of the City of Lawndale finds that the recitals above are true and correct, and that the changes to the zoning code of the City of Lawndale made by this ordinance are consistent with the General Plan of the City of Lawndale

SECTION 2. Section 17.88.020, of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions marked in ~~striketrough~~, additions in ***bold and italics***):

“This chapter shall apply to all new and substantially altered or expanded existing development projects, except that the following projects shall be exempt from this chapter:

- A. Development projects containing less than ~~two thousand~~ five hundred square feet of new or ***less than two thousand five hundred square feet of*** renovated irrigated landscaped area;
- B. Homeowner-provided landscaping for a single-family lot or for a private yard within a multifamily development;
- C. Cemeteries;
- D. Registered or city-designated historic districts, sites, and structures;
- E. Ecological restoration projects that do not require a permanent irrigation system;
- F. Landscaping that is irrigated solely with reclaimed water or well water, where an irrigation connection to the city water is not proposed;
- G. Public parks and recreation areas, golf courses, and school playgrounds.”

SECTION 3. Section 17.88.030, of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions marked in ~~striketrough~~, additions in ***bold and italics***):

- A. “Anti-drain valve” means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- B. “Application rate” means the depth of water applied to a given area, usually measured in inches per hour.
- C. “Applied water” means the portion of water supplied by the irrigation system to the landscape.
- D. “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

E. “Bubbler” means an irrigation head that delivers water to the root zone by flooding the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern.

F. “Compost” is as defined in 14 CCR Section 17896.2(a)(4), and includes product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

~~F~~G. “Conversion factor (0.62)” means a number that converts the landscape water allowance and estimated water use from acre-inches per acre to gallons per square foot per year.

~~G~~H. “Drip emitter” means drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

~~H~~I. “Drought-tolerant plant” means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

~~I~~J. “Estimated landscape water use” means the annual total amount of water estimated to be needed to keep the plants in the landscape area healthy. It is based upon the local reference evapotranspiration rate, the size of the landscape area, the types of plants, and the efficiency of the irrigation system, as described in Section 17.88.070.

~~J~~K. “ET adjustment factor” means a factor applied to reference evapotranspiration, that adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. For the purpose of this chapter, the plant factor shall be 0.5 and irrigation efficiency shall be 0.625. Therefore, ET Adjustment Factor $(0.5/0.625) = 0.8$.

~~K~~L. “Evapotranspiration” means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month, or year.

~~L~~M. “Flow rate” means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

~~M~~N. “Hydrozone” means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone.

~~N~~O. “Irrigated landscaped area” means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

ΘP. “Irrigation efficiency” means the measurement of the amount of water beneficially used by plants divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this chapter is 0.625. Greater irrigation efficiency can be expected from well designed and maintained systems.

ΡQ. “Landscape area” means the parcel minus building pad(s), driveways, parking areas, impervious hardscapes such as decks and patios, and other nonporous walkways and natural areas. A natural area is one occupied by mature plants, native or acclimated plants growing on undisturbed grades, and which is not irrigated.

QR. “Maximum applied water allowance” means, for design purposes, the upper limit of annual applied water for the established landscaped area as specified in Section 17.88.070. It is based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

RS. “Mulch” means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evaporation.

ST. “Nondrought-tolerant plant” means a plant which will require regular irrigation for adequate appearance, growth, and disease resistance.

ΤU. “Plant factor” means a factor that, when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this chapter, the average plant factor of low water using plants is 0.3, for moderate water using plants is 0.5, and for high water using plants is 0.7.

UV. “Precipitation rate” means the depth of water applied to a given area, usually measured in inches per hour.

∇W. “Rain shutoff or rain sensing device” means a device wired to the automatic controller that shuts off the irrigation system when it rains.

WX. “Recycled water,” or “reclaimed water” or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation, not intended for human consumption.

XY. “Reference evapotranspiration (ET)” means a standard measurement of environmental parameters which affect the water use of plants. ET is measured in inches per day, month, or year and is derived from measurements of evapotranspiration from a test plot of four to seven-inch tall turf in an open field that is well-watered. The historic ET for the Lawndale area is approximately forty-three inches per year.

YZ. “Spray sprinkler” means an irrigation head that sprays water through a nozzle.

