



CITY OF LAWNDALE

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

AGENDA

LAWNDALE PLANNING COMMISSION MEETING

Wednesday, July 13, 2022 - 6:30 p.m.

Lawndale City Hall Council Chamber

14717 Burin Avenue

Members of the public may provide their comments when the public comment sections of the meeting are opened. Anyone unable to attend the meeting may submit their public comment by email to agutierrez@lawndalecity.org. Submit your written comments to the Community Development Department by 5:30 p.m. the day of the meeting. Electronic, or written, comments must identify the Agenda Item Number in the comment letter or the subject line of the email. The public comment period will close once the public hearing time for the agenda item has concluded. The comments will be entered into the record and provided to the Commission. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time.

Members of the public are welcome to attend the meeting in person. If you are sick or experiencing symptoms of illness, refrain from entering any City facilities to prevent the spread of diseases.

Copies of this Agenda Packet may be obtained prior to the meeting by written request or on the [City Website](#). Interested parties may contact the Community Development Department at (310) 973-3230 for clarification regarding individual agenda items.

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

A. **CALL TO ORDER**

B. **ROLL CALL**

C. **PLEDGE OF ALLEGIANCE**

D. **CONSENT CALENDAR**

1. **Minutes of the Lawndale Planning Commission Regular Meeting – May 11, 2022**

E. **PUBLIC COMMENTS**

Members of the audience may address the Commission on matters of public interest, which pertain to the City and are not otherwise listed on the agenda. If you wish to speak, please step forward to the microphone, but not required, state your name and city of residence, and make your presentation. The maximum time for the presentation is 3 minutes.

F. **PUBLIC HEARINGS**

1. **Case No. 22-15: Consideration of Amendment to Tract Map No. 73502 for Property Located at 4440 W. 153rd and Finding of Exemption from CEQA**

G. **REGULAR AGENDA**

None

H. ITEMS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

I. ITEMS FROM THE PLANNING COMMISSION

J. ADJOURNMENT

The next regularly scheduled meeting of the Planning Commission will be held at 6:30 p.m. on Wednesday, July 27, 2022, in the Lawndale City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

It is the intention of the City of Lawndale to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the Community Development Department at (310) 973-3230 prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

I hereby certify under penalty of perjury under the laws of the State of California that the agenda for the Planning Commission meeting to be held on July 13, 2022, was posted not less than 72 hours prior to the meeting.

Adrian Gutierrez,
Administrative Assistant II



**MINUTES OF THE
LAWDALE PLANNING COMMISSION REGULAR MEETING
MAY 11, 2022**

A. CALL TO ORDER

Chairