ADJOURNED MEETING: Water Conservation Study Session 6:00 p.m.
EXECUTIVE BOARD ROOM

CALL TO ORDER 7:30 p.m.

INVOCATION: Monsignor Joseph Greeley, St. Pancratius Church

PLEDGE OF ALLEGIANCE: The Bumblebees

ROLL CALL: Mayor Jeff Wood
Vice Mayor Ron Piazza
Council Member Steve Croft
Council Member Diane DuBois
Council Member Todd Rogers

ANNOUNCEMENTS AND PRESENTATIONS:

ROUTINE ITEMS:
All items listed within this section of the agenda are considered to be routine and will be enacted by one motion without separate discussion. Any Member of Council may request an item be removed for individual discussion or further explanation. All items removed shall be considered immediately following action on the remaining items.

RI-1 Approval of Minutes of the Meeting held May 12, 2015
RI-2 Approval of Personnel Transactions
RI-3 Approval of Registers of Demands
RI-4 Approval of Report of Monthly Investment Transactions
RI-5 Adopting Resolution No. 2015-16; Amending the Rates for Special Bin Services

PUBLIC HEARINGS:

1.1 Approval of Submittal of Justice Assistance Grant (JAG) Program Funding

1.2 Introduction of Ordinance No. 2015-4; Amending the Lakewood Municipal Code Pertaining to Massage and Massage Therapy Establishments

1.3 Introduction of Ordinance No. 2015-5; Amending the Lakewood Municipal Code Pertaining to Limitations of Uses Permitted in Commercial Zones and Requiring a Conditional Use Permit for All Car Washes
City Council Agenda
May 26, 2015
Page 2

LEGISLATION:
2.1 Second Reading and Adoption of Ordinance No. 2015-3; Approving Zone Change Case No. 114, 11609 216th Street

2.2 Adoption of Urgency Ordinance No. 2015-6; Implementing 2015 Water Conservation Regulations

REPORTS:
3.1 Preview of 2015 Summer Programs and Summer Catalog

ORAL COMMUNICATIONS:

ADJOURNMENT
Routine Items
Routine Item 1 - City Council Minutes

will be available prior to the meeting
TO: The Honorable Mayor and City Council

SUBJECT: Report of Personnel Transactions

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Lisa Novotny  
Assistant City Manager

Howard L. Chambers  
City Manager
CITY OF LAKEWOOD  
FUND SUMMARY 5/7/2015

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 63461 through 63608. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

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Council Approval

Date

City Manager

Attest

City Clerk

Director of Administrative Services
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Totals: 261,066.28  13.13  261,053.15
CITY OF LAKEWOOD
FUND SUMMARY 5/14/2015

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 63609 through 63706. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

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**Total:** 826,581.66

Council Approval

__________________________  ____________________________  ____________________________
Date  City Manager

Attest

__________________________  ____________________________
City Clerk  Director of Administrative Services
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**Totals:** 826,584.94 3.28 826,581.66
TO: The Honorable Mayor and City Council

SUBJECT: Monthly Report of Investment Transactions

INTRODUCTION
In accordance with California Government Code Section 53607, the City Council has delegated to the City Treasurer the responsibility to invest or to reinvest funds, or to sell or exchange securities so purchased.

The California Government Code Section 53607 requires that, if such responsibility has been delegated, then the Treasurer “shall make a monthly report of those transactions to the legislative body.” In compliance with this requirement, the Monthly Report of Investment Transactions is being rendered to be received and filed.

STATEMENT OF MONTHLY ACTIVITY

<table>
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<th>Date</th>
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STAFF RECOMMENDATION
It is recommended that the City Council receive and file the Monthly Report of Investment Transactions rendered for the month of April 2015.

Diane Perkin                      Howard L. Chambers
Director of Administrative Services       City Manager

COUNCIL AGENDA
May 26, 2015
COUNCIL AGENDA
May 26, 2015

TO: The Honorable Mayor and City Council

SUBJECT: Amending the Rate for Bin and Special Refuse Services

INTRODUCTION
The Contract for bin and special refuse collection and disposal services provides for an adjusted increase that is based on the April-to-April CPI to the amounts collected by the contract service provider for special bin service. The April-to-April CPI is the maximum bin and special refuse rates are allowed to increase, the contract service provider may charge less, and will become effective July 1, 2015.

Due to a change in how the US Bureau of Labor Statistics determines the CPI, this increase will not be known until May 22, 2015. The attached resolution, which implements the rate adjustments as listed in Appendix A will be provided on or before the Council Meeting.

STAFF RECOMMENDATION
It is recommended that the City Council adopt the attached Resolution, which adjusts the amounts collected by the contractor for special bin services

Diane Perkin
Director of Administrative Services

Howard L. Chambers
City Manager
RESOLUTION NO. 2015-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAKEWOOD ADJUSTING THE MAXIMUM FEES OR
CHARGES FOR BIN AND SPECIAL REFUSE SERVICE

WHEREAS, the City of Lakewood (the "City") and B-Z Disposal company (the
"Contractor") did, on February 26, 2002, and on July 1, 2009 enter into an agreement for refuse
collection; and

WHEREAS, the Agreement provides for an escalation rate to said maximum cap
commencing July 1, 2009, and each fiscal year thereafter commencing on July 1, based on the
April-to-April C.P.I. (Consumer Price Index), to be prepared by the Director of Administrative
Services; and

WHEREAS, on June 10, 2003, the City Council approved the assignment of the
Agreement for Solid Waste Collection from B-Z Disposal Services, Inc., to EDCO Waste
Services, LLC, effective July 1, 2003.

NOW, THEREFORE, the City Council of the City of Lakewood does hereby resolve as
follows:

SECTION 1. The Director of Administrative Services finds that the escalation rate is
percent.

SECTION 2. The fees or charges for bin and special service set forth in Appendix A,
attached hereto, have been adjusted by the Director of Administrative Services based on the
escalation rate. Said adjusted fees or charges shall be effective on July 1, 2015, and shall be the
maximum fees or charges collected by the Contractor for special bin service.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution, and the
same shall be effective as of the 1st day of July, 2015.

ADOPTED AND APPROVED this 26th day of May, 2015.

Mayor

ATTEST:

City Clerk
Public Hearings
TO: Honorable Mayor and City Council

SUBJECT: Justice Assistance Grant Program Funding for Criminal Abatement Team

INTRODUCTION
For the last several years, a portion of the city’s Crime, Public Nuisance and Property Abatement Team was funded by the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Each year the Federal government establishes the amount of dollars provided for this program.

STATEMENT OF FACTS
The City has been notified that we may claim an entitlement grant of $16,409 from the Justice Assistance Program and that funding for the deputy on the Abatement Team is an eligible expenditure. The Abatement Team’s mission is to identify and “clean up” nuisance single and multiple family housing units and businesses creating a haven for criminal activities. They also address properties that are unsightly, with residents who disturb the peace and safety of Lakewood neighborhoods. The special assignment deputy is a key member of this team and a portion of the contract cost of this deputy can be offset by this grant.

The JAG program requires the City Council to hold a public hearing on the expenditure of these funds and have a 30-day period whereby comments may be received on this use of grant funds. If the City Council acts and conducts the hearing at this meeting, we will satisfy the required review period on June 25, 2015.

RECOMMENDATION
Staff recommends the City Council approve the submittal of the JAG Program funding for the Crime, Public Nuisance and Property Abatement Team deputy; receive public comment on this grant and accept these comments in the City Clerk’s office until June 25, 2015; authorize the City Manager to apply for the grant and forward any additional public comment at the end of the review period; and direct the Director of Administrative Services to appropriate $16,409 in the 2015 JAG grant fund when the grant is awarded.

Carol Flynn Jacoby
Deputy City Manager

Howard L. Chambers
City Manager
TO: Honorable Mayor and members of the City Council

SUBJECT: Ordinance Pertaining to Massage Establishments and the Business of Massage.

STATEMENT OF FACTS
The proposed ordinance would amend the Lakewood Municipal Code by updating the business license and Conditional Use Permit (CUP) requirements for all existing and proposed massage facilities. The 25 currently licensed and operating massage establishments in Lakewood would be required to obtain a CUP within three years to five years, depending on the term of the tenant lease at the time the ordinance became effective.

The environment surrounding the business of massage and massage establishments changed dramatically over the past several years. SB 731 (Oropeza) became effective in September 2009 thereby creating the massage California Massage Therapy Council (CAMTC). CAMTC is the recognized massage certification organization in the State and is required by state law to:

- Create and implement a voluntary certification program for the massage therapy profession that enables consumers to easily identify individuals certified by CAMTC as either Certified Massage Therapists (CMT) or Certified Massage Practitioners (CMP);
- Ensure that certified massage professionals have completed sufficient training at approved schools; and
- Approve massage schools.

CAMTC is authorized by law to evaluate the qualifications of applicants and certificate holders and to issue and revoke individual certifications as provided by law. It also has the authority to approve and disapprove massage schools. CAMTC does not have jurisdiction over massage providers who are not certified by CAMTC and it does not have authority over massage establishments.

As of January 1, 2015, CAMTC will only issue CMT certificates – The CMP designation is being phased out. Current CMPs may continue to have their certificates renewed as long as they continue to meet the requirements of state law and do not let their certificates lapse more than six months. In considering individual CMT applications, CAMTC only recognizes education obtained from CAMTC-approved schools. SB 731 also prohibited cities from requiring a conditional use permit for, or applying other zoning restrictions on, massage establishments and individuals holding CAMTC certificates. SB 731 requires that such businesses must be approved and permitted in the same manner as other service business within that jurisdiction.
Ordinance Pertaining to Massage Establishments and the Business of Massage
May 26, 2015
Page 2

An unintended consequence of SB 731 was the rapid expansion of massage businesses throughout the State and related to this expansion was a documented increase in human trafficking, prostitution, and other various criminal and social problems. Since the adoption of SB 371 in September 2009, the number of licensed massage establishments in Lakewood has grown from one associated with a chiropractic office to over 30 massage-related businesses. There are 25 currently licensed and in operation.

AB 1147 was enacted and became effective on January 1, 2015. The legislation:

- Restored local government discretion in how they approve and regulate massage establishments, including use of zoning regulations.
- Established new educational requirements. A CMT must complete either a minimum of 500 hours of education while those certified as CMPs have completed a minimum of 250 hours of education.
- Provided additional reasons that CAMTC may use to deny a CMT/CMP application and to impose disciplinary measures on certificated holders.
- Established additional criteria for inspecting and approving massage schools.
- Implemented changes to the CAMTC board structure.

Massage Establishments
Individuals seeking a business license to operate a massage establishment (as opposed to those seeking a business license to provide the actual massage) are not regulated by CAMTC. AB 1147 does allow local jurisdictions to regulate massage establishments. Lakewood conducts a comprehensive background check on those seeking a business license to operate a massage establishment. Since February 2013, Lakewood received 29 business license applications and of those, 10 (34%) were denied because they failed the background check. The proposed ordinance will require that a Conditional Use Permit be obtained to open a massage establishment.

Business of Massage - Individual Masseurs
Individuals holding a CMT or CMP certificate must obtain a business license to provide massages either as an employee of a massage establishment or as an independent contractor. CMTs and CMPs are regulated by CAMTC. AB 1147 provides that CAMTC must conduct their own background checks and does not allow local jurisdictions to supersede CAMTC with their own review and permitting system. Masseurs may obtain business permits to work directly for hospitals, chiropractors, acupuncturists, physical therapists, other persons holding an unrevoked certificate to practice the healing arts; barbers or cosmetologists holding a valid licenses or certifications issued by the State.

The proposed ordinance would update Lakewood’s business permit requirements to reflect recent changes in state law; refer to the state’s definition of massage under Section 4601 of the Business and Professions Code, require persons practicing massage to be a CMT or a CMP; clarify the conditions under which an application may be denied; establish regulations for the
operation of a massage establishment and issuance of business permits for massage; identify zones where massage establishments may operate; and establish the abatement amortization period for massage establishments.

Under the proposed ordinance, massage establishment applicants must provide a complete list of the names and residential addresses of all CMTs, CMPs, and any other employees of the business, and the name and residential addresses of all managers or other persons principally in charge of the operation of the business. Business permits are non-transferrable without city approval. Individuals providing massage must still obtain a masseur’s permit (a business license), however many city requirements can no longer be imposed as those functions are now required to be reviewed exclusively by CATMC as part of their background check process. These requirements include; fingerprinting, providing proof of graduation from a recognized massage school, and providing a statement from a licensed physician stating that he has examined the applicant and believes the applicant to be free of all communicable diseases. Cities may still collect information such as addresses, telephone numbers and copies of CMT or CMP certificates.

The proposed ordinance will bring the Municipal Code into conformance with state law and specifies when a business permit for massage may be denied. Many of the previously listed criteria for denying a permit are now addressed by CAMTC. The ordinance prohibits any person from employing as a masseur any other person unless that employee has obtained and has in effect a valid masseur's permit issued pursuant to the LMC and that employee possesses a valid CMT or CMP certificate. The ordinance also appropriately lists CMT or CMP under professional services under the business permit fee schedule.

Currently, massage establishments are allowed in any commercial or manufacturing zone without a CUP if the masseur possesses a valid CMT of CMP certificate. If the masseur has neither a CMT nor CMP certificate, then the Lakewood Municipal Code allows those uses in the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) with a CUP. There are no massage parlors in Lakewood currently operating under a CUP. As shown in the table below, most (40%) of Lakewood’s CAMTC massage establishments are in the C-1 (Neighborhood Commercial) zone, 24% are in the C-3 (Intermediate Commercial) zone and 36% are in the C-4 (General Commercial) zone. There are no CAMTC massage establishments located in any of Lakewood’s “M” zones (see attached list and map for massage establishment locations).

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<tr>
<td>Total</td>
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The proposed ordinance would delete the massage parlor provision in the M-1 zone and would allow massage establishments in the C-1 (Neighborhood Commercial) and less restrictive zones only with a Conditional Use Permit and subject to the following requirements:

- The use is not operated contrary to the public interest,
- A valid business permit must be maintained,
- The owner, operator, or manager of a massage establishment shall be responsible for ensuring that each and every masseur working within the massage establishment, whether as an employee or independent contractor, lawfully possesses a valid certificate issued by the California Massage Therapy Council designating him as a CMT or CMP.
- The permitted hours of operation shall be between 7:00 A.M. and 10:00 p.m., unless otherwise authorized by conditional use permit.