~~ZAA~~. "Stream sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.

~~AAAB~~. "Turf" means a surface layer of earth containing mowed grass with its roots."

SECTION 4. Section 17.88.120 of the Lawndale Municipal Code is amended to read, in its entirety, as follows (deletions marked in strikethrough, additions in bold and italics):

"A. Estimated Landscape Water Use. The estimated landscape water use (ELWU) shall not exceed the maximum applied water allowance (MAWA), as determined in subsections A and B of Section 17.88.070. This standard shall not apply to developer-installed front yard landscaping on single-family lots.

B. Plant Selection. Plants selected for nonturf areas shall consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.

C. Turf Limitation and Type. Turf shall be a variety with a water requirement less than or equal to tall fescue. Exceptions may be granted where turf will be added contiguous to an existing turf area. Turf shall not be installed on slopes exceeding fifteen percent, unless justified to match existing conditions or surrounding development. Developer-installed front yard landscaping on single-family lots shall be limited to fifty percent turf.

D. Mulch. After completion of all planting, all irrigated nonturf areas shall be covered with a minimum ~~two~~ **three**-inch layer of wood chip or bark to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch."

SECTION 5. Section 17.88.125 is added to the Lawndale Municipal Code, as follows:

"17.88.125 Compost and Mulch.

A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (residential, public, institutional, or commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscaping Ordinance (MWELO), including sections related to use of compost and mulch as delineated in this section.

B. The following compost and mulch use requirements that are part of the MWELO are now also included as requirements of this section. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section (a) above shall:

1. Comply with 23 CCR, Division 2, Chapter 2.7, Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

(a) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.

(b) For landscape installations, a minimum three- (3) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(c) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

2. The MWELO compliance items listed in this section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in shall consult the full MWELO for all requirements.

D. If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires City to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall govern and be enforced.

SECTION 6. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to 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. This ordinance would update Title 17 of the Lawndale Municipal Code in order to bring it into compliance with state law in relation to MWELO requirements, and as such, is also exempt under CEQA Guidelines Section 15308, which exempts actions by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 20__.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1185-21 at its regular meeting held on the 1st day of November, 2021, and duly approved and adopted said ordinance at its regular meeting held on the ____ day of _____, 20__, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Rhonda Hofmann-Gorman					
Bernadette Suarez					
Sirley Cuevas					

Erica Harbison, City Clerk

Date

APPROVED AS TO FORM:

Gregory M. Murphy, City Attorney

ATTACHMENT 5
Resolution No. CC-2111-046

RESOLUTION NO. CC-2111-046

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
ADOPTING AN UPDATED VERSION OF COUNCIL POLICY NO. 53-00,
INCORPORATING PURCHASING PROVISIONS IN COMPLIANCE WITH SB 1383**

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

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

WHEREAS, the City Council previously adopted a purchasing policy to establish guidelines, in addition to those set forth in the Lawndale Municipal Code, for the purchase of supplies, goods, and services; and

WHEREAS, the City Council has determined that there is a need to include a new policy with the procurement requirements to be in compliance with Senate Bill 1383.

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

SECTION 1. That the City Council approves an amended and restated version of Policy No. 53-00, entitled "Purchasing Policy", a copy of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. The City Clerk's Department is directed to replace said policy into the Council Policy Manual with this updated version.

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

PASSED, APPROVED AND ADOPTED this 1st day of November, 2021.

Robert Pullen-Miles, Mayor

ATTEST:

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

I, Erica Harbison, 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-2111-046 at a regular meeting of said Council held on the 1st day of November, 2021, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor					
Pat Kearney, Mayor Pro Tem					
Bernadette Suarez					
Rhonda Hofmann Gorman					
Sirley Cuevas					

 Erica Harbison, City Clerk

APPROVED AS TO FORM:

 Gregory M. Murphy, City Attorney

Exhibit A

COUNCIL POLICY

<u>SUBJECT:</u> Purchasing Policy	<u>POLICY NO.:</u> 53-00	<u>DATE ADOPTED:</u> 10/2/00
	<u>AUTHORITY:</u> Resolution No. CC-0009-96 Resolution No. CC-1806-027 Resolution No. CC-1811-046 Resolution No. CC-2110-044 <u>Resolution No. CC-2111-046</u>	6/25/18 11/5/18 10/18/21 <u>11/1/2021</u>

PURPOSE:

Lawndale Municipal Code (LMC) Section 3.08 establishes a complete legal framework for the purchasing system, elements of which are delineated in this Council Policy.

