

**AGENDA**  
REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
5000 CLARK AVENUE  
LAKEWOOD, CALIFORNIA

June 13, 2017

**ADJOURNED MEETING:** Budget Study Session

6:00 p.m.  
*EXECUTIVE BOARD ROOM*

**CALL TO ORDER**

7:30 p.m.

**INVOCATION:** Bishop Brian Delvaux, Good Shepherd Church

**PLEDGE OF ALLEGIANCE:** Girl Scout Troop 1023

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

**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 Meetings held May 9, and May 23, 2017

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Permits for Street Closures for July 4th Block Parties

RI-5 Approval of Removal of Disabled Person Parking Space at 5938 Loomis Street, Resolution No. 2017-20

RI-6 Authorization to Purchase New Scissor Lift

RI-7 Authorization to Purchase Trailers for Equestrian Center

## **City Council Agenda**

June 13, 2017

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### **PUBLIC HEARINGS:**

- 1.1 Introduction of Ordinance No. 2017-4; Regarding Wireless Facilities on Private Property; Ordinance No. 2017-5; Regarding Eligible Facilities Requests for Wireless Communication Facilities; and Ordinance No. 2017-6; Regarding Wireless Communication Facilities in the Public Right-of-Way
- 1.2 Second Reading and Adoption of Ordinance No. 2017-3; Amending Article IX of the Lakewood Municipal Code Pertaining to Required Front Yard Setbacks for Properties in the R-1 and R-A Zones Within Tract No. 11600 and Tract No. 12673, More Commonly Known As Lakewood Gardens

### **REPORTS:**

- 3.1 2017 Civic Center Block Party Preview

### **AGENDA LAKEWOOD SUCCESSOR AGENCY**

1. Approval of Register of Demands

### **AGENDA LAKEWOOD HOUSING SUCCESSOR AGENCY**

1. Approval of Register of Demands

### **ORAL COMMUNICATIONS:**

### **ADJOURNMENT**

Any qualified individual with a disability that would exclude that individual from participating in or attending the above meeting should contact the City Clerk's Office, 5050 Clark Avenue, Lakewood, CA, at 562/866-9771, ext. 2200; at least 48 hours prior to the above meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting or other reasonable auxiliary aids or services may be provided.

Copies of staff reports and other writings pertaining to this agenda are available for public review during regular business hours in the Office of the City Clerk, 5050 Clark Avenue, Lakewood, CA 90712

# Routine Items

Routine Item 1 – City Council Minutes  
will be available prior to the meeting.

# **D I V I D E R S H E E T**

**COUNCIL AGENDA**  
June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Report of Personnel Transactions

<u>Name</u>	<u>Title</u>	<u>Schedule</u>	<u>Effective Date</u>
<b>1. FULL-TIME EMPLOYEES</b>			
<b>A. Appointments</b>			
None			
<b>B. Changes</b>			
None			
<b>C. Separations</b>			
Reginald Johnson	Tree Trimmer II	15A	05/31/2017
Dawn Morley	Customer Service Liaison	08A	06/09/2017
<b>2. PART-TIME EMPLOYEES</b>			
<b>A. Appointments</b>			
Akeya Harmon	Community Services Leader II	B	05/21/2017
<b>B. Changes</b>			
Tyler Bautista	Community Services Specialist Maintenance Trainee I	B to B	06/04/2017
<b>C. Separations</b>			
Cody Upcraft	Community Services Specialist	B	05/20/2017
Gerald Williams II	Community Services Specialist	B	05/20/2017
Garrett Higginbotham	Community Services Specialist	B	05/20/2017
Justin Cassiani	Community Services Specialist	B	05/20/2017
Kelsey Hutchison	Community Services Leader IV	B	05/20/2017
Matthew Ceballos	Community Services Specialist	B	05/20/2017
Meghan Sawyer	Community Services Specialist	B	05/20/2017

Howard L. Chambers  
City Manager

*hlc*

# DIVIDER SHEET

**CITY OF LAKEWOOD  
FUND SUMMARY 5/18/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 82000 through 82106. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	326,335.62
1015	SPECIAL OLYMPICS	682.81
1020	CABLE TV	1,818.90
1030	CDBG CURRENT YEAR	4,671.28
1050	COMMUNITY FACILITY	4,686.77
1710	PROPOSITION "A" RECREATION	2,002.04
3070	PROPOSITION "C"	1,105.64
5010	GRAPHICS AND COPY CENTER	3,483.55
5020	CENTRAL STORES	3,734.17
5030	FLEET MAINTENANCE	19,719.24
7500	WATER UTILITY FUND	236,491.95
8020	LOCAL REHAB LOAN	3,850.00
		<hr/>
		<b>608,581.97</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services



# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82000	05/12/2017	4926	RAM AIR ENGINEERING, INC.	4,780.14	0.00	4,780.14
82001	05/18/2017	4113	SHAKER NERMINE	1,750.00	0.00	1,750.00
82002	05/18/2017	4763	ALBANO'S PLUMBING, INC.	359.00	0.00	359.00
82003	05/18/2017	4724	ARC DOCUMENT SOLUTIONS, LLC	3,465.74	0.00	3,465.74
82004	05/18/2017	4878	B.R. BREWER SIGN & GRAPHICS	783.00	0.00	783.00
82005	05/18/2017	51467	BADGER METER INC	307.05	0.00	307.05
82006	05/18/2017	4278	BEAR COMMUNICATIONS INC	278.40	0.00	278.40
82007	05/18/2017	48108	BERG, APRIL	963.20	0.00	963.20
82008	05/18/2017	4800	BISHOP COMPANY	339.57	0.00	339.57
82009	05/18/2017	1935	BREA, CITY OF	38,884.70	0.00	38,884.70
82010	05/18/2017	66457	BRENNTAG PACIFIC INC	3,068.85	0.00	3,068.85
82011	05/18/2017	5000	CALANOC, PATRICK	143.00	0.00	143.00
82012	05/18/2017	53983	CALIF STATE FRANCHISE TAX BOARD	650.00	0.00	650.00
82013	05/18/2017	6600	CALIFORNIA STATE DEPT OF JUSTICE	8,057.00	0.00	8,057.00
82014	05/18/2017	7800	CERRITOS CITY	495.00	0.00	495.00
82015	05/18/2017	37170	CERRITOS COLLEGE FOUNDATION	125.00	0.00	125.00
82016	05/18/2017	45894	CINTAS CORPORATION	63.06	0.00	63.06
82017	05/18/2017	4664	CITI CARDS	3,372.50	0.00	3,372.50
82018	05/18/2017	53451	COMMUNITY FAMILY GUIDANCE CTR	750.00	0.00	750.00
82019	05/18/2017	4263	CORCORAN, JAMES	195.00	0.00	195.00
82020	05/18/2017	4776	CORELOGIC, INC.	88.00	0.00	88.00
82021	05/18/2017	4380	CAPITAL ONE NATIONAL ASSOCIATION	360.11	0.00	360.11
82022	05/18/2017	42699	CROFT, STEVE	146.88	0.00	146.88
82023	05/18/2017	60946	CULVER COMPANY	3,546.22	0.00	3,546.22
82024	05/18/2017	4080	CURRY, TOM	1,200.00	0.00	1,200.00
82025	05/18/2017	4442	DANIEL'S TIRE SERVICE INC	444.68	0.00	444.68
82026	05/18/2017	57945	DELL MARKETING LP	1,716.40	0.00	1,716.40
82027	05/18/2017	4680	DIAZ, ISABELLE	145.00	0.00	145.00
82028	05/18/2017	27200	DICKSON R F CO INC	45,661.55	0.00	45,661.55
82029	05/18/2017	43597	DIVE/CORR INC	19,957.00	0.00	19,957.00
82030	05/18/2017	39267	DOG DEALERS INC	354.90	0.00	354.90
82031	05/18/2017	61035	DURAN, NICOLE	279.81	0.00	279.81
82032	05/18/2017	3199	EDCO WASTE SERVICES LLC	45,901.30	0.00	45,901.30
82033	05/18/2017	58284	EMAMI, CYNTHIA	273.00	0.00	273.00
82034	05/18/2017	51393	EMPLOYMENT DEVELOPMENT DEPT	3,385.00	0.00	3,385.00
82035	05/18/2017	4435	ELLIOTT AUTO SUPPLY COMPANY INC	39.49	0.00	39.49
82036	05/18/2017	52316	FEDERAL EXPRESS CORP	310.45	0.00	310.45
82037	05/18/2017	4922	FULLER STREET PRODUCTIONS	850.00	0.00	850.00
82038	05/18/2017	4420	GOERTZ, TRAVIS W	1,500.00	0.00	1,500.00
82039	05/18/2017	64215	GOLD COAST AWARDS INC	278.67	0.00	278.67
82040	05/18/2017	65779	GOLDEN STATE WATER COMPANY	14,398.42	0.00	14,398.42
82041	05/18/2017	33150	GRAINGER W W INC	281.42	0.00	281.42
82042	05/18/2017	38311	H & H NURSERY	29.31	0.00	29.31
82043	05/18/2017	35477	HARA M LAWNMOWER CENTER	200.31	0.00	200.31

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82044	05/18/2017	42031	HOME DEPOT	370.72	0.00	370.72
82045	05/18/2017	36589	IMMEDIATE MEDICAL CARE	500.00	0.00	500.00
82046	05/18/2017	4622	JHM SUPPLY INC	289.40	0.00	289.40
82047	05/18/2017	36167	KARTER, JANET	499.20	0.00	499.20
82048	05/18/2017	44339	KIDSGUIDE INC	305.00	0.00	305.00
82049	05/18/2017	66412	KWIK-COVERS	971.06	0.00	971.06
82050	05/18/2017	18400	LAKEWOOD, CITY WATER DEPT	44,014.91	0.00	44,014.91
82051	05/18/2017	43017	LARSEN, DEBRA	88.97	0.00	88.97
82052	05/18/2017	19450	LEAGUE OF CALIFORNIA CITIES	400.00	0.00	400.00
82053	05/18/2017	5010	LOMELI, ROSANA	400.00	0.00	400.00
82054	05/18/2017	52487	LOS ANGELES CO. REGISTRAR RECORDER	108.00	0.00	108.00
82055	05/18/2017	36844	LA COUNTY DEPT OF PUBLIC WORKS	4,330.25	0.00	4,330.25
82056	05/18/2017	4482	MALTY INTERNATIONAL GROUP INC	103.10	0.00	103.10
82057	05/18/2017	62080	MARKLEY, ELIZABETH	130.00	0.00	130.00
82058	05/18/2017	4224	MATT-CHLOR INC	284.51	0.00	284.51
82059	05/18/2017	4625	MERCHANT'S BUILDING MAINTENANCE LLC	13,229.38	0.00	13,229.38
82060	05/18/2017	64333	MOSES-CALDERA, ISABEL	1,040.00	0.00	1,040.00
82061	05/18/2017	4798	MURTISHAW, JESSICA	273.00	0.00	273.00
82062	05/18/2017	4443	O'REILLY AUTOMOTIVE STORES INC	1,164.22	25.92	1,138.30
82063	05/18/2017	47554	OFFICE DEPOT BUSINESS SVCS	291.03	0.00	291.03
82064	05/18/2017	465	ONTIVEROS, FRANK	110.78	0.00	110.78
82065	05/18/2017	42922	POLYDOROS, STEVE	104.24	0.00	104.24
82066	05/18/2017	15600	LONG BEACH PUBLISHING CO	1,372.02	0.00	1,372.02
82067	05/18/2017	4333	REYES, MICHELLE	300.00	0.00	300.00
82068	05/18/2017	66345	REYES, PHILIP	1,950.00	0.00	1,950.00
82069	05/18/2017	45437	S & J SUPPLY CO	535.60	0.00	535.60
82070	05/18/2017	4309	SAFESHRED	25.00	0.00	25.00
82071	05/18/2017	41691	SAFETY-KLEEN CORP	1,041.50	0.00	1,041.50
82072	05/18/2017	63960	SOUTHERN COUNTIES OIL CO	14,403.76	0.00	14,403.76
82073	05/18/2017	3153	SECTRAN SECURITY INC	135.89	0.00	135.89
82074	05/18/2017	52279	SMART & FINAL INC	264.17	0.00	264.17
82075	05/18/2017	26900	SO CALIF SECURITY CENTERS INC	9.79	0.00	9.79
82076	05/18/2017	36658	SOUTH COAST A.O.M.D.	752.82	0.00	752.82
82077	05/18/2017	29400	SOUTHERN CALIFORNIA EDISON CO	25,378.54	0.00	25,378.54
82078	05/18/2017	29500	SOUTHERN CALIFORNIA GAS CO	5,616.28	0.00	5,616.28
82079	05/18/2017	49529	SPICERS PAPER INC	488.05	4.49	483.56
82080	05/18/2017	37930	STANDARD INSURANCE CO UNIT 22	2,387.90	0.00	2,387.90
82081	05/18/2017	4958	STETSON ENGINEERS INC.	46,452.45	0.00	46,452.45
82082	05/18/2017	2995	STRICTLY BACKFLOW INC	868.50	0.00	868.50
82083	05/18/2017	66215	SUPERIOR COURT OF CALIFORNIA	8,779.00	0.00	8,779.00
82084	05/18/2017	66215	SUPERIOR COURT OF CALIFORNIA	11,130.00	0.00	11,130.00
82085	05/18/2017	59212	TETRA TECH INC	6,677.63	0.00	6,677.63
82086	05/18/2017	65737	U S BANK NATIONAL ASSOCIATION	2,999.99	0.00	2,999.99
82087	05/18/2017	1676	U S TELEPACIFIC CORP	498.69	0.00	498.69

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82088	05/18/2017	4873	TRANSAMERICA LIFE INSURANCE COMPANY	2,315.78	0.00	2,315.78
82089	05/18/2017	60685	TURF STAR	315.29	0.00	315.29
82090	05/18/2017	1437	U S BANK NATIONAL ASSOCIATION	32,945.98	0.00	32,945.98
82091	05/18/2017	64024	U S POSTAL SERVICE	4,466.88	0.00	4,466.88
82092	05/18/2017	33200	WALTERS WHOLESALE ELECTRIC CO	2.89	0.00	2.89
82093	05/18/2017	7400	WATER REPLENISHMENT DISTRICT OF	149,646.42	0.00	149,646.42
82094	05/18/2017	17640	WAXIE ENTERPRISES INC	856.00	0.00	856.00
82095	05/18/2017	37745	WESTERN EXTERMINATOR CO	100.50	0.00	100.50
82096	05/18/2017	2279	AMERICAN PACIFIC PRINTERS COLLEGES	783.00	0.00	783.00
82097	05/18/2017	50058	WHITE HOUSE FLORIST INC	570.94	0.00	570.94
82098	05/18/2017	59563	WOOD, JEFF	886.17	0.00	886.17
82099	05/18/2017	3699	BECKER, MARILYNN	54.93	0.00	54.93
82100	05/18/2017	3699	DE LEON, LEIZEL	55.00	0.00	55.00
82101	05/18/2017	3699	DETERS, SUSAN	12.21	0.00	12.21
82102	05/18/2017	3699	FRANCE, RICKY & MARIA	21.00	0.00	21.00
82103	05/18/2017	3699	HARDY, PATRICIA A	54.93	0.00	54.93
82104	05/18/2017	3699	LAKEWOOD HIGH SCHOOL DANCE TEAM	250.00	0.00	250.00
82105	05/18/2017	3699	NEW ERA PLUMBING	3,850.00	0.00	3,850.00
82106	05/18/2017	3699	WILSON, ROBIN D.	170.98	0.00	170.98
<b>Totals:</b>				<u>608,612.38</u>	<u>30.41</u>	<u>608,581.97</u>

**CITY OF LAKEWOOD  
FUND SUMMARY 5/25/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 82107 through 82190. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	1,282,815.31
1020	CABLE TV	280.00
1030	CDBG CURRENT YEAR	458.33
1050	COMMUNITY FACILITY	775.80
1336	STATE COPS GRANT	16,228.45
3001	CAPITAL IMPROV PROJECT FUND	75.00
3060	PROPOSITION "A"	18,711.60
3070	PROPOSITION "C"	1,540.00
5020	CENTRAL STORES	1,891.29
5030	FLEET MAINTENANCE	2,357.66
6020	GEOGRAPHIC INFORMATION SYSTEM	687.58
7500	WATER UTILITY FUND	6,011.68
8020	LOCAL REHAB LOAN	15,684.66
8030	TRUST DEPOSIT	191.30
		<hr/>
		<b>1,347,708.66</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82107	05/25/2017	2701	AIRE RITE A/C & REFRIGERATION INC	368.00	0.00	368.00
82108	05/25/2017	50112	ALIN PARTY SUPPLY CO.	50.55	0.00	50.55
82109	05/25/2017	1700	ALLIED REFRIGERATION INC	249.39	0.00	249.39
82110	05/25/2017	49803	BANG DAVID ASSOCIATES INC	6,857.51	0.00	6,857.51
82111	05/25/2017	4721	BELL EVENT SERVICES INC	1,225.00	0.00	1,225.00
82112	05/25/2017	48108	BERG, APRIL	211.25	0.00	211.25
82113	05/25/2017	59748	BIG STUDIO INC	1,544.55	0.00	1,544.55
82114	05/25/2017	4941	BUILT RITE FENCE COMPANY	980.00	0.00	980.00
82115	05/25/2017	48469	BURWELL MICHAEL RAY	3,745.00	0.00	3,745.00
82116	05/25/2017	5000	CALANOC, PATRICK	136.50	0.00	136.50
82117	05/25/2017	307	CALIF. STATE DISBURSEMENT UNIT	155.07	0.00	155.07
82118	05/25/2017	53983	CALIF STATE FRANCHISE TAX BOARD	126.00	0.00	126.00
82119	05/25/2017	53983	CALIF STATE FRANCHISE TAX BOARD	83.21	0.00	83.21
82120	05/25/2017	51331	CERRITOS POOL SUPPLY	45.68	0.00	45.68
82121	05/25/2017	3778	COMMERCIAL AQUATIC SERVICES INC	1,893.02	0.00	1,893.02
82122	05/25/2017	4911	CONVERGINT TECHNOLOGIES LLC	2,338.00	0.00	2,338.00
82123	05/25/2017	5017	CUBILLAS-SALDANA, ELIA	200.00	0.00	200.00
82124	05/25/2017	4361	CN SCHOOL AND OFFICE SOLUTIONS INC	1,000.78	0.00	1,000.78
82125	05/25/2017	4641	DAO, THAO	826.15	0.00	826.15
82126	05/25/2017	2548	DAY, KATHY	273.00	0.00	273.00
82127	05/25/2017	4043	DIAMOND ENVIRONMENTAL SERVICES LP	680.69	0.00	680.69
82128	05/25/2017	3199	EDCO WASTE SERVICES LLC	390,020.85	0.00	390,020.85
82129	05/25/2017	4940	EMERGENCY PLANNING CONSULTANTS	11,500.00	0.00	11,500.00
82130	05/25/2017	4435	ELLIOTT AUTO SUPPLY COMPANY INC	138.36	0.00	138.36
82131	05/25/2017	3769	FIREWORKS & STAGE FX AMERICA	6,500.00	0.00	6,500.00
82132	05/25/2017	4771	GALLANES, MICHAEL	775.80	0.00	775.80
82133	05/25/2017	59433	GANAHL LUMBER COMPANY	46.32	0.00	46.32
82134	05/25/2017	5005	GIEMONT, GREGORY S.	261.00	0.00	261.00
82135	05/25/2017	33150	GRAINGER W W INC	104.91	0.00	104.91
82136	05/25/2017	54961	HACH COMPANY	196.19	0.00	196.19
82137	05/25/2017	62491	HANDS ON MAILING &	191.04	0.00	191.04
82138	05/25/2017	49554	HAWK, TRUDY (FAHTIEM)	117.00	0.00	117.00
82139	05/25/2017	59486	HERMAN, LINDA	225.00	0.00	225.00
82140	05/25/2017	42031	HOME DEPOT	2,142.94	0.00	2,142.94
82141	05/25/2017	65891	HUMAN SERVICES ASSOCIATION	458.33	0.00	458.33
82142	05/25/2017	4149	INFOSEND INC	7,849.20	0.00	7,849.20
82143	05/25/2017	4622	JHM SUPPLY INC	162.93	0.00	162.93
82144	05/25/2017	4180	JONES RICHARD D. A PROF LAW CORP	16,750.00	0.00	16,750.00
82145	05/25/2017	18300	LAKEWOOD CHAMBER OF COMMERCE	1,833.33	0.00	1,833.33
82146	05/25/2017	55469	LAKEWOOD CITY EMPLOYEE ASSOCIATION	2,160.00	0.00	2,160.00
82147	05/25/2017	53849	LAKEWOOD ROTARY CLUB	191.30	0.00	191.30
82148	05/25/2017	2409	LIFTECH ELEVATOR SERVICES INC	507.00	0.00	507.00
82149	05/25/2017	280	LITZINGER, LISA	275.96	0.00	275.96
82150	05/25/2017	20700	LONG BEACH PUBLIC TRANSPORTATION CO	18,711.60	0.00	18,711.60

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82151	05/25/2017	21050	LOS ANGELES CO CLERK	75.00	0.00	75.00
82152	05/25/2017	271	LOS ANGELES CO DEPT OF HEALTH SVCS	1,557.00	0.00	1,557.00
82153	05/25/2017	21600	LOS ANGELES CO SHERIFFS DEPT	824,643.30	0.00	824,643.30
82154	05/25/2017	61672	MUSCULAR DYSTROPHY ASSOC INC	20.00	0.00	20.00
82155	05/25/2017	4443	O'REILLY AUTOMOTIVE STORES INC	398.94	7.30	391.64
82156	05/25/2017	4513	OCEAN BLUE ENVIRONMENTAL SERVICES	3,418.27	0.00	3,418.27
82157	05/25/2017	47554	OFFICE DEPOT BUSINESS SVCS	371.42	0.00	371.42
82158	05/25/2017	4497	PACIFIC COACHWAYS CHARTER SERVICES	1,100.00	0.00	1,100.00
82159	05/25/2017	63708	DY-JO CORPORATION	740.00	0.00	740.00
82160	05/25/2017	51171	PERS LONG TERM CARE PROGRAM	301.10	0.00	301.10
82161	05/25/2017	41139	PETTY CASH/NICOLE DURAN	575.00	0.00	575.00
82162	05/25/2017	61056	ROGERS, TODD	132.68	0.00	132.68
82163	05/25/2017	47285	ROTARY CORP	1,340.60	0.00	1,340.60
82164	05/25/2017	45437	S & J SUPPLY CO	72.87	0.00	72.87
82165	05/25/2017	5018	SANTIN, HECTOR	80.00	0.00	80.00
82166	05/25/2017	59218	SIERRA INSTALLATIONS INC	4,876.00	0.00	4,876.00
82167	05/25/2017	26900	SO CALIF SECURITY CENTERS INC	244.26	0.00	244.26
82168	05/25/2017	39218	SOUTHWELL, SONIA	2,487.58	0.00	2,487.58
82169	05/25/2017	56039	SULLY MILLER	390.24	0.00	390.24
82170	05/25/2017	38679	WESTERN EXTERMINATOR COMPANY	133.77	0.00	133.77
82171	05/25/2017	4364	THE RINKS-LAKEWOOD ICE	87.75	0.00	87.75
82172	05/25/2017	53760	UNITED WAY- GREATER LOS ANGELES	10.00	0.00	10.00
82173	05/25/2017	44103	VARELA, ALMA	572.72	0.00	572.72
82174	05/25/2017	17640	WAXIE ENTERPRISES INC	192.53	0.00	192.53
82175	05/25/2017	3837	WORTHINGTON FORD	22.66	0.00	22.66
82176	05/25/2017	3699	ADAMS, TIFFANY	250.00	0.00	250.00
82177	05/25/2017	3699	BUFFINGTON, DRUEMEKA	250.00	0.00	250.00
82178	05/25/2017	3699	DECK, CORINE	203.00	0.00	203.00
82179	05/25/2017	3699	GALINDO, JORGE	1,420.20	0.00	1,420.20
82180	05/25/2017	3699	HALLAHAN GENERAL CONTRACTING	15,190.00	0.00	15,190.00
82181	05/25/2017	3699	HERNANDEZ, TERESA	250.00	0.00	250.00
82182	05/25/2017	3699	MANUEL, ANGELANN	240.00	0.00	240.00
82183	05/25/2017	3699	NEDER-OLIVOS, KATHERINE	250.00	0.00	250.00
82184	05/25/2017	3699	RIETDYK, MIYA	250.00	0.00	250.00
82185	05/25/2017	3699	TORRES, NATALIE	21.00	0.00	21.00
82186	05/25/2017	3699	TORRES, RAZEL	370.00	0.00	370.00
82187	05/25/2017	3699	VALENCIA, CARLOS	494.66	0.00	494.66
82188	05/25/2017	3699	WILLIAMS, CHRISTENA	250.00	0.00	250.00
82189	05/25/2017	3699	WILLIAMS, DIANE	250.00	0.00	250.00
82190	05/25/2017	21050	LOS ANGELES CO CLERK	75.00	0.00	75.00
<b>Totals:</b>				<u>1,347,715.96</u>	<u>7.30</u>	<u>1,347,708.66</u>

**CITY OF LAKEWOOD  
FUND SUMMARY 6/1/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 82191 through 82278. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	101,639.89
1020	CABLE TV	80.00
1030	CDBG CURRENT YEAR	1,625.57
1050	COMMUNITY FACILITY	1,980.26
3001	CAPITAL IMPROV PROJECT FUND	35,475.10
5010	GRAPHICS AND COPY CENTER	302.77
5020	CENTRAL STORES	3,628.07
5030	FLEET MAINTENANCE	7,506.10
7500	WATER UTILITY FUND	36,667.84
8020	LOCAL REHAB LOAN	128.50
		<hr/>
		<b>189,034.10</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82191	06/01/2017	4208	AIRGAS INC	66.43	0.00	66.43
82192	06/01/2017	4684	AMAZON.COM LLC	2,396.00	0.00	2,396.00
82193	06/01/2017	4465	ATALLA, IBRAHIM	422.50	0.00	422.50
82194	06/01/2017	48108	BERG, APRIL	1,199.60	0.00	1,199.60
82195	06/01/2017	62737	BOYES, GOBIND	175.50	0.00	175.50
82196	06/01/2017	66457	BRENNTAG PACIFIC INC	3,008.51	0.00	3,008.51
82197	06/01/2017	5000	CALANOC, PATRICK	156.00	0.00	156.00
82198	06/01/2017	8020	CHAMBERS, HOWARD L	1,028.45	0.00	1,028.45
82199	06/01/2017	40572	CHICAGO TITLE CO	100.00	0.00	100.00
82200	06/01/2017	45894	CINTAS CORPORATION	69.27	0.00	69.27
82201	06/01/2017	56941	COCA COLA REFRESHMENTS USA INC	1,790.27	0.00	1,790.27
82202	06/01/2017	63558	COLLINS GROUP, THE	661.78	0.00	661.78
82203	06/01/2017	4876	CREATE A PARTY INC.	7,810.60	0.00	7,810.60
82204	06/01/2017	4442	DANIEL'S TIRE SERVICE INC	659.98	0.00	659.98
82205	06/01/2017	3377	DANNY'S AUTO PAINTING	875.97	0.00	875.97
82206	06/01/2017	43597	DIVE/CORR INC	2,800.00	0.00	2,800.00
82207	06/01/2017	65202	EDM PUBLISHERS INC	99.49	0.00	99.49
82208	06/01/2017	5020	ENCORE WELLNESS, LLC	64.00	0.00	64.00
82209	06/01/2017	4435	ELLIOTT AUTO SUPPLY COMPANY INC	73.17	0.00	73.17
82210	06/01/2017	65038	FED EX OFFICE & PRINT SVCS INC	875.57	0.00	875.57
82211	06/01/2017	65921	FEDEX FREIGHT WEST, INC	123.00	0.00	123.00
82212	06/01/2017	3946	FERGUSON ENTERPRISES INC	2,516.68	0.00	2,516.68
82213	06/01/2017	4289	FRAZIER, ROBERT C	103.35	0.00	103.35
82214	06/01/2017	4884	FRONTIER CALIFORNIA INC.	81.98	0.00	81.98
82215	06/01/2017	5004	GEMINI GROUP LLC	2,563.00	0.00	2,563.00
82216	06/01/2017	64215	GOLD COAST AWARDS INC	304.12	0.00	304.12
82217	06/01/2017	52540	GONSALVES JOE A & SON	4,526.00	0.00	4,526.00
82218	06/01/2017	33150	GRAINGER W W INC	96.76	0.00	96.76
82219	06/01/2017	35477	HARA M LAWNMOWER CENTER	486.06	0.00	486.06
82220	06/01/2017	42031	HOME DEPOT	807.32	0.00	807.32
82221	06/01/2017	3807	HAZARDOUS WASTE TRANSPORTATION	9,967.02	0.00	9,967.02
82222	06/01/2017	4622	JHM SUPPLY INC	319.04	0.00	319.04
82223	06/01/2017	4696	NORTH AMERICAN YOUTH ACTIVITIES LLC	955.50	0.00	955.50
82224	06/01/2017	53849	LAKEWOOD ROTARY CLUB	120.00	0.00	120.00
82225	06/01/2017	43017	LARSEN, DEBRA	66.39	0.00	66.39
82226	06/01/2017	52357	LESLIE'S POOLMART INC	1,527.89	0.00	1,527.89
82227	06/01/2017	21100	LOS ANGELES CO DIST ATTORNEY	105.74	0.00	105.74
82228	06/01/2017	45069	LOS ANGELES CO/DEPT PW BLDG SVCS	53,083.69	0.00	53,083.69
82229	06/01/2017	36844	LA COUNTY DEPT OF PUBLIC WORKS	13,206.35	0.00	13,206.35
82230	06/01/2017	4745	LUNDERVILLE, GERALD P	144.00	0.00	144.00
82231	06/01/2017	60839	MARKOPULOS, CYNTHIA	42.25	0.00	42.25
82232	06/01/2017	23130	MC MASTER-CARR SUPPLY CO	469.25	1.11	468.14
82233	06/01/2017	4918	MELINDA MC COY'S FLOWERS	353.95	0.00	353.95
82234	06/01/2017	41831	MIEIR-KING, RICHARD	546.00	0.00	546.00



# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
82235	06/01/2017	4207	NOVAK, NORA	80.00	0.00	80.00
82236	06/01/2017	4443	O'REILLY AUTOMOTIVE STORES INC	719.24	13.11	706.13
82237	06/01/2017	48035	OCAJ INC	28.50	0.00	28.50
82238	06/01/2017	47554	OFFICE DEPOT BUSINESS SVCS	265.38	0.00	265.38
82239	06/01/2017	4215	M O DION & SONS INC	2,014.63	0.00	2,014.63
82240	06/01/2017	50512	PATHWAYS VOLUNTEER HOSPICE	750.00	0.00	750.00
82241	06/01/2017	1615	PFM ASSET MANAGEMENT LLC	2,987.01	0.00	2,987.01
82242	06/01/2017	4374	PITNEY BOWES INC	238.80	0.00	238.80
82243	06/01/2017	4753	RAMIREZ, EDUARDO	325.00	0.00	325.00
82244	06/01/2017	63364	REEVES NORM HONDA	186.33	0.00	186.33
82245	06/01/2017	47285	ROTARY CORP	112.98	0.00	112.98
82246	06/01/2017	66280	BARRY SANDLER ENTERPRISES	175.85	0.00	175.85
82247	06/01/2017	4803	SEBBAG, TOYASHA	411.35	0.00	411.35
82248	06/01/2017	3186	CORAL BAY HOME LOANS	162.50	0.00	162.50
82249	06/01/2017	52279	SMART & FINAL INC	175.19	0.00	175.19
82250	06/01/2017	29100	SNAP-ON INDUSTRIAL	1,796.73	0.00	1,796.73
82251	06/01/2017	29400	SOUTHERN CALIFORNIA EDISON CO	12,899.24	0.00	12,899.24
82252	06/01/2017	1737	SOUTHERN COUNTIES LUBRICANTS	410.31	0.00	410.31
82253	06/01/2017	4026	SPASEFF TED C	375.00	0.00	375.00
82254	06/01/2017	49529	SPICERS PAPER INC	305.58	2.81	302.77
82255	06/01/2017	2995	STRICTLY BACKFLOW INC	222.99	0.00	222.99
82256	06/01/2017	57912	SURI, KAREN	448.50	0.00	448.50
82257	06/01/2017	4364	THE RINKS-LAKEWOOD ICE	146.25	0.00	146.25
82258	06/01/2017	3110	TORRES LOPEZ JAVIER	52.50	0.00	52.50
82259	06/01/2017	1437	U S BANK NATIONAL ASSOCIATION	4,350.00	0.00	4,350.00
82260	06/01/2017	17640	WAXIE ENTERPRISES INC	1,351.99	0.00	1,351.99
82261	06/01/2017	62628	WELLS C. PIPELINE MATERIALS	572.16	0.00	572.16
82262	06/01/2017	37745	WESTERN EXTERMINATOR CO	1,828.00	0.00	1,828.00
82263	06/01/2017	2279	AMERICAN PACIFIC PRINTERS COLLEGES	1,228.88	0.00	1,228.88
82264	06/01/2017	35146	WILLDAN ASSOCIATES	35,159.25	0.00	35,159.25
82265	06/01/2017	3699	COTA, MARIA	250.00	0.00	250.00
82266	06/01/2017	3699	DAVIS, VERONICA	250.00	0.00	250.00
82267	06/01/2017	3699	FERRIN, JULIE M	15.32	0.00	15.32
82268	06/01/2017	3699	JIMENEZ, CELIA & ROJAS, JOSE	31.34	0.00	31.34
82269	06/01/2017	3699	JIMENEZ, PABLO	40.00	0.00	40.00
82270	06/01/2017	3699	MAGNUSON, STEVE A	79.34	0.00	79.34
82271	06/01/2017	3699	MANNING, CAROL	250.00	0.00	250.00
82272	06/01/2017	3699	MC INTOSH, MELANIE	250.00	0.00	250.00
82273	06/01/2017	3699	MEJALA, ANALAINE	250.00	0.00	250.00
82274	06/01/2017	3699	MURILLOBOGARIN, ISAURA	250.00	0.00	250.00
82275	06/01/2017	3699	NAUFAHU, VEIONGO	250.00	0.00	250.00
82276	06/01/2017	3699	PENDLETON, GLORIA	250.00	0.00	250.00
82277	06/01/2017	3699	PHI BETA LAMBDA	250.00	0.00	250.00
82278	06/01/2017	3699	SAMONTE, PATRIA R.	6.56	0.00	6.56

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>VEND #</u>	<u>VENDOR NAME</u>	<u>GROSS</u>	<u>DISC.</u>	<u>CHECK AMOUNT</u>
			<b>Totals:</b>	<u>189,051.13</u>	<u>17.03</u>	<u>189,034.10</u>

# **D I V I D E R S H E E T**

## **COUNCIL AGENDA**

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Applications for Street Closure (Block Party)

### **INTRODUCTION**

The City Council adopted Resolution No. 2008-5, establishing rules and regulations pertaining to the temporary closing of local City streets. The resolution was adopted pursuant to provisions of the Vehicle Code authorizing the City Council to adopt rules and regulations for the temporary closing of a portion of the street for celebrations or special events when the City Council finds such closing necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

### **STATEMENT OF FACT**

The City Clerk's Office was contacted by residents with requests to hold block parties on Tuesday, July 4, 2017. A copy of the resolution outlining the rules and regulations pertaining to the temporary closure of local City streets was given to each of them, together with the form for obtaining signatures of all residents within the area to be closed (maps attached). The responsible applicants, areas and times of closure are as follows:

- Dana Trujillo, 4702-4855 Adenmoor Avenue, including adjacent 4831 & 4841 Briercrest Avenue, 10 a.m. to 10 p.m.;
- Charles Genao, 4502-4619 Briercrest Avenue, 12 p.m. to 9 p.m.;
- Celia Milla, 4702-4832 Briercrest Avenue, 10 a.m. to 10 p.m.;
- Mike Rorwick, 3602-3738 Candor Street, including adjacent 5503 Coke Avenue, 10 a.m. to 10 p.m.;
- Rossana Snee, 4302-4459 Canehill Avenue, 10 a.m. to 10 p.m.;
- Alan Mangan, 4712-4853 Canehill Avenue, 10 a.m. to 10 p.m.;
- Jennifer Marcoz, 4702-4849 Coldbrook Avenue, 10 a.m. to 10 p.m.;
- Bill Baca, 6502-6543 Denmead Street, 10 a.m. to 10 p.m.;
- Teena Caluza, 6701-6754 Denmead Street, 10 a.m. to 10 p.m.;
- Megan Arce, 5248-5109 Fidler Avenue, 10 a.m. to 10 p.m.;

- Marcela MacLean, 6401-6433 Glorywhite Street, including adjacent 6400-6424 Nixon Street, 10 a.m. to 10 p.m.;
- John Mabbott, 2402-2633 Hardwick Street, 10 a.m. to 10 p.m.;
- Jennifer Smith, 4502-4657 Josie Avenue, 10 a.m. to 10 p.m.;
- Matt Hutchinson, 4702-4753 Knoxville Avenue, including adjacent 6524 and 6536 Turnergrove, 10 a.m. to 10 p.m.;
- Eric Owens, 4902-5059 Lorelei Avenue, 10 a.m. to 10 p.m.;
- Patricia Duran, 5102-5255 Minturn Avenue, 10 a.m. to 10 p.m.;
- Terri Panter, 4103-4218 Monogram Avenue, 12 p.m. to 10 p.m.;
- Colleen Champlin, 5302-5439 Montair Avenue, 10 a.m. to 10 p.m.;
- Michael Caskey, 5502-5544 Pearce Avenue, 10 a.m. to 10 p.m.;
- David Aroz, 4253-4297 Petaluma Avenue, including adjacent 6756 Harvey Way, 10 a.m. to 10 p.m.;
- Danica Newon, 4302-4445 Petaluma Avenue, 10 a.m. to 10 p.m.;
- Tenae Richins, 4702-4853 Pimenta Avenue, 10 a.m. to 10 p.m.;
- Jason Fronke, 7070-7080 Schroll Street, including adjacent 4100-4124 Stevely Avenue and 7068 McManus Street, 10 a.m. to 10 p.m.;
- Leonel White, 4702-4859 Snowden Avenue, 10 a.m. to 8 p.m.; and
- Elanna Morgon, 5807-5959 Whitewood Avenue, 10 a.m. to 10 p.m.

The staff of the Public Works Department has reviewed the maps and canvassed the areas of proposed closure for traffic safety conditions. They will provide a determination regarding the appropriate types and placement of barricades and warning devices to be utilized at the locations. Should the Council approve the requests for temporary street closures, the Public Works Department will arrange for the placement and removal of the barricades for the event. Notification of said


closures will be provided to the Sheriff's Station and the appropriate Fire Station.

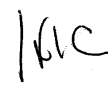
**SUMMARY**

Area residents have complied with all the necessary requirements to obtain street closure permits for block parties to be held on July 4th. Such closings would provide a measure of safety and protection for persons who are to use a portion of those streets during the temporary closures.

**RECOMMENDATION**

Staff recommends that permits be issued to the responsible applicants authorizing temporary closure at the requested locations on Tuesday, July 4, 2017.

Carol Flynn Jacoby   
Assistant City Manager

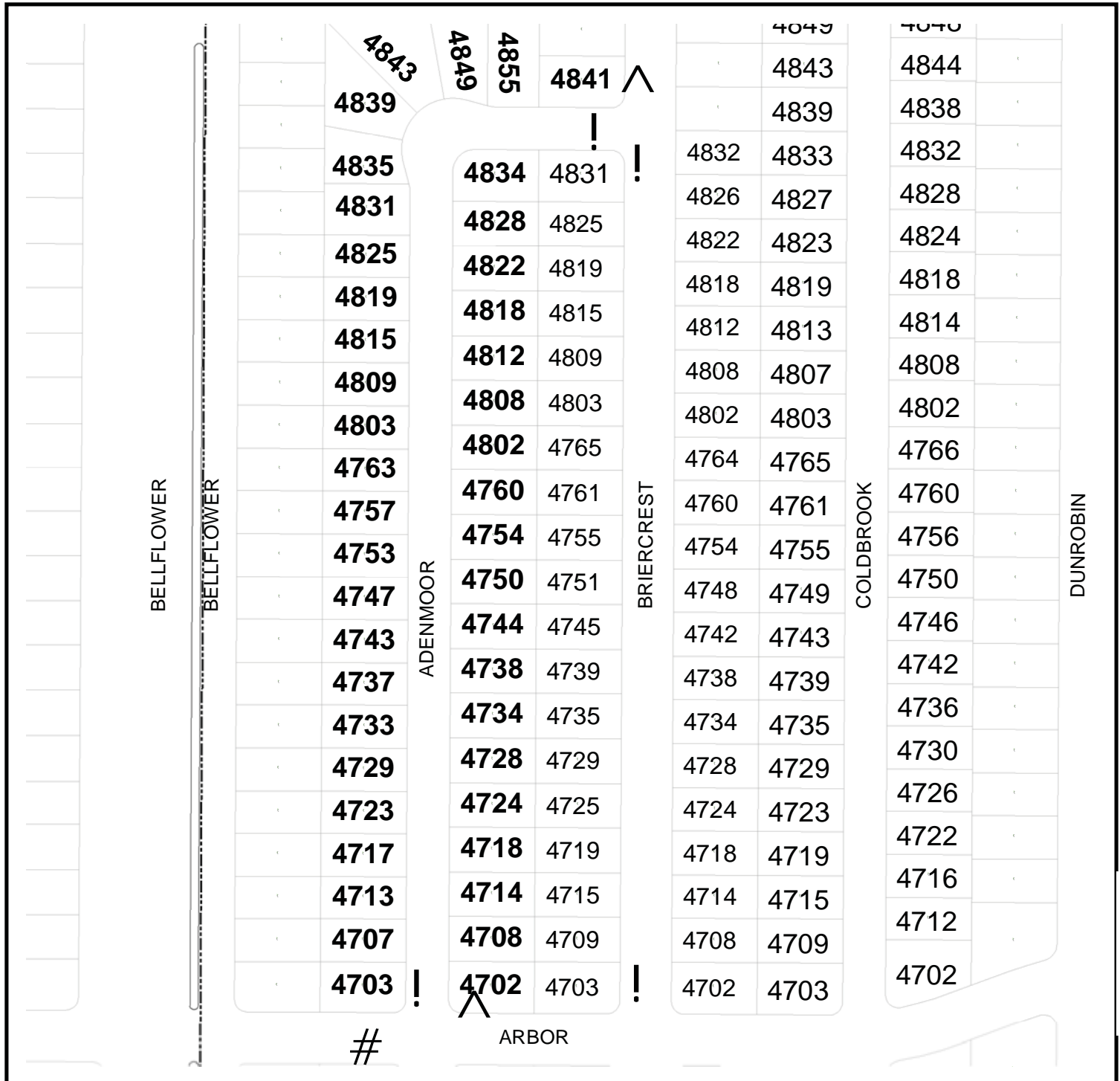
Howard L. Chambers   
City Manager

# BLOCK PARTY

JULY 4, 2017

10 A.M. TO 10 P.M.

4702-4855 ADENMOOR AVENUE INCLUDING  
ADJACENT 4831-4841 BRIERCREST AVENUE



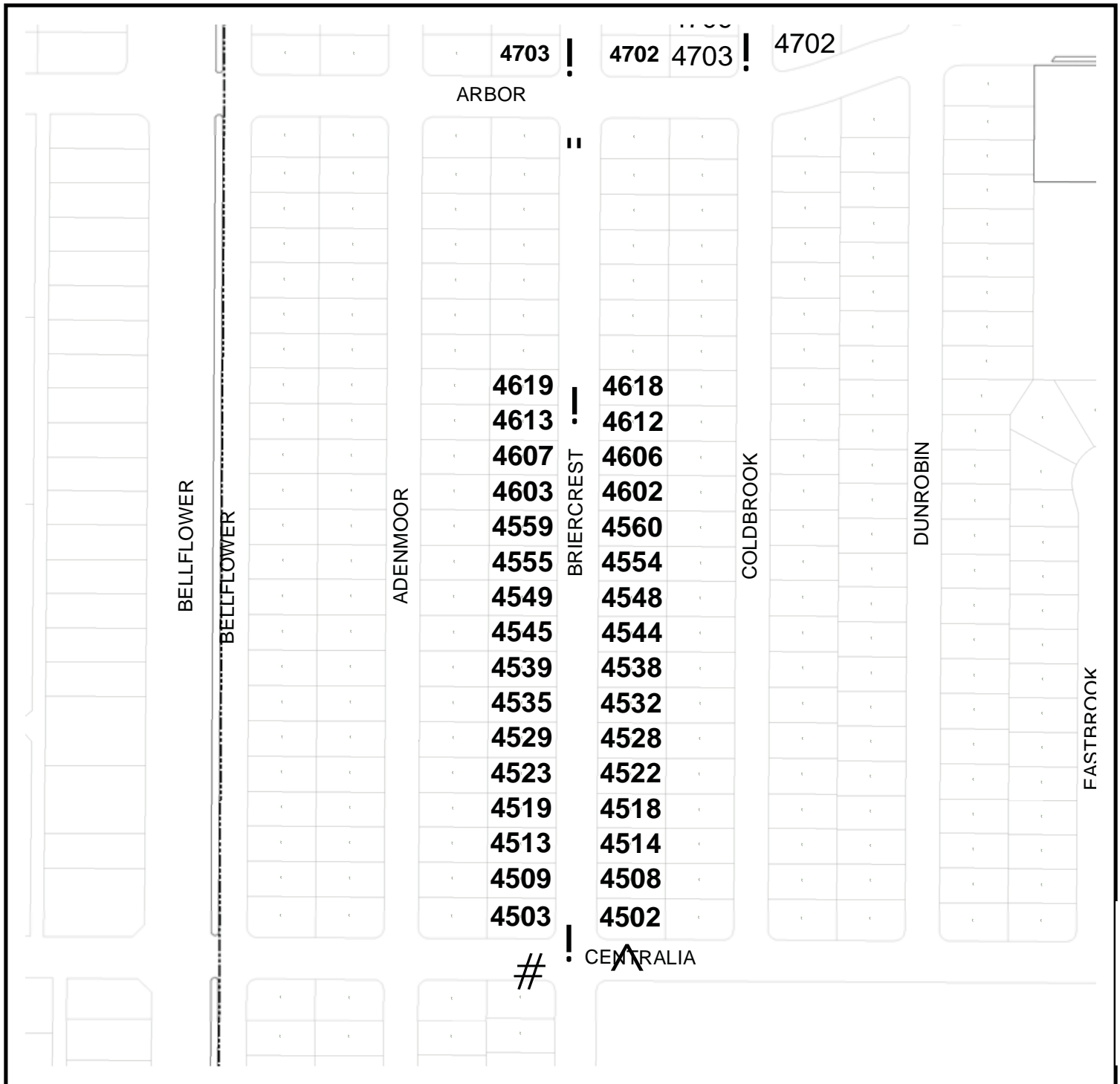
- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 2 "NO RIGHT TURN" SIGNS
  - # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 12 P.M. TO 9 P.M.