Amortization Period. The proposed ordinance would apply to all existing and future massage establishments. All existing locations would be required to apply for and obtain approval of a CUP in compliance with LMC Section 9392.B.1.(f). Massage establishment operators must obtain a CUP within three years of the effective date of the proposed ordinance otherwise the establishment will be abated. If the lease of a massage establishment extends beyond the three year abatement period, then the abatement period may extend to the end of that lease. In no case will an abatement period extend five years beyond the effective date of the proposed ordinance.

A precedent for this retroactive CUP requirement may be found in examining the conditional use permit process required for existing drive-thru restaurants when that ordinance was adopted in April 1988 and is consistent with LMC Section 9392.B which addresses nonconforming uses.

Section 9392.B.1.(f) is proposed to be amended to read:

(f) Adult Entertainment Business—and the Business—of Massage or Massage Establishment - three (3) years, except where pursuant to a written lease in effect on the date said use became nonconforming, said premises are limited to a use for a term beyond said three (3) years then to the end of the term of said lease not exceeding, however, five (5) years, or where it has been established to the satisfaction of the Planning and Environment Commission that said use involves an investment of money in leasehold or other improvements requiring amortization of said use beyond three (3) years, in which event the use shall be abated within that period of time determined by the Planning and Environment Commission not exceeding, however, five (5) years.

Law Enforcement
The Los Angeles County Sheriff’s Department provided comments on the proposed amendment (see attached Sheriffs’s memorandum). The Sheriffs’s concerns stemming from massage establishments include prostitution, exploitation/human trafficking, narcotics activity, and
organized crime. The Sheriff provided the following recommendations regarding the proposed amendment:

1. Ensure the massage establishment owner (CAMTC certified or not) is fingerprinted for a background check.

   Fingerprints of persons applying for a business permit to operate a massage establishment are already collected as part of the application process for background check purposes and will continue to be under the proposed ordinance.

2. Ensure there is a CMT present during business hours.
   The proposed amendment includes a provision that at least one CMT or CMP shall be on the premises during all hours of operation.

3. Emphasize the importance of effective communication between the managers of the establishment regarding professional business practices.
   This requirement has been included in the proposed amendment.

4. No alcohol allowed including refusal to serve any intoxicated person.
   The proposed amendment includes restrictions relating to alcoholic beverages, such as alcoholic beverages may not be offered or consumed within a massage establishment, massage services may not be offered to an intoxicated person, and the massage establishment operator shall not allow intoxicated persons to remain on the premises.

5. Suggested restriction of business hours is from 7:00 am to 10:00 pm.
   The proposed code amendment states that the permitted hours of operation shall not extend beyond 10:00 P.M. or before 7:00 A.M., unless otherwise authorized by conditional use permit.

6. Location of establishments should not be in close proximity to any schools, daycare centers, and should be in a zoned business district.
   The proposed code amendment only allows massage establishments in Lakewood’s commercial and manufacturing zones, provided that a Conditional Use Permit has been obtained.

CEQA
An Initial Study has been prepared for the proposed ordinance pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, as amended. At its May 7, 2015 Planning and Environment Commission meeting, the Commission found that on the basis of the Initial Study, the proposed ordinance will not have a significant effect on the environment. Projects governed by this ordinance will be reviewed by the Development Review Board and the
Ordinance Pertaining to Massage Establishments and the Business of Massage
May 26, 2015
Page 6

Planning and Environment Commission under an independent case-by-case CEQA analysis pursuant to the CEQA Guidelines, as amended. The Planning and Environment Commission recommends that the City Council approve a Negative Declaration for the proposed ordinance, pursuant to Section 15070 et seq., of the Guidelines.

PUBLIC NOTICE
Pursuant to Section 9422 of the Lakewood Municipal Code and State Law, notice of the public hearing for this amendment was posted on the City’s website on May 15, 2015, published in the May 15, 2015, and posted in three places within the City on May 15, 2015.

RECOMMENDATION
On May 7, 2015, the Planning and Environment Commission adopted Resolution 11-2015 recommending that the City Council adopt the proposed ordinance. Staff recommends that the City Council introduce the proposed ordinance amending the Lakewood Municipal Code pertaining to massage establishments and direct staff to review and respond to any comments received on the proposed Negative Declaration.

Sonia Dias Southwell, AICP
Director of Community Development

Howard L. Chambers
City Manager
April 22, 2015

Mrs. Carol Flynn Jacoby  
City of Lakewood  
5050 Clark Avenue  
Lakewood, California 90712

Dear Mrs. Jacoby:

The purpose of this letter is to provide feedback consideration regarding business establishments of massage and massage therapy in the City of Lakewood.

Review of Massage Type Business Locations:  
We have conducted a review of calls for service regarding massage type business operations. There have been no incidents that reflect negatively, and no calls for service. At your request, we have some concerns regarding these types of establishments.

Potential Problems:
- Prostitution Services - unethical business practice
- Sexual Exploitation, Pimping, Sex-Trafficking, Slavery
- Narcotics Activity
- Organized Crime

Recommendations:
- Ensure the massage establishment owner (certified or not) is fingerprinted for a background check
- Ensure there is a certified massage technician present during business hours.
- Emphasize the importance of effective communication between the managers of the establishment regarding professional business practices.
- No alcohol allowed including refusal to serve any intoxicated person
- Restriction of business operating hours, suggested 0700-2200
- Location of establishments should not be in close proximity to any schools, daycare centers, and should be a zoned business district.
If there are any further questions, you may contact Lieutenant James Powers at (562) 623-3570.

Sincerely,

JIM McDONNELL, SHERIFF

Keith E. Swensson, Captain
Commander, Lakewood Station
RESOLUTION NO. 11-2015

A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKewood RECOMMENDING WITH REPORT AND FINDINGS THAT THE PROPOSED ORDINANCE BE ADOPTED BY THE CITY COUNCIL AMENDING THE LAKewood MUNICIPAL CODE AND OFFICIAL ZONING ORDINANCE PERTAINING TO MASSAGE THERAPY ESTABLISHMENTS AND THE BUSINESS OF MASSAGE.

THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKewood DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood did initiate a hearing, pursuant to Section 9411 of the Lakewood Municipal Code, pertaining to an amendment to the Lakewood Municipal Code and Official Zoning Ordinance pertaining to massage therapy establishments and the business of massage; and said Commission did on the 7th day of May, 2015, following notice given in the time and manner required by law, consider the ordinance proposing to amend the Lakewood Municipal Code as described above. This Resolution, with the findings and recommendations herein contained, along with the record of the proceedings of the Planning and Environment Commission constitutes said Commission’s report to the City Council.

SECTION 2. In connection with this project, the Planning and Environment Commission has considered the proposed Negative Declaration and the comments received during the public review process. The Planning and Environment Commission finds, on the basis of the Initial Study and the comments received during the review period and at the public hearing, that there is no substantial evidence that the project will have a significant effect on the environment. Based on these findings, the Planning and Environment Commission recommends that the City Council approve the Negative Declaration for this project.

SECTION 3. The Commission reports that legal publication was made in the Press Telegram that notice of public hearing was posted, all as required by ordinance and in the time as required by law. A summary of the hearing is contained in the Minutes of the Planning and Environment Commission meeting of the 7th day of May, 2015.

SECTION 4. The Planning and Environment Commission hereby finds that said proposed amendment should be adopted for the following reasons and findings:

A. The proposed amendment to the Lakewood Municipal Code will not be in conflict with the City’s General Plan.
Resolution No. 11-2015 - 2 - Resolution Recommending Approval of an Ordinance Pertaining to Massage Therapy Establishments and the Business of Massage.

B. The proposed ordinance pertaining to massage therapy establishments and the business of massage.

ADOPTED THIS 7th day of May, 2015, by the Planning and Environment Commission of the City of Lakewood by the following roll call vote:

AYES: COMMISSIONERS: Manis, McKinnon, Samaniego, Stuckey, Quarto
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

[Signature]
Robert Quarto, Chairperson

ATTEST:

[Signature]
Sonia Dias Southwell, AICP
Director of Community Development/Secretary
Massage Therapy Ordinance 2015

Lakewood, California

Initial Study and Environmental Checklist

June 9, 2015

City of Lakewood
Community Development Department

5050 Clark Avenue
Lakewood, California 90712
(562) 866-9771
I. INTRODUCTION

A. Background

Project title: Massage Therapy Ordinance 2015

Agency requiring checklist: City of Lakewood
5050 N. Clark Avenue
Lakewood, California 90712

Agency contact person: Paul Kuykendall, AICP, Senior Planner
(562) 866-9771, extension 2341

Project location: Citywide, Lakewood, California

Name of proponent: City of Lakewood

Proponent’s address and phone: 5050 N. Clark Avenue
Lakewood, California 90712
(562) 866-9771

B. Introduction to the Environmental Review Process

California Environmental Quality Act (CEQA) Guidelines Section 15152 permits tiering of environmental analyses for separate but related projects including plans and development projects. According to Guidelines Section 15152(b), tiering is appropriate when the sequence of analysis is from an EIR prepared for a General Plan, policy or program to a site specific EIR or negative declaration. In the case of this project, the environmental analysis was tiered off of the City’s November 1996 Final Master EIR for its Comprehensive General Plan (the “Master EIR”). The analysis and conclusion the Master EIR were validated in the Master Environmental Assessment (“MEA”) prepared in accordance with Section 15169 of the CEQA Guidelines as amended, and approved by the Lakewood City Council in September 25, 2007.

In accordance with Guidelines Section 15152(f), a negative declaration shall be required when the Initial Study shows that there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment or the Initial Study identifies potentially significant effects but revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. This Initial Study examined whether the project would results in any new project-specific environmental impacts not previously addressed in the General Plan EIR. This Initial Study found that no significant environmental impact would occur due to the proposed action, and thus a Negative Declaration will be circulated for public review for a period of 20 days in accordance with Public Resources Code Section 21091 (b).
C. Project Description and Location

The purpose of the proposed ordinance is to amend that portion of the Lakewood Municipal Code pertaining to the business of massage and massage therapy establishments. This amendment does not affect any specific real property within the City and applies to the City generally.

D. Environmental Findings

The proposed ordinance will not have a significant effect on the environment. The possible impacts and related mitigation are as follows:

**Impact:** None.

**Mitigation Measures:**

1. None required.
II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [ ] Agriculture and Forestry Resources
- [ ] Air Quality
- [ ] Biological Resources
- [ ] Cultural Resources
- [ ] Geology / Soils
- [ ] Greenhouse Gas Emissions
- [ ] Hazards & Hazardous Materials
- [ ] Hydrology / Water Quality
- [ ] Land Use / Planning
- [ ] Mineral Resources
- [ ] Noise
- [ ] Population / Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation / Traffic
- [ ] Utilities / Service
- [ ] Mandatory Findings of Significance

**Determination (to be completed by Lead Agency):**

On the basis of this initial evaluation:

I find that the proposed project could not have a significant effect on the environment, and that the project is Categorically Exempt of the California Environmental Quality Act guidelines, as amended.

I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.

I find that the proposed project may have a significant effect on the environment, and an Environmental Impact Report (EIR) is required.

I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR Report is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Sonia Dias Southwell, AICP, Director of Community Development

June 9, 2015
Date
ENVIRONMENTAL CHECKLIST AND DISCUSSION OF CHECKLIST ISSUES

I. AESTHETICS. Would the project:

   a) Have a substantial adverse effect on a scenic vista? (Source #s: 1, 6)

   b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1,6)

   c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1,6)

   d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,6,8)

The proposed ordinance will not have a substantial adverse effect on any scenic vistas nor will it substantially damage scenic resources. There are no historic buildings identified within the City. The proposed ordinance will not substantially degrade the existing visual quality of the subject site or the surrounding area nor will it create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. Projects developed under the proposed ordinance would be reviewed on a case-by-case basis.

   c) Have economic changes associated with the proposed project which may result in physical changes to the environment that would result in a substantial degradation to the existing character or quality of its surroundings, or which would otherwise result in significant urban decay? (1)

The proposed ordinance will not result in any physical changes to the environment that might otherwise have the potential to impact the character of the city, its surroundings, or which might otherwise result in significant urban decay.

Mitigation Measures

1. None required.
II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agriculture use? (2,3)

The proposed ordinance would amend the Lakewood Municipal Code by modifying that portion of the Lakewood Municipal Code pertaining to the business of massage and massage therapy establishments. This amendment does not affect any specific real property within the City and applies to the City generally. The proposed ordinance will not result in the conversion of any farmland to a non-agricultural use. This determination was made pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract? (2,3,6)

The proposed ordinance would amend the Lakewood Municipal Code by modifying that portion of the Lakewood Municipal Code pertaining to the business of massage and massage therapy establishments. There will be no conflict with any contracts entered into pursuant to Section 51200 et seq. of the California Government Code (also known as the Williamson Act).

c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? (1,6,12)

There is no forest land and no timberland within, or adjacent to, the City of Lakewood. The proposed ordinance will not conflict with zoning or rezoning of any land designated for timberland production.

d) Result in the loss of forest land or conversion of forest land to non-forest use? (1,6,12)

There is no forest land and no timberland within, or adjacent to, the City of Lakewood. The proposed ordinance will have not result in the loss of forest land or the conversion of forest land to a non-forest use.
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (1,6,12)

Since there is no farmland or agricultural land in the city to begin with, the proposed ordinance will not result in the conversion of any farmland or agricultural land, to a non-agricultural use.

Mitigation Measures

1. None required.

III. AIR QUALITY. Would the project:

   a) Conflict with or obstruct implementation of the applicable air quality plan? (1,6)

   The proposed ordinance will not result in a level of development exceeding what is anticipated by the General Plan and MEIR for the city, therefore the ordinance will not conflict or obstruct the implementation of any applicable air quality plan.

   b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1,6)

   The proposed ordinance will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Thresholds of significance for air quality standards are contained in the General Plan MEIR of the General Plan MEA.

   c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (1,6)

   The proposed ordinance does not have the characteristics to result in a considerable cumulative net increase of any criteria-pollutant that would exceed any applicable federal or state air quality standard.
d) Expose sensitive receptors to substantial pollutant concentrations? (1,6)

The proposed ordinance will not result in the exposure of sensitive receptors to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people? (1,6)

The proposed ordinance will not create any objectionable odors that might otherwise affect a substantial number of people.

Mitigation Measures

The mitigation measures listed below are required by the Master EIR and are sufficient to reduce potential impacts associated with the proposed project to less than significant levels:

1. None required.

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,6)

The proposed ordinance will not adversely affect, either directly or indirectly, any species that has been identified as a candidate, sensitive, or special status species in local or regional plans, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,6)

Lakewood is located in a highly urbanized portion of Los Angeles County. The proposed ordinance will not have a substantial impact on any riparian habitat or other sensitive natural
community, nor will it impede or alter the flow of any waterways.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, march, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1,6)

There are no federally protected wetlands that would be impacted by the proposed ordinance, as defined by Section 404 of the Clean Water Act, within Lakewood.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites? (1,6)

The proposed ordinance will not interfere with the movement of any native resident or migratory fish or wildlife species, nor will it affect any established wildlife corridors or impede the use of native nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,6)

The proposed ordinance will not conflict with any local policies or ordinances, including those goals found in the Conservation Element of the City of Lakewood General Plan.

Mitigation Measures

1. None required.

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? (1,6)

The proposed ordinance will not create a substantial adverse change to any historical resource.
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (1,6) ☒ ☐ ☐ ☒

There will be no substantial adverse changes to any archaeological resources, as a result of the proposed ordinance.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,6) ☒ ☐ ☐ ☒

The proposed ordinance will neither directly nor indirectly destroy any paleontological resources, site characteristics, or unique geological features.

d) Disturb any human remains, including those interred outside of formal cemeteries? (1,6) ☒ ☐ ☐ ☒

The proposed ordinance will not disturb the location of any known human remains.

Mitigation Measures

1. None required.

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

(i) Rupture of a known earthquake Fault as Delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (1,6) ☒ ☐ ☐ ☒

(ii) Strong seismic ground shaking? (1,6) ☒ ☐ ☐ ☒

ii) Seismic-related ground failure, including liquefaction? (4) ☒ ☐ ☐ ☒

v) Landslides? (1,6) ☒ ☐ ☐ ☒
The region has many active and potentially active faults, however, Lakewood is not within an Alquist-Priolo Special Study zone. There are no known active faults in the City of Lakewood. The closest active fault is the Newport-Inglewood Fault Zone, located about four miles southwest of the City. The proposed ordinance by itself will not result in persons or buildings being threatened by seismic activity, landslides, nor mudflows. Projects are reviewed on a case-by-case basis to evaluate potential impacts relating to seismic activity and land/mud slides.

b) Result in substantial soil erosion or the loss of topsoil? (1,6)

The proposed ordinance will not result in substantial erosion or the loss of topsoil. Projects are reviewed on a case-by-case basis to evaluate potential impacts relating to soil erosion and loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1,6)

The properties affected by the proposed ordinance are not located on a geological unit or soil in such a way that would cause the soil to become unstable, or result in any other geologic defect.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1,6)

Although Lakewood is within a part of Los Angeles County recognized as having expansive soil, develop projects are subject to Building Code requirements for development in areas having expansive soil, if applicable.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (1,6)

Projects developed under this proposed ordinance will be reviewed on a case-by-case basis to ensure that project sites are served by a sanitary sewer system. Projects in Lakewood do not involve any new installation, or connection, to any septic tank or alternative waste water disposal system and are connected to the public sewer system operated by the Los Angeles County Sanitation District.
Mitigation Measures

1. None required.

VII. GREENHOUSE GAS EMISSIONS. Would the project:

   a) Generate greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment? (1,6,11)

   The proposed ordinance will not directly result in significant levels of greenhouse gas emissions.

   b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,6,11)

In September 2006, the California legislature approved Assembly Bill 32 (AB 32) thereby adopting the California Global Warming Solutions Act (CGWSA) by amending Section 38500 of the Health and Safety Code. The central goal of AB 32 is to reduce greenhouse gas (GHG) emissions to 1990 levels by the year 2020. The proposed ordinance will not directly conflict with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

Mitigation Measures

1. None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

   a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,6)

   The proposed ordinance does not have the characteristics which would otherwise result in the transport, use, or disposal of significant amounts of hazardous materials.

   b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,6)
The proposed ordinance does not involve the handling of any hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile into the environment? (1,6)

By itself, the proposed ordinance will not emit any hazardous emissions, nor does it involve the handling of hazardous or acutely hazardous materials, substances or waste.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? (1,6)

There are no hazardous materials sites within the city of Lakewood pursuant to data compiled to Government Code Section 65962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1,6,9)

The proposed ordinance will not require persons residing or working within an area designated as an airport influence area to be exposed to potential safety hazards.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1,5,9)

The proposed ordinance will not require persons residing or working in the vicinity of a private airstrip to be exposed to potential safety hazards.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,6)

The proposed ordinance will not interfere with an adopted emergency response plan or emergency evacuation plan.
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? (1,6,11)

There are no brush lands or forest lands within the City. Therefore, there will not be an increased risk of loss, injury or death from wildfires as a result of the proposed ordinance.

Mitigation Measures

1. None required.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (1,6)

The proposed ordinance by itself will not impact water quality standards.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses or which permits have been granted? (1,6)

The proposed ordinance by itself will not impact groundwater supply standards.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? (1,6)

The proposed ordinance will not impact drainage patterns.

d) Substantially alter the existing drainage pattern of the site or area, including through the
alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (1,5)

The proposed ordinance will not impact any drainage patterns including the courses of streams and/or rivers, nor will alter the rate of surface runoff in a manner that would result in flooding on- or off-site.

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (1,5)

The proposed ordinance will not impact create, or contribute to, water runoff in a manner that would exceed the capacity of existing or planned storm water drainage systems, nor will the proposed ordinance provide substantial additional sources of polluted runoff. Projects are subject to SUSMP requirements, which would further reduce impacts from storm water runoff.

f) Otherwise substantially degrade water quality? (1,5)

The proposed ordinance will not result in projects that would otherwise degrade water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,5,6)

The proposed ordinance does not involve the construction or the relocation of any housing. No housing will be placed within a 100-year flood hazard zone.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1,5,6)

The proposed ordinance will not require the placement of any structures within a 100-year flood hazard zone nor will it require any structures to be modified or constructed in a manner that would impede or redirect projected flood flows.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding,
including flooding as a result of the failure of a levee or dam? (1,5,6)

The proposed ordinance will not require exposure of persons or structures to significant risk of loss, injury, or death involving flooding, including flooding as result site in not located in a flood hazard area.

j) Inundation by seiche, tsunami, or mudflow? (1,5)

The proposed ordinance will not result in new or expanded projects being impacted by a seiche, tsunami, or mudflow.

Mitigation Measures

1. None required.

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community? □ □ □ X (1,6)

The proposed ordinance will not disrupt or divide the physical arrangement of an established community, including a low income or minority community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,5,6)

The proposed ordinance will not conflict with any applicable land use plans, policies, or regulations. Projects will be reviewed on a case-by-case basis to evaluate potential impacts relating to issues concerning land use.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,6)
The proposed ordinance will not conflict with any habitat conservation plan or natural community plan.

Mitigation Measures

1. None required.

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,6) ☑

The proposed ordinance will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State of California.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan? (1,6) ☑

There are no mineral recovery sites delineated by the City of Lakewood General Plan, therefore, the proposed ordinance will not result in the loss of such sites.

Mitigation Measures

1. None required.

XII. NOISE. Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies? (1,6,7) ☑

The proposed ordinance will not require the exposure of persons to, or the generation of, established noise levels. In residential areas, the Municipal Code restricts sound levels to 65 dB(A) as measured along any point of a residential property line.
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1,6)

The proposed ordinance will not require the exposure of persons to, or the generation of, excessive groundborne vibration or groundborne noise levels. Section 8019 of the Municipal Code establishes hours of construction, which are 7:00 a.m. to 7:00 p.m., Mondays through Saturdays, and 9:00 a.m. to 7:00 p.m. on Sundays.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,6)

The proposed ordinance will not result in a permanent increase in ambient noise levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,6)

The proposed ordinance will not result in a substantial temporary or periodic increase in ambient noise levels.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,6,9)

The proposed ordinance will not require persons residing or working within an area designated as an airport influence area to be exposed to excessive noise levels.

f) For a project within the vicinity of private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,6,9)

The proposed ordinance will not require persons residing or working within the vicinity of a private airstrip be exposed to excessive noise levels.

Mitigation Measures

1. None required.
XIII. POPULATION AND HOUSING. Would the project:

    a) Induce substantial population growth in an, ☐ ☐ ☐ ☒
        area either directly (for example, by proposing
        new homes and businesses) or directly for
        example, through extension of roads or other
        infrastructure? (1,6)

The proposed ordinance will not induce significant population growth. Since the City of
Lakewood is nearly “built-out,” significant increases to current population levels are not
expected as a result of the proposed ordinance.

    b) Displace substantial numbers of existing
        housing, necessitating the construction of
        replacement housing elsewhere? (1,6)

The proposed ordinance does not require the displacement of any existing housing. The
proposed ordinance will not result in the displacement of any housing units which in turn would
require the construction or relocation of any dwelling units.

    c) Displace substantial numbers of people,
        necessitating the construction of replacement
        housing elsewhere? (1,6)

The proposed ordinance does not require the displacement of any persons. The Ordinance
Projects will not result in the displacement of any persons which in turn would require the
construction or relocation of any dwelling units.

Mitigation Measures

1. None required.

XIV. PUBLIC SERVICES.

    a) Would the project result in substantial
        adverse physical impacts associated with the
        provision of new or physically altered
        governmental facilities, need for new or
        physically altered governmental facilities, the
        construction of which would cause significant
        environmental impacts, in order to maintain
        acceptable service ratios, response times or other

    ☐ ☐ ☐ ☒
performance objectives for any of the public services: (1,8)

i) Fire Protection? ☐ ☐ ☐ ☒

ii) Police Protection? ☐ ☐ ☐ ☒

iii) Schools? ☐ ☐ ☐ ☒

iv) Parks? ☐ ☐ ☐ ☒

Other public facilities? ☐ ☐ ☐ ☒

The proposed ordinance by itself will not directly impact fire or law enforcement services, nor will it impact schools, parks, or other public facilities.

Mitigation Measures

1. None required.

XV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would occur or be accelerated? (1,6)

The proposed ordinance by itself will not directly impact any existing or proposed park facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (1,6)

The proposed ordinance will not result in a recreational facility being expanded in a manner that would otherwise have an adverse physical effect on the environment.

Mitigation Measures

1. None required.
XVI. TRANSPORTATION / TRAFFIC. Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (1,6,9)

b) Exceed, either individually or cumulatively, a level of service (LOS) standards established by the county congestion management agency for designated roads and highways? (1,6,10)

a-b) The proposed ordinance by itself will not result in a significant increase in vehicular traffic, nor will the proposed ordinance result in an individual or cumulative impact to any LOS standards. Projects will be reviewed on a case-by-case basis to evaluate potential impacts relating to issues concerning transportation and traffic.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,6)

The proposed ordinance does not propose to directly or indirectly, change air traffic patterns or create any safety risks with regards to air traffic.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,6)

The proposed ordinance does not require any changes to any driveway aprons, intersections, sharp curves, or incompatible uses.

e) Result in inadequate emergency access? (1,6)

The proposed ordinance will not result in inadequate emergency access.

f) Result in inadequate parking capacity? (1,6,7,8)

The proposed ordinance does not require any changes to parking capacity.
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (1,7,8)

The proposed ordinance by itself will not conflict with any adopted policies, plans, or programs supporting alternative transportation.

Mitigation Measures

1. None required.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1,6)

The proposed ordinance by itself will not result in additional wastewater that might exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The ordinance will not result in projects exceeding the wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,6)

The proposed ordinance by itself does not require the construction or expansion of any water or wastewater treatment facilities.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,6)

The proposed ordinance by itself does not identify any particular site which is may or may not be developed with mostly impervious surfaces and which may or may not require the construction of new off-site storm water drainage facilities. The ordinance will not result in project sites being developed with mostly impervious surfaces or projects that require construction of new off-site storm water drainage facilities.
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1,6)

The proposed ordinance will not impact the capacity of existing waters systems.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? (1,6)

A Master EIR was prepared as part of the 1996 General Plan, and a Master Environmental Assessment was adopted on September 25, 2007. For both documents, comments were solicited from various agencies, including Los Angeles County Sanitation District. The proposed ordinance by itself will not individually or cumulatively exceed the environmental thresholds established by the MIR or the MEA.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (1,6)

The proposed ordinance by itself will not impact the capacity of solid waste disposal facilities. The ordinance will not result in project sites that have a significant potential to impact the capacity of solid waste disposal facilities.

g) Comply with federal, state, and local statutes and regulations related to solid waste? (1,6)

The proposed ordinance by itself does not conflict with any applicable federal, state and local regulations pertaining to solid waste. The ordinance will not result in project sites that have a significant potential to conflict with regulations pertaining to solid waste.

**Mitigation Measures**

1. None required.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4,5,6,7,8,9,10,11)

The City is within a highly urbanized portion of Los Angeles County. The proposed ordinance by itself will not have a negative impact on any rare or endangered wildlife. The ordinance will not result in project sites that have a significant potential to impact rare or endangered wildlife.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (1,2,3,4,5,6,7,8,9,10,11)

The proposed ordinance by itself will not produce impacts that are individually or cumulatively considerable. The ordinance will not result in project sites that have a significant potential to conflict with the General Plan and with applicable standards as contained in the Municipal Code.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4,5,6,7,8,9,10,11)

The proposed ordinance will not directly or indirectly have substantial adverse effects on human beings. The ordinance will not result in project sites that have a significant potential to have direct or indirect substantial adverse effects on human beings.

Mitigation Measures

1. None required.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063(c)(3)(D)). CEQA Guidelines Section 15152 permits tiering of environmental analyses for separate but related projects including plans and development projects. According to Guidelines Section 15152(b), tiering is appropriate when the sequence of analysis is from an EIR prepared for a General Plan, policy or program to a site specific EIR or negative declaration. In the case of this project, the environmental analysis was tiered from the Master EIR prepared for the Lakewood Comprehensive General Plan. Guidelines Section 15152(h)(1) specifically identifies a General Plan EIR as a type of EIR that can be used for tiering. The City prepared the Master EIR in November, 1996 and approved the MEA on September 25, 2007.
Earlier Analysis

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

Documents used for this analysis include plans provided by the Permittee and the City of Lakewood General Plan Technical Background Report. Copies of all plans and studies used to prepare this Initial Study, as well as the Master EIR and MEA, are on file and available for public review during normal business hours at the City of Lakewood Community Development Department, 5050 Clark Avenue, Lakewood, California 90712.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Impacts that reference the environmental documents listed in section a) above, are contained within the scope of those documents and have been adequately analyzed in those documents, pursuant to applicable legal standards.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe mitigation measures incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

IV. SUPPORTING INFORMATION SOURCES

1. City of Lakewood Comprehensive General Plan, City of Lakewood. This reference includes the Policy Document, the Technical Background Report, and the Final Master EIR, first adopted November, 1996, and the Master Environmental Assessment, which was approved on September 25, 2007.
2. California Government Code Section No. 51200 et seq. State of California (see Section II.a) of this Environmental Checklist.
9. California Department of Forestry and Fire Protection. Fire Hazard Severity Zone map for Los Angeles County:
ORDINANCE NO. 2015-4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE
AND THE ZONING ORDINANCE PERTAINING TO THE
BUSINESS OF MASSAGE AND MASSAGE ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS
FOLLOWS:

SECTION 1. PURPOSE. This purpose of this ordinance is to establish a uniform set of
standards for the permitting and operation of massage establishments and the business of
massage, and to reconcile that portion of the Lakewood Municipal Code pertaining to massage
establishments and the business of massage with current state law. There is a need to amend the
Lakewood Municipal Code due to the recent proliferation of massage establishments without
adequate regulations. This situation is currently creating negative impacts on the City including
but not limited to: 1) increases in illicit activities; 2) impacts on City services due to the
inordinate amount of time that Administrative Services, Community Development staff,
Community Conservation Representatives, and Law Enforcement services, must spend in
processing, inspecting, and monitoring such massage establishment businesses as compared to
other types of personal service businesses; and 3) an imbalance caused by the increasing
numbers of massage establishments, which displaced and decreases available retail tenant space
and causes the resultant decrease in retail sales tax revenue generation to the City with a
disproportional increase in demands on public services, required to be provided and funded
decreasing sales tax revenues.

SECTION 2. CEQA. The City Council finds that an Initial Study has been prepared for
the proposed project, pursuant to Section 15063 of the California Environmental Quality Act
Guidelines, as amended. A Negative Declaration has been prepared for the project, pursuant to
Section 15070, et. seq., of the Guidelines. The project was found to have no significant effect on
the environment. Therefore, said Negative Declaration is hereby approved.

SECTION 3. Article VI Business License and Article IX Planning - Zoning of the
Lakewood Municipal Code are hereby amended as provided in this Ordinance pursuant to Public
Hearings before the Planning and Environment Commission and the City Council.

SECTION 4. Section 6402.1 Massage Parlors and Business of Massage of Chapter 4
Business Licenses of Article VI of the Lakewood Municipal Code is hereby repealed in its
entirety and replaced with the following:

I. MASSAGE ESTABLISHMENTS AND BUSINESS OF MASSAGE.
   1. Business Permit Required.
      (a) No person shall engage in or carry on the business of massage unless he has a valid
and subsisting massage business permit issued pursuant to the provisions of this Article for each and every separate office or place of business conducted by such person. For the purposes of this section, the term massage shall be that interpretation under Section 4601 of the Business and Professions Code.

(b) No person shall practice massage as a masseur, employee or otherwise, unless he has a valid and subsisting masseur's business permit issued to him pursuant to the provisions of this Article and lawfully possesses a valid certificate issued by the California Massage Therapy Council designating him as a Certified Massage Therapist or a Certified Massage Practitioner pursuant to Section 4600 et al of the Business and Professions Code.

(c) A massage business permit shall not be transferrable to another person or entity without prior approval from the City of Lakewood.

(d) At least one Certified Massage Therapist or Certified Massage Practitioner shall be on the premises during all hours of operation.

2. Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this section, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in this Code shall also govern the construction, meaning, and application of words and phrases used in this Section. The definition of each word and phrase shall constitute, to the extent applicable the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(a) California Massage Therapy Council. The council created pursuant to Section 4600 et al of the Business and Professions Code.

(b) Employee. An employee is any person over eighteen years of age who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or from patrons.

(c) Massage. Massage is a professional service provided in connection with the operation of a massage business as defined under Section 4601 of the Business and Professions Code.

(d) Massage Establishment. A massage establishment is a fixed location as defined under Section 4601 of the Business and Professions Code where massage services and supporting rooms occupy more than 50 percent of the floor area of the business space.

(e) Certified Massage Practitioner or Certified Massage Therapist. A person defined under Section 4601 of the Business and Professions Code.

(f) Masseur. A person who lawfully possesses a valid certificate issued by the California Massage Therapy Council designating him as a Certified Massage Therapist or a Certified Massage Practitioner pursuant to Section 4600 et al of the Business and Professions Code. The term "masseur" shall also include masseuse, as the use of the masculine gender shall include in all cases the feminine gender as well.

3. In addition to the requirements of Chapter 3 of Article VI, any person desiring a business permit to operate a massage establishment shall include in the application therefor the following:

(a) The name, style, and designation under which the business or practice is to be conducted.
Ordinance No. 2015-4
Page 3

(b) A complete list of the names and residence addresses of all Certified Massage Practitioners, Certified Massage Therapists, and any other employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

(c) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant be a corporation; and concerning the partners, including limited partners, if the applicant be a partnership; and concerning the manager or other person principally in charge of the business.

1. Name, complete residence address and residence telephone numbers.
2. The two previous addresses immediately prior to the present address of the applicant.
3. Written proof of age.
4. Height, weight, color of hair and eyes, and sex.
5. Two front face portrait photographs taken within thirty days of the date of the application and at least two inches by two inches in size.
6. The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
7. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, and the offense for which convicted and the circumstances thereof.
8. A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.

(d) Such other information, identification, and physical examination of the person as shall be deemed necessary by the Chief of Police to discover the truth of the matters hereinbefore required to be set forth in the application.

(e) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for permit.

(f) The names and addresses of three adult residents of the County who will serve as character references. These references must by persons other than relatives and business associates.

(g) A deposit shall be made with the City in an amount as determined by the Director of Finance to cover the full cost of a background investigation of the applicant.

4. In addition to the requirements of Chapter 3 of the Article any person applying for a masseur's business permit shall include with said application the following:

(a) The name, complete residence address and residence telephone numbers of the applicant.

(b) The business address and all telephone numbers where the massage is to be practiced.

(c) A copy of a valid certificate issued by the California Massage Therapy Council designating him as a Certified Massage Therapist (CMT) or a Certified Massage Practitioner
(CMP) pursuant to Section 4600 et al of the Business and Professions Code.

(d) A copy of his driver’s license or identification card issued by the State of California.

(e) An independent massage or independent masseur contractor shall obtain a masseur’s permit, however an employee of a massage establishment shall not be required to obtain a masseur’s permit.

5. In addition to the requirements of Section 6303 no business permit shall be granted under this Section where:

(a) The business permit applicant has had a massage business, masseur or other similar permit or license, or conditional use permit, denied, revoked or suspended for any cause by the City of Lakewood or any state, county, or local agency within one (1) year prior to the application.

(b) The business permit applicant, if an individual, or any of the partners if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

6. In addition to the requirements of Section 6303 the following criteria shall be considered in determining whether or not the applicant is qualified for a business permit whether the applicant has:

(a) Been convicted of any crime involving dishonesty, fraud or deceit unless such conviction occurred at least five (5) years prior to the date of the application.

(b) Been convicted of any offense involving the use or threat to use force or violence upon the person of another, or any crime requiring registration under §290 of the Penal Code of the State of California, or any violation of §311, 311.2, 311.4, 311.5, 311.7, 314, 315, 316, 318 or 647 (a) (b) or (d) of the Penal Code of the State of California, unless such convictions occurred at least five (5) years prior to the date of said application.

(c) If any of the aforementioned convictions occurred more than five (5) years prior to the application, they may be considered by the Board, if the applicant has had a subsequent felony conviction of any nature in any court of competent jurisdiction, or, if the applicant has had a subsequent misdemeanor conviction of any of the crimes mentioned above.

(d) Each case must be considered on its permits, and conviction of the aforementioned crime shall not be considered a prohibition to the issuance of a business permit if the Board is satisfied that under the circumstances the said applicant is a fit person to be vested with the privileges of said permit.

7. Notwithstanding the provisions of Section 6301 each applicant for business permit to operate a massage business and each applicant for a masseur’s business permit shall pay the permit fee as prescribed under Subsection 6527.2.B of Chapter 5 of Article VI of the Lakewood Municipal Code.

8. Prohibitive Conduct. In addition to any other provision of this Code the following are applicable:

(a) Each massage business permittee shall conduct said business within a fixed location or locations within the City as set forth in said business Permit, and one of said places shall be designated as a principal place of business of said massage business establishment. No business permit shall be issued to conduct a massage business establishment at any location within the City except in compliance with the zoning and building codes of the City. No business permit shall be issued to a masseur pursuant to this section unless said masseur provides said massage
services at a fixed place of business within the City as set forth in said permit. No masseur shall provide any massage service to any patron except at such fixed place of business as set forth in said Masseur's Business Permit unless said service is provided to a patron in the residence of the patron, or place of abode of the patron, or by the masseur incidental to maintaining and conducting a massage service at a principal place of business, aforementioned, and as set forth in said business permit.

(b) Every massage business permittee shall report immediately to the Chief of Police any and all changes of ownership or management of the massage business, including but not limited to changes of manager or other person principally in charge, stockholders holding more than ten percent of the stock of the corporation, officers, directors and partners; any and all changes of name, style or designation under which the business is to be conducted; any and all changes of business address or telephone numbers where the business is to be conducted; and any and all changes or transfers of masseurs employed in the business whether by new or renewed employment, discharge or termination, or otherwise. Every masseur shall report immediately to the Chief of Police any and all changes of employment, whether by new or renewed employment, discharge or termination, or otherwise, giving the name and address of the former employer, if any, and the name and address of the new employer, if any.

(c) No massage business permittee shall publish or distribute, or cause to be published or distributed, any advertising matter or business identification card that states or depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available pursuant to said permit or business license, other than a massage, as defined in this Section.

(d) No massage business permittee or other person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment as a masseur, employee or patron unless such person is on the premises for other lawful business.

(e) No massage business permittee or other person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage as defined in §23004 of the Business and Professions Code of the State within the premises wherein a massage business is conducted. No intoxicated person shall be provided with any massage services and shall not be permitted to remain on the premises.

(f) No massage business permittee or other person shall employ as a masseur any person unless that employee has obtained and has in effect a masseur's permit issued pursuant to this Section and lawfully possesses a valid certificate issued by the California Massage Therapy Council designating him as a Certified Massage Therapist or a Certified Massage Practitioner pursuant to Section 4600 et al of the Business and Professions Code.

(g) No massage business permit shall be issued for and no person shall conduct a massage business except within the proper zone therefor and no such business shall be conducted within any residential zone, and shall be inspected prior to the issuance of said permit or any renewal thereof to determine that the walls are clean and painted with a washable, mold resistant paint in all rooms where steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy white paper may be substituted for sheets provided that such paper is changed for
every patron. No massage service or practice shall be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked unless the business is owned by one individual with only one or no employees. Each massage business permittee shall continually maintain said premises in accordance with the foregoing standards, and in addition the following standards shall be met and maintained at all times:

(1) One (1) artificial white light of not less than 40 watts shall be provided in each room where massages are performed.

(2) When in dry heat rooms, steam or vapor rooms, or cabinets, show compartments and toilet rooms shall be cleaned each day the business is in operation.

(3) Bathtubs shall be cleaned after each use.

(4) Separate restrooms shall be provided for men and women.

Nothing herein contained shall be construed to eliminate other requirements of statute or the Municipal Code concerning the maintenance of said premises, or to preclude where necessary and reasonable more frequent inspection thereof.

9. Each massage establishment business permittee shall have the premises supervised at all times when open for business by an adult manager. The massage business permittee or masseur may serve as the required manager. Any business rendering massage service shall have one person who qualifies as a masseur on the premises at all times while the establishment is open. The massage business permittee shall personally supervise the business and shall not violate or permit others to violate, any applicable provision of this Section. The violation of any such provision by any agent or employee of the massage business permittee shall constitute a violation by the massage business permittee.

10. No massage as defined by this Section and for which any permit is required shall be conducted by any person between the hours of 10:00 p.m. and 7:00 a.m. unless authorized by a permit to do so.

11. The provisions of this Section shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts, including chiropractors, acupuncturists, and physical therapists, under the laws of the State, or persons working under the direction of any such persons or in any such establishment, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State.

SECTION 5. Chapter 5 Business Licenses of Article VI of the Lakewood Municipal Code is amended by modifying Subsection 6527.2.B Professional Services to read as follows:

B. PROFESSIONAL SERVICES. All persons engaged in business considered to be of a professional nature shall pay an annual business tax of $120.00 for each professional member, owner, partner, employee of the firm who is certified or licensed to practice the profession in which the firm is engaged, plus $5.00 for each nonprofessional employee. Professional services shall include but not be limited to the following:
19. Certified Massage Therapist (CMT) or Certified Massage Practitioner (CMP)

SECTION 6. Part 4 of Chapter 3 of Article IX of the Lakewood Municipal Code is amended by modifying Section 9340 Uses Permitted to read as follows:

C. The following uses provided in each instance a conditional use permit has been obtained and continues in full force and effect:

5. **Massage Establishment** provided the following conditions and standards are met and maintained at all times:

(a) The proposed use will not be contrary to the public interest or injurious to nearby property, and the spirit and intent of this subsection will be observed.

(b) The owner, operator, or manager shall lawfully maintain a valid Business Permit at all times pursuant to the requirements contained in Chapter 4 of Article IX of the Lakewood Municipal Code.

(c) The owner, operator, or manager of a massage establishment shall be responsible for ensuring that each and every masseur working within the massage establishment, whether as an employee or independent contractor, lawfully possesses a valid certificate issued by the California Massage Therapy Council designating him as a Certified Massage Therapist or a Certified Massage Practitioner pursuant to Section 4600 et al of the Business and Professions Code. The term "masseur" shall also include masseuse, as the use of the masculine gender shall include in all cases the feminine gender as well.

(d) At least one Certified Massage Therapist or Certified Massage Practitioner shall be on the premises during all hours of operation.

(e) Managers of a Massage Establishment shall communicate to all employees of the business the importance of professional business practices.

(f) No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage as defined in §23004 of the Business and Professions Code of the State within the premises wherein a massage business is conducted. No intoxicated person shall be provided with any massage services and shall not be permitted to remain on the premises.

(g) The permitted hours of operation shall be between 7:00 A.M. and 10:00 P.M. daily, unless otherwise authorized by conditional use permit.

SECTION 7. Part 9 of Chapter 3 of Article IX of the Lakewood Municipal Code is amended by modifying Section 9392.B.1 Nonconforming Uses to read as follows:

(f) **Massage Establishment** or an Adult Entertainment Business and the Business of Massage or - three (3) years, except where pursuant to a written lease in effect on the date said use became nonconforming, said premises are limited to a use for a term beyond said three (3) years then to the end of the term of said lease not exceeding, however, five (5) years, or where it has been established to the satisfaction of the Planning and Environment Commission that said use involves an investment of money in leasehold or other improvements requiring amortization of said use beyond three (3) years, in which event the use shall be abated within that period of
time determined by the Planning and Environment Commission not exceeding, however, five (5) years.

SECTION 8. SEVERABILITY. The City Council hereby declares it would have passed this Ordinance sentence by sentence, paragraph by paragraph and section by section, and does hereby declare the provisions of this Ordinance are severable, and if for any reason any section of this Ordinance should be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 9. CERTIFICATION. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance within fifteen (15) days after its passage to be posted in at least three (3) public places within the City as established by ordinance. This Ordinance shall take effect thirty (30) days after its adoption.

ADOPTED AND APPROVED this ___ day of __________, 2015, by the following roll call vote:

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<tr>
<th>Council Member DuBois</th>
<th>AYES</th>
<th>NAYS</th>
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<td>Mayor Wood</td>
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ATTEST:

______________________________________________
City Clerk

Mayor
TO: Honorable Mayor and members of the City Council

SUBJECT: Ordinance Pertaining to Carwashes and Limitations of Uses Permitted in Commercial Zones.

STATEMENT OF FACTS
The Lakewood Municipal Code does not specifically identify automobile vacuums and other outdoor equipment and activities typically identified with car washes to be located or used outside of a building. The proposed ordinance would clarify the LMC by specifically allowing such outdoor equipment and activities to be located or used outside of a building. The ordinance would also require a conditional use permit for all car washes and adds a category that reflects the various business models of today’s carwashes.

There are 11 car washes in Lakewood. Five are full-service car washes, five are of the self-serve tunnel variety, and one is a self-serve facility with four washing bays. Mechanical conveyors to move cars through the wash tunnel are found at six locations in the City. Five of the car washes have vacuum equipment under a canopy, five of the car washes have vacuum stations in the open, and one does not have vacuum equipment. Full service car washes use compressed air to supplement hand towels to dry vehicles. Other outdoor car wash-related activities include window cleaning, applying tire/wheel dressing, and sometimes shampooing floor mats. Application of water and soaps occur at all car washes.

All Lakewood car washes that have vacuum equipment have the equipment outside of an enclosed building. Common concerns relating to car wash activities include noise impacts, water quality recirculation and run-off. The current conditional use permit process has been an effective method in controlling these impacts however, if a car wash or its parking area is more than 200 feet from residentially zoned property, then a conditional use permit is not currently required.

Municipal Code Section 9341 provides that every use permitted in a C-1 Zone must be conducted wholly within a building. That Section also provides certain exceptions; plant nurseries, gasoline, oil or petroleum product pumps, newsstands, outdoor advertising, commercial parking lots, vehicular parking and loading spaces, and outdoor displays and storage where otherwise allowed or authorized in the C-1 zone. As noted above, vacuums and other outdoor equipment and activities are commonly found in conjunction with car washes in Lakewood and at other carwashes throughout the nation. Outdoor vacuums have been part of the car washes approved in Lakewood. Accordingly, it is appropriate for Section 9341 to clarify that vacuums and other car wash related equipment may be located outdoors.
Ordinance Pertaining to Carwashes and Limitations of Uses Permitted in Commercial Zones
May 26, 2015
Page 2

Municipal Code Section 9347.C allows mechanical automobile wash racks without a conditional use permit when the use or the parking facilities thereof are located more than two hundred feet from the boundaries of any land zoned for residential purposes. Section 9347.C does not address facilities where hand-only car washes or auto detailing are the primary activity. It also does not require a conditional use permit process for locations that are more than two hundred feet from residentially zoned land. Requiring a conditional use permit for all car wash facilities would allow discretionary review of all carwash facilities which would provide effective enforcement to mitigate potential impacts.

The proposed ordinance would amend Municipal Code Section 9347.D by adding a category that requires a conditional use permit for all car washes. The amendment would also expand the definition of a car wash beyond “mechanical automobile wash racks.” The proposed definition is broader in scope to capture all forms of car washes, whether self- or full-serve, and is designed to reflect the variety of car wash business models.

The proposed ordinance will:

1. Clarify Section 9341.B to include vacuums and other outdoor equipment and activities normally associated with a car wash to be located or used outside of a building.
2. Amend Section 9347.C by deleting the provision that allows car washes as a permitted use when a carwash or its parking facilities are located more than two hundred feet from land zoned for residential purposes.
3. Amend Section 9347.D by adding a category for vehicle wash racks, carwashes, or any permanent facility offering hand or mechanical washing, detailing, waxing, or cleaning of non-commercial vehicles, and whether self- or full-service. Vacuums and other outdoor equipment and activities normally associated with a car wash would be permitted in conjunction with such facilities. Uses listed under Section 9347.D require a conditional use permit.

CEQA
An Initial Study has been prepared for the proposed ordinance pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, as amended. At its May 7, 2015 Planning and Environment Commission meeting, the Commission found that on the basis of the Initial Study, the proposed ordinance will not have a significant effect on the environment. Projects governed by this ordinance will be reviewed by the Development Review Board (and the Planning and Environment Commission as required) under an independent case-by-case CEQA analysis pursuant to the CEQA Guidelines, as amended. The Planning and Environment Commission recommends that the City Council approve a Negative Declaration for the proposed ordinance, pursuant to Section 15070 et seq., of the Guidelines.
Ordinance Pertaining to Carwashes and Limitations of Uses Permitted in Commercial Zones
May 26, 2015
Page 3

PUBLIC NOTICE
Pursuant to Section 9422 of the Lakewood Municipal Code and State Law, notice of the public hearing for this amendment was posted on the City's website on May 15, 2015, published in the May 15, 2015, and posted in three places within the City on May 15, 2015.

RECOMMENDATION
On May 7, 2015, the Planning and Environment Commission adopted Resolution 9-2015 recommending that the City Council adopt the proposed ordinance. Staff recommends that the City Council introduce the proposed ordinance amending the Lakewood Municipal Code, pertaining to car washes and limitations of uses permitted in commercial zones and direct staff to review and respond to any comments received on the proposed Negative Declaration.

Sonia Dias Southwell, AICP
Director of Community Development

Howard L. Chambers
City Manager
RESOLUTION NO. 9-2015

A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD RECOMMENDING WITH REPORT AND FINDINGS THAT THE PROPOSED ORDINANCE BE ADOPTED BY THE CITY COUNCIL AMENDING THE LAKEWOOD MUNICIPAL CODE AND OFFICIAL ZONING ORDINANCE CLARIFYING THAT PORTION OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO CARWASHES AND LIMITATIONS OF USES PERMITTED IN COMMERCIAL ZONES.

THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood did initiate a hearing, pursuant to Section 9411 of the Lakewood Municipal Code, pertaining to an amendment to the Lakewood Municipal Code and Official Zoning Ordinance clarifying that portion of the Lakewood Municipal Code pertaining to carwashes and limitations of uses permitted in commercial zones; and said Commission did on the 7th day of May, 2015, following notice given in the time and manner required by law, consider the ordinance proposing to amend the Lakewood Municipal Code as described above. This Resolution, with the findings and recommendations herein contained, along with the record of the proceedings of the Planning and Environment Commission constitutes said Commission’s report to the City Council.

SECTION 2. In connection with this project, the Planning and Environment Commission has considered the proposed Negative Declaration and the comments received during the public review process. The Planning and Environment Commission finds, on the basis of the Initial Study and the comments received during the review period and at the public hearing, that there is no substantial evidence that the project will have a significant effect on the environment. Based on these findings, the Planning and Environment Commission recommends that the City Council approve the Negative Declaration for this project.

SECTION 3. The Commission reports that legal publication was made in the Press Telegram, that notice of public hearing was posted, all as required by ordinance and in the time as required by law. A summary of the hearing is contained in the Minutes of the Planning and Environment Commission meeting of the 7th day of May, 2015.

SECTION 4. The Planning and Environment Commission hereby finds that said proposed amendment should be adopted for the following reasons and findings:
Resolution No. 9-2015

-2- Resolution Recommending Approval of an Ordinance Pertaining to Carwashes and Limitations of Uses Permitted in Commercial Zones.

A. The proposed amendment to the Lakewood Municipal Code will not be in conflict with the City’s General Plan.

B. The proposed ordinance will clarify the placement of vacuums and other equipment and activities normally associated with a carwash as permitted in conjunction with such facilities, would delete carwashes as permitted uses when located more than 200 feet from environmentally zoned property, and would require a conditional use permit for all carwashes.

ADOPTED THIS 7th day of May, 2015, by the Planning and Environment Commission of the City of Lakewood by the following roll call vote:

AYES: COMMISSIONERS: Manis, Stuckey, McKinnon, Samaniego, Quarto

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

[Signature]

Robert Quarto, Chairperson

ATTEST:

[Signature]

Sonia Dias Southwell, AICP
Director of Community Development/Secretary
Carwash Ordinance 2015

Lakewood, California

Initial Study and Environmental Checklist

June 9, 2015

City of Lakewood
Community Development Department

5050 Clark Avenue
Lakewood, California 90712
(562) 866-9771
I. INTRODUCTION

A. Background

Project title: Carwash Ordinance 2015

Agency requiring checklist: City of Lakewood
5050 N. Clark Avenue
Lakewood, California 90712

Agency contact person: Paul Kuykendall, AICP, Senior Planner
(562) 866-9771, extension 2341

Project location: Citywide, Lakewood, California

Name of proponent: City of Lakewood

Proponent’s address and phone: 5050 N. Clark Avenue
Lakewood, California 90712
(562) 866-9771

B. Introduction to the Environmental Review Process

California Environmental Quality Act (CEQA) Guidelines Section 15152 permits tiering of environmental analyses for separate but related projects including plans and development projects. According to Guidelines Section 15152(b), tiering is appropriate when the sequence of analysis is from an EIR prepared for a General Plan, policy or program to a site specific EIR or negative declaration. In the case of this project, the environmental analysis was tiered off of the City’s November 1996 Final Master EIR for its Comprehensive General Plan (the “Master EIR”). The analysis and conclusion the Master EIR were validated in the Master Environmental Assessment (“MEA”) prepared in accordance with Section 15169 of the CEQA Guidelines as amended, and approved by the Lakewood City Council in September 25, 2007.

In accordance with Guidelines Section 15152(f), a negative declaration shall be required when the Initial Study shows that there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment or the Initial Study identifies potentially significant effects but revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. This Initial Study examined whether the project will result in any new project-specific environmental impacts not previously addressed in the General Plan EIR. This Initial Study found that no significant environmental impact will occur due to the proposed action, and thus a Negative Declaration will be circulated for public review for a period of 20 days in accordance with Public Resources Code Section 21091 (b).
C. Project Description and Location

The purpose of the proposed ordinance is to clarify that portion of the Lakewood Municipal Code pertaining to carwashes and limitations of uses permitted in commercial zones. This amendment does not affect any specific real property within the City and applies to the City generally.

D. Environmental Findings

The proposed ordinance will not have a significant effect on the environment. Projects incorporating elements governed by this ordinance will be reviewed by the Development Review Board and the Planning and Environment Commission with an independent CEQA determination on a case-by-case basis pursuant to the CEQA Guidelines, as amended.
II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation / Traffic
- Utilities / Service
- Mandatory Findings of Significance

Determination (to be completed by Lead Agency):

On the basis of this initial evaluation:

I find that the proposed project could not have a significant effect on the environment, and that the project is Categorically Exempt of the California Environmental Quality Act guidelines, as amended.

I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.

I find that the proposed project may have a significant effect on the environment, and an Environmental Impact Report (EIR) is required.