The purchasing system establishes procedures for the purchase of supplies, services and equipment; it secures acquisitions at the lowest possible price commensurate with quality required; it creates financial controls; it clearly defines authority for the purchasing function; and it seeks to ensure the quality of purchases.

POLICIES:

- I. The City's purchasing operation shall obtain goods, services, and contracts at the best quality and lowest price through an open, fair and competitive process.
- II. Excluded from this Policy is the purchase of supplies, services and equipment that are included within the specification of a "Public Works" construction project. Such acquisitions are subject to the regulations contained in the California Public Contract Code.
- III. The City Manager is the City's purchasing officer and has ultimate administrative oversight of all purchases. The City Manager may delegate day to day administrative authority to the Finance Director to carry out all purchasing functions as Finance is the appropriate department for this measure.
- IV. Exceptions to bidding for supplies and equipment may be permitted by the purchasing officer in the following situations: emergency, sole source, cooperative purchasing, or for fuel purchase, per LMC Section 3.08.110. Each exception must be documented in a writing signed by the purchasing officer.
- V. Every procurement, whether by contract or otherwise must also include a payment voucher and purchase requisition initiated by the applicable department head.
- VI. Whenever a funding source (i.e., special revenue funds, grants) imposes stricter purchasing requirements than the City's purchasing regulations, the stricter requirements must be followed.
- VII. The City utilizes local preference for purchases. Purchases from Lawndale vendors are strongly encouraged where competitive prices and quality exist. With all specifications and

conditions equal except price, a preference will be given to in-city vendors equal to 1% of the quoted price when General Fund monies are used. The rationale for the preference is that 1% of the sales tax on most acquisitions returns to the City's General Fund as revenue.

VIII. The City must procure ors purchases products that contain minimum recycled content and recyclability in accordance with; and follows the Senate Bill 1383 requirements on product recyclability and recordkeeping.

PROCEDURES:

1. City Council Award (City Council Award: \$greater than \$25,000)
 - a. Formal bidding procedures and a written contract are required for purchase of goods and services in amounts greater than \$25,000.
 - b. See LMC Section 3.08.120 and 3.08.130.
 - c. The lowest bidder able to provide the required goods and/or services will be recommended to the City Council for contract award. In the case of service contracts, factors other than price may be used in determining contract award.
 - d. Following award, a purchase order must be delivered to the finance department.

2. City Manager May Award after Bidding: (Between >\$5,000 and \$25,000)
 - a. Three formal bids are required for purchase of goods and three proposals for services in amounts between >\$5,000 and up to \$25,000.
 - b. See LMC Section 3.08.120 and 3.08.130.
 - c. The lowest bidder able to provide the required goods will be recommended to the City Council for contract award. In the case of service contracts, factors other than price may be used in determining contract award.
 - d. Requires a written contract which may be approved by the City Manager if funds have been appropriated for this use.
 - e. Following approval, a purchase order must be delivered to the finance department.
 - f. During a state of emergency or unforeseen catastrophe the \$25,000 limit may be exceeded.

3. Department Head May Award after Bidding: Between >\$1,000 and \$5,000
 - a. Three bids are required for the purchase of goods and services in amounts of >\$1,000 and up to \$5,000.
 - b. See LMC Sections 3.08.120 and 3.08.130 regarding formal bids.
 - c. Award is to the lowest bidder able to provide the required goods. In the case of service contracts, factors other than price may be used in determining contract award.
 - d. Requires a written agreement for services, purchase order for goods, which may be approved by the Department Head when authorized in writing by the City Manager and if funds have been appropriated for this use.
 - e. Following approval, a purchases order must be delivered to the finance department.

4. Department Award No Formal Bidding Required: \$1,000 or Less

- a. Three formal bids are not required for purchase of goods and services in amounts up to \$1,000. However, obtaining informal bids (e.g. from internet) is still an advisable practice.
- b. The applicable Department Head can approve any payment voucher for \$1,000 or less when funds have been appropriated for this use.
- c. No purchase order is required. However, a Payment Voucher with the matching invoice must be submitted and signed by the department director.