### 4502-4619 BRIERCREST AVENUE



3

- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 1 "NO RIGHT TURN" SIGNS
  - # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

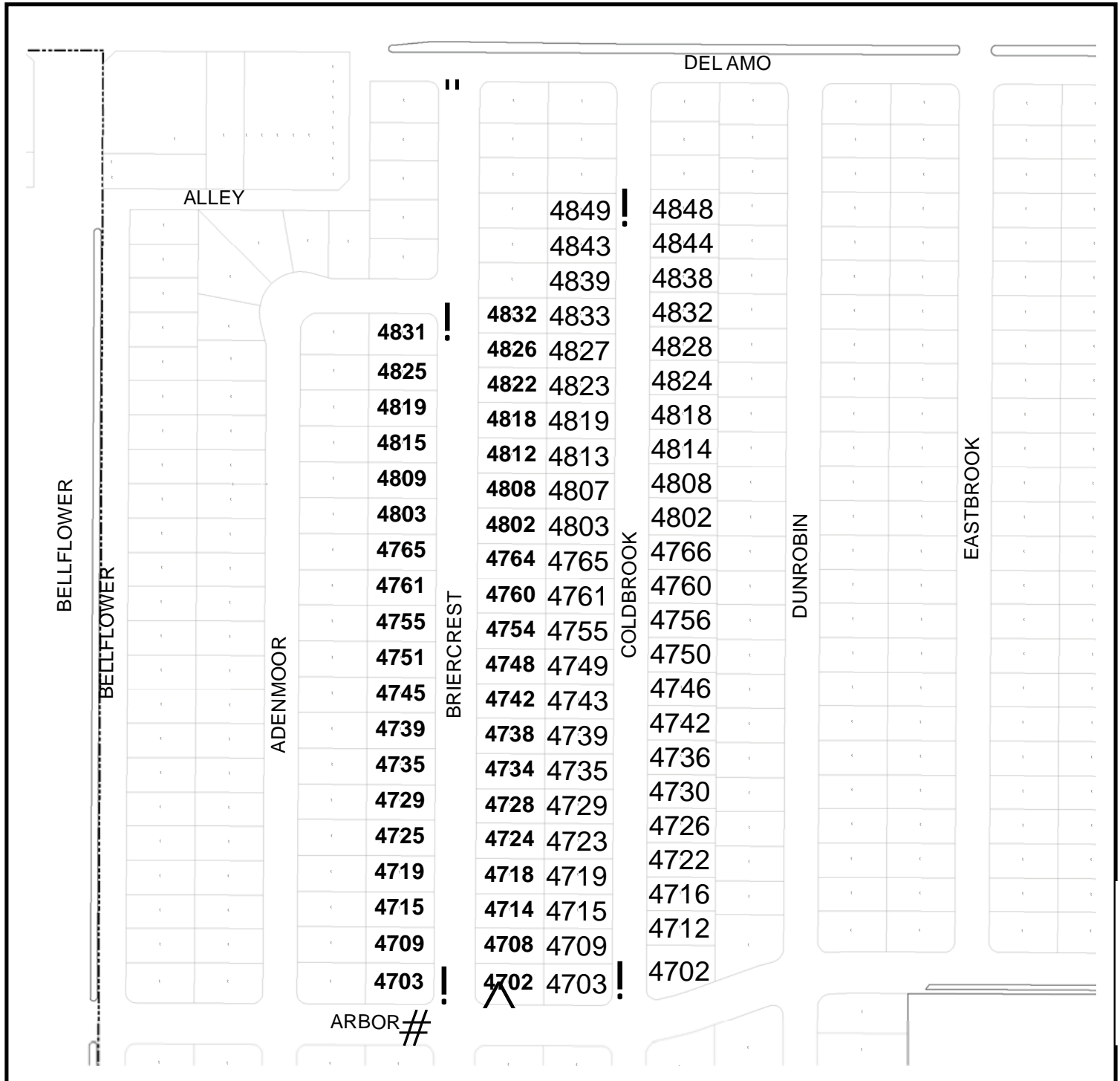


# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 4702-4832 BRIERCREST AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - = 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 1 "NO RIGHT TURN" SIGNS
  - # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

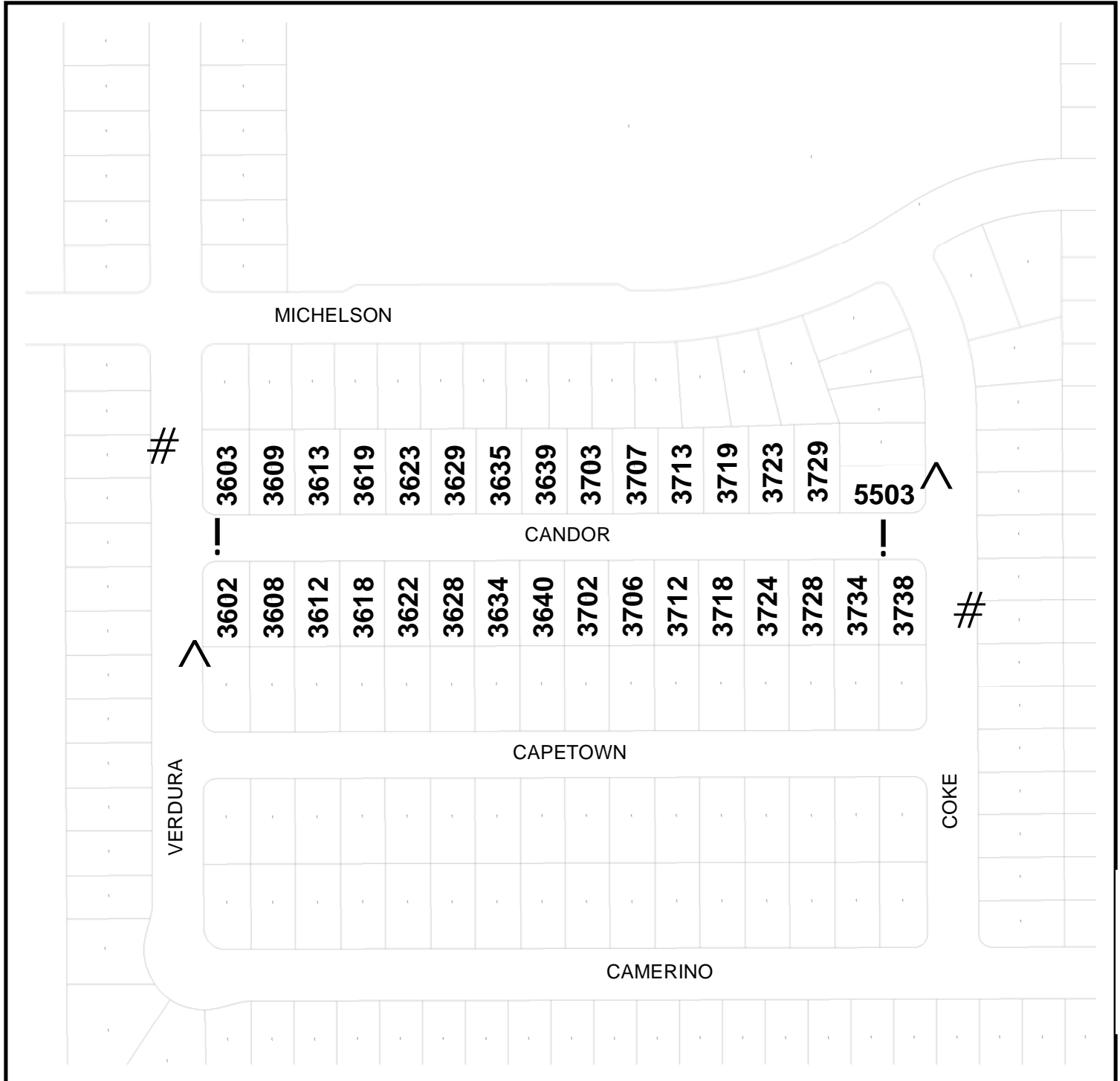
# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. TO 10 P.M.

### 3602-3738 CANDOR STREET

### INCLUDING 5503 COKE AVENUE



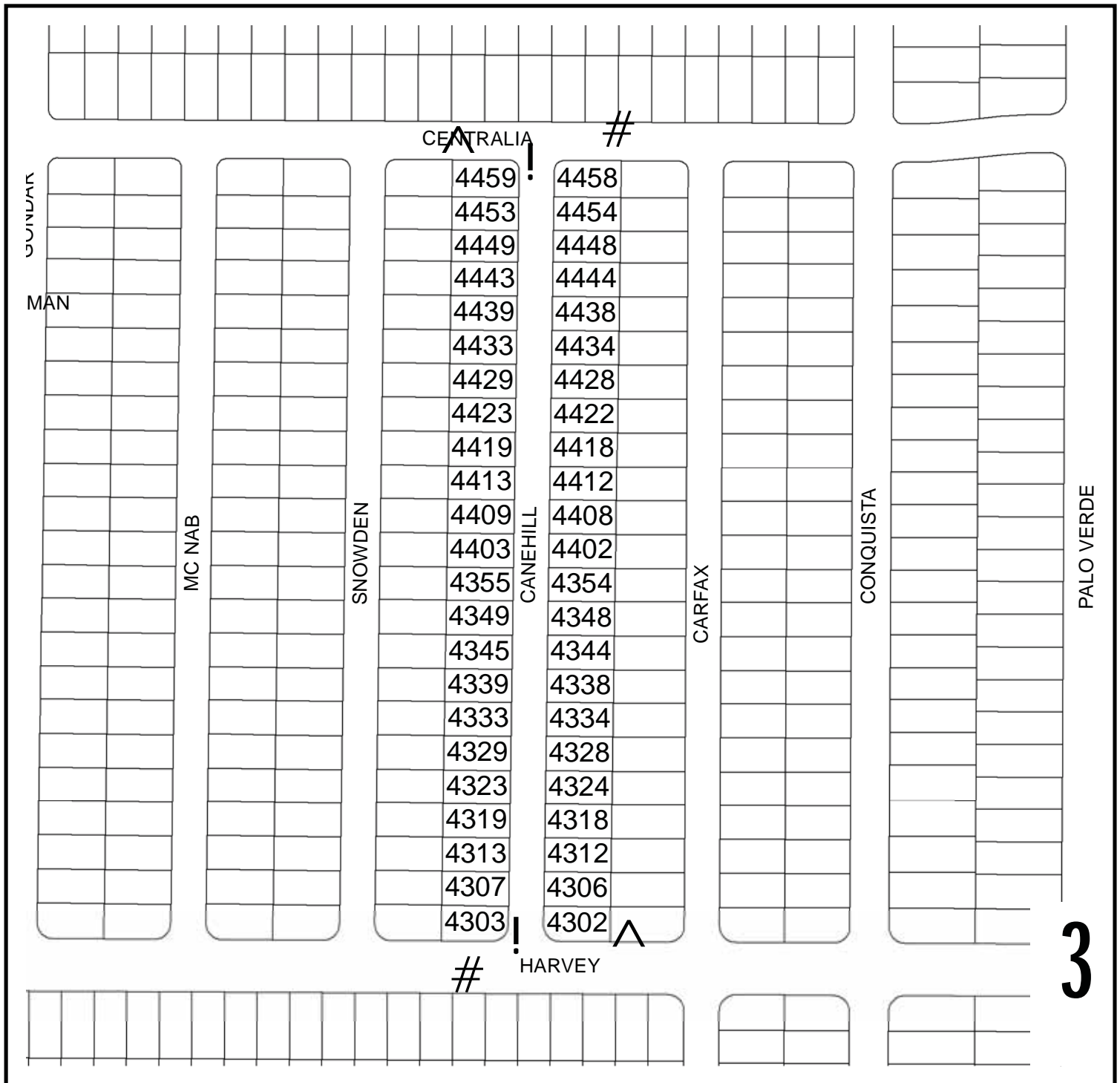
- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 2 "NO RIGHT TURN" SIGNS
  - # 2 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 4302 - 4459 CANEHILL AVENUE



! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS

" 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS

^ 2 "NO RIGHT TURN" SIGNS

# 2 "NO LEFT TURN" SIGNS

6 BARRICADES

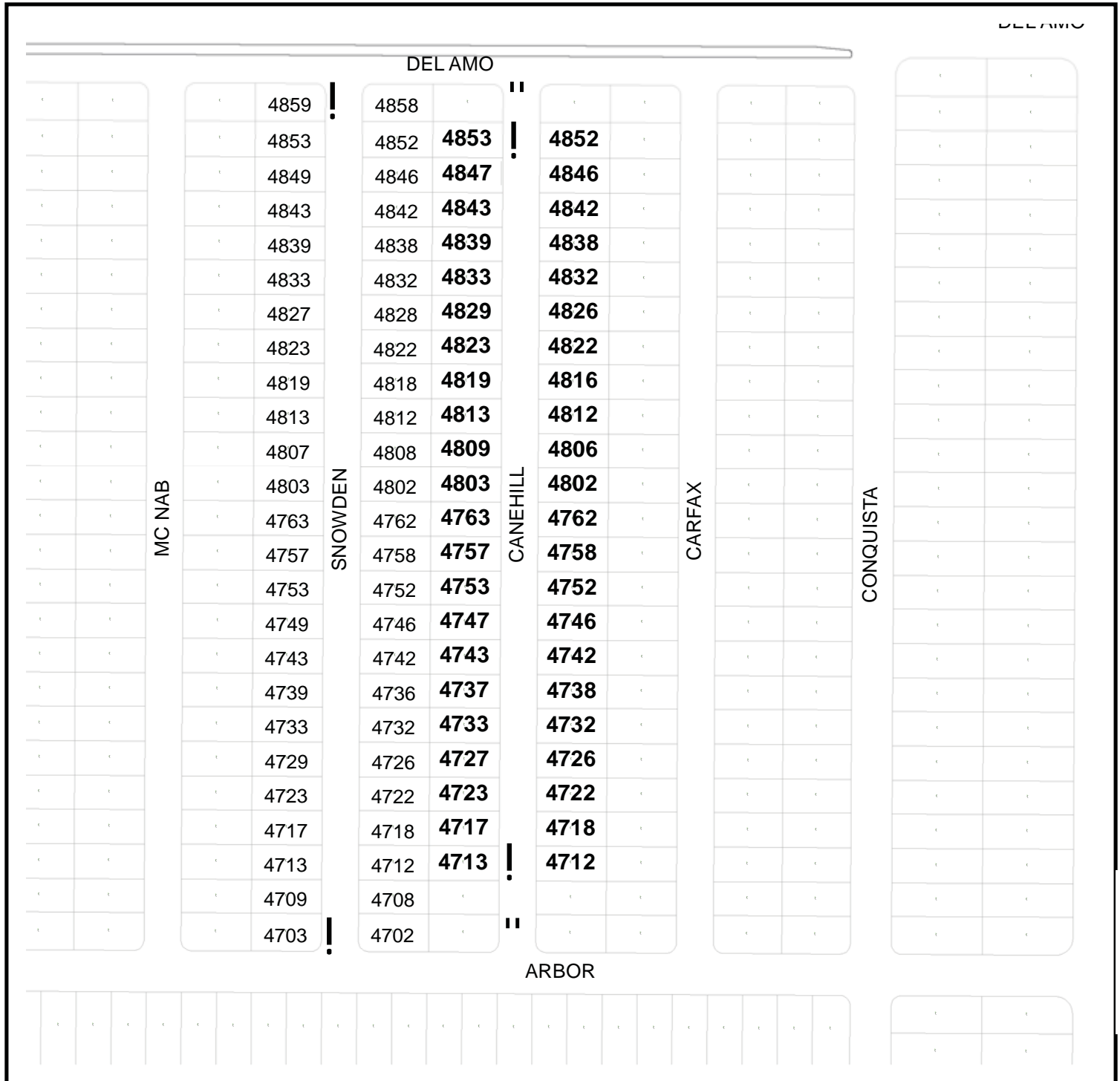
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. TO 10 P.M.

### 4712-4853 CANEHILL AVENUE



3

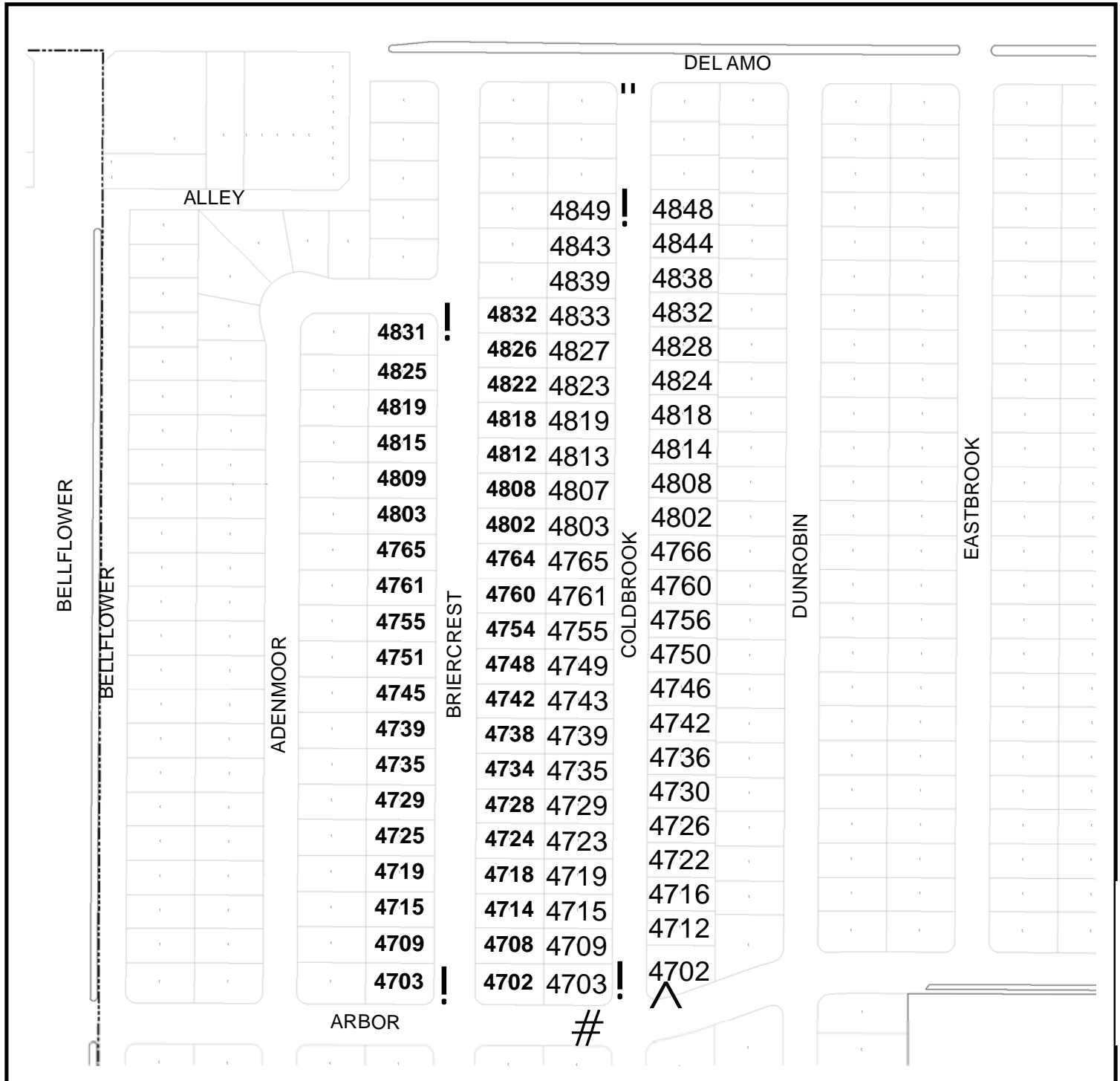
- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 2 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 0 "NO RIGHT TURN" SIGNS
  - # 0 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 4702-4849 COLDBROOK AVENUE



3

- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 1 "NO RIGHT TURN" SIGNS
  - # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

**BLOCK PARTY**  
**JULY 4, 2017**  
**10 A.M. - 10 P.M.**  
**6502-6543 DENMEAD STREET**

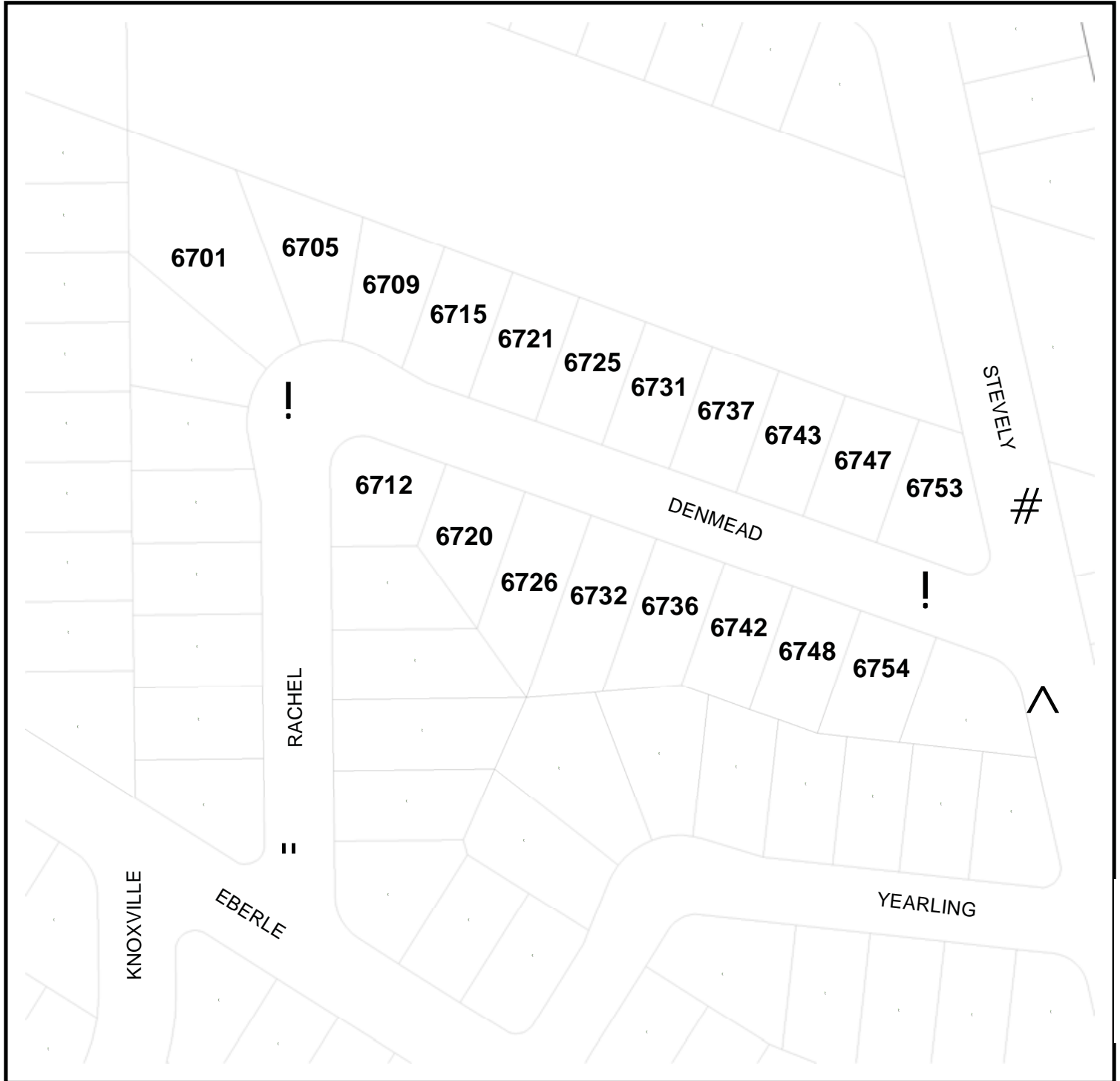


- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGN
- # 1 "NO LEFT TURN" SIGN

6 BARRICADES

8 DELINEATORS

**BLOCK PARTY**  
**JULY 4, 2017**  
**10 A.M. - 10 P.M.**  
**6701-6754 DENMEAD STREET**



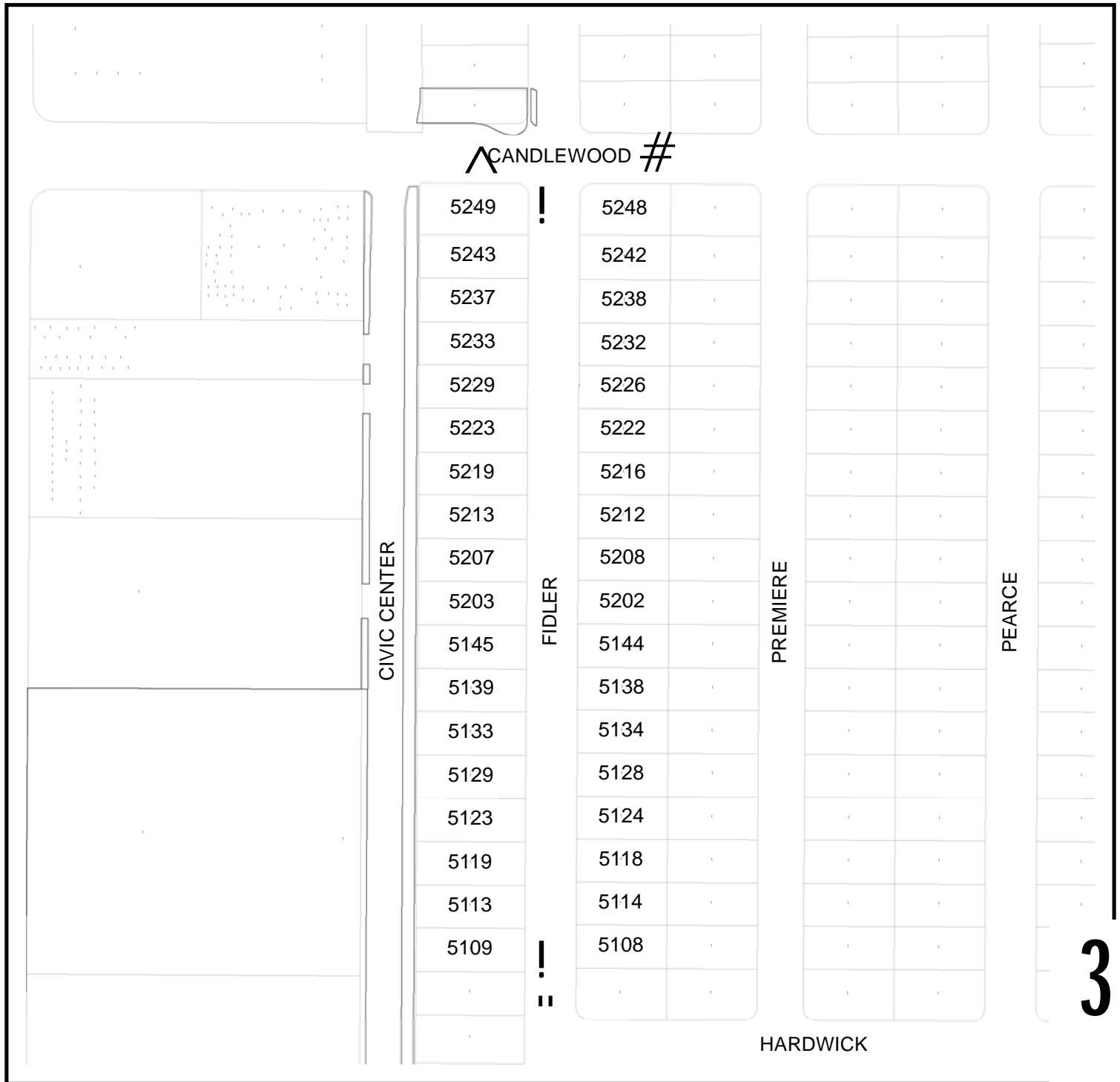
**3**

- !** 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - =** 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^** 1 "NO RIGHT TURN" SIGNS
  - #** 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES**  
**8 DELINEATORS**

# BLOCK PARTY

## JULY 4, 2017

### 5108-5249 FIDLER AVENUE



! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS

" 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS

^ 1 "NO RIGHT TURN" SIGNS

6 BARRICADES

# 1 "NO LEFT TURN" SIGNS

8 DELINEATORS



# BLOCK PARTY

JULY 4, 2017

10 A.M. TO 10 P.M.

**6401-6433 GLORYWHITE AND ADJACENT  
6400-6424 NIXON STREET**



!||

**2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS**

**1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS**

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**0 "NO RIGHT TURN" SIGNS**

**6 BARRICADES**

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**1 "NO LEFT TURN" SIGNS**

**8 DELINEATORS**

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 2402 - 2633 HARDWICK STREET



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGNS
- # 2 "NO LEFT TURN" SIGNS

6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 4502 - 4657 JOSIE AVENUE

ARBOR RD		^		#					
HACKETT AVE		IROQUOIS AVE	4657	JOSIE AVE	4656	KNOXVILLE AVE		LADOGA AVE	
			4653		4652				
			4647		4648				
			4643		4642				
			4637		4638				
			4633		4632				
			4629		4626				
			4623		4622				
			4617		4618				
			4613		4612				
			4607		4608				
			4603		4602				
			4563		4562				
			4557		4558				
			4553		4552				
			4547		4548				
			4543		4542				
			4537		4538				
			4533		4532				
			4527		4528				
	4523	4522							
	4517	4518							
	4513	4512							
	4507	4506							
	4503		4502						
CENTRALIA ST		#							

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- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
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6 BARRICADES  
8 DELINEATORS

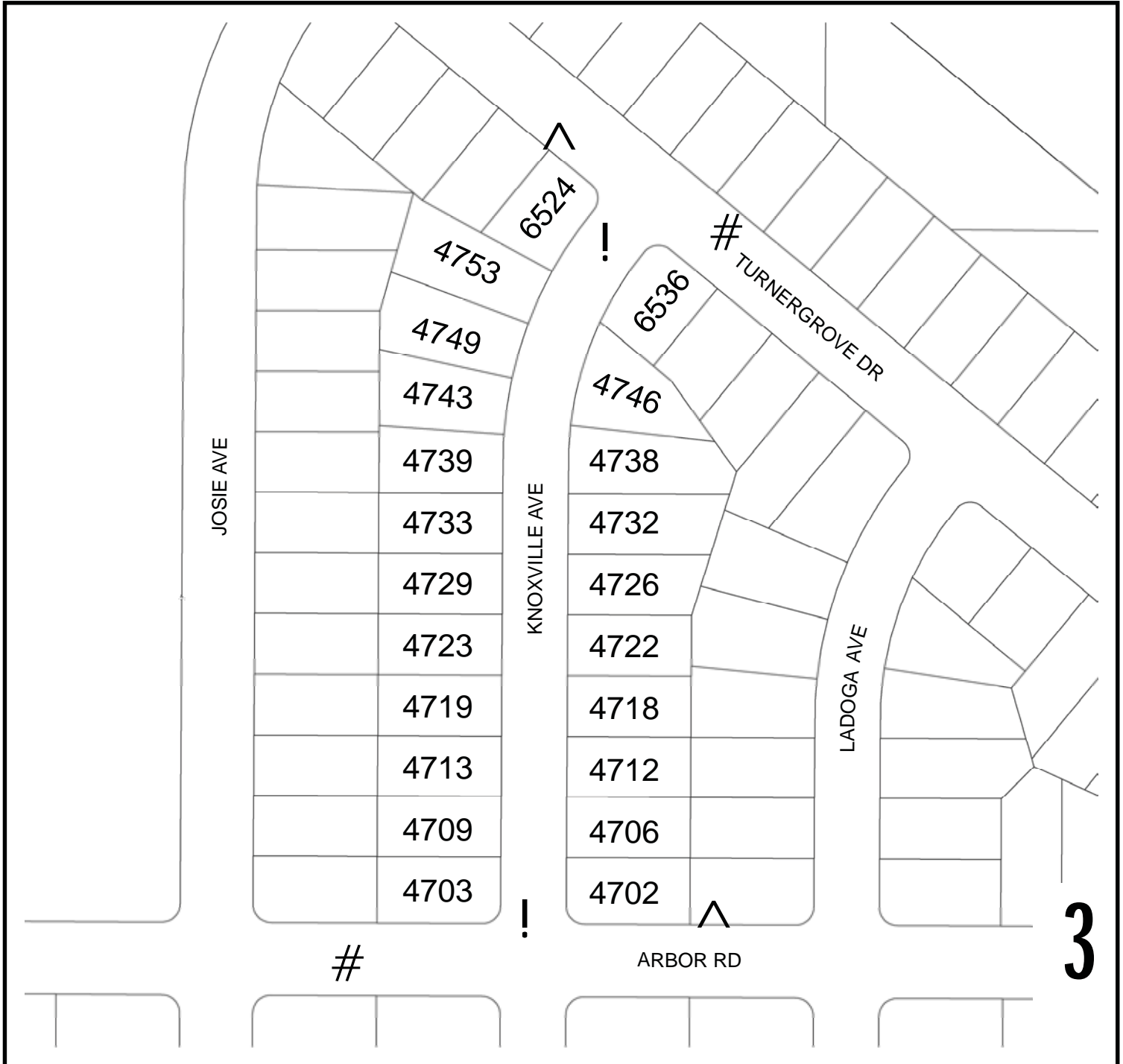
# BLOCK PARTY

JULY 4, 2017

10 A.M. - 10 P.M.

4702 - 4753 KNOXVILLE AVENUE

6524 & 6536 TURNERGROVE DRIVE



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" 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS

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6 BARRICADES

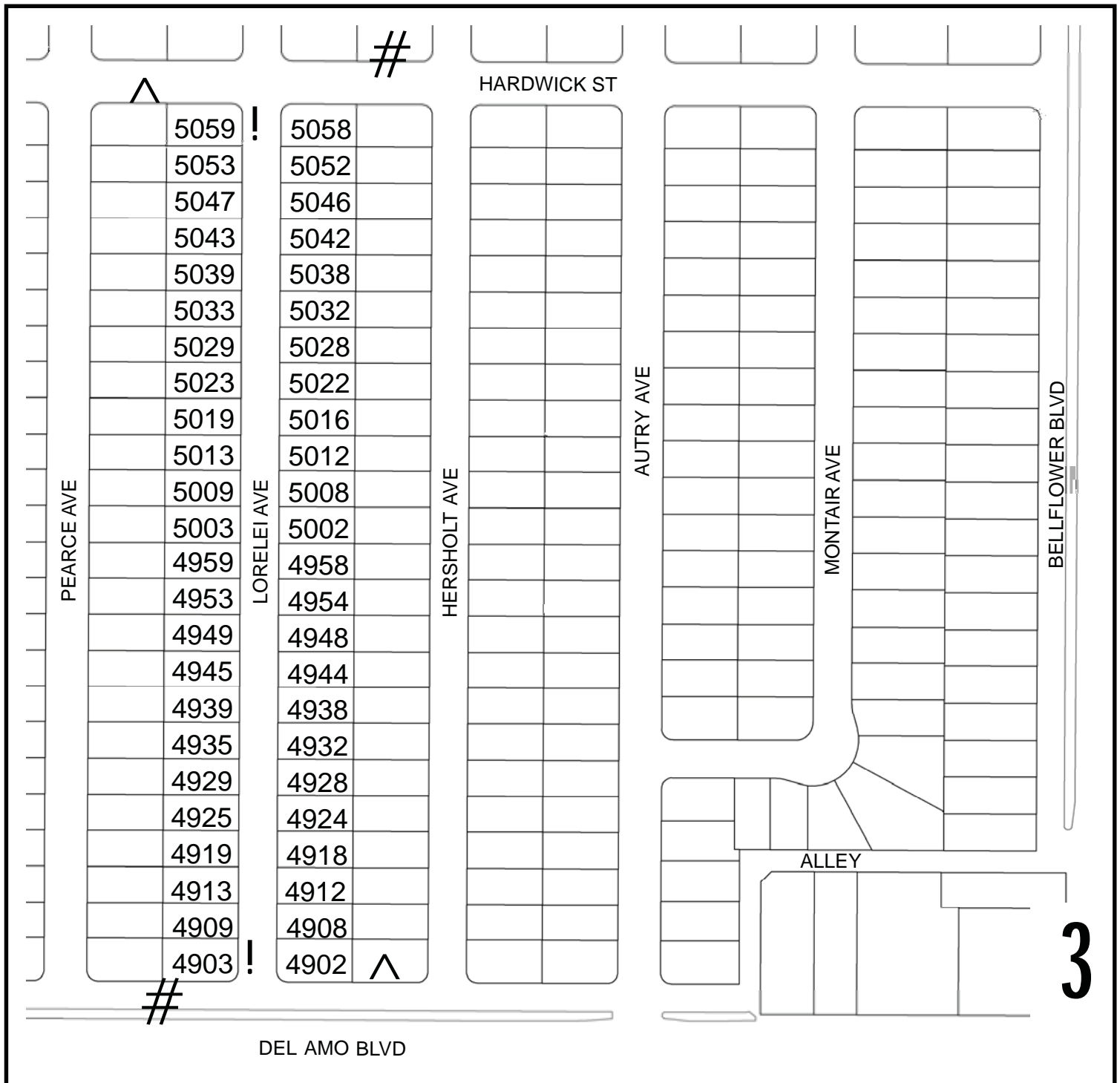
7 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

## 4902 - 5059 LORELEI AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGNS
- # 2 "NO LEFT TURN" SIGNS

6 BARRICADES

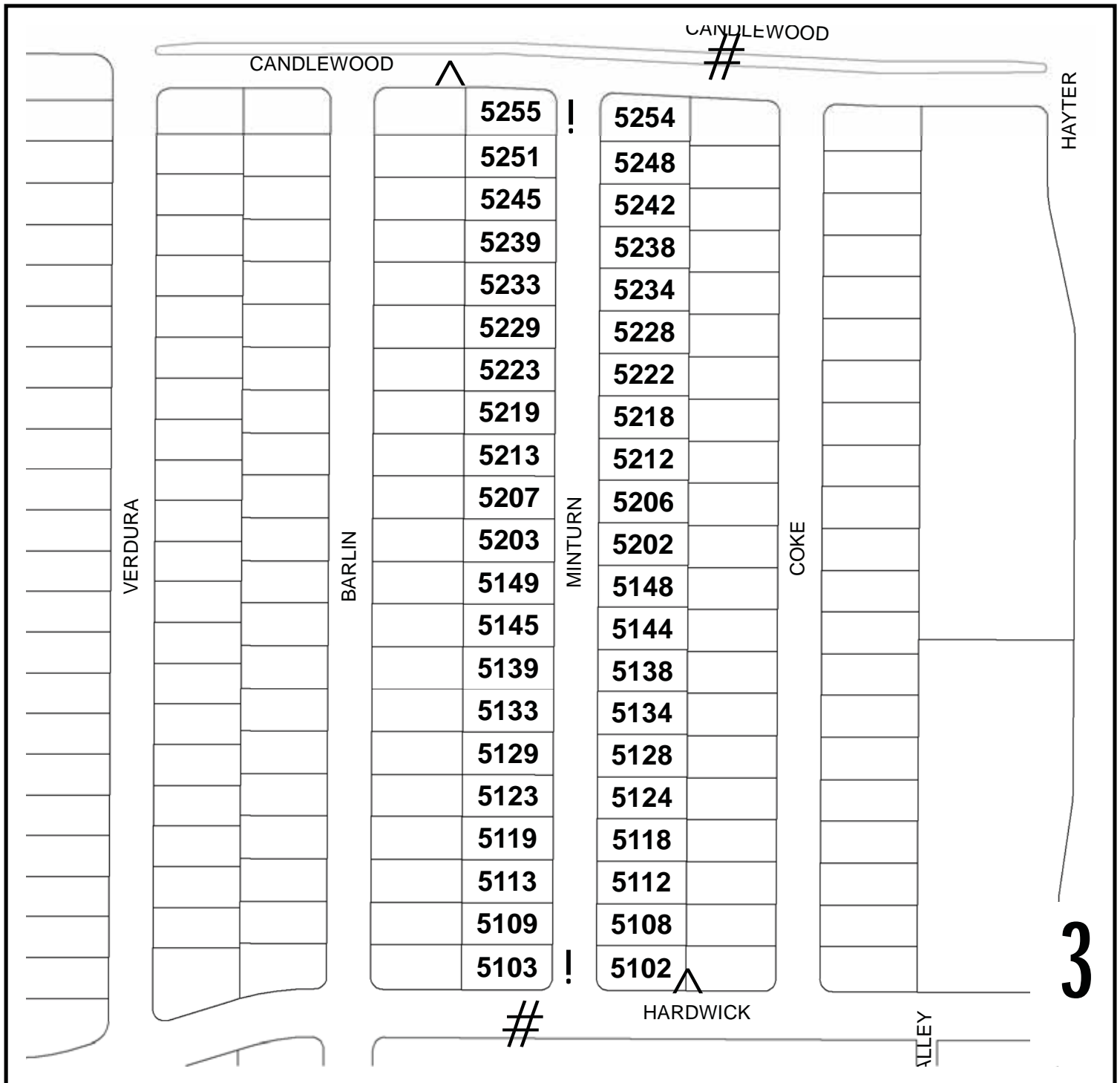
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 5102 - 5255 MINTURN AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGNS
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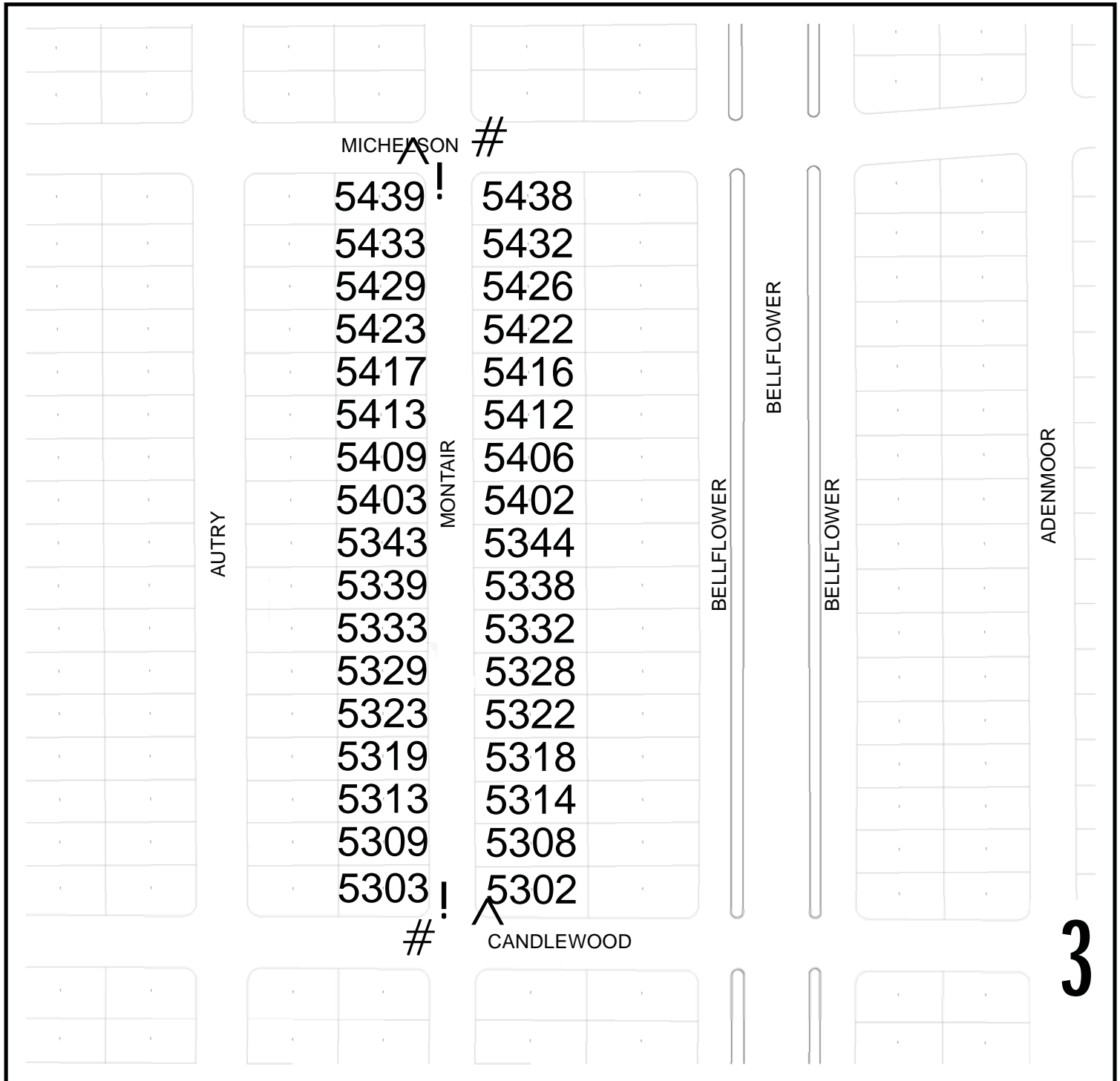
6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 5302-5439 MONTAIR AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGNS
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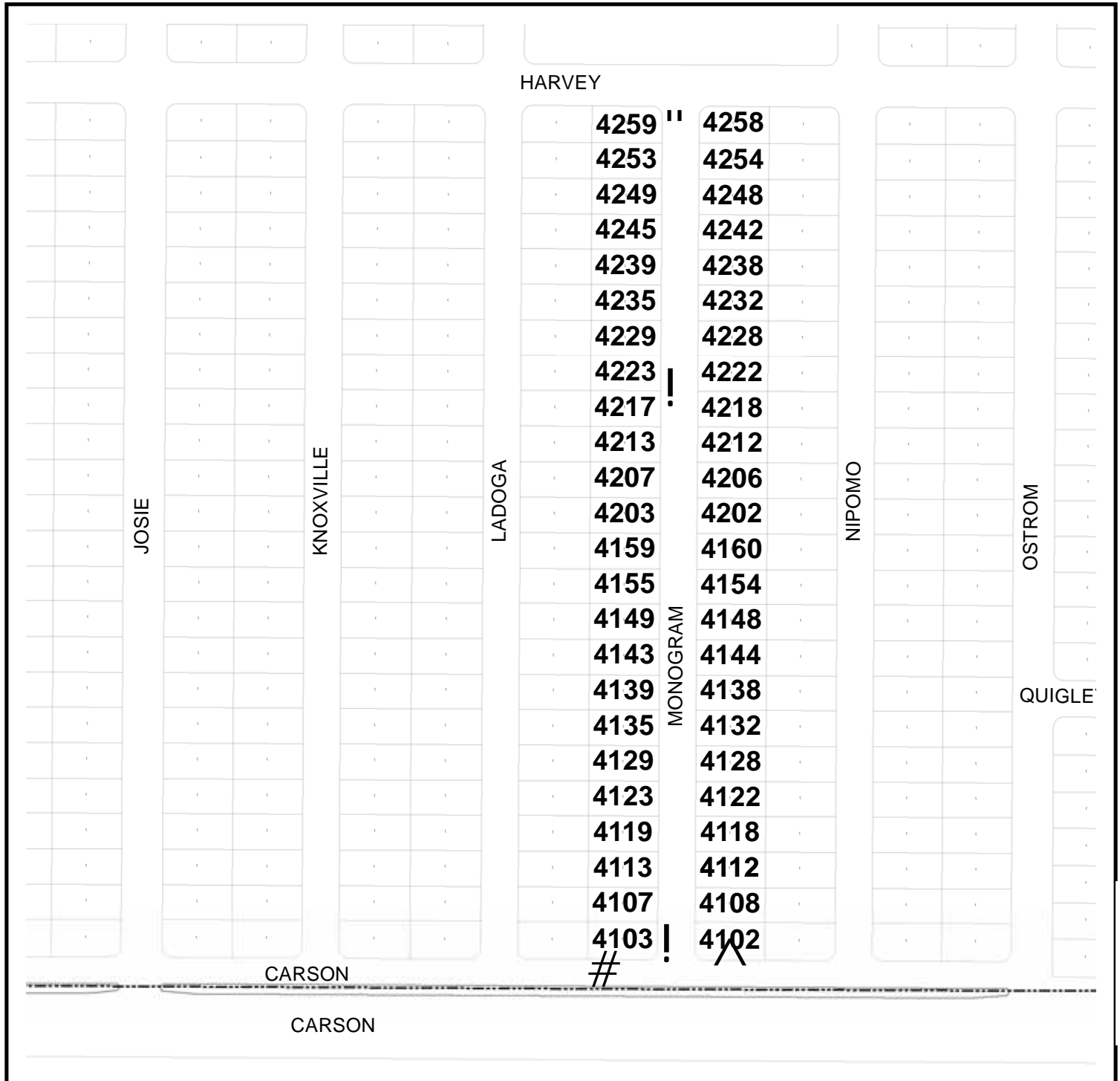
6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 12 P.M. - 10 P.M.

## 4103-4218 MONOGRAM AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 1 "NO RIGHT TURN" SIGNS
- # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES
- 8 DELINEATORS

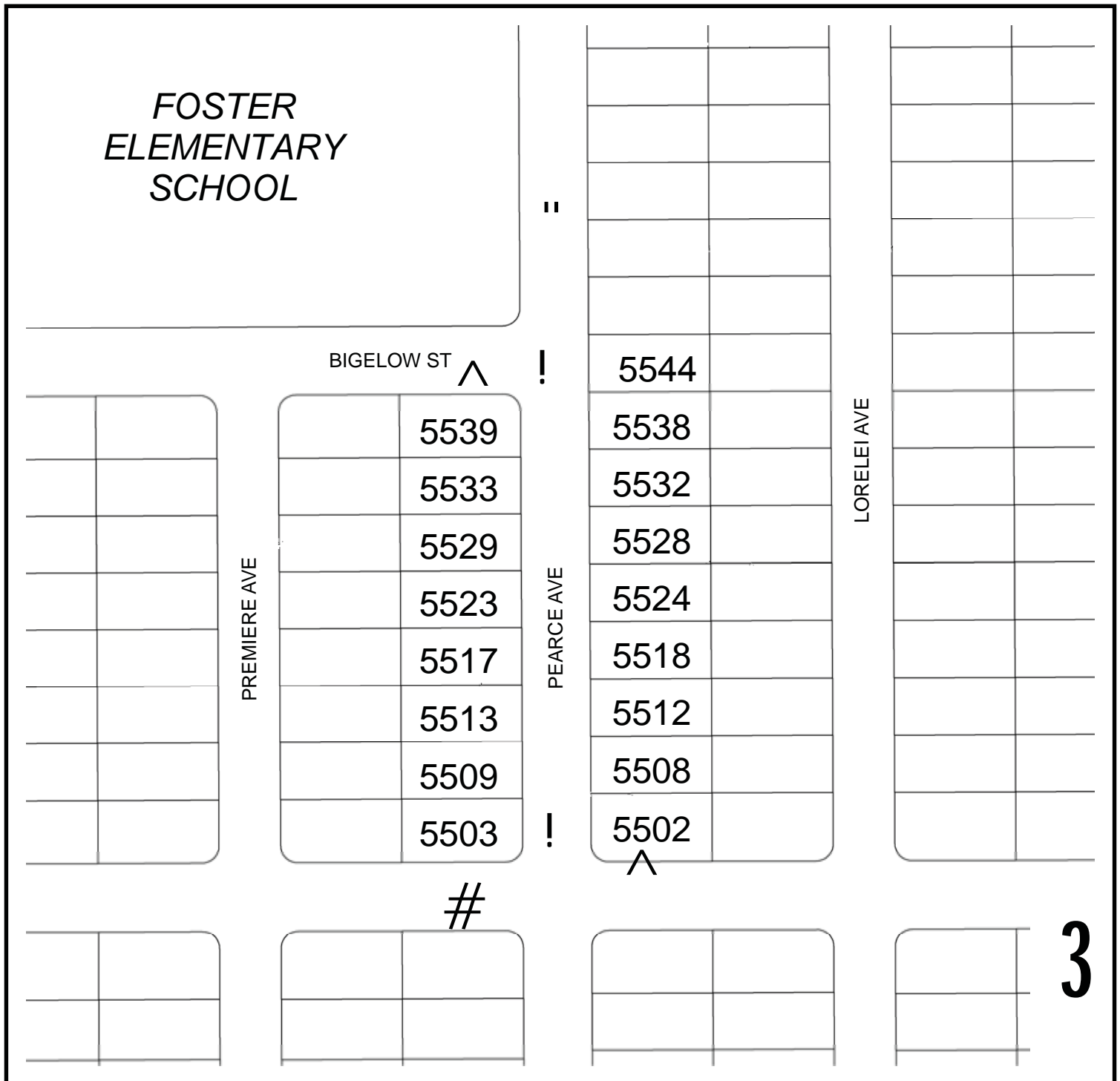


# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 5502 - 5544 PEARCE AVENUE



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**||** 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS

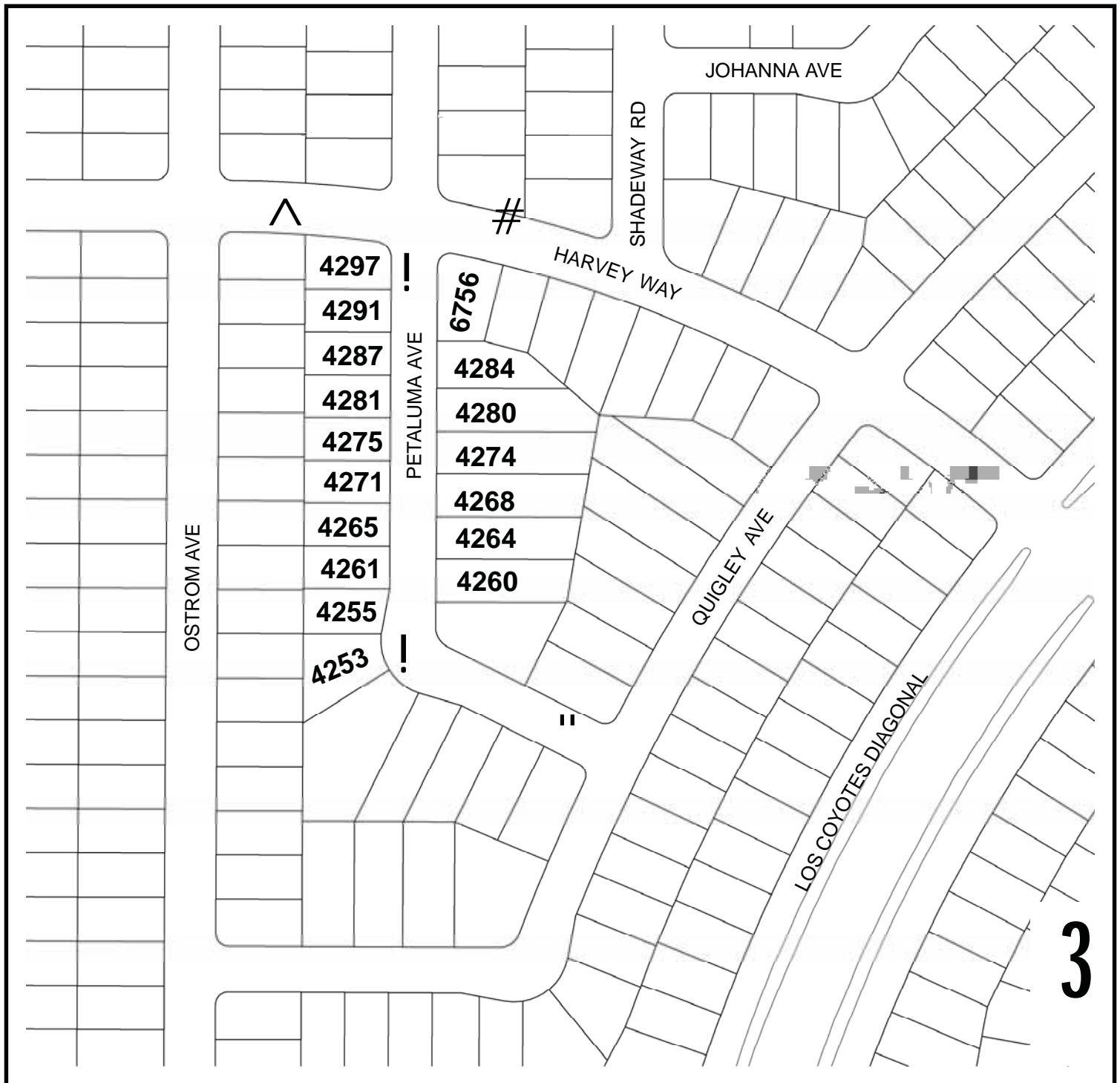
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**6 BARRICADES**

**#** 1 "NO LEFT TURN" SIGNS

**8 DELINEATORS**

**BLOCK PARTY**  
**JULY 4, 2017**  
**10 A.M. - 10 P.M.**  
**4253-4297 PETALUMA AVENUE**



- !** 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- "** 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
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- #** 1 "NO LEFT TURN" SIGN

**6 BARRICADES**

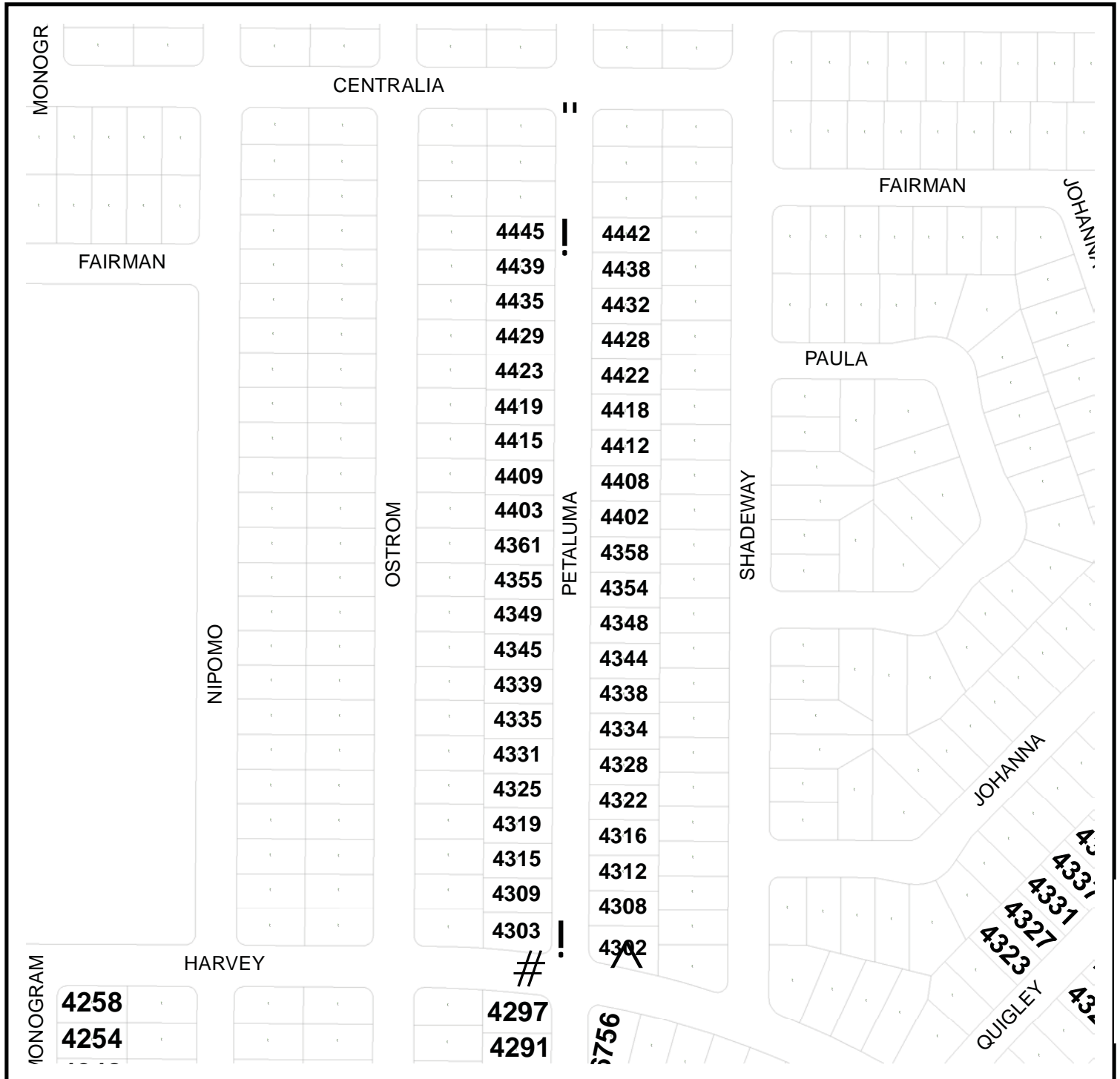
**7 DELINEATORS**

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 4302-4445 PETALUMA AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 1 "NO RIGHT TURN" SIGNS
  - # 1 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

DEL AMO

HAYTER

CASTANA

OLIVA

PIMENTA

LAKWOOD

ARBOR

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"	1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS	
^	1 "NO RIGHT TURN" SIGNS	6 BARRICADES
#	1 "NO LEFT TURN" SIGNS	8 DELINEATORS

# BLOCK PARTY

JULY 4, 2017

10 A.M. - 10 P.M.

**7070 - 7080 SCHROLL ST, 4100 - 4124 STEVELY AVE  
& 7068 MC MANUS ST**



! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS

" 1 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS

^ 1 "NO RIGHT TURN" SIGNS

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6 BARRICADES

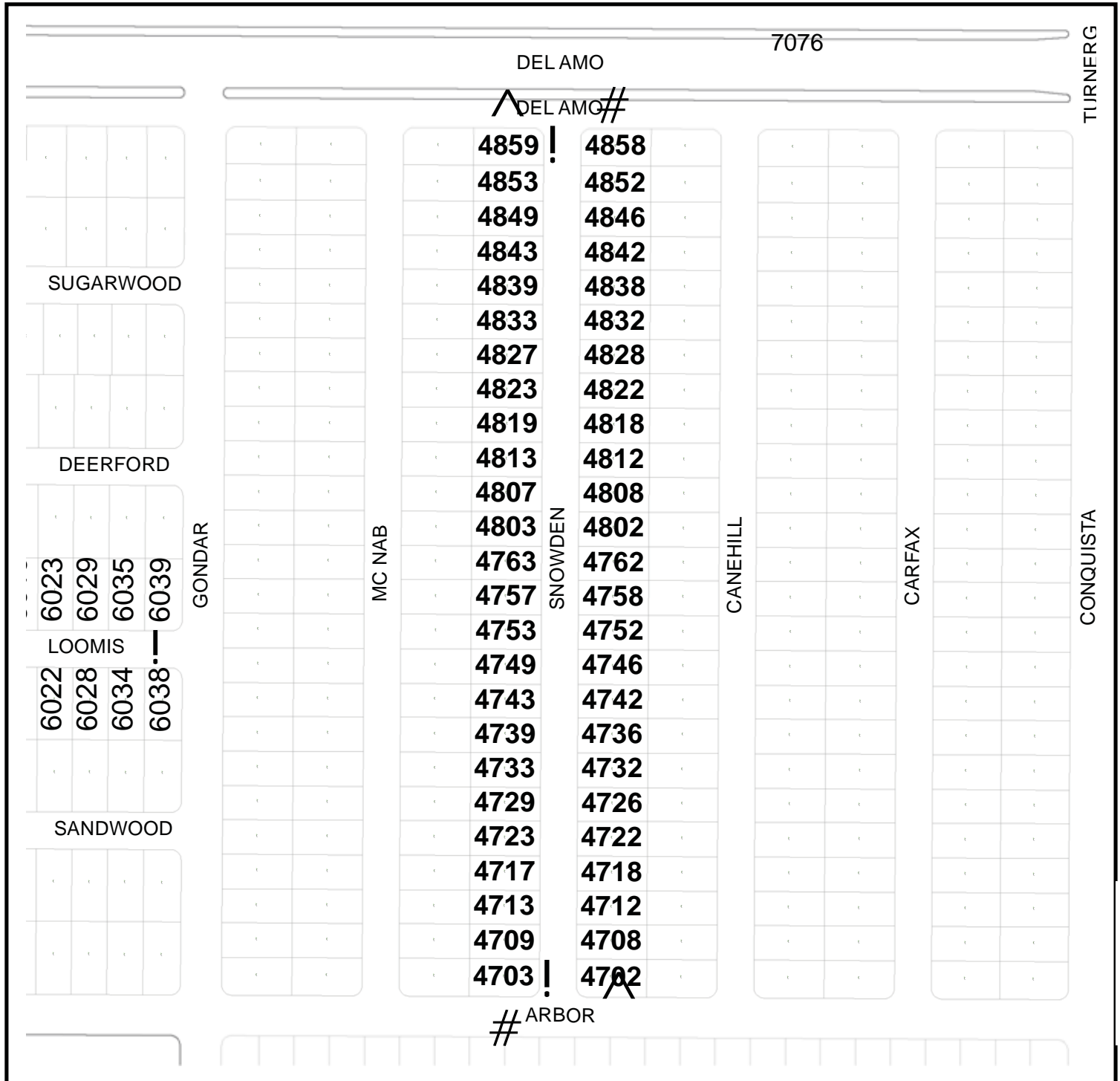
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. TO 8 P.M.

### 4702-4859 SNOWDEN AVENUE



- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
  - " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
  - ^ 2 "NO RIGHT TURN" SIGNS
  - # 2 "NO LEFT TURN" SIGNS
- 6 BARRICADES  
8 DELINEATORS

# BLOCK PARTY

## JULY 4, 2017

### 10 A.M. - 10 P.M.

### 5807 - 5959 WHITEWOOD AVENUE

FACULTY AVE		PENNSWOOD AVE		WHITEWOOD AVE		SUNFIELD AVE		CLARK AVE	
				5959	!	5958			
				5955		5952			
				5949		5948			
				5945		5942			
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				5807	!	5808			
				#		^			
SOUTH ST									

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- ! 2 FULL CLOSURE POINT "ROAD CLOSED" SIGNS
- " 0 ADVANCED WARNING "ROAD CLOSED AHEAD" SIGNS
- ^ 2 "NO RIGHT TURN" SIGN
- # 2 "NO LEFT TURN" SIGN

6 BARRICADES  
8 DELINEATORS

# DIVIDER SHEET



## **COUNCIL AGENDA**

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Community Safety Commission Recommendation – Removal of a Disabled Person Parking Space

### **INTRODUCTION**

The Community Safety Commission met on June 5, 2017, to review various community safety matters that included a request to remove the disabled parking space at 5938 Loomis Street.

### **STATEMENT OF FACT**

The Public Works Department recently received a request for the removal of the disabled person parking space at 5938 Loomis Street. Staff verified that the disabled person who obtained the disabled person parking space no longer resides at the address, and that the need for the space no longer exists. Therefore, the parking restriction should be removed.

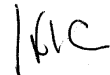
### **RECOMMENDATION**

The Community Safety Commission recommends that the City Council adopt the attached resolution authorizing the removal of disabled person designated parking at 5938 Loomis Street.

Lisa Ann Rapp  
Director of Public Works



Howard L. Chambers  
City Manager



RESOLUTION NO. 2017-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAKEWOOD RESCINDING A RESOLUTION ESTABLISHING  
A PHYSICALLY HANDICAPPED PERSONS DESIGNATED  
PARKING SPACE WITHIN THE CITY OF LAKEWOOD

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

SECTION 1. Resolution No. 2013-7 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAKEWOOD ESTABLISHING DISABLED PERSON  
DESIGNATED PARKING ON THE SOUTH SIDE OF LOOMIS  
STREET WITHIN THE CITY OF LAKEWOOD

is hereby rescinded.

SECTION 2. This resolution has been adopted pursuant to a Community Safety  
Commission recommendation.

ADOPTED AND APPROVED this 13th day of June, 2017.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# **D I V I D E R S H E E T**

## COUNCIL AGENDA

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Authorization to Purchase New Scissor Lift

### INTRODUCTION

The Public Works Facilities Maintenance division is in need of a new scissor lift, as their older scissor lift is no longer operational and presents a safety hazard to staff.

### STATEMENT OF FACT

The Facilities Maintenance Division of Public Works has been using their existing scissor lift for around 20 years. The scissor lift is an important tool that Public Works crews such as the painters, electricians, and carpenters rely on to do their job effectively. The existing scissor lift has aged to the point of being no longer operational. Staff has determined the existing scissor lift is a safety hazard to our crew.

Staff has researched the cost of purchasing a new scissor lift using NJPA contract pricing. Various purchasing agreements exist which allow the City to “piggyback” and obtain the lowest pricing structure for goods and services. The NJPA program is such a purchasing vehicle. NJPA Agreements were created to allow various jurisdictions throughout the country to benefit from competitively bid contracts. The City of Lakewood is a registered member agency of the NJPA (National Joint Powers Alliance). The use of this contract pricing solution is authorized by Section 2712 of the Lakewood Municipal Code.

Staff solicited a proposal from a vendor of NJPA, United Rentals, to provide the new scissor lift. The cost for the new scissor lift is approximately \$21,000. There are adequate funds available in our Capital Equipment account for this purchase.

In addition, the new scissor lift will require a trailer to transport. This is a necessity because scissor lifts cannot be driven on the street. Staff reached out to multiple vendors, and DV Trailers Big Tex West Trailer Sales provided the lowest cost for the new trailer at approximately \$3,700.

### RECOMMENDATION

Staff recommends that the City Council:

- (1) Authorize staff to issue a purchase order to United Rentals for the new scissor lift, in an amount not-to-exceed \$21,000.
- (2) Authorize staff to issue a purchase order to DV Trailers Big Tex West Trailer Sales for the new trailer, in an amount not-to-exceed \$3,700.

  
Lisa Ann Rapp  
Director of Public Works

  
Howard L. Chambers  
City Manager

# **D I V I D E R S H E E T**

## COUNCIL AGENDA

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Lakewood Equestrian Center – Authorization to Purchase Trailers

### INTRODUCTION

The Lakewood Equestrian Center is in need of various improvements that have been long in the planning stages. A component of those improvements includes replacement of the restroom facility and the office, which can be accomplished through the use of trailers.

### STATEMENT OF FACT

The Lakewood Equestrian Center has been operated by a concessionaire since the City acquired the property in the 1970's. This facility is a rustic stable operation which includes boarding, riding lessons, and a petting zoo. The old building housing the operations office is no longer functional and must be demolished. The bathroom facilities are in a similar condition and are not to code or ADA compliant. The fastest, easiest and most economical way to provide the necessary accommodations is through the use of trailer facilities. And since they would be portable, they could easily be relocated or sold if no longer needed.

Both trailers will be delivered by the vendor, and set up on site, including ADA accessible ramps, and skirting around the bottom. The office trailer would be similar to the one located behind city hall used by Public Works staff, and the bathroom trailer would have both men's and women's facilities, that would be accessible. The concessionaire would be responsible for cleaning and maintaining these trailers once set on site.

Staff will seek three bids for the purchase of the trailers however, when purchasing a used/refurbished trailer, our Purchasing Officer needs authorization to negotiate the best available price, and to act to secure the desired purchase before another customer can buy them. It would be similar to purchasing a used car. Our research has determined that the cost for the two trailers would be approximately \$175,000, and so we would request advanced authorization to complete a purchase up to this amount.

Additional improvements at the Equestrian Center are also planned with the \$294,000 currently in the budget for this project. They include an ADA accessible parking space with concrete walkways to each trailer; a new front gate, a new roof, termite control, exterior paint/repair the existing house, and demolition of the old office and outhouse. A new split rail white fence has already been installed across the front of the property.

### RECOMMENDATION

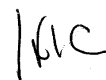
Staff recommends that the City Council:

1. Authorize the Purchasing Officer to purchase used restroom and office trailer for the Equestrian Center, not to exceed \$175,000.

Lisa Ann Rapp  
Director of Public Works



Howard L. Chambers  
City Manager



# DIVIDER SHEET

# Public Hearings



## **COUNCIL AGENDA**

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Introduction of Ordinances Regarding Wireless Telecommunication Facilities on Private Property, within the Public Right-of-Way, and Eligible Facilities Requests

### **INTRODUCTION**

Due to changes in technology and the law, the Municipal Code needs to be amended regarding Wireless Telecommunication Facilities to reasonably regulate, to the extent permitted by state and federal law, the installation, operation, collocation, modification and removal of wireless facilities in the City. There are three separate but related ordinances regarding wireless telecommunication facilities: on private property; eligible facilities requests (or Section 6409 approvals); and within the public right-of-way.

### **STATEMENT OF FACT**

Significant changes in state and federal law have affected local authority over wireless telecommunication facilities. These laws prescribe certain limitations on the City's application review process (such as application content and timelines for review) and the City's discretion to approve, disapprove or conditionally approve certain facilities. In some cases, failure to adhere to these laws may result in an automatic permit approval under special remedies available to wireless service providers. The City's existing regulations do not reflect these changes in the law and provide no guidance to applicants, staff, decision makers or the public on how to comply with the various state and federal requirements.

The proposed ordinances will bring Lakewood's regulations for wireless telecommunications facilities into conformity with current state and federal requirements. The standards and procedures will apply to all wireless telecommunication facilities within the City, both on real property and within the public right-of-way. The proposed ordinances will allow approval of such facilities in a manner consistent with federal and state law.

State and federal regulations concerning wireless telecommunications have gone into effect recently with the goal of streamlining the approval process for wireless telecommunication facilities throughout the nation. The regulations affect new installations on public property and within the public rights-of-way, as well as regulations pertaining to modifications and/or collocations to existing wireless facilities. The new regulations are more detailed than Lakewood's current wireless facilities ordinance. In addition, the City's current zoning standards only apply to wireless telecommunication facilities located on private property, but do not address such installations within the public right-of-way.

The proposed ordinances incorporate three new chapters regulating wireless telecommunication

facilities:

1. Part 21 Chapter 3, Article IX would regulate wireless telecommunication facilities on private property;
2. Part 22, Chapter 3, Article IX would regulate wireless telecommunication facilities covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012;
3. Chapter 7, Article VII, would regulate wireless telecommunication facilities located within the public right-of-way.

**Part 21, Chapter 3, Article IX, Wireless Telecommunication Facilities on Private Property (Exhibit 1)**

The proposed ordinance implements standards by which new or substantially changed wireless communication facilities on private property are regulated. These are applications requiring approval from the Development Review Board and sometimes the Planning and Environment Commission. The proposed ordinance contains standard conditions of approval, site location guidelines and rules for temporary facilities. Below is a summary of the primary components of the proposed ordinance.

1. Applicability: The regulations found in this chapter would apply to all new or substantially modified wireless telecommunication facilities on private property. This part would not apply to existing wireless telecommunication facilities that are not proposing a “substantial change” as defined in Chapter 3, which are regulated under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and further described below. These provisions also exclude other “wireless” uses such as amateur radio antennas and satellite dishes, which are subject to different federal and state laws than “cell sites.”
2. Standard Conditions of Approval: Staff has developed a list of standard conditions that are typically imposed on any use permit for wireless telecommunication facilities. The City’s standard conditions have been incorporated into the ordinance and supplemented based on recommendations from outside telecommunications counsel. Standard conditions address the following criteria: permit term, approved plans, inspections, maintenance obligations, impacts on other properties, contact information, indemnification, recall to the approval authority, permit revocation, and record retention. These conditions are a safeguard against applications that may be potentially deemed-approved pursuant to federal or state law, and ensure that all facilities are held to the same high standard.
3. Site Location Guidelines: The site location guidelines identify preferred locations (for new installations), discouraged locations, and preferred support structures. Preferred locations are listed in order, from most preferred to least preferred, with manufacturing and commercial districts being most preferred to residential districts being least preferred. Preferred support structures build upon the preferred locations and detail the types of wireless telecommunication installations that are preferred over others, including collocations with existing wireless facilities on non-tower structures and down to new freestanding towers.

4. Temporary Wireless Facilities: Temporary facilities are permitted under certain conditions. Such applications are subject to an administrative temporary use permit and require specific findings that are specified in the ordinance. The regulations are intended to be much less burdensome than those required for a permanent facility, while at the same time ensuring that temporary facilities are not used to circumvent the City's requirements for permanent sites.

**Part 22, Chapter 3, Article IX Wireless Telecommunication Facilities Covered Under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Exhibit 2)**

Section 6409(a) of the Federal Middle Class Tax Relief and Job Creation Act of 2012 generally requires that a local agency "may not deny and shall approve" requests to collocate, remove or replace transmission equipment at an existing wireless telecommunication facility that do not cause a "substantial change" in such existing facilities (known as "eligible facilities requests"). Since strict and different federal rules apply to these requests, the requests are reviewed using an expedited process described in this part.

Federal law requires tracking the time it takes to process each application, using a so called "shot clock." The purpose of the shot clock is to ensure that local governments do not take an unnecessarily long time to review an application. The review must be completed before time expires or the application will be deemed approved. The shot clock begins to run when an application is submitted, whether or not the application is complete. The shot clock continues to run until it is stopped when the City notifies the applicant that the application is incomplete or if the City and the applicant mutually reach a time tolling agreement.

When the completed application is resubmitted, the shot clock resumes counting the application processing time. This process may continue to go back and forth until the applicant submits a complete application and the project approved, the City misses the deadline to issue a notice that the application is incomplete, or the shot clock runs out. The table below shows the shot clock limits for the three types of applications.

Type of Application	Length of Shot Clock
Collocation/modification to an existing wireless tower or base station not involving a substantial change (this is a 6409(a) approval)	60 Days
Collocation/modification to an existing wireless tower or base station that does involve a substantial change (NOT a 6409(a) approval)	90 Days
New wireless telecommunication facilities	150 Days

The Federal Communications Commission has defined the phrase "substantial change," and requires that all state and local governments adhere to this definition. The definition considers changes in height, width, equipment cabinets, footprint, concealment and compliance with prior conditions of approval associated with the underlying facility. The definition has different thresholds for "towers" that for equipment mounted on buildings or utility infrastructure, with the former generally being more generous than the latter.

The proposed ordinance adds Part 22 to Chapter 3 to the Planning and Zoning Code, which would address non-substantial changes of existing facilities. The ordinance includes the following terms:

1. Approval Required: Eligible facilities requests are considered by the approval authority. Applications may be approved, conditionally approved, or denied without prejudice. Any other permits that are required to operate the facility must also be acquired, such as building permits.
2. Decisions: Based on the location of the project, there are two ways that the application can be reviewed. If the facility is within the public right-of-way, the Director of Public Works has administrative authority to review and approve the application. If the facility is on private property, the Development Review Board serves as the approval authority.
3. Appeals: Decisions can be appealed. For projects within the public right-of-way, the appellate authority is the City Manager. For projects on private property, the appellate authority is the Planning and Environment Commission.
4. Denials Without Prejudice: Given that federal law requires that the City “shall approve, and may not deny” an eligible facilities request, all denials will be without prejudice to ensure that an applicant who re-applies with a corrected application is not foreclosed by any “cooling-off period” typically available to other denied applications.
5. Standard Conditions of Approval: Similar to Part 21, standard conditions of approval for projects subject to 6409(a) are included. Standard conditions under this part address the following subjects, among others: permit term, compliance obligations, approved plans, inspections, maintenance obligations, contact information, indemnification, performance bond, recall to the approval authority, and record retention.

#### **Chapter 7, Article VII, Wireless telecommunication facilities located within the public right-of-way (Exhibit 3)**

Similar to Part 21, the proposed ordinance implements standards by which new or substantially changed wireless communication facilities in the public right-of-way are regulated. The proposed ordinance includes standard conditions of approval, site location guidelines and rules for temporary facilities. Below is a summary of the primary components of the proposed ordinance.

1. Applicability: The regulations found in this chapter would apply to all new or substantially modified wireless telecommunication facilities in the public right-of-way. This part would not apply to existing wireless telecommunication facilities that are not proposing a “substantial change” as defined in Chapter 3, which are regulated under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and further described below. These provisions also exclude other “wireless” uses such as amateur radio antennas and satellite dishes, which are subject to different federal and state laws than “cell sites.”

2. Standard Conditions of Approval: Staff has developed a list of standard conditions that are typically imposed on any use permit for wireless telecommunication facilities. The City's standard conditions have been incorporated into the ordinance and supplemented based on recommendations from outside telecommunications counsel. Standard conditions address the following criteria: permit term, approved plans, inspections, maintenance obligations, impacts on other properties, contact information, indemnification, recall to the approval authority, permit revocation, and record retention. These conditions are a safeguard against applications that may be potentially deemed-approved by federal or state law, and ensure that all facilities are held to the same high standard.
3. Site Location Guidelines: The site location guidelines identify preferred locations (for new installations), discouraged locations, and preferred support structures. Preferred locations are listed in order, from most preferred to least preferred, with manufacturing and commercial districts being most preferred to residential districts being least preferred. Preferred support structures build upon the preferred locations and detail the types of wireless telecommunication installations that are preferred over others, including collocations with existing wireless facilities on non-tower structures and down to new freestanding towers.
4. Temporary Wireless Facilities: Temporary facilities are permitted under certain conditions. Such applications are subject to an administrative temporary use permit and require specific findings that are specified in the ordinance. The regulations are intended to be much less burdensome than those required for a permanent facility, while at the same time ensuring that temporary facilities are not used to circumvent the City's requirements for permanent sites.

## RECOMMENDATION

It is recommended that the City Council conduct a public hearing, introduce the proposed wireless telecommunications ordinances, and approve the Categorical Exemptions.

Paolo Beltran

Assistant to the City Manager

PB

Howard L. Chambers

City Manager

HLC

**[EXHIBIT 1]**

**ORDINANCE NO. 2017-4**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD  
REGARDING WIRELESS FACILITIES ON PRIVATE PROPERTY**

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

SECTION 1. The following new Part 21 is hereby added to Chapter 3 of Article IX of  
the Lakewood Municipal Code:

**PART 21  
WIRELESS FACILITIES ON PRIVATE PROPERTY**

**9600. LEGISLATIVE INTENT**

- A.** The City of Lakewood intends this Part to establish reasonable and uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal on private property within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Part are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community.
- B.** This Part is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California state law.
- C.** Except as otherwise indicated, all references to Section numbers in this Part refer to Sections in the Lakewood Municipal Code.

## 9601. DEFINITIONS

The abbreviations, phrases, terms and words used in this Part will have the meanings assigned to them in this Section, or, as may be appropriate, in Lakewood Municipal Code Section 9302 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this Section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

- A. **“approval authority”** means the commission, board or official responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a Conditional Use Permit is the Planning and Environment Commission or, on appeal, the City Council. The approval authority for a Development Review Board Approval is the Development Review Board or, on appeal, the Planning and Environment Commission.
- B. **“base station”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).
- C. **“camouflaged”** or **“camouflaging”** means concealment techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.

- D. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site.
- E. **“CPCN”** means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 *et seq.*, as may be amended.
- F. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or it’s duly appointed successor agency.
- G. **“Director”** means the Director of Community Development of the City of Lakewood, California, or the Director of Community Development’s designee.
- H. **“FCC”** means the Federal Communications Commission or its duly appointed successor agency.
- I. **“OTARD”** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 *et seq.*, as may be amended, and which includes satellite television dishes not greater than one meter in diameter.
- J. **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- K. **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.
- L. **“RF”** means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- M. **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- N. **“stealth”** means concealment techniques that completely screen all transmission equipment from public view and integrate the transmission equipment with the surrounding natural and/or built environment such that, given the particular context, the average, untrained observer does not recognize the existence of the wireless facility or concealment technique. These facilities are so integrated and well-hidden that the average, untrained observed would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (1) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (2) new architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials. Architectural features commonly used as stealth concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs, water tanks and flagpoles. Further, whether a wireless facility qualifies as a stealth facility depends on the context that exists at a given location and is evaluated on a case-by-case basis.
- O. **“temporary wireless facilities”** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-



scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels (“COWs”), sites-on-wheels (“SOWs”), cells-on-light-trucks (“COLTs”) or other similarly portable wireless facilities not permanently affixed to site on which is located.

- P. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.
- Q. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- R. **“wireless”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

## **9602. APPLICABILITY**

- A. **Applicable Wireless Facilities.** This Part applies to all existing wireless facilities within the City and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy wireless facilities in the City, that are located or proposed to be located on private property, unless exempted under Section 9602(B) or governed under Part 22 pursuant to Section 9602(C).
- B. **Exempt Wireless Facilities.** Notwithstanding the provisions in Section 9602(A), the provisions in this Part will not be applicable to: (1) wireless facilities located or proposed to be located in the public right-of-way pursuant to Chapter 7, Article VII; (2) wireless facilities owned and operated by the City for public purposes; (3) wireless facilities installed on City-owned support structures or other personal property in the public right-of-way pursuant to a valid master license agreement with the City; (4) amateur radio facilities; (5) OTARD antennas; (6) wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and (7) wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- C. **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be first reviewed under Part 22. If the

approval authority for the project finds that the application is not covered by Section 6409, then any approval of the application shall be made pursuant to this Part.

### **9603. PRIOR APPROVALS REQUIRED**

- A. **Development Review Board Approval.** A Development Review Board Approval subject to the Development Review Board's prior review and approval in accordance with the procedures and standards in Lakewood Municipal Code Article IX Part 18 (Development Review Board) is required for all projects; provided, however that the following projects are not also subject to a Conditional Use Permit:
  - (1) all collocations, modifications or other changes to existing stealth facilities not subject to Section 6409;
  - (2) new wireless facilities on lattice electric transmission towers;
  - (3) new stealth wireless facilities.
- B. **Conditional Use Permit.** A Conditional Use Permit, subject to the Planning and Environment Commission's prior review and approval in accordance with the procedures and standards in Lakewood Municipal Code Article IX Part 10 (Variance and Conditional Use Permit) is required for all other new wireless facilities and modifications to existing wireless facilities not subject to the limited exception in Section 9606(C), the exception in Section 9603(A)(1) and (2), a Section 6409 Approval or a temporary use permit.
- C. **Temporary Use Permit.** A temporary use permit, subject to the Development Review Board's prior review and approval in accordance with the procedures and standards in Section 9610 is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to Section 9610(B).
- D. **Other Permits and Regulatory Approvals.** In addition to any Director Approval, Development Review Board Approval, Conditional Use Permit or other permit required under this Section, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any encroachment permit, excavation permit, building permit, electrical permit or other permits and/or regulatory approvals issued by other departments or divisions within the City. Furthermore, any permit or approval granted under this Part or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

### **9604. APPLICATION REQUIREMENTS**

- A. **Application Required.** The approval authority shall not approve any request for a Development Review Board Approval or Conditional Use Permit except upon a duly filed application consistent with this Section and any other written rules the City or the Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applicants for a Development Review Board Approval or Conditional Use Permit shall submit all the content, information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application forms, checklists, informational handouts and other related materials that the Director finds necessary,

appropriate or useful for processing any application governed under this Section. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such permit application forms, checklists, informational handouts, rules and regulations must be in written form and made available on the City's website and/or in-person at the Department of Community Development to provide applicants with prior notice.

- C. **Procedures for a Duly Filed Application.** Any application for a Development Review Board Approval or Conditional Use Permit will not be considered duly filed unless accepted by the Department of Community Development.
- D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this Section will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Director within 90 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional one year when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

## **9605. NOTICE**

- A. **General Notice Requirements.** Public notice in accordance with the provisions in Lakewood Municipal Code Section 9422 (Notices) shall be required for all Development Review Board Approval or Conditional Use Permit applications, as applicable.
- B. **Deemed-Approval Notices.** Not more than 30 days before the applicable FCC timeframe for review expires, and in addition to the public notice required in Section 9605(A), an applicant for a Development Review Board Approval or Conditional Use Permit must provide a posted notice at the project site that states the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the City approves or denies the application or the applicant tolls the timeframe for review within the next 30 days. The posted notice must be compliant with all applicable provisions in Lakewood Municipal Code Section 9422 (Notices). The public notice required under this Section 9605(B) will be deemed given when the applicant delivers written notice to the Director that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this Section, the approval authority shall be permitted to act on an application at any time so long as the public notice required in Section 9605(A) has occurred.
- C. **Decision Notices.** Within five business days after the approval authority acts on an application for a Development Review Board Approval or Conditional Use Permit or before the FCC shot clock expires (whichever occurs first), the approval authority or the approval authority's designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (1) the reasons for the decision and (2) instructions for how and when to file an appeal.

## **9606. DECISIONS; LIMITED EXCEPTIONS; APPEALS**

- A. **Required Findings for Approval.** The approval authority may approve or conditionally approve any application for any Development Review Board Approval or Conditional Use Permit when the approval authority finds that:
- (1) the proposed wireless facility complies with all required findings for use permit approval in Lakewood Municipal Code Section 9401 (Basis for Approval or Denial of a Conditional Use Permit) or Section 9484.1 (Powers and Duties of Development Review Board), as applicable;
  - (2) the proposed wireless facility complies with all applicable development standards adopted pursuant to Section 9609, or qualifies for a limited exception pursuant to Section 9606(C); and
  - (3) the applicant has certified in a signed affidavit that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.
- B. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Section is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application for a Development Review Board Approval or Conditional Use Permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this Section or the General Plan.
- C. **Limited Exceptions for Personal Wireless Service Facilities.** In the event that an applicant claims that strict compliance with the site location guidelines in Section 9608 or the development standards in Section 9609 would effectively prohibit the applicant's ability to provide personal wireless services, the Planning and Environment Commission may grant a limited exception from such requirements to the extent necessary to prevent an effective prohibition when the Planning and Environment Commission finds:
- (1) the proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded;
  - (2) the applicant has provided the Planning and Environment Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  - (3) the applicant has provided the Planning and Environment Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Part, the Lakewood Municipal Code, the General Plan and/or any specific plan;
  - (4) the applicant has provided the Planning and Environment Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and

- (5) the applicant has demonstrated to the Planning and Environment Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.
- D. **Appeals.** Any interested person or entity may appeal any decision by the approval authority in accordance with the standards and procedures in Lakewood Municipal Code Section 9485 (Board Decision) or Section 9486 (Appeal from Decision of the Planning Commission), as applicable, except as modified in this Section 9606(D). On the next available meeting date after the appeal period lapses, or as soon as reasonably feasible thereafter, the appellate body shall hold a *de novo* public hearing to consider and act on the application in accordance with the applicable provisions in the General Plan, any applicable specific plan and all applicable provisions in the Lakewood Municipal Code. Appeals from an approval will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations.

#### **9607. STANDARD CONDITIONS OF APPROVAL**

In addition to all other conditions adopted by the approval authority, all Development Review Board Approvals and Conditional Use Permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section 9607. The approval authority (or the appellate authority on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Part.

- A. **Permit Term.** This permit will automatically expire 10 years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued pursuant to Section 6409 in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted under federal law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
- B. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, are subject to the Director's prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested

- alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- C. **Post-Installation Final Inspection.** The permittee shall submit plans and obtain permits prior to the construction, installation, or modification, of any wireless telecommunication facility or component thereof, in accordance with approved plans and shall obtain a successful final inspection.
- D. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. Any concealment elements shall be kept in “like new” condition at all times. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred. The permittee and property owner shall maintain any and all landscape features in accordance with an approved landscape plan, if any, and shall replace dying or dead trees, foliage or other landscape elements shown on the Approved Plans within 5 calendar days after written notice from the City.
- E. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the California Building Code, Lakewood Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in any such permit, permit condition or any applicable law or regulation.
- F. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours in accordance with Lakewood Municipal Code Section 8020. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director or the Director’s designee may issue a stop work order for any activities that violates this condition.
- G. **Backup Power; Generators.** The permittee shall operate backup power generators only during (1) commercial power outages or (2) for maintenance purposes during normal

construction hours in accordance with Lakewood Municipal Code Section 8020. The Director may approve a temporary power source and/or generator in connection with initial construction or major repairs.

- H. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons; provided, however, that even in such emergency circumstances, the City shall use reasonable efforts to notify the permittee prior to such entry to the extent practicable under the circumstances. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
- I. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
- J. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.
- K. **Recall to Approval Authority; Permit Revocation.** The approval authority may recall this permit for review due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit after notice and an opportunity to cure the violation is provided to the permittee. At a duly noticed public hearing and in accordance

with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

- L. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.

## **9608. SITE LOCATION GUIDELINES**

- A. **Preferred Locations.** All applicants must, to the extent feasible, propose new wireless facilities in locations according to the following preferences, ordered from most preferred to least preferred:
- (1) manufacturing districts;
  - (2) commercial districts;
  - (3) open space districts;
  - (4) agricultural districts;
  - (5) planned development districts;
  - (6) parcels with multi-family residential structures at least 25 feet in height in residential districts;
  - (7) all other parcels with multi-family residential uses in residential districts;
  - (8) parcels with single-family residential uses in residential districts.
- B. **Preferred Support Structures.** In addition to the preferred locations described in Section 9608(A), the City also expresses its preference for installations on certain support structures. The approval authority will take into account whether any less discouraged (or more preferred) support structures are technically feasible and potentially available. The City's preferred support structures are as follows, ordered from most preferred to least preferred:
- (1) collocations with existing wireless facilities on non-tower structures;
  - (2) collocations with existing wireless facilities on towers;
  - (3) new installations on existing buildings, utility structures and other non-tower structures;
  - (4) new freestanding towers.

## **9609. DEVELOPMENT STANDARDS**

- A. **Development Standards.** The development standards for all new wireless facilities and substantial changes to existing wireless facilities not covered under Section 6409 shall be



adopted by City Council Resolution, following a public hearing conducted pursuant to the applicable requirements of the Lakewood Municipal Code.

- B. **Administrative Design Guidelines.** The City Council authorizes the Director to develop and from time to time amend administrative design guidelines to clarify the aesthetic goals and standards developed pursuant to this Section 9609 for City staff, applicants and the public. In the event that a conflict arises between the development standards adopted under 9609(A) and the administrative design guidelines adopted under 9609(B), the development standards shall control.

## **9610. TEMPORARY WIRELESS FACILITIES**

- A. **General Requirements for Temporary Wireless Facilities.** Except as provided in Section 9610(B), the requirements, procedures and standards in this Section shall be applicable to all applications for temporary use permit for a temporary wireless facility.

- (1) **Applications for Temporary Wireless Facilities.** The Development Review Board shall not approve any temporary wireless facility subject to a temporary use permit except upon a duly filed application consistent with this Section 9377.11(A)(1) and any other written application requirements or procedures the Director may make available online and/or in-person at the Department of Community Development. Applicants for a temporary use permit must submit, at a minimum: (1) a temporary use permit application on the most current form prepared by the Department of Community Development; (2) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (3) a signed affidavit that the facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions; and (4) an insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and carries at least \$1,000,000 in coverage per occurrence. Applications must be submitted in person to the Director unless the Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a temporary use permit application.
- (2) **Administrative Review for Temporary Wireless Facilities.** After the Director receives a duly filed application for an administrative temporary use permit, the Director shall review the application for completeness. After the Director deems the application complete, the Development Review Board shall review the application for conformance with the required findings in Section 9610(A)(3) and render a written decision to the applicant. Any denials must include the reasons for the denial. The review shall be administrative in nature and shall not require notice or a public hearing.
- (3) **Required Findings for Temporary Wireless Facilities.** The Development Review Board may approve or conditionally approve a temporary use permit for a temporary wireless facility only when the Director finds:
  - (a) the proposed temporary wireless facility will not exceed 50 feet in overall height above ground level;

- (b) the proposed temporary wireless facility complies with all setback requirements applicable to the proposed location;
  - (c) the proposed temporary wireless facility will not involve any excavation or ground disturbance;
  - (d) the proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations;
  - (e) the applicant provided an affidavit that certifies that the proposed temporary wireless facility will comply with the maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
  - (f) the proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location;
  - (g) the proposed temporary wireless facility will be identified with a sign that clearly identifies the (I) site operator, (II) the operator's site identification name or number and (III) a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas;
  - (h) the proposed wireless temporary wireless facility will be removed within 30 days after the Development Review Board grants the temporary use permit, or such longer time as the Development Review Board finds reasonably related to the applicant's need or purpose for the temporary wireless facility (but in no case longer than one year).
- (4) **Appeals for Temporary Wireless Facilities.** Any applicant may appeal the Development Review Board's written decision to deny an application for a temporary use permit. The written appeal together with any applicable appeal fee must be tendered to the City within 10 days from the Development Review Board's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The Planning and Environment Commission shall be the appellate authority for all appeals from the Planning and Environment Commission's written decision to deny a temporary use permit. The Planning and Environment Commission shall review the application *de novo*; provided, however, that the Planning and Environment Commission's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Section and any other applicable laws. The Planning and Environment Commission shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

- B. **Temporary Wireless Facilities for Emergencies.** Temporary wireless facilities may be placed and operated within the City without a temporary use permit only when a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part. Any temporary wireless facilities placed pursuant to this Section 9610(B) must be removed within five days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this section shall send a written notice that identifies the site location and person responsible for its operation to the City Manager or his or her designee as soon as reasonably practicable, but no greater than 24 hours.

SECTION 2. Sections 9377 through 9377.15, inclusive, are hereby repealed.

SECTION 3. 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 4. 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.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	_____	_____	_____
Council Member Piazza	_____	_____	_____
Council Member Rogers	_____	_____	_____
Council Member Wood	_____	_____	_____
Mayor DuBois	_____	_____	_____

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[EXHIBIT 2]

ORDINANCE NO. 2017-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD  
REGARDING ELIGIBLE FACILITIES REQUESTS FOR  
WIRELESS COMMUNICATION FACILITIES

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

SECTION 1. The following new Part 22 is hereby added to Chapter 3 of Article IX of  
the Lakewood Municipal Code:

PART 22  
ELIGIBLE FACILITIES REQUESTS FOR WIRELESS COMMUNICATION  
FACILITIES

9700. LEGISLATIVE INTENT

- A. **Background.** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) (“**Section 6409**”), generally requires that State and local governments “may not deny, and shall approve” requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communication Commission (“**FCC**”) regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential “deemed granted” remedy when the State or local government fails to approve or deny the request within 60 days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only “personal wireless service facilities” (e.g., cellular telephone towers and equipment), Section 6409 applies to all “wireless” facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).
- B. **Findings.** The City Council finds that the overlap between wireless deployments covered under Section 6409 and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for confusion that harms the public interest in both efficient wireless facilities deployment and carefully planned community development in accordance with local values. The City Council further finds that a separate permit application and review process specifically designed for compliance with Section 6409 contained in a Part devoted to Section 6409 will mitigate such potential confusion, streamline local review and preserve the city’s land-use authority to the maximum extent possible.
- C. **Intent.** The City of Lakewood intends this Part to establish reasonable and uniform standards and procedures in a manner that protects and promotes the public health, safety and welfare, consistent with and subject to federal and California state law, for wireless

facilities collocations and modifications pursuant to Section 6409, and related FCC regulations codified in 47 C.F.R. §§ 1.40001 *et seq.* This Section is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; or (6) impose and unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California state law.

## **9701. DEFINITIONS**

The abbreviations, phrases, terms and words used in this Part will have the meanings assigned to them in this Section 9701, or, as may be appropriate, in Lakewood Municipal Code Section 9302 (Definitions) as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this Section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

- A. **“approval authority”** means the commission, board or official responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a project located or proposed to be located on private property that requires a Section 6409 Approval refers to the Development Review Board or, on appeal, the Planning and Environment Commission. The approval authority for a project located or proposed to be located in the public rights-of-way that requires a Section 6409 Approval refers to the Director of Public Works or, on appeal, the City Manager.
- B. **“base station”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell

networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

- C. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site.
- D. **“CPCN”** means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 et seq., as may be amended.
- E. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or it’s duly appointed successor agency.
- F. **“Director”** means the Director of Community Development or his or her designee for all projects located or proposed to be located on private property, or the Director of Public Works or his or her designee for all projects located or proposed to be located in the public rights-of-way.
- G. **“eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
- H. **“eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.
- I. **“existing”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- J. **“FCC”** means the Federal Communications Commission or its duly appointed successor agency.
- K. **“RF”** means “radio frequency” or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.

- L. **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- M. **“site”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- N. **“substantial change”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.
- (1) For towers outside the public rights-of-way, a substantial change occurs when:
    - (a) the proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
    - (b) the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
    - (c) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
    - (d) the proposed collocation or modification involves excavation or deployment outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
  - (2) For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
    - (a) the proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
    - (b) the proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
    - (c) the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
    - (d) the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
    - (e) the proposed collocation or modification involves excavation or deployment outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
  - (3) In addition, for all towers and base stations wherever located, a substantial change occurs when:

- (a) the proposed collocation or modification would defeat the existing concealment elements of the support structure as reasonably determined by the approval authority; or
  - (b) the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- O. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.
- P. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- Q. **“wireless”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

## 9702. APPLICABILITY

This Part applies to all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409. However, the applicant may voluntarily elect to seek approval pursuant to Part 21 for projects on private property, or approval pursuant to Lakewood Municipal Code Article VII Chapter 7 for wireless facilities in the public right-of-way.

## 9703. PRIOR APPROVALS REQUIRED

- A. **Section 6409 Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require an amendment to the underlying use permit for the tower or base station (each amendment a **“Section 6409 Approval”**) subject to the approval authority’s approval, conditional approval or denial without prejudice pursuant to the standards and procedures contained in this Part.
- B. **Other Permits and Regulatory Approvals.** No collocation or modification approved pursuant to this Part may occur unless the applicant also obtains all other permits and regulatory approvals as may be required by any other federal, state or local government



agencies, which includes without limitation other any permits and/or regulatory approvals issued by other departments or divisions within the City. Furthermore, any Section 6409 Approval granted under this Part shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

#### **9704. APPLICATION REQUIREMENTS**

- A. **Application Required.** The approval authority shall not approve any request for a collocation or modification submitted for approval pursuant to Section 6409 except upon a duly filed application consistent with this Section 9704 and any other written rules the Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applicants for a Section 6409 Approval shall submit all the content, information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application forms, checklists, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Part. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such permit application forms, checklists, informational handouts, rules and regulations must be in written form and made available on the City's website and/or in-person at the City department responsible for approving the application to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Section 6409 Approval will not be considered duly filed unless submitted in accordance with the procedures in this Section 9704(C).
  - (1) **Public Right-of-Way Application Pre-Submittal Conference.** Before application submittal for any proposed modification to a wireless facility located in the public rights-of-way, the applicant shall schedule and attend a pre-submittal conference with the Director. A pre-submittal conference will not be required for an application to modify a wireless facility on private property. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, including whether the project qualifies for approval pursuant to Section 6409 or not; any latent issues in connection with the existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director, in the Director's discretion, grant a written exemption to the submittal appointment under Section 9704(C)(2) and/or for a specific requirement for a complete application to any applicant who (i)

schedules, attends and fully participates in any pre-submittal conference and (ii) shows to the Director's satisfaction that such specific requirement duplicates information already provided in other materials to be submitted or is otherwise unnecessary to the City's review under facts and circumstances in that particular case. Any written exemption will be limited to the project discussed at the pre-submittal conference and will not be extended to any other project.

(2) **Application Submittal.** Applications for a Section 6409 Approval must be submitted in accordance with the following procedures:

(a) **Public Right-of-Way Applications.** All applications for wireless facilities proposed to be located in the public right-of-way shall be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. Any application received without an appointment or a pre-submittal conference, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

(b) **Private Property Applications.** All applications for wireless facilities proposed to be located on private property must be submitted in-person to the Department of Community Development during business hours.

(3) **Appointment Scheduling Procedures.** For any event in the submittal process that requires an appointment, applicants shall submit a written request to the Director. The Director shall endeavor to provide applicants with an appointment as soon as reasonably feasible and within five business days after a written request is received and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement.

D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this Section will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Director within 90 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional one year when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

## **9705. DECISIONS**

A. **Application Review.** The following application review procedures apply based on the location of the proposed project:

(1) **Private Property.** The Development Review Board shall review a complete and duly filed application for a Section 6409 Approval for any project proposed to be located on private property and, as the approval authority, may act on such application without prior notice or a public hearing.

- (2) **Public Rights-of-Way.** The Director shall administratively review a complete and duly filed application for a Section 6409 Approval for any project proposed to be located in the public rights-of-way and, as the approval authority, may act on such application without prior notice or a public hearing.
- B. **Decision Notices.** Within five working days after the approval authority acts on an application for a Section 6409 Approval or before the FCC shot clock expires (whichever occurs first), the approval authority shall send a written notice to the applicant. In the event that the approval authority denies the application, the written notice to the applicant shall contain (1) the reasons for the decision; (2) a statement that the denial will be without prejudice; and (3) instructions for how and when to file an appeal.
- C. **Required Findings for Approval.** The approval authority may approve or conditionally approve any application for a Section 6409 Approval when the approval authority finds that the proposed project:
- (1) involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - (2) does not substantially change the physical dimensions of the existing wireless tower or base station.
- D. **Criteria for Denial without Prejudice.** Notwithstanding any other provision in this Section, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice any application submitted for a Section 6409 Approval when the approval authority finds that the proposed project:
- (1) does not meet the finding required in Section 9705(C); or
  - (2) involves the replacement of the entire support structure; or
  - (3) violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health and safety.
- E. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this Section is intended to limit the approval authority's authority to conditionally approve an application for a Section 6409 Approval to protect and promote the public health and safety. In general, the approval authority may not condition approval on aesthetic improvements to the design unless necessary to preserve any existing concealment associated with the underlying facility or for compliance with any prior conditions of approval associated with the underlying facility.
- F. **Appeals.** Any applicant may appeal the approval authority's written decision to deny without prejudice an application for Section 6409 Approval. The written appeal together with any applicable appeal fee shall be tendered to the City within 10 days from the approval authority's written decision, and shall state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager, for projects in the public rights-of-way, or the Planning and Environment Commission, for projects on private property, shall be the appellate authority for appeals from the approval authority's written decision to deny without prejudice an application for Section 6409 Approval. The City Manager or the Planning and Environment Commission, as applicable, shall review the application *de novo*; provided, however, that the decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Section and any other applicable laws. The City Manager or the Planning and Environment Commission, as applicable, shall issue a written decision within 10 business

days that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

## **9706. STANDARD CONDITIONS OF APPROVAL**

In addition to all other conditions adopted by the approval authority, all Section 6409 Approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section 9706. The approval authority shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Section.

- A. **Permit Term.** The City's grant or grant by operation of law of a Section 6409 Approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject wireless tower or base station, and will be regarded as a modification to the underlying approval for the subject wireless tower or base station. The City's grant or grant by operation of law of a Section 6409 Approval will not extend the permit term, if any, for any underlying permit or underlying prior regulatory authorization. Accordingly, the term for a Section 6409 Approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.
- B. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any Section 6409 Approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409 Approvals or the Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409 Approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.
- C. **City's Standing Reserved.** The City's grant or grant by operation of law of a Section 6409 Approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any Section 6409 Approval.
- D. **Compliance with Approved Plans.** Before the permittee submits any applications for ministerial approvals, which includes without limitation any building permits or encroachment permits, the permittee shall incorporate this Section 6409 Approval, all conditions associated with this Section 6409 Approval and the approved photo simulations into the project plans (the "**Approved Plans**"). The permittee shall construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with

jurisdiction over the wireless facility, shall be submitted in a written request subject to the Director's prior review and approval, who may revoke the Section 6409 Approval if the Director finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended.

- E. **Post-Installation Final Inspection.** The permittee shall submit plans and obtain permits prior to the construction, installation, or modification, of any wireless telecommunication facility or component thereof, in accordance with approved plans and shall obtain a successful final inspection.
- F. **Build-out Period.** This Section 6409 Approval will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension to a date certain when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- G. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this Section 6409 Approval. Any concealment elements shall be kept in "like new" condition at all times. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred. The permittee and property owner shall maintain any and all landscape features in accordance with an approved landscape plan, if any, and shall replace dying or dead trees, foliage or other landscape elements shown on the Approved Plans within 5 calendar days after written notice from the City.
- H. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this Section 6409 Approval. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the California Building Code, Lakewood Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in any such permit, any permit condition or any applicable law or regulation.
- I. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation,

operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours in accordance with Lakewood Municipal Code Section 8020. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director or the Director's designee may issue a stop work order for any activities that violate this condition.

- J. **Backup Power; Generators.** The permittee shall operate backup power generators only during (1) commercial power outages or (2) for maintenance purposes during normal construction hours in accordance with Lakewood Municipal Code Section 8020. The Director may approve a temporary power source and/or generator in connection with initial construction or major repairs.
- K. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee or at any time during an emergency. The City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons; provided, however, that even in such emergency circumstances, the City shall use reasonable efforts to notify the permittee prior to such entry to the extent practicable under the circumstances. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
- L. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
- M. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this Section 6409 Approval, and (2) other Claims any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this Section 6409 Approval or the wireless facility. In the event the City becomes aware any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to

approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this Section 6409 Approval, and that such indemnification obligations will survive the expiration or revocation of this Section 6409 Approval.

- N. **Performance Bond.** Before the Department of Public Works issues any encroachment permit or other required ministerial permit, in connection with this Section 6409 Approval for a modification to a wireless facility in the public right-of-way, the permittee shall post a performance bond from a surety and in a form acceptable to the City Manager in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The permittee must procure the written estimate from the qualified contractor and provide the estimate to the Director of Public Works for the Director's review before posting the performance bond. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the City Manager shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws.
- O. **Recall to the Approval Authority; Permit Revocation.** The original approval authority may recall this Section 6409 Approval for review at any time due to complaints about noncompliance with the applicable laws or any approval conditions attached to this Section 6409 Approval after notice and an opportunity to cure the violation is provided to the permittee. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this Section 6409 Approval or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
- P. **Record Retention.** The permittee shall maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or

records and the permittee's electronic copies, and complete originals will control over all other copies in any form.

SECTION 2. 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 3. 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.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	_____	_____	_____
Council Member Piazza	_____	_____	_____
Council Member Rogers	_____	_____	_____
Council Member Wood	_____	_____	_____
Mayor DuBois	_____	_____	_____

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**[EXHIBIT 3]**

**ORDINANCE NO. 2017-6**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD  
REGARDING WIRELESS COMMUNICATION FACILITIES  
IN THE PUBLIC RIGHT-OF-WAY**

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

SECTION 1. The following new Chapter 7 is hereby added to Article VII of the  
Lakewood Municipal Code:

**CHAPTER 7  
WIRELESS COMMUNICATION FACILITIES  
IN THE PUBLIC RIGHT-OF-WAY**

**7700. LEGISLATIVE INTENT**

- A. The City of Lakewood intends this Chapter to establish reasonable and uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal in the public rights-of-way within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Chapter are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community.
- B. This Chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California state law.

## 7701. DEFINITIONS

The abbreviations, phrases, terms and words used in this Chapter will have the meanings assigned to them in this Section or, as may be appropriate, in Lakewood Municipal Code Section 9302 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this Chapter will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this Section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

- A. **“base station”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).
- B. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site.
- C. **“CPCN”** means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 *et seq.*, as may be amended.
- D. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or it’s duly appointed successor agency.
- E. **“Director”** means the Director of Public Works of the City of Lakewood, California or the Director of Public Works’ designee.
- F. **“FCC”** means the Federal Communications Commission or its duly appointed successor agency.

- G. **“OTARD”** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 *et seq.*, as may be amended, and which includes satellite television dishes not greater than one meter in diameter.
- H. **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- I. **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.
- J. **“RF”** means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- K. **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- L. **“temporary wireless facilities”** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels (“COWs”), sites-on-wheels (“SOWs”), cells-on-light-trucks (“COLTs”) or other similarly portable wireless facilities not permanently affixed to site on which is located.
- M. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.
- N. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- O. **“wireless”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

## **7702. APPLICABILITY**

- A. **Applicable Wireless Facilities.** This Chapter applies to all existing wireless facilities within the City’s public rights-of-way and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy wireless facilities in the

City's public rights-of-way, unless exempted under Section 7702(B) or governed under Part 21 of Chapter 3 of Article IX of this Code, pursuant to Section 7702(C).

- B. **Exempt Wireless Facilities.** Notwithstanding the provisions in Section 7702(A), the provisions in this Section will not be applicable to: (1) wireless facilities located or proposed to be located on private property pursuant to Part 20 of Chapter 3 of Article IX of this Code; (2) wireless facilities owned and operated by the City for public purposes; (3) wireless facilities installed on City-owned support structures or other personal property in the public rights-of-way pursuant to a valid master license agreement with the City; (4) amateur radio facilities; (5) OTARD antennas; and (6) wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- C. **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be first reviewed under Part 21 of Chapter 3 of Article IX of this Code. If the reviewing Director for a project submitted for approval pursuant to Section 6409 finds that the application is not covered by Section 6409, the applicant may submit an application for approval pursuant to this Chapter.

#### **7703. PRIOR APPROVALS REQUIRED**

- A. **Wireless Facility Permit.** A Wireless Facility Permit, subject to the Director's prior review and approval in accordance with the procedures and standards in Section 7705 is required for:
  - (1) all new wireless facilities in the public rights-of-way;
  - (2) all collocations, modifications or other changes to existing wireless facilities in the public rights-of-way not subject to Section 6409.
- B. **Temporary Use Permit.** A temporary use permit, subject to the Director's prior review and approval in accordance with the procedures and standards in Section 7710 is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to section 7710(B).
- C. **Other Permits and Regulatory Approvals.** In addition to any Wireless Facility Permit or other permit required under this Section, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any encroachment permit, excavation permit, building permit, electrical permit or other permits and/or regulatory approvals issued by other departments or divisions within the City. Furthermore, any permit or approval granted under this Section or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

#### **7704. APPLICATION REQUIREMENTS**

- A. **Application Required.** The Director shall not approve any request for a Wireless Facility Permit except upon a duly filed application consistent with this Section and any

other written rules the City or the Director may establish from time-to-time in any publicly-stated format.

- B. **Application Content.** All applicants for a Wireless Facility Permit shall submit all the content, information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application forms, checklists, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Section. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such permit application forms, checklists, informational handouts, rules and regulations must be in written form and made available on the City's website and/or in-person at the Department of Public Works to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Wireless Facility Permit will not be considered duly filed unless submitted in accordance with the procedures in this Section 7704(C).
- (1) **Pre-Submittal Conference.** Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Director for all proposed projects on new support structures in the public rights-of-way. Pre-submittal conferences for all other proposed projects are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.
  - (2) **Submittal Appointment.** All applications must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be

considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

- D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this Section will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Director within 90 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

## **7705. NOTICE**

- A. **General Notice Requirements.** The Director shall administratively review a complete and duly filed application for a Wireless Facility Permit and may act on such application without prior notice or a public hearing.
- B. **Deemed-Approval Notices.** Not more than 30 days before the applicable FCC timeframe for review expires, an applicant for a Wireless Facility Permit must provide a posted notice at the project site that states the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the City approves or denies the application or the applicant tolls the timeframe for review within the next 30 days. The posted notice must be compliant with all applicable provisions in Lakewood Municipal Code Section 9422 (Notices). The public notice required under this Section 7705(B) will be deemed given when the applicant delivers written notice to the Director that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this Section, the Director shall be permitted to act on an application at any time so long as the public notice required in Section 7705(A) has occurred.
- C. **Decision Notices.** Within five days after the Director acts on an application for a Wireless Facility Permit or before the FCC shot clock expires (whichever occurs first), the Director or its designee shall send a written notice to the applicant. In the event that the Director denies the application (with or without prejudice), the written notice to the applicant must contain (1) the reasons for the decision and (2) instructions for how and when to file an appeal.

## **7706. DECISIONS; LIMITED EXCEPTIONS; APPEALS**

- A. **Required Findings for Approval.** The Director may approve or conditionally approve any application for a Wireless Facility Permit when the Director finds that:
- (1) the proposed wireless facility complies with all applicable construction and installation standards adopted pursuant to Section 7709, or qualifies for a limited exception pursuant to Section 7708(C);
  - (2) the applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions;

- (3) the applicant has demonstrated a good-faith effort to identify and evaluate more-preferred locations and potentially less-intrusive designs; and
  - (4) the applicant has provided the Director with a meaningful comparative analysis that shows all less-intrusive alternative locations and designs identified in the administrative record are either technically infeasible or not potentially available.
- B. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Chapter is intended to limit the Director's ability to conditionally approve or deny without prejudice any application for a Wireless Facility Permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this Chapter or the general plan.
- C. **Limited Exceptions for Personal Wireless Service Facilities.** In the event that an applicant claims that strict compliance with the site location guidelines in Section 7708 or the development standards in Section 7709 would effectively prohibit the applicant's ability to provide personal wireless services, the Director may grant a limited exception from such requirements to the extent necessary to prevent an effective prohibition when the Director finds:
  - (1) the proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded;
  - (2) the applicant has provided the Director with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  - (3) the applicant has provided the Director with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Section, the Lakewood Municipal Code, the general plan and/or any specific plan;
  - (4) the applicant has provided the Director with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
  - (5) the applicant has demonstrated to the Director that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.
- D. **Appeals.** Any applicant may appeal the Director's written decision to deny an application for a Wireless Facility Permit. The written appeal together with any applicable appeal fee must be tendered to the City within 10 days from the Director's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager shall be the appellate authority for all appeals from the Director's written decision to deny a Wireless Facility Permit. The City Manager shall review the application *de novo*; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Section and any other applicable laws. The City Manager shall issue a

written decision that contains the reasons for the decision, and such decision shall not be subject to any further administrative appeals.

## **7707. STANDARD CONDITIONS OF APPROVAL**

In addition to all other conditions adopted by the Director, all Wireless Facility Permits, whether approved by the Director or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section. The Director (or the appellate authority on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Chapter.

- A. **Permit Term.** This permit will automatically expire 10 years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued pursuant to Section 6409 in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted under federal law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. Upon a written application from the applicant, the approval authority shall renew this permit for an additional 10-year term if the facility is in compliance with all local, state and federal laws at the time the permit expires.
- B. **Compliance with Approved Plans.** Before the permittee submits to the Department of Public Works any application for an encroachment permit, excavation permit or any other ministerial permit required for the project, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the “**Approved Plans**”). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director of Public Works’ prior review and approval, who may refer the request to the original approval authority if the Director of Public Works finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- C. **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved or deemed-approved under this Chapter, the permittee shall provide the Director of Public Works with documentation reasonably acceptable to the Director of Public Works that the wireless facility has been installed and/or constructed in substantial compliance with the Approved Plans.
- D. **Build-Out Period.** This permit will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The



Director of Public Works may grant one written extension to a date certain when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

- E. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. Any concealment elements shall be kept in “like new” condition at all times. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred. The permittee and property owner shall maintain any and all landscape features in accordance with an approved landscape plan, if any, and shall replace dying or dead trees, foliage or other landscape elements shown on the Approved Plans within 30 calendar days after written notice from the City.
- F. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the California Building Code, Lakewood Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in any such permit, permit condition or any applicable law or regulation.
- G. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours in accordance with Lakewood Municipal Code Section 8020. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director of Public Works or the Director of Public Works’ designee may issue a stop work order for any activities that violates this condition.
- H. **Backup Power; Generators.** The permittee shall operate backup power generators only during (1) commercial power outages or (2) for maintenance purposes during normal construction hours in accordance with Lakewood Municipal Code Section 8020. The

Director of Public Works may approve a temporary power source and/or generator in connection with initial construction or major repairs.

- I. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons; provided, however, that even in emergency circumstances, the City shall use reasonable efforts to notify the permittee prior to such entry to the extent practicable under the circumstances. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
- J. **Permittee's Contact Information.** The permittee shall furnish the Director of Public Works with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director of Public Works with updated contact information in the event that either the responsible person or such person's contact information changes.
- K. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.
- L. **Performance Bond.** Before the Department of Public Works issues any encroachment permit and/or other ministerial permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Director of Public Works in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written

estimate from a qualified contractor with experience in wireless facilities removal. The permittee must procure the written estimate from the qualified contractor and provide the estimate to the Director of Public Works for the Director's review before posting the performance bond. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Director of Public Works shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws.

- M. **Recall to Approval Authority; Permit Revocation.** The Director may recall this permit for review due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit after notice and an opportunity to cure the violation is provided to the permittee. At a duly noticed public hearing and in accordance with all applicable laws, the Director may revoke this permit or amend these conditions as the Director deems necessary or appropriate to correct any such noncompliance.
- N. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
- O. **Undergrounded Utilities.** In the event that other public utilities or cable television operators in the public right-of-way, where the permittee's wireless facility is located, underground their facilities the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
- P. **Electric Meter Removal.** In the event that the commercial electric utility provider adopts or changes its rules obviating the need for a separate electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall apply to the City for permission to remove the separate electric meter and enclosure and restore the affected area to its original condition.

## **7708. SITE LOCATION GUIDELINES**

- A. **Preferred Locations.** The City expresses its preferences for installations in certain locations in the public rights-of-way. The Director will take into account whether any less discouraged (or more preferred) locations are technically feasible and potentially available. All applicants should avoid proposing new wireless facilities located adjacent to residential frontage to the greatest extent feasible. All applicants must, to the extent feasible, propose new wireless facilities in the public rights-of-way in locations according to the following preferences, ordered from most preferred to least preferred:
- (1) manufacturing districts;
  - (2) commercial districts;
  - (3) open space districts;
  - (4) agricultural districts;
  - (5) any location that abuts a park, school or landscaped panel or median between major streets and service roads;
  - (6) residential districts with multi-family residential uses;
  - (7) residential districts with single family residential uses.
- B. **Preferred Support Structures.** In addition to the preferred locations described in Section 7708(A), the City also expresses its preference for installations on certain support structures in the public rights-of-way. The Director will take into account whether any less discouraged (or more preferred) support structures are technically feasible and potentially available. The City's preferred support structures in the public rights-of-way are as follows, ordered from most preferred to least preferred:
- (1) new facilities or collocations on existing City-owned structures;
  - (2) new facilities on existing support structures;
  - (3) new facilities on replacement support structures;
  - (4) collocations on existing support structures;
  - (5) collocations on replacement support structures;
  - (6) new facilities on new support structures.

## **7709. CONSTRUCTION AND INSTALLATION STANDARDS**

- A. **Construction and Installation Standards.** The City Council authorizes the Director and the Department of Public Works to develop and from time-to-time amend construction and installation standards for all new wireless facilities and substantial changes to existing wireless facilities not covered under Section 6409 proposed to be located in the public rights-of-way. Such construction and installation standards, and any amendments to the construction and installation standards, shall be adopted by City Council Resolution, following a public hearing conducted pursuant to the applicable requirements of the Lakewood Municipal Code.
- B. **Administrative Design Guidelines.** The City Council authorizes the Director to develop and from time-to-time amend administrative design guidelines to clarify the aesthetic goals and standards developed pursuant to this Section for City staff, applicants and the public. In the event that a conflict arises between the construction and installation standards adopted under 7709(A) and the administrative design guidelines adopted under 7709(B), the construction and installation standards shall control.

## 7710. TEMPORARY WIRELESS FACILITIES

A. **General Requirements for Temporary Wireless Facilities.** Except as provided in Section 7710(B), the requirements, procedures and standards in this Section shall be applicable to all applications for a temporary use permit for a temporary wireless facility to be placed in the public rights-of-way.

- (1) **Applications for Temporary Wireless Facilities.** The Director shall not approve any temporary wireless facility subject to a temporary use permit except upon a duly filed application consistent with this Section 7710(A)(1) and any other written application requirements or procedures the Director may publish in any publicly-stated format. Applicants for a temporary use permit must submit, at a minimum: (1) a discretionary permit application on the most current form prepared by the Public Works Department; (2) the applicable fee for the application; (3) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (4) an RF compliance report in accordance with this Chapter; and (5) an insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and carries at least \$1,000,000 in coverage per occurrence. Applications must be submitted in person to the Director unless the Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a temporary use permit application.
- (2) **Administrative Review for Temporary Wireless Facilities.** After the Director receives a duly filed application for a temporary use permit, the Director shall review the application for completeness. After the Director deems the application complete, the Director shall review the application for conformance with the required findings in Section 7710(A)(3) and render a written decision to the applicant. Any denials must include the reasons for the denial. The review shall be administrative in nature and shall not require notice or a public hearing.
- (3) **Required Findings for Temporary Wireless Facilities.** The Director may approve or conditionally approve a temporary use permit for a temporary wireless facility only when the Director finds:
  - (a) the proposed temporary wireless facility will not exceed 50 feet in overall height above ground level;
  - (b) the proposed temporary wireless facility complies with all setback requirements applicable to the proposed location;
  - (c) the proposed temporary wireless facility will not involve any excavation or ground disturbance;
  - (d) the proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
  - (e) the proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location;

- (f) the proposed temporary wireless facility will be identified with a sign that clearly identifies the (I) site operator, (II) the operator's site identification name or number and (III) a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas;
  - (g) the proposed wireless temporary wireless facility will be removed within 30 days after the Director grants the temporary use permit, or such longer time as the Director finds reasonably related to the applicant's need or purpose for the temporary wireless facility (but in no case longer than 90 days);
  - (h) the applicant has not been denied an approval for any permanent wireless facility in substantially the same location within the previous 365 days.
- (4) **Appeals for Temporary Wireless Facilities.** Any applicant may appeal the Director's written decision to deny an application for a temporary use permit. The written appeal together with any applicable appeal fee must be tendered to the City within 10 days from the Director's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager shall be the appellate authority for all appeals from the Director's written decision to deny a temporary use permit. The City Manager shall review the application *de novo*; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Section and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

- B. **Temporary Wireless Facilities for Emergencies.** Temporary wireless facilities may be placed and operated within the City without a temporary use permit only when a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part. Any temporary wireless facilities placed pursuant to this Section 7710(B) must be removed within five days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this Section must send a written notice that identifies the site location and person responsible for its operation to the Director of Public Works as soon as reasonably practicable, but no greater than 24 hours.

SECTION 2. 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 3. 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.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	_____	_____	_____
Council Member Piazza	_____	_____	_____
Council Member Rogers	_____	_____	_____
Council Member Wood	_____	_____	_____
Mayor DuBois	_____	_____	_____

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# DIVIDER SHEET



## ORDINANCE NO. 2017-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE AND THE ZONING ORDINANCE PERTAINING TO REQUIRED FRONT YARD SETBACKS FOR PROPERTIES IN THE R-1 AND R-A ZONES WITHIN TRACT NO. 11600 AND TRACT NO. 12673, WHICH TOGETHER ARE MORE COMMONLY KNOWN AS LAKEWOOD GARDENS

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

SECTION 1. PURPOSE. The purpose of this ordinance is to permit a required front yard setback of not less than 14 feet for those R-1 and R-A properties within Tract No. 11600 and Tract No. 12673 which is more commonly known as Lakewood Gardens and would allow property owners to make expansions to the front of their homes in the same manner as other properties in the R-1 and R-A zones throughout the City.

SECTION 2. CEQA. The City Council finds that this ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

SECTION 3. 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 4. Section 9322.4 R-1 (Single-Family Residential) Zone Regulations is amended to read as follows:

**9322.4. FRONT YARD.** Every lot and every parcel in the R-1 zone shall have a front yard setback of not less than twenty (20) feet from the front property line except as listed below, or not less than ten (10) feet from the front property line where said lot or parcel is located on a cul-de-sac street or on a knuckle intersection. Every lot and every parcel in the R-1 zone located within Tract No. 11600 and Tract No. 12673 (more commonly known as Lakewood Gardens) shall have a front yard setback of not less than fourteen (14) feet from the front property line.

SECTION 5. Section 9326.6 R-A (Single-Family Residential Limited Agriculture) Zone Regulations is amended to read as follows:

**9326.6. FRONT YARD.** Every lot and every parcel in the R-A zone shall have a front yard setback of not less than twenty (20) feet from the front property line except as listed below, or not less than ten (10) feet from the front property line where said lot or parcel is located on a cul-de-sac street or on a knuckle intersection. Every lot and every parcel in the R-A zone located within Tract No. 11600 and Tract No. 12673 (more commonly known as Lakewood Gardens) shall have a front yard setback of not less than fourteen (14) feet from the front property line.

SECTION 6. Section 9383.2. (General Provisions Relating to Yards, Height and Area) is amended to read as follows:

**9383.2. PORCHES AND PLATFORMS.** An uncovered unenclosed porch, platform or landing place which does not extend above the grade of the first floor level of the building may extend or project into any required front or side yard not more than six (6) feet, or into a required rear yard without limitation as to area, provided such structure in a side yard or rear yard shall not reduce to less than three (3) feet the unobstructed pedestrian way or sidewalk on ground level. A covered unenclosed projection of a porch, platform or landing place may extend six (6) feet into the front yard where approved by the Development Review Board, except as follows. No porch, platform or landing place, whether covered or uncovered, shall project into the required front yard of any lot or parcel in the R-1 or R-A zone located within Tract No. 11600 and Tract No. 12673 (more commonly known as Lakewood Gardens).

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 13th day of June, 2017, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	_____	_____	_____
Council Member Piazza	_____	_____	_____
Council Member Rogers	_____	_____	_____
Council Member Wood	_____	_____	_____
Mayor DuBois	_____	_____	_____

\_\_\_\_\_  
Mayor

Ordinance No. 2017-3

Page 3

ATTEST:

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City Clerk

# DIVIDER SHEET

*Reports*

## **COUNCIL AGENDA**

June 13, 2017

**TO:** The Honorable Mayor and City Council

**SUBJECT:** 2017 Civic Center Block Party Preview

### **INTRODUCTION**

City staff members representing all departments have spent many months planning the 2017 Lakewood Civic Center Block Party. The blockbuster event will take place on Saturday, June 24 from 4:00–9:00 p.m. and will include familiar components from past years. Major event components are detailed below.

### **STATEMENT OF FACTS**

Since 2004, the city has presented this community event in an effort to bring residents and their families together to enjoy family entertainment, food, and a professional fireworks display. Event components 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 Center businesses
- A professional fireworks display

This report will provide details pertaining to each event component and highlight important information regarding street closures, parking, and event supervision.

### **FAMILY FUN ZONE**

Fun Zone activities will begin at 4:00 p.m. with ticket sales ending at 8:00 p.m. Elite Special Events will again provide kid-oriented attractions at this year's Block Party. The Family Fun Zone offers more than 25 attractions and carnival games. Amusements include a giant slide, an inflatable obstacle course, rock-climbing walls, and bounce houses. Featured attractions include a Bungee Run, a Mega Obstacle Course, and Mechanical Bull. Traditional carnival games include mini-bowling, ring toss, milk bottle toss, and baseball radar pitch. Tickets for all activities will be sold only at the venue. Attendees can save by purchasing an unlimited attraction pass for \$25 or a 20-ticket bundle for \$15. Individual tickets are \$1 each. Attractions and rides will require between 2-5 tickets each.

## **TASTE OF LAKEWOOD**

A major component of the Block Party is the Taste of Lakewood coordinated by the Friends of the Lakewood Libraries. Local restaurants and specialty food vendors sell a wide variety of food and beverage items to benefit Lakewood's libraries. The Taste of Lakewood begins at 4:00 p.m. with ticket sales ending at 8:00 p.m. The Taste of Lakewood will be located on Clark Avenue, on the east curb adjacent to The Centre at Sycamore Plaza building. Lines will form across Clark Avenue, toward the west. Attendees are encouraged to buy tickets early to avoid long lines at the venue. Taste of Lakewood tickets are on sale beginning Monday, June 12 at City Hall in the Recreation Department, and at the Iacoboni and Nye Libraries. Tickets are sold in packets of 4 for \$5 or 10 for \$10. Single tickets are available only at the Block Party venue at \$1.50 each.

The following businesses have confirmed their support in this year's Taste of Lakewood.

Foggia Italian Market & Deli (Platinum Sponsor)  
Humblebrags (Gold Sponsor)  
Milk Barn (Silver Sponsor)

Albertsons	Costco	Outback	StoneFire Grill
Applebee's	Fiesta Foods	Panera Bread	Sugar from the Heart
Black Angus	Gourmet Churros	Piazza Family McDonald's	The Loft
Cassidy's Corner	Jimmy John's	Pick Up Stix	Wingstop
Mr. B's Kettle Corn	Round Table Pizza	Yogurtland	

The event will feature two picnic areas for attendees to utilize. A canopy just south of The Centre will be set up with picnic tables placed underneath, and individual tables with umbrellas will be featured in the west parking lot of City Hall.

## **ENTERTAINMENT**

The pop band "The MVP's" will rock Clark Avenue and the Civic Center starting at 5:00 p.m. with popular melodies across the past six decades. This high-energy entertainment group will give the audience a dynamic show covering many musical styles including current pop hits to classic rock, R&B, disco, jazz, and swing. The band is also slated to play some familiar patriotic tunes for concertgoers.

To get the audience excited for the evening's live show, Bell Sound will play familiar musical tunes that the audience can sing along and dance to.

The entertainment stage will be located on Clark Avenue at Hardwick Street. Concertgoers are encouraged to bring low-back lawn chairs and blankets to enjoy the stage entertainment.

## **BEVERAGE GARDEN**

Thank Goodness It's Sofia (TGIS) will offer beer, wine, and margaritas for sale on the Maple Room patio from 4:00–8:30 p.m. All alcohol sales and consumption will be restricted to this area of The Centre at Sycamore Plaza. No one under the age of 21 will be allowed into the patio area. TGIS staff is responsible for checking identifications, and Sheriff's personnel will be monitoring the activity within the patio area. Food and beverages will be sold until 8:00 p.m. and the patio will close at 8:30 p.m. A live video feed of the band's performance on the entertainment stage will be available for guests to enjoy.

## **SHOP LAKEWOOD PROMOTION**

Several Lakewood Center Mall businesses will participate in this year's Block Party by providing free promotional material and information about their business. These businesses will be located in the Civic Center parking lot, just east of the concert seating area on Clark Avenue. Promotional items and opportunity drawings for gift cards and coupons will be found in the "Shop Lakewood" vendor area.

## **FIREWORKS**

The event finale is a spectacular 15-minute fireworks display by Fireworks America, a leader in the pyrotechnics industry. The choreographed display is complemented with patriotic music for those in close proximity to the main stage and near the launch area adjacent to the Costco parking lot.

The parking lot southwest of Costco will again be the launching area for the fireworks. Prime viewing areas will be Hardwick Street, as well as the Home Depot and Albertsons parking lots. Synchronized music will best be heard on Clark Avenue between Hardwick Street and The Centre at Sycamore Plaza. As a safety precaution, lights on Clark Avenue and at the Civic Center will remain in operation during the fireworks.

## **STREET CLOSURES**

In order to protect Block Party attendees and to facilitate set-up, Clark Avenue will be closed from Del Amo Boulevard north to Hardwick Street at 6:00 a.m. on Saturday, June 24. Hardwick Street and the remainder of Clark Avenue north to Candlewood Street will also be closed at 6:00 a.m. Street closures will remain in effect until midnight, or until Sheriff Deputies and Public Works crews have determined it to be safe to reopen the streets.

Persons with urgent Sheriff business or who need access to the Post Office will be allowed to travel south on Clark Avenue from Candlewood Street until 3:00 p.m., though no through traffic will be permitted the entire day. All traffic along Clark Avenue, from Del Amo Boulevard to Candlewood Street, will be halted beginning at 3:00 p.m. for the start of the Block Party.

The Iacoboni Library and businesses along Clark Avenue between Del Amo Boulevard and Candlewood Street have been informed of the street closure either via a letter from the city (businesses on the east side of Clark Avenue) or from their landlord, Lakewood Center (businesses on the west side of Clark Avenue).



Working in conjunction with law enforcement and fire personnel, staff has developed an operations plan that allows emergency access for fire trucks at the corner of Clark Avenue and Del Amo Boulevard, and for Sheriff's vehicle access from either the north or south end of Clark Avenue.

## **PARKING**

The public is encouraged to use Civic Center Way to access free parking behind City Hall and The Centre at Sycamore Plaza. Additional accessible parking spaces will be designated in the parking lot directly behind City Hall. Parking for recreational vehicles and trailers is prohibited at Lakewood Center and in the civic center complex.

## **EVENT SUPERVISION AND INFORMATION STATIONS**

Nearly 100 city staff will be working during the course of the event, monitoring the various event components, assisting Block Party attendees, entertainers, restaurant and Fun Zone vendors, and handling crowd control issues, such as litter collection, replenishing event supplies, distributing handouts, and staffing the first aid stations. Event staff will be identifiable, as they will be wearing a Block Party signature t-shirt.

Additionally, the Los Angeles County Sheriff's Department will provide uniformed security on foot throughout the event complex. Their highly visible presence, combined with Volunteers on Patrol and Sheriff Explorers, provides a greater sense of safety and security for all event participants.

Two information and first aid centers will be available at the Block Party. One will be located on Clark Avenue in front of the Iacoboni Library, and the second will be in the lobby at The Centre at Sycamore Plaza. Staff will also be out on foot greeting and directing guests and distributing informational handouts. CARE Ambulance will be on-site at the event to assist with first aid and medical emergencies. The L.A. County Fire Department will have a paramedic truck located on Clark Avenue in the Albertsons driveway.

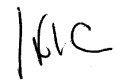
## **SUMMARY**

Since 2004, the Civic Center Block Party has ignited spirit throughout the Lakewood community. This year will be no different. The 2017 Lakewood Civic Center Block Party has something for everyone: the Taste of Lakewood showcase of restaurants, games and rides for kids, and live entertainment. All of this will be topped off by a spectacular fireworks show.

Lisa Litzinger, Director  
Recreation and Community Services



Howard L. Chambers  
City Manager



# **D I V I D E R S H E E T**

*Successor  
Agency*

**CITY OF LAKEWOOD SUCCESSOR AGENCY - PROJECT AREAS  
FUND SUMMARY 6/1/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 204 through 204. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

2902	ENFORCEABLE OBLIGATIONS	167.00
		<hr/>
		<b>167.00</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

**CITY OF LAKEWOOD SUCCESSOR AGENCY - PROJECT AREAS  
SUMMARY CHECK REGISTER**

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>VEND #</u>	<u>VENDOR NAME</u>	<u>GROSS</u>	<u>DISC.</u>	<u>CHECK AMOUNT</u>
204	06/01/2017	4428	COLANTUONO HIGHSMITH & WHATLEY	167.00	0.00	167.00
			<b>Totals:</b>	<u>167.00</u>	<u>0.00</u>	<u>167.00</u>

# **D I V I D E R S H E E T**

# *Housing Successor*

**CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING  
FUND SUMMARY 5/18/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 307 through 307. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

3901	HOUSING SUCCESSOR AGENCY	18,000.00
		<hr/>
		<b>18,000.00</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services



# CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING SUMMARY CHECK REGISTER

<b>CHECK #</b>	<b>CHECK DATE</b>	<b>VEND #</b>	<b>VENDOR NAME</b>	<b>GROSS</b>	<b>DISC.</b>	<b>CHECK AMOUNT</b>
307	05/18/2017	5014	BAIN, RYAN AND CARRIE AND	18,000.00	0.00	18,000.00
<b>Totals:</b>				<u>18,000.00</u>	<u>0.00</u>	<u>18,000.00</u>

**CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING  
FUND SUMMARY 5/25/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 308 through 308. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

3901	HOUSING SUCCESSOR AGENCY	3,000.00
		<hr/>
		<b>3,000.00</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

**CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING  
SUMMARY CHECK REGISTER**

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>VEND #</u>	<u>VENDOR NAME</u>	<u>GROSS</u>	<u>DISC.</u>	<u>CHECK AMOUNT</u>
308	05/25/2017	2177	SINDAHA SAMIR	3,000.00	0.00	3,000.00
<b>Totals:</b>				<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>

**CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING  
FUND SUMMARY 6/1/2017**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 309 through 309. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

3901	HOUSING SUCCESSOR AGENCY	3,100.00
		<hr/>
		<b>3,100.00</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

**CITY OF LAKEWOOD SUCCESSOR AGENCY - HOUSING  
SUMMARY CHECK REGISTER**

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>VEND #</u>	<u>VENDOR NAME</u>	<u>GROSS</u>	<u>DISC.</u>	<u>CHECK AMOUNT</u>
309	06/01/2017	2177	SINDAHA SAMIR	3,100.00	0.00	3,100.00
<b>Totals:</b>				<u>3,100.00</u>	<u>0.00</u>	<u>3,100.00</u>