I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR Report is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Sonia Dias Southwell, AICP, Director of Community Development

June 9, 2015
Date
ENVIRONMENTAL CHECKLIST AND DISCUSSION OF CHECKLIST ISSUES

I. AESTHTETICS. Would the project:

   a) Have a substantial adverse effect on a scenic vista? (Source #s: 1, 6)
      ☐ ☐ ☐ ☒

   b) Substantially damage scenic resources, including, but not limited to, trees rock outcroppings, and historic buildings within a state scenic highway? (1, 6)
      ☐ ☐ ☐ ☒

   c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 6)
      ☐ ☐ ☐ ☒

   d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 6, 8)
      ☐ ☐ ☐ ☒

The proposed ordinance will not have a substantial adverse effect on any scenic vistas nor will it substantially damage scenic resources. There are no historic buildings identified within the City. The proposed ordinance will not substantially degrade the existing visual quality of the subject site or the surrounding area nor will it create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

   e) Have economic changes associated with the proposed project which may result in physical changes to the environment that would result in a substantial degradation to the existing character or quality of its surroundings, or which would otherwise result in significant urban decay? (1)
      ☐ ☐ ☐ ☒

The proposed ordinance will not result in any physical changes to the environment that might otherwise have the potential to impact the character of the city, its surroundings, or which might otherwise result in significant urban decay. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.
Mitigation Measures

1. None required.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agriculture use? (2,3)

The proposed ordinance will amend the Lakewood Municipal Code by clarifying that portion of the Lakewood Municipal Code pertaining to carwashes and limitations of uses permitted in commercial zones. This amendment does not affect any specific real property within the City and applies to the City generally. The proposed ordinance will not result in the conversion of any farmland to a non-agricultural use. This determination was made pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract? (2,3,6)

The proposed ordinance will amend the Lakewood Municipal Code by clarifying that portion of the Lakewood Municipal Code pertaining to carwashes and limitations of uses permitted in commercial zones. There will be no conflict with any contracts entered into pursuant to Section 51200 et seq. of the California Government Code (also known as the Williamson Act).

c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? (1,6,12)

There is no forest land and no timberland within, or adjacent to, the City of Lakewood. The proposed ordinance will not conflict with zoning or rezoning of any land designated for timberland production.

d) Result in the loss of forest land or conversion of forest land to non-forest use? (1,6,12)
There is no forest land and no timberland within, or adjacent to, the City of Lakewood. The proposed ordinance will not result in the loss of forest land or the conversion of forest land to a non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (1,6,12)

Since there is no farmland or agricultural land in the city to begin with, the proposed ordinance will not result in the conversion of any farmland or agricultural land, to a non-agricultural use.

Mitigation Measures

1. None required.

III. AIR QUALITY. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? (1,6)

The proposed ordinance will not result in a level of development exceeding what is anticipated by the General Plan and MEIR for the city, therefore the ordinance will not conflict or obstruct the implementation of any applicable air quality plan. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1,6)

The proposed ordinance will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Thresholds of significance for air quality standards are contained in the General Plan MEIR of the General Plan MEA. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality
standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (1,6)

The proposed ordinance does not have the characteristics to result in a considerable cumulative net increase of any criteria-pollutant that would exceed any applicable federal or state air quality standard. Projects developed under the proposed ordinance would be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

   d) Expose sensitive receptors to substantial pollutant concentrations? (1,6)

The proposed ordinance will not result in the exposure of sensitive receptors to substantial pollutant concentrations.

   e) Create objectionable odors affecting a substantial number of people? (1,6)

The proposed ordinance will not create any objectionable odors that might otherwise affect a substantial number of people.

Mitigation Measures

The mitigation measures listed below are required by the Master EIR and are sufficient to reduce potential impacts associated with the proposed project to less than significant levels:

1. None required.

IV. BIOLOGICAL RESOURCES: Would the project:

   a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,6)

The proposed ordinance will not adversely affect, either directly or indirectly, any species that has been identified as a candidate, sensitive, or special status species in local or regional plans, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,6)

Lakewood is located in a highly urbanized portion of Los Angeles County. The proposed ordinance will not have a substantial impact on any riparian habitat or other sensitive natural community, nor will it impede or alter the flow of any waterways.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1,6)

There are no federally protected wetlands that would be impacted by the proposed ordinance, as defined by Section 404 of the Clean Water Act, within Lakewood.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites? (1,6)

The proposed ordinance will not interfere with the movement of any native resident or migratory fish or wildlife species, nor will it affect any established wildlife corridors or impede the use of native nursery sites.

c) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,6)

The proposed ordinance will not conflict with any local policies or ordinances, including those goals found in the Conservation Element of the City of Lakewood General Plan.

Mitigation Measures

1. None required.
V. CULTURAL RESOURCES. Would the project:

   a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? (1,6)

The proposed ordinance will not create a substantial adverse change to any historical resource.

   b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (1,6)

There will be no substantial adverse changes to any archaeological resources, as a result of the proposed ordinance.

   c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,6)

The proposed ordinance will neither directly nor indirectly destroy any paleontological resources, site characteristics, or unique geological features.

   d) Disturb any human remains, including those interred outside of formal cemeteries? (1,6)

The proposed ordinance will not disturb the location of any known human remains.

Mitigation Measures

1. None required.

VI. GEOLOGY AND SOILS. Would the project:

   a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

      (i) Rupture of a known earthquake Fault as Delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a
known fault? (1,6)

(ii) Strong seismic ground shaking? (1,6) ☐ ☐ ☐ ☑

ii) Seismic-related ground failure, including liquefaction? (4)

v) Landslides? (1,6) ☐ ☐ ☐ ☑

The region has many active and potentially active faults, however, Lakewood is not within an Aquist-Priolo Special Study zone. There are no known active faults in the City of Lakewood. The closest active fault is the Newport-Inglewood Fault Zone, located about four miles southwest of the City. The proposed ordinance by itself will not result in persons or buildings being threatened by seismic activity, landslides, nor mudflows. Projects are reviewed on a case-by-case basis to evaluate potential impacts relating to seismic activity and land/mud slides.

b) Result in substantial soil erosion or the loss of topsoil? (1,6)

The proposed ordinance will not result in substantial erosion or the loss of topsoil. Projects are reviewed on a case-by-case basis to evaluate potential impacts relating to soil erosion and loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1,6)

The properties affected by the proposed ordinance are not located on a geological unit or soil in such a way that would cause the soil to become unstable, or result in any other geologic defect.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1,6)

Although Lakewood is within a part of Los Angeles County recognized as having expansive soil, develop projects are subject to Building Code requirements for development in areas having expansive soil, if applicable.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative

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waste water disposal systems where sewers are not available for the disposal of waste water?
(1,6)

Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act to ensure that project sites are served by a sanitary sewer system. Projects in Lakewood do not involve any new installation, or connection, to any septic tank or alternative waste water disposal system and are connected to the public sewer system operated by the Los Angeles County Sanitation District.

Mitigation Measures

1. None required.

VII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment? (1,6,11)

☐ ☐ ☐ ☒

The proposed ordinance will not directly result in significant levels of greenhouse gas emissions.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,6,11)

☐ ☐ ☐ ☒

In September 2006, the state legislature approved Assembly Bill 32 thereby adopting the California Global Warming Solutions Act (CGWSA) by amending Section 38500 of the Health and Safety Code. The central goal of AB 32 is to reduce greenhouse gas (GHG) emissions to 1990 levels by the year 2020. The proposed ordinance will not directly conflict with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

Mitigation Measures

1. None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,6)

☐ ☐ ☐ ☒
The proposed ordinance does not have the characteristics which would otherwise result in the transport, use, or disposal of significant amounts of hazardous materials.

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,6)

The proposed ordinance does not involve the handling of any hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile into the environment? (1,6)

By itself, the proposed ordinance will not emit any hazardous emissions, nor does it involve the handling of hazardous or acutely hazardous materials, substances or waste.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? (1,6)

There are no hazardous materials sites within the city of Lakewood pursuant to data compiled to Government Code Section 65962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1,6,9)

The proposed ordinance will not require persons residing or working within an area designated as an airport influence area to be exposed to potential safety hazards.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1,5,9)
The proposed ordinance will not require persons residing or working in the vicinity of a private airstrip to be exposed to potential safety hazards.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,6)

The proposed ordinance will not interfere with an adopted emergency response plan or emergency evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? (1,6,11)

There are no brush lands or forest lands within the City. Therefore, there will not be an increased risk of loss, injury or death from wildfires as a result of the proposed ordinance.

Mitigation Measures

1. None required.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (1,6)

The proposed ordinance by itself will not impact water quality standards.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses or which permits have been granted? (1,6)

The proposed ordinance by itself will not impact groundwater supply standards.
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? (1,6)

The proposed ordinance will not impact drainage patterns.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (1,5)

The proposed ordinance will not impact any drainage patterns including the courses of streams and/or rivers, nor will it alter the rate of surface runoff in a manner that would result in flooding on- or off-site.

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (1,5)

The proposed ordinance will not impact create, or contribute to, water runoff in a manner that would exceed the capacity of existing or planned storm water drainage systems, nor will the proposed ordinance provide substantial additional sources of polluted runoff. Projects are subject to SUSMIP requirements, which would further reduce impacts from storm water runoff.

f) Otherwise substantially degrade water quality? (1,5)

The proposed ordinance will not result in projects that would otherwise degrade water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,5,6)

The proposed ordinance does not involve the construction or the relocation of any housing. No housing will be placed within a 100-year flood hazard zone.
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1,5,6)

The proposed ordinance will not require the placement of any structures within a 100-year flood hazard zone nor will it require any structures to be modified or constructed in a manner that would impede or redirect projected flood flows.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (1,5,6)

The proposed ordinance will not require exposure of persons or structures to significant risk of loss, injury, or death involving flooding, including flooding as result site in not located in a flood hazard area.

j) Inundation by seiche, tsunami, or mudflow? (1,5)

The proposed ordinance will not result in new or expanded projects being impacted by a seiche, tsunami, or mudflow.

Mitigation Measures

1. None required.

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community? (1,6)

The proposed ordinance will not disrupt or divide the physical arrangement of an established community, including a low income or minority community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,5,6)
The proposed ordinance will not conflict with any applicable land use plans, policies, or regulations. Projects will be reviewed on a case-by-case basis to evaluate potential impacts relating to issues concerning land use.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,6)  

The proposed ordinance will not conflict with any habitat conservation plan or natural community plan.

**Mitigation Measures**

1. None required.

**XI. MINERAL RESOURCES.** Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,6)  

The proposed ordinance will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State of California.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan? (1,6)

There are no mineral recovery sites delineated by the City of Lakewood General Plan, therefore, the proposed ordinance will not result in the loss of such sites.

**Mitigation Measures**

1. None required.

**XII. NOISE.** Would the project:

a) Exposure of persons to or generation of  

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noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies? (1,6,7)

The proposed ordinance will not require the exposure of persons to, or the generation of, established noise levels. In residential areas, the Municipal Code restricts sound levels to 65 dB(A) as measured along any point of a residential property line. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1,6)

The proposed ordinance will not require the exposure of persons to, or the generation of, excessive groundborne vibration or groundborne noise levels. Section 8019 of the Municipal Code establishes hours of construction, which are 7:00 a.m. to 7:00 p.m., Mondays through Saturdays, and 9:00 a.m. to 7:00 p.m. on Sundays.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,6)

The proposed ordinance will not result in a permanent increase in ambient noise levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,6)

The proposed ordinance will not result in a substantial temporary or periodic increase in ambient noise levels. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,6,9)

The proposed ordinance will not require persons residing or working within an area designated as an airport influence area to be exposed to excessive noise levels.
f) For a project within the vicinity of private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,6,9)

The proposed ordinance will not require persons residing or working within the vicinity of a private airstrip be exposed to excessive noise levels.

Mitigation Measures

1. None required.

XIII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an, area either directly (for example, by proposing new homes and businesses) or directly for example, through extension of roads or other infrastructure? (1,6)

The proposed ordinance will not induce significant population growth. Since the City of Lakewood is nearly "built-out," significant increases to current population levels are not expected as a result of the proposed ordinance.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,6)

The proposed ordinance does not require the displacement of any existing housing. The proposed ordinance will not result in the displacement of any housing units which in turn would require the construction or relocation of any dwelling units.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,6)

The proposed ordinance does not require the displacement of any persons. The Ordinance Projects will not result in the displacement of any persons which in turn would require the construction or relocation of any dwelling units.
Mitigation Measures

1. None required.

XIV. PUBLIC SERVICES.

   a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (1,8)

      i) Fire Protection? ☐ ☐ ☐ ☑

      ii) Police Protection? ☐ ☐ ☐ ☑

      iii) Schools? ☐ ☐ ☐ ☑

      iv) Parks? ☐ ☐ ☐ ☑

      iv) Other public facilities? ☐ ☐ ☐ ☑

The proposed ordinance by itself will not directly impact fire or law enforcement services, nor will it impact schools, parks, or other public facilities.

Mitigation Measures

1. None required.

XV. RECREATION.

   a) Would the project increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would occur or be accelerated? (1,6)
The proposed ordinance by itself will not directly impact any existing or proposed park facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (1,6)

The proposed ordinance will not result in a recreational facility being expanded in a manner that would otherwise have an adverse physical effect on the environment.

Mitigation Measures

1. None required.

XVI. TRANSPORTATION / TRAFFIC. Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (1,6,9)

b) Exceed, either individually or cumulatively, a level of service (LOS) standards established by the county congestion management agency for designated roads and highways? (1,6,10)

a-b) The proposed ordinance by itself will not result in a significant increase in vehicular traffic, nor will the proposed ordinance result in an individual or cumulative impact to any LOS standards. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act to evaluate potential impacts relating to issues concerning transportation and traffic.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,6)

The proposed ordinance does not propose to directly or indirectly, change air traffic patterns or create any safety risks with regards to air traffic.
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,6)

The proposed ordinance does not require any changes to any driveway aprons, intersections, sharp curves, or incompatible uses.

c) Result in inadequate emergency access? (1,6)

The proposed ordinance will not result in inadequate emergency access.

f) Result in inadequate parking capacity? (1,6,7,8)

The proposed ordinance does not require any changes to parking capacity.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (1,7,8)

The proposed ordinance by itself will not conflict with any adopted policies, plans, or programs supporting alternative transportation.