REGULATIONS FOR PROCUREMENTS OF PROPERTY OR SERVICES UTILIZING FEDERAL FUNDING:

- A. This section will apply to the awarding of sub-grants and contracts by the City for projects using federal grant funding. This includes the award of sub-grants and contracts by the City stemming from state, county, or other non-federal government entity grants originating as federal grants.
- B. Procurement Standards.
 1. The City has these standards to ensure contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.
 2. The City has a written conflict of interest code which governs the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer or agent of the City will participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - a. The employee, officer or agent;
 - b. Any member of his or her immediate family;
 - c. His or her partner; or
 - d. An organization which employs, or is about to employ, any of the above, has a financial or other interest in or a tangible personal benefit from a firm considered for award.
 3. The City's officers, employees or agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. A conflict does not arise where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. Disciplinary action will be applied to any violations of these standards by officers, employees, or agents of the City.
 4. The City will not enter into a contract with a non-Federal entity that has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, unless the non-Federal entity maintains written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest mean due to relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
 5. The City will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economic purchase.

Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

6. The City will consider entering into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

7. The City will consider using Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

8. The City will consider using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure its essential function is provided at the overall lower cost.

9. The City will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the contract price.

10. The City will use time and material type contracts only:

- a. After a determination is made that no other contract is suitable; and
- b. If the contract includes a ceiling price such that the contractor exceeds at their own risk.

11. The City alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibilities under its contracts.

C. Competition.

1. The City will conduct procurement transactions in a manner providing full and open competition. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors developing or drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for such procurements.

2. The City will not use statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, unless applicable Federal statutes expressly require or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

3. All procurement solicitations must:

- a. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive

procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, will set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors will be clearly stated; and

- b. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

4. The City will ensure prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The City will not preclude potential bidders from qualifying during the solicitation period.

D. Methods of Procurement to be followed. The City will use one of the following methods of procurement:

1. Procurement by Micro-Purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold as set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and adjusted periodically for inflation. As of the date of this policy, the micro-purchase threshold is \$3,500.

2. Procurement by Small Purchase Procedures. Small purchase procedures are relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold as set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908 and periodically adjusted for inflation. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. As of the date of this policy, the simplified acquisition threshold is \$150,000. For purchases exceeding fifty thousand (\$50,000), City Council approval is required.

3. Procurement by Sealed Bids (Formal Advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

- a. For sealed bidding to be feasible, the following conditions should be present:
 - (1) A complete, adequate, and realistic specification or purchase description is available;
 - (2) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (3) The procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally based on price.
- b. If sealed bids are used, the following requirements apply:

- (1) The invitation for bids will be publicly advertised and bids will be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;
- (2) The invitation for bids, which will include any specifications and pertinent attachments, will define the items or services for the bidder to properly respond;
- (3) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- (4) A firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs will be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (5) If there is a sound documented reason, any or all bids may be rejected.

4. Procurement by Competitive Proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals will be publicized and identify all evaluation factors including relative importance. Any response to publicized requests for proposals must be honored to the maximum extent practical;
- b. Proposals will be solicited from an adequate number of qualified sources;
- c. The City will conduct technical evaluations of the proposals received and for selecting awardees;
- d. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The City may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances applies:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in a written request from the City; or
- d. After solicitation of multiple sources, competition is determined inadequate.

6. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

- a. The City will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- b. Affirmative steps include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subsections 6.b.(1) through (6) of this section.

7. Contracts Cost and Price.

- a. The City will perform a cost or price analysis in every procurement action exceeding the simplified acquisition threshold including contract modifications. The method and degree of analysis will be dependent on the facts surrounding each procurement situation. As a starting point, the City will make independent estimates before receiving bids or proposals.
- b. Costs or prices based on estimated costs for contracts under the Federal award will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under Subpart E – Cost Principles of Title 2, Subtitle A, Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).
- c. The cost plus a percentage of cost and percentage of construction cost methods of contracting will not be used.

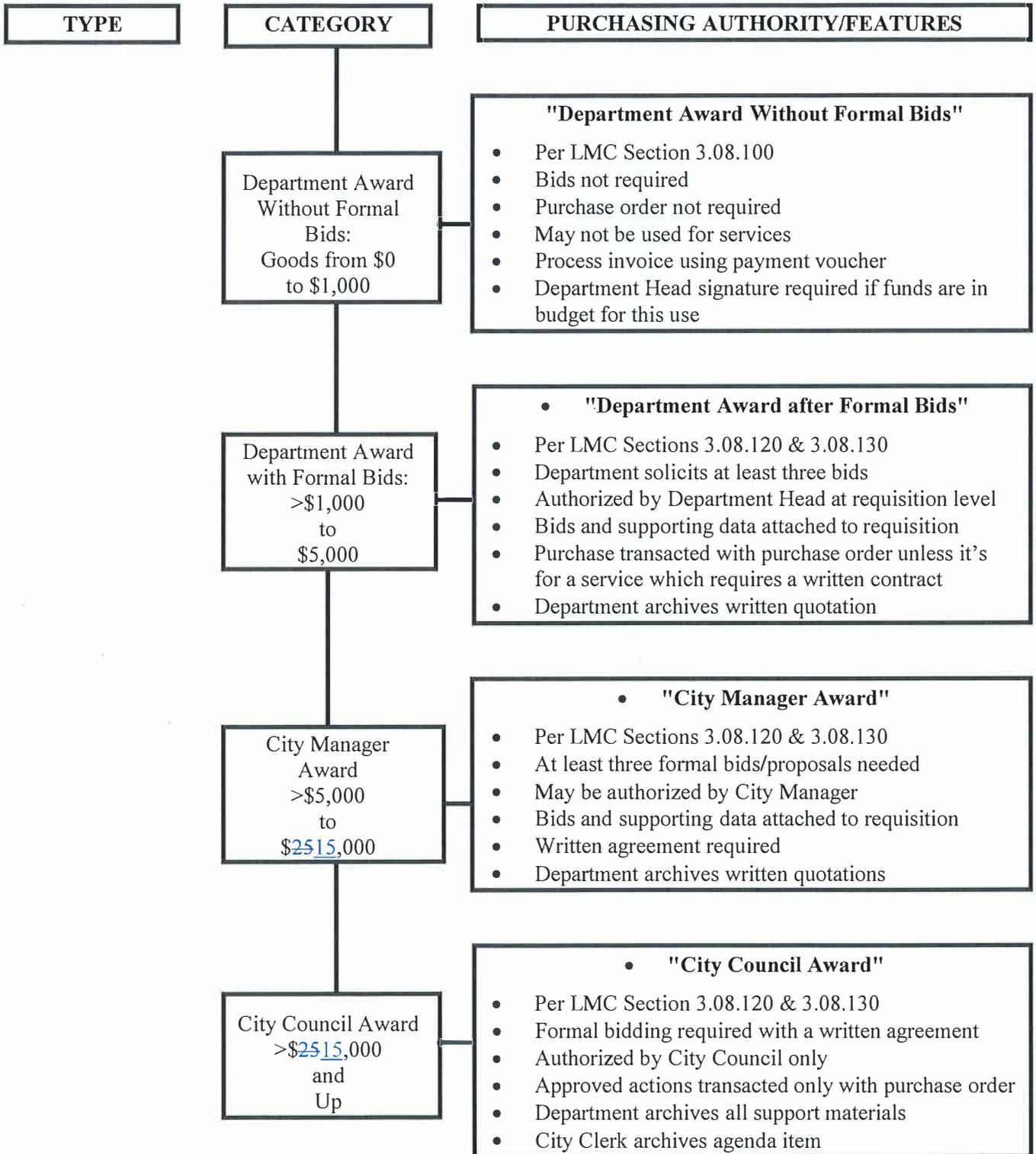
8. Federal Awarding Agency or Pass-Through Entity Review.