Mitigation Measures

1. None required.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1,6)

The proposed ordinance by itself will not result in additional wastewater that might exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The ordinance will not result in projects exceeding the wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of
which could cause significant environmental effects? (1,6)

The proposed ordinance by itself does not require the construction or expansion of any water or wastewater treatment facilities.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,6)

The proposed ordinance by itself does not identify any particular site which is may or may not be developed with mostly impervious surfaces and which may or may not require the construction of new off-site storm water drainage facilities. The ordinance will not result in project sites being developed with mostly impervious surfaces or projects that require construction of new off-site storm water drainage facilities.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1,6)

The proposed ordinance will not impact the capacity of existing waters systems.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? (1,6)

A Master EIR was prepared as part of the 1996 General Plan, and a Master Environmental Assessment was adopted on September 25, 2007. For both documents, comments were solicited from various agencies, including Los Angeles County Sanitation District. The proposed ordinance by itself will not individually or cumulatively exceed the environmental thresholds established by the MIR or the MEA.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (1,6)

The proposed ordinance by itself will not impact the capacity of solid waste disposal facilities. The ordinance will not result in project sites that have a significant potential to impact the capacity of solid waste disposal facilities.
g) Comply with federal, state, and local statutes and regulations related to solid waste? (1,6)

The proposed ordinance by itself does not conflict with any applicable federal, state and local regulations pertaining to solid waste. The ordinance will not result in project sites that have a significant potential to conflict with regulations pertaining to solid waste.

Mitigation Measures

1. None required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4,5,6,7,8,9,10,11)

The City is within a highly urbanized portion of Los Angeles County. The proposed ordinance by itself will not have a negative impact on any rare or endangered wildlife. The ordinance will not result in project sites that have a significant potential to impact rare or endangered wildlife. Projects developed under the proposed ordinance would be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (1,2,3,4,5,6,7,8,9,10,11)
The proposed ordinance by itself will not produce impacts that are individually or cumulatively considerable. The ordinance will not result in project sites that have a significant potential to conflict with the General Plan and with applicable standards as contained in the Municipal Code. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

c) Does the project have environmental effects ☣ ☣ ☣ ☣ ☐ which will cause substantial adverse effects on human beings, either directly or indirectly?
(1,2,3,4,5,6,7,8,9,10,11)

The proposed ordinance will not directly or indirectly have substantial adverse effects on human beings. The ordinance will not result in project sites that have a significant potential to have direct or indirect substantial adverse effects on human beings. Projects developed under the proposed ordinance will be reviewed on a case-by-case basis pursuant to the California Environmental Quality Act.

**Mitigation Measures**

1. None required.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063(c)(3)(D)). CEQA Guidelines Section 15152 permits tiering of environmental analyses for separate but related projects including plans and development projects. According to Guidelines Section 15152(b), tiering is appropriate when the sequence of analysis is from an EIR prepared for a General Plan, policy or program to a site specific EIR or negative declaration. In the case of this project, the environmental analysis was tiered from the Master EIR prepared for the Lakewood Comprehensive General Plan. Guidelines Section 15152(h)(1) specifically identifies a General Plan EIR as a type of EIR that can be used for tiering. The City prepared the Master EIR in November, 1996 and approved the MEA on September 25, 2007.
Earlier Analysis

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

Documents used for this analysis include plans provided by the Permittee and the City of Lakewood General Plan Technical Background Report. Copies of all plans and studies used to prepare this Initial Study, as well as the Master EIR and MFA, are on file and available for public review during normal business hours at the City of Lakewood Community Development Department, 5050 Clark Avenue, Lakewood, California 90712.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Impacts that reference the environmental documents listed in section a) above, are contained within the scope of those documents and have been adequately analyzed in those documents, pursuant to applicable legal standards.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe mitigation measures incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

IV. SUPPORTING INFORMATION SOURCES


2. California Government Code Section No. 51200 et seq. State of California (see Section II.a of this Environmental Checklist).


9. California Department of Forestry and Fire Protection. Fire Hazard Severity Zone map for Los Angeles County:
ORDINANCE NO. 2015-5


THE CITY COUNCIL OF THE CITY OF LAKewood DOES ORDAIN AS FOLLOWS:

SECTION 1. Article IX Planning - Zoning of the Lakewood Municipal Code is hereby amended as provided in this Ordinance pursuant to Public Hearings before the Planning and Environment Commission and the City Council.

SECTION 2. CEQA. The City Council finds that an Initial Study has been prepared for the proposed project, pursuant to Section 15063 of the California Environmental Quality Act Guidelines, as amended. A Negative Declaration has been prepared for the project, pursuant to Section 15070, et. seq., of the Guidelines. The project was found to have no significant effect on the environment. Therefore, said Negative Declaration is hereby approved.

SECTION 3. PURPOSE. This purpose of this ordinance is to clarify that portion of the Lakewood Municipal Code pertaining to carwashes and limitations of uses permitted in commercial zones.

SECTION 4. Section 9341. Limitations of Uses Permitted of Part 4 C-1 (Neighborhood Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is amended by modifying Subsection 9341.B to read as follows:

9341. LIMITATIONS OF USES PERMITTED. Every use permitted in a C-1 Zone shall be subject to the following conditions and limitations:

B. All uses shall be conducted wholly within a building except a plant nursery, gasoline, oil or petroleum product pumps, newsstand, outdoor advertising, commercial parking lots, vehicular parking and loading spaces, vacuums, vacuum stations, and other outdoor equipment and activities normally associated with a carwash as permitted in conjunction with such facilities, and other outdoor accessory uses, displays, and storage, which are normal and incidental to the primary permitted commercial use, and outdoor displays and storage where otherwise allowed or authorized by this Part. No required vehicle storage space or landscaped area shall be devoted to outdoor displays or storage.
SECTION 5. Section 9347. Uses Permitted of Part 4a C-3 (Intermediate Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is amended by modifying Subsection 9347.C to read as follows:

9347. USES PERMITTED.

C. RESTRICTIONS ON CERTAIN USES. Notwithstanding that the foregoing, the following uses are permitted provided that said use or the parking facilities thereof are located more than two hundred feet from the boundaries of any land zoned for residential use:

1. Automobile wash racks, mechanical
2. Bars, cocktail lounges, or any establishment offering alcoholic beverage for sale for consumption on the premises.

SECTION 6. Section 9347. Uses Permitted of Part 4a C-3 (Intermediate Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is amended by modifying Subsection 9347.D to read as follows:

9347. USES PERMITTED.

D. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT. The following uses are permitted provided that in each instance a conditional use permit has been obtained and continues in full force and effect:

11. Vehicle wash racks, carwashes, or any permanent facility offering hand or mechanical washing, which includes detailing, waxing, or cleaning of non-commercial vehicles, and whether self- or full-service. Carwash facilities may include outdoor vacuums, vacuum stations, and other outdoor equipment and activities normally associated with a carwash. Other activities and uses may co-locate with a carwash as deemed acceptable by the Planning and Environment Commission.

SECTION 7. SEVERABILITY. The City Council hereby declares it would have passed this Ordinance sentence by sentence, paragraph by paragraph and section by section, and does hereby declare the provisions of this Ordinance are severable, and if for any reason any section of this Ordinance should be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 8. CERTIFICATION. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance within fifteen (15) days after its passage to be posted in at least three (3) public places within the City as established by ordinance. This Ordinance shall take effect thirty (30) days after its adoption.
ADOPTED AND APPROVED this ___ day of __________, 2015, by the following roll call vote:

<table>
<thead>
<tr>
<th>Council Member DuBois</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
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<td>Council Member Rogers</td>
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<td>Council Member Piazza</td>
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<td>Council Member Croft</td>
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<td>Mayor Wood</td>
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ATTEST:

_________________________
Mayor

_________________________
City Clerk
Legislation
ORDINANCE NO. 2015-3


THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Zoning Map of the City of Lakewood heretofore adopted by Section 9311 of Part I, of Chapter 3, of Article IX of the Lakewood Municipal Code is amended as shown on Exhibit “D”, attached hereto and made a part hereof, so as to change the official zoning from O-S (Open Space) to M-F-R (Multiple-Family Residential) for the property located at 11609 216th Street located in Lakewood, California in accordance with and subject to the Development Plan attached hereto and made a part hereof as though set forth in full.

SECTION 2. Pursuant to the terms and provisions of the California Environmental Quality Act Guidelines and Resolution No. 73-29, the Director of Community Development, following an Initial Study, has caused to be prepared a Mitigated Negative Declaration, pursuant to Section 15070 of the California Environmental Quality Act Guidelines, as amended. Based on the Mitigated Negative Declaration with the mitigation measures therein contained, this project is found to have no significant effect on the environment. Therefore, said Mitigated Negative Declaration is hereby approved.

SECTION 3. The aforementioned amendment to the official zoning ordinance of the City of Lakewood has been adopted pursuant to a public hearing held before the City Council on the 28th day of April, 2015, following the published, posted, and mailed notice, in accordance with the Government Code and local ordinances.

SECTION 4. The aforementioned amendment to the official Zoning Ordinance of the City of Lakewood has been adopted pursuant to a public hearing held before the City Council on the 28th day of April, 2015, following published, posted, and mailed notice in accordance with the Government Code and local ordinances.

SECTION 5. SEVERABILITY. The City Council hereby declares it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare the provisions of this Ordinance are severable and, if, for any reason, any section of this Ordinance should be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.
Ordinance No. 2015-3
Page 2

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City, and in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said ordinance within fifteen (15) days after its passage to be posted in at least three public places within the City. This ordinance shall take effect thirty (30) days after its adoption.

ADOPTED AND APPROVED this 26th day of May, 2015, by the following roll call vote:

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<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
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<td>Council Member DuBois</td>
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<td>Mayor Wood</td>
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Mayor

ATTEST:

_____________________________
City Clerk
TO: The Honorable Mayor and City Council

SUBJECT: Urgency Ordinance Implementing 2015 Water Conservation Regulations

INTRODUCTION
On April 1, 2015 Governor Brown directed the State Water Resources Control Board (State Board) to implement mandatory water reductions to reduce statewide potable urban water usage by 25 percent by February 2016. Additional regulations by the State Board to reduce water usage include the Governor’s January 17, 2014 and April 25, 2014 Proclamations, which remain in full effect.

STATEMENT OF FACT
On March 27, 2015 the Office of Administrative Law (OAL) approved the State Water Board emergency regulation to support water conservation that was amended and readopted on March 17, 2015. The regulations became effective immediately and required implementation within 45 days. However, in mid-implementation on April 1 the Governor put into effect an Executive Order declaring a Continued State of Emergency to exist statewide due to the ongoing drought, depleted water supplies due to lack of rainfall, record low snowpack in the Sierra Nevada Mountains, decreased reservoir water levels, reduced flows in the state’s rivers, and shrinking supplies in underground water basins.

The Governor’s Executive Order contained several instructions for State Board implementation. Adopted by the State Board on May 5, 2015 and approved by the OAL these provisions include:

1. Mandatory 25% reduction in potable urban water use;
2. Commercial, industrial and institutional potable water use reductions;
3. Prohibition on using potable water for irrigation of ornamental turf in street medians; and
4. Prohibition on using potable water for irrigation outside of new home construction without meeting a regulation soon to be established by the California Building Standards Commission and the Department of Housing and Community Development.

The State Board regulations require water suppliers to establish, if they have not already done so, rate structures and other pricing mechanisms geared at reducing water use. In the upcoming weeks the State Board will make recommendations on how water suppliers can best implement these structures. However, in light of the recent Fourth District Court of Appeal’s Decision in Capistrano Taxpayer Association Inc. v. City of San Juan Capistrano (G048969) staff proposes that the Water Resources Committee hold in reserve implementation of a Water Rate Structure.
BACKGROUND
The State Board uses relative per capita water usage of each water supplier as a basis for development of a sliding scale of mandatory conservation ranging from 8% to 36%. Those with high per capita water use will need to achieve proportionally greater reductions than those with low water use.

The State Board utilized nine tiers of increasing levels of residential gallons per-capita-per-day (R-GPCD) water use to reach the statewide 25 percent reduction mandate. According to the State, this approach lessens the disparities in reduction requirements between agencies that have similar levels of water consumption, but fall on different sides of dividing lines between tiers. The City of Lakewood, having an R-GPCD average of 105 for the July – September 2014 reporting period falls under Tier 5 with a conservation standard of 20% by February 2016.

<table>
<thead>
<tr>
<th>Tier</th>
<th>R-GPCD Range</th>
<th># of Suppliers in Range</th>
<th>Conservation Standard</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>reserved</td>
<td>0</td>
<td>4%</td>
</tr>
<tr>
<td>2</td>
<td>0 – 64.9</td>
<td>23</td>
<td>8%</td>
</tr>
<tr>
<td>3</td>
<td>65 – 79.9</td>
<td>24</td>
<td>12%</td>
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<td>4</td>
<td>80 – 94.9</td>
<td>44</td>
<td>16%</td>
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<tr>
<td>5</td>
<td>95 – 109.9</td>
<td>51</td>
<td>20%</td>
</tr>
<tr>
<td>6</td>
<td>110 – 129.9</td>
<td>48</td>
<td>24%</td>
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<tr>
<td>7</td>
<td>130 – 169.9</td>
<td>82</td>
<td>28%</td>
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<tr>
<td>8</td>
<td>170 – 214.9</td>
<td>54</td>
<td>32%</td>
</tr>
<tr>
<td>9</td>
<td>215 – 612.0</td>
<td>88</td>
<td>36%</td>
</tr>
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On May 12, 2015, the City Council adopted Resolution No. 2015-15 extending Phase 2 water conservation regulations that were adopted in August 2014. In spite of that, the City’s water conservation is at 10% (comparing September 2014 to April 2015 to the prior year). Therefore, to meet the requirement of 20% conservation over the next 9-months, staff recommends that an Urgency Ordinance be implemented. The Urgency Ordinance mirrors the City of Lakewood’s Phase 3 Water Conservation Ordinance but also takes into account new rules mandated by the Governor’s April 1, 2015 Executive Order. Notably, the following actions are prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where a hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

3. The application of potable water to driveways and sidewalks.

4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

6. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

7. The irrigation with potable water of ornamental turf on public street medians.

8. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

In addition, the Urgency Ordinance requires operators of hotels and motels to provide guests with the option of choosing not to have towels and linens laundered daily and notice of this must displayed in each guestroom.