- a. The City will make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for purchase.
- b. The City will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposal or invitations for bids, or independent cost estimates when:
 - (1) The City's procurement procedures or operation fails to comply with the procurement standards of Title 2, Subtitle A, Part 200, Subsection 200.324;
 - (2) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;

- (4) The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement;
or
 - (5) A proposed modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.
 - c. The City may be exempted from the pre-procurement review in subsection 8.b. above if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards set forth in Title 2, Subtitle A, Part 200, or the City self-certifies compliance with such standards if self-certification is permitted by the Federal awarding agency or pass-through entity.
- 9. Bonding Requirements. The City will require bid guarantees, performance bonds, and payment bonds consistent with Title 2, Part 200, Section 200.325 of the Code of Federal Regulations.
- 10. Contract Provisions. The City's contracts will contain the provisions in Appendix II to Title 2, Subtitle A, Part 200 – Contract Provisions for non-Federal Entity Contracts Under Federal Awards, as applicable.

LAWNDALE PURCHASING POLICY OVERVIEW

These are general guidelines for acquisition of supplies, equipment, operating and maintenance services, and construction projects other than "Public Works Projects". The evaluation and selection procedures for certain goods and services may vary on a case-by-case basis.



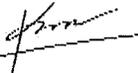


CITY OF LAWDALE

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

DATE: November 1, 2021

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

PREPARED BY: Michael Reyes, Director of Municipal Services 

SUBJECT: **Updated Illegal Fireworks Suppression Plan for 2022**

BACKGROUND

The City of Lawndale, like many municipalities is challenged in the days and months leading up to the July 4th holiday with an onslaught of illegal fireworks being used which create noise pollution, air congestion, and a general disturbance for the community. While the City Council wishes to continue the use and sales of legal, safe and sane fireworks, the City Council has expressed their strong desire to limit the amount of illegal fireworks being used each year, and also to enforce against those violators that are causing disturbances in the community through the sale and use of illegal fireworks.

STAFF REVIEW

A presentation to City Council in February 2021 proposed several concepts for addressing illegal firework use for the July 4 holiday, and after several drafts the Illegal Fireworks Suppression Plan was adopted and put into use ahead of the July 4, 2021 holiday. Lessons learned from the first Fireworks Suppression Plan in 2021, gave City staff and law enforcement new insight into what was effective in limiting illegal fireworks use and what could be changed for the upcoming July 4, 2022 holiday.

The following concepts have been discussed with the City Attorney in regards to their legality, and with the Sheriff's Department regarding safety and practicality for our deputies, and it has been determined that implementation of the following steps will reduce the presence of illegal fireworks leading up to and through the July 4, 2022 holiday.

Most effective practices

- Undercover vehicles used by overtime deputies. This allowed deputies to observe violating parties engaging in illegal fireworks usage for several minutes before making contact with the violating parties.
- Introduction of Administrative Citations rather than Criminal Citations to cite violators. This allowed violators to be given citations without having the citations being overturned by judges or the courts.
- Aggressive information campaign to inform residents of undercover enforcement and citations. Information about the Illegal Fireworks Suppression Plan was put on all City social media platforms and on the City's cable channel to insure that the messaging was clear that illegal

fireworks were not tolerated in Lawndale. Additionally, the City used other methods to make residents aware of the pending illegal fireworks enforcement including street banners across Hawthorne Blvd., electronic message boards on trailers, letters sent to property owners and tenants, and information about the plan was put into the Lawndalian.

- Passage of Ordinance allowing homeowners to be held liable for actions of their tenants on their property. This allowed deputies greater freedom in issuing citations and also made it safer for deputies in that they could avoid confrontations with residents angry about being issued citations.

Suggested changes to Illegal Fireworks Suppression Plan 2022

- Starting the Special Assignment Officer's (SAOs) on fireworks detail two months prior to the July 4th holiday yielded only two citations during the entire seven weeks on this adjusted schedule. Staff recommends keeping the SAOs on their regular day shift until one week prior to July 4th 2022. SAOs will work an evening shift starting on Tuesday, June 28th and remain on this shift for one week until Tuesday, July 5th.
- Undercover overtime deputies will be brought on for four days starting on Saturday, July 2nd through Tuesday, July 5th. Undercover deputies will be in unmarked undercover vehicles for the duration of their shifts. During the 2021 Illegal Fireworks Suppression Plan undercover vehicles were being identified as undercover on social media by violating parties who received citations. To combat this, staff will coordinate with a car rental agency to rotate different cars for the deputies to use for each of the four days of the plan.
- Deputies advised that residents expressed confusion as to what constituted legal vs. illegal fireworks. To remedy this, staff will add to the existing language presented to residents, explaining which fireworks are allowed and that only fireworks purchased from local stands should be used in the City of Lawndale.
- A suggestion was made that we follow the example set by a neighboring City to have law enforcement costs subsidized by the legal fireworks manufacturers. In speaking with this neighboring City it was discovered that it does not receive funding from the fireworks manufacturers as purported. Also, staff determined that there does not appear to be a method by which the City could place a fee onto the fireworks manufacturers, as the City has no direct leverage over the manufacturers. A fee could be put on the non-profit organizations, but this would be contrary to the wishes of the City to aid the non-profit organizations.

Additional ideas and options are still being considered for the Illegal Fireworks Suppression Plan for 2022, but for now these are the changes that staff feels will be the most productive.

LEGAL REVIEW

Staff has consulted with the City Attorney in the development of these strategies and the City Attorney approves the implementation of these strategies.

FISCAL IMPACT

City staff expects projected costs of \$25,000 to include overtime pay for additional deputies, rental car costs for deputies to use over a period of several days, and additional costs for new signage prohibiting illegal fireworks. Staff hopes to secure funding through the Justice Assistance Grant (JAG) program which in previous years has been used to pay for additional deputies for use during the Youth Day

Parade, and overtime for deputies for firework suppression details. The number of deputy hours dedicated to firework suppression this year will be determined by the funding secured through the JAG grant.

RECOMMENDATION

Staff recommends that the City Council receive and file the proposed Illegal Fireworks Suppression Plan for 2022.



CITY OF LAWDALE

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

November 1, 2021

TO: Honorable Mayor and City Council

FROM: Kevin M. Chun, City Manager 

SUBJECT: **Waiver of Transient Occupancy Tax Late Remittance Penalty for the Best Western Plus South Bay Hotel**

BACKGROUND

Section 3.24.080 of Chapter 3.24 of the Lawndale Municipal Code (LMC) pertaining to Transient Occupancy Tax, states in part: "Each (hotel) operator shall, on or before the last day of the month following the close of each calendar quarter...make a return to the city manager...the amount of tax collected for transient occupancy tax" and "Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax" and further, "In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at a rate of one-half of one percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid."

Also, with regard to waiver of such penalties, the LMC continues: "Any penalty may, for good cause, be waived, provided that a report thereof be made to the city council."

STAFF REVIEW

Based on the City's quarterly TOT payment schedule, remittances from hotels/motels are due in the months of January, April, July, and October.

On October 14, 2021, Mr. Akber Noorali, General Manager of the Best Western Plus South Bay Hotel (15000 Hawthorne Boulevard), contacted me by email requesting: 1) a time extension for remitting their third quarter transient occupancy tax (TOT) payment, and 2) a waiver of late penalties. Mr. Noorali stated the reason for the late payment were major unforeseen expenses resulting in a cash flow shortage in October 2021. He also stated that the third quarter TOT payment should be paid in the first week of November 2021.

On October 19, 2021, I granted the request to waive the late remittance penalty but informed Mr. Noorali that I was not authorized per the LMC to waive the interest on the late TOT amount due. I granted this request in consideration of the following: 1) Mr. Noorali's request was made more than two weeks in advance of the remittance due date (October 31, 2021), and not after it was past due, 2) the fact that the Best Western has been a long time business in Lawndale that has generated a substantial amount of TOT revenue for the City (approximately \$200,000.00 per year), and 3) such requests for penalty waiver has not been a frequent or regular occurrence by the Best Western.

City Council Meeting – November 1, 2021

Request for Transient Occupancy Tax Late Remittance Penalty Waiver by the Best Western Plus South Bay Hotel

LEGAL REVIEW

The City Attorney was consulted to ensure the process for approving the TOT late remittance penalty waiver was in accordance with the LMC.

FISCAL IMPACT

There will be a delay in receiving the third quarter (calendar year) TOT payment from the Best Western Plus South Bay Hotel in the amount of \$54,529.14, however, accrued interest will be paid on this amount on a monthly basis, or portion of a month. The interest payment will be determined based on when the late TOT remittance is made. As a result of the waiver of the late remittance penalty, the City will not collect \$5,452.91 (10%).