Lastly, an outdoor watering schedule will be implemented as follows:

<table>
<thead>
<tr>
<th>Months</th>
<th>Times per week</th>
<th>Watering Hours</th>
<th>Duration</th>
<th>Watering Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>June, July, August, September</td>
<td>Twice</td>
<td>8:00pm – 8:00am</td>
<td>10 minutes for each station</td>
<td>Trash Day plus three days later for 2&lt;sup&gt;nd&lt;/sup&gt; watering day&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>October, November, December, January, February, March, April, May</td>
<td>Once</td>
<td>5:00pm – 9:00am</td>
<td>10 minutes for each station</td>
<td>Trash Day</td>
</tr>
</tbody>
</table>

Watering using a handheld bucket or similar container, a drip irrigation system with emitters producing no more than two (2) gallons per hour, weather based controllers or steam rotor sprinklers meeting a seventy percent (70%) efficiency standard, or running an irrigation system for short durations to make repairs are exempt from the above watering schedule.

<sup>1</sup> Watering at any property is allowed on trash day plus one additional day as follows: Monday (trash day) and Thursday; Tuesday (trash day) and Friday; Wednesday (trash day) and Saturday; Thursday (trash day) and Sunday; Friday (trash day) and Monday.
SUMMARY
Under the State Board’s Urban Water Conservation Emergency Regulations a 25 percent reduction in Lakewood’s water use as compared to 2013 is mandated. On May 5, 2015 the State Board adopted rules meeting the Governor’s April 1, 2015 Executive Order and ratified by the OAL on May 18. These rules went into effect immediately.

RECOMMENDATION
The Water Resources Committee recommends that the City Council adopt Urgency Ordinance No. 2015-6 adding Section 7514 to Article VII, Chapter 5 of the Lakewood Municipal Code.

James B. Glancy
Water Resources Director

Howard L. Chambers
City Manager
ORDINANCE NO. 2015-6

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD IMPLEMENTING 2015 WATER CONSERVATION REGULATIONS

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and declares:


B. The State Board’s Regulation compels the City Council to take the actions contained in this Ordinance.

C. It is necessary that this Ordinance take effect immediately upon its adoption, pursuant to the provisions of Section 36937 of the California Government Code, in that its adoption is for the immediate preservation of the public peace, health or safety, based on the following facts: (1) The Statewide drought constitutes a public health and safety emergency requiring immediate action, as provided in the State Board’s Resolution and the Governor’s Executive Order; (2) the City will not be able to comply with the State Board’s Regulation without immediately implementing the actions contained in this Ordinance; and (3) the City will be at substantial financial risk by virtue of potential fines assessed by the State in the event of noncompliance with the mandates of the State Board’s Regulation.

D. The Court of Appeal’s recent ruling in the Capistrano Taxpayers Association, Inc. vs. City of San Juan Capistrano case jeopardizes the City’s ability to use the Emergency Rate Surcharge described in subsection J of Section 7511.1, to obtain water conservation.

SECTION 2. The following new Section 7514 is hereby added to Article VII, Chapter 5 of the Lakewood Municipal Code:

"7514. 2015 WATER CONSERVATION REGULATIONS. The regulations set forth in this Section shall supersede any conflicting regulations contained in this Chapter and elsewhere in this Code, and such regulations shall remain in force and effect until the City Council adopts a Resolution pursuant to Section 7511.1, modifying the implementation of water conservation regulations.

A. To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:
1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

2. The use of a hose that dispenses potable water to wash a motor vehicle, except where a hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

3. The application of potable water to driveways and sidewalks.

4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

6. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

7. The irrigation with potable water of ornamental turf on public street medians.

8. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

B. To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

C. All of the restrictions set forth in subsection G of Section 7511.1 shall be in effect. For the months during which watering is allowed only one day per week, watering at any property shall be allowed only on the day of each week on which trash pickup occurs at such property. For the months during which watering is allowed two days per week, watering at any property shall be allowed on the day of each week on which trash pickup occurs at each property, plus one additional day, as follows: Monday (trash day) and Thursday; Tuesday (trash day) and Friday; Wednesday (trash day) and Saturday; Thursday (trash day) and Sunday; Friday (trash day) and Monday.

D. The taking of any action prohibited by this Section, or the failure to take any action required by this Section, is an infraction, punishable by a fine as described in Section 1205, not to exceed $500 for each day in which the violation occurs.

SECTION 3. This Ordinance supersedes Resolution No. 2015-15, adopted on May 12, 2015.

SECTION 4. The City Council hereby declares it would have passed this Ordinance sentence by sentence, paragraph by paragraph and section by section, and does hereby declare the provisions of this Ordinance are severable, and if for any reason any section of this Ordinance should be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.
SECTION 5. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance within fifteen (15) days after its passage to be posted in at least three (3) public places within the City as established by ordinance. This Ordinance shall take effect immediately upon its adoption.

ADOPTED AND APPROVED this 26th day of May, 2015, by the following roll call vote:

<table>
<thead>
<tr>
<th>Council Member DuBois</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Member Rogers</td>
<td></td>
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<tr>
<td>Council Member Piazza</td>
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<tr>
<td>Council Member Croft</td>
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<tr>
<td>Mayor Wood</td>
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</tr>
</tbody>
</table>

______________________________
Mayor

ATTEST:

______________________________
City Clerk
Reports
TO: The Honorable Mayor and City Council

SUBJECT: 2015 Summer Programs/Summer Catalog

INTRODUCTION
The Summer Recreation Catalog will be delivered to Lakewood homes on Saturday, May 23 and Professor Fun, Lakewood’s long-time summer mascot, will guide residents through the hundreds of recreation programs and special events offered to help residents fill their summer calendar.

STATEMENT OF FACTS
The 48-page Summer Catalog uses photos, graphics, and exciting descriptions to promote classes, excursions, concerts, camps, sports, and aquatics. This year’s marketing theme is “Capture the Moment.” The theme encourages residents to use this summer to build memories and to take a picture and capture precious moments to share with friends and family. Professor Fun is shown on the catalog cover snapping a photo of himself at a summer concert in the park.

To provide an overview of the summer schedule, the following headings highlight the variety of programs and activities offered.

CONTRACT CLASSES
Over 660 contract classes are available this summer through the recreation catalog. Some new classes include: Beyond YouTube – Knitting and Crochet, Carving Clay, and Dog Frisbee Training for adults; and for youth, Broadway Camp, Softball Skills Camp, and Computer Programming Camp will be offered.

SUMMER CONCERTS IN THE PARK
The Summer Concerts in the Park program offers eight weekly concerts featuring Tribute Bands, Country, and Rock music and will begin Thursday, June 18. The free concerts will be held at Del Valle Park from 6:30-8:00 p.m. Residents are encouraged to bring the entire family and enjoy an evening of music. Weekly food trucks will provide concession sales benefitting local non-profit community groups.

The following is the schedule for the 2015 Summer Concert Series:

<table>
<thead>
<tr>
<th>DATE</th>
<th>BAND</th>
<th>MUSIC STYLE</th>
<th>CONCESSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 18</td>
<td>Stone Soul</td>
<td>Motown</td>
<td>Super Mex</td>
</tr>
<tr>
<td>June 25</td>
<td>Doo Wah Riders</td>
<td>Country</td>
<td>Super Mex</td>
</tr>
<tr>
<td>July 2</td>
<td>Hot August Nights</td>
<td>Neil Diamond Tribute</td>
<td>Grill Cheese Truck</td>
</tr>
<tr>
<td>July 9</td>
<td>Line of Fire</td>
<td>Journey Tribute</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Council Agenda
2015 Summer Programs/Summer Catalog
May 26, 2015
Page 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>BAND</th>
<th>MUSIC STYLE</th>
<th>CONCESSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 16</td>
<td>Southern Caliber</td>
<td>Country</td>
<td>Peaches Smokehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southern Kitchen</td>
</tr>
<tr>
<td>July 23</td>
<td>The Smokin' Cobras</td>
<td>Oldies Rock and Roll</td>
<td>TBD</td>
</tr>
<tr>
<td>July 30</td>
<td>The Skinny Little Twits</td>
<td>Classic Rock</td>
<td>Taco Obsession</td>
</tr>
<tr>
<td>Aug 6</td>
<td>Knyght Ryder</td>
<td>80's</td>
<td>Super Mex</td>
</tr>
</tbody>
</table>

FINALLY IT'S FRIDAY FAMILY PROGRAMS
Special events are offered throughout the summer on Fridays with the *Finally It's Friday* series. These free or low cost programs offer an opportunity for Lakewood families to start the weekend together with a perfect night of family fun.

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 26</td>
<td>7 p.m. – 10 p.m.</td>
<td>Movie Night @ Monte Verde Park</td>
</tr>
<tr>
<td>July 10</td>
<td>11 a.m. – 2 p.m.</td>
<td>Lakewood’s Summer Fair @ San Martin Park</td>
</tr>
<tr>
<td>July 10</td>
<td>7:30 p.m. – 10 p.m.</td>
<td>Family Movie Swim Night @ Mayfair Pool</td>
</tr>
<tr>
<td>July 17</td>
<td>7 p.m. – 9 p.m.</td>
<td>Shakespeare by the Sea @ Monte Verde Park</td>
</tr>
<tr>
<td>July 24</td>
<td>6:30 p.m. – 8 p.m.</td>
<td>Fun-Tastic Family Night @ The Centre</td>
</tr>
<tr>
<td>July 31</td>
<td>6 p.m. – 10 p.m.</td>
<td>Family Game Night @ Lakewood Youth Center</td>
</tr>
<tr>
<td>August 7</td>
<td>7 p.m. – 10 p.m.</td>
<td>Movie Night @ Monte Verde Park</td>
</tr>
<tr>
<td>August 7</td>
<td>7 p.m. – 9 p.m.</td>
<td>Family Swim Night @ McCormick Pool</td>
</tr>
<tr>
<td>August 14</td>
<td>6 p.m. – 10 p.m.</td>
<td>Parent’s Night Out @ Lakewood Youth Center</td>
</tr>
<tr>
<td>August 21</td>
<td>6:30 p.m. – 8 p.m.</td>
<td>Fun-Tastic Family Night @ The Centre</td>
</tr>
</tbody>
</table>

LAKEWOOD YOUTH SPORTS
The Lakewood Youth Sports summer season consists of t-ball, boys baseball, and girls softball. Teams will be organized at each park with over 1,200 youths participating on 100 teams.

- Registration: May 18 – 25
- Practice dates: June 1 – 19
- Opening Day: June 20
- Regular season concludes: August 7
- Family Play Day/Awards: August 8
- Playoffs: August 10 – 15

CIVIC CENTER BLOCK PARTY
Since 2004, the city has presented the Civic Center Block Party in an effort to bring residents and their families together to enjoy family entertainment, food, and a professional fireworks display. This year’s event is slated for Saturday, June 27 from 4:00 p.m. to 9:30 p.m. on Clark Avenue between Del Amo Boulevard and Candlewood Street. This event continues to be a popular family attraction with an estimated attendance of 25,000 participants and spectators each year. Event components will again include the following:
A Family Fun Zone with kids' amusements and carnival games
- "A Taste of Lakewood" featuring popular Lakewood eateries
- Live entertainment
- A Beverage Garden for guests 21 and older
- Information and promotional giveaways from Lakewood businesses
- A professional fireworks display

AQUATICS
The summer aquatics season promises to be a busy one. After six summers in practice, the online registration for swim lessons through eCatalog is, by far, the preferred method for participants to access aquatic classes, having relegated walk-in registration to a minimal number per session. This process saves staff time and more importantly creates a customer friendly service, expediting wait times and ease of use. Lakewood residents are given priority registration beginning Tuesday, June 2 at 7:00 p.m. for Swim Session 1, which takes place June 22 to July 3.

Mayfair Pool opens for pre-summer weekend recreational swim sessions beginning May 23. Weekday recreation swim sessions will begin with a modified schedule June 15–19 at Mayfair Pool. The full daily schedule for both Mayfair and McCormick Pools will begin on Saturday, June 20 and run through Labor Day, with Mayfair continuing recreation swim sessions on weekends until the end of September. Swim session schedules are as follows:

Recreation Swim Sessions: 1-2:30 p.m. & 2:45-4:15 p.m. Daily at both pools

Family Swim Session: 6:30-8 p.m. Monday, Wednesday, Friday at Mayfair Pool

Wading pools are a fun place for youngsters, ages 3–7, to keep cool, splash, and play. Wading pools are free and in operation from Saturday, June 20 through Sunday, August 30. Pools will also be in operation for the Labor Day holiday weekend, September 5–7.

Schedule for wading pools June 20 – August 30, 11 a.m. – 4 p.m. ("X" indicates days open)

<table>
<thead>
<tr>
<th>WADING POOL</th>
<th>SUN</th>
<th>MON</th>
<th>TUE</th>
<th>WED</th>
<th>TH</th>
<th>FRI</th>
<th>SAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayfair Park</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>San Martin Park</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Del Valle Park</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Palms Park</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Boyar Park</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bloomfield Park</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Council Agenda
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The department will continue an evening wading pool schedule on Wednesdays, June 24 through August 26. “Wading Pool Wednesdays,” invites residents to enjoy wading pool fun at Del Valle, Mayfair, Palms, and San Martin Parks from 5:00 p.m. to 7:00 p.m. The wading pools will not be drained between 4:00 p.m. and 5:00 p.m., however staff will perform routine maintenance and cleaning of the wading pool area during this time.

SUMMARY
Lakewood’s parks and community centers continue the tradition of offering a variety of quality recreational opportunities and special events for residents this summer. Seasonal classes and sports programs for youth, adults, and older adults invite residents to learn a new skill, increase their physical fitness routine, socialize and stay connected. Family programs and special events provide opportunities for children and their families to have experiences that can create lasting memories. Lastly, aquatic programs give residents a place to cool off during the summer months and provide the resource of teaching young people how to swim.

Lisa Litzinger, Director  Recreation & Community Services
Howard L. Chambers  City Manager