RECOMMENDATION

Staff recommends that the City Council receive and file this report.

Attachment:

1. October 14, 2021 email from Mr. Akber Noorali, Best Western Plus South Bay Hotel General Manager
2. October 19, 2021 email response from Kevin Chun, Lawndale City Manager

Kevin M. Chun

From: Akber Noorali <anoorali@bestwesternsb.com>
Sent: Thursday, October 14, 2021 8:59 AM
To: Kevin M. Chun
Cc: Yaping Wang
Subject: Third Quarter TOT

Good Morning Mr. Chun,

Hope you and your family are well.

I am emailing you to see if we can get a small extension to pay the third quarter TOT or if anyway possible we can get the late fee waived?

We recently had a few major unforeseen expenses come up at the property which we had to pay for immediately. Our cash flow has been impacted greatly this month and an extension or fee waiver would help us greatly.

We should be able to pay the first week of November as we have some expected payments coming in on the 1st of the month.

We would really appreciate any help on this matter.

Thank you very much,
Akber

Akber Noorali | General Manager

Best Western Plus South Bay Hotel

15000 Hawthorne Blvd | Lawndale | CA | 90260
310-973-0998 | <https://bwsouthbay.com>

Kevin M. Chun

From: Kevin M. Chun
Sent: Tuesday, October 19, 2021 4:49 PM
To: Akber Noorali
Cc: Yaping Wang; Rhodora Reginaldo
Subject: RE: Third Quarter TOT

Hello Akber:

Following-up on your request, per the Lawndale Municipal Code section 3.24.080 (Transient Occupancy Tax, Penalties and Interest), I'm willing to grant you a waiver of the payment delinquency penalty (10%), however I'm not authorized to waive the accrued interest (0.5%). The interest rate is per month, or fraction of a month.

I hope this waiver is helpful with your situation, and I look forward to receiving your 3rd quarter TOT payment the first week of November as you mentioned. Also, can you please let me know the amount that's due?

If you have any questions please let me know.

Thank you.

Kevin M. Chun • City Manager • City of Lawndale
kchun@lawndalecity.org • (310) 973-3200 x3202 • 14717 Burin Avenue, Lawndale, CA 90260
Visit us at www.lawndalecity.org

From: Akber Noorali [mailto:anoorali@bestwesternsb.com]
Sent: Tuesday, October 19, 2021 1:34 PM
To: Kevin M. Chun <KChun@lawndalecity.org>
Cc: Yaping Wang <morganywang@gmail.com>
Subject: Re: Third Quarter TOT

Thank you Kevin! Look forward to hearing from you.

Have a great day,
Akber

Akber Noorali | General Manager

Best Western Plus South Bay Hotel

15000 Hawthorne Blvd | Lawndale | CA | 90260
310-973-0998 | <https://bwsouthbay.com>

On Thu, Oct 14, 2021 at 7:07 PM Kevin M. Chun <KChun@lawndalecity.org> wrote:

Hello Akber:

I will consult with my staff on your request and get back with you next week.

Thank you.

Kevin M. Chun • City Manager • City of Lawndale

kchun@lawndalecity.org • (310) 973-3200 x3202 • 14717 Burin Avenue, Lawndale, CA 90260

Visit us at www.lawndalecity.org

From: Akber Noorali [mailto:anoorali@bestwesternsb.com]

Sent: Thursday, October 14, 2021 8:59 AM

To: Kevin M. Chun <KChun@lawndalecity.org>

Cc: Yaping Wang <morganywang@gmail.com>

Subject: Third Quarter TOT

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We would really appreciate any help on this matter.

Thank you very much,

Akber

Akber Noorali | General Manager

Best Western Plus South Bay Hotel

15000 Hawthorne Blvd | Lawndale | CA | 90260
310-973-0998 | <https://bwsouthbay.com>



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

DATE: November 1, 2021
TO: Honorable Mayor and City Council
FROM: Matthew 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 LAWDALE
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DATE: November 1, 2021

TO: Honorable Mayor and City Council

FROM: Matthew Ceballos, Assistant City Clerk *mc*

SUBJECT: Conference with Legal Counsel – The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is a significant exposure to litigation in one (1) case. The facts and circumstances giving rise to exposure to litigation are unknown.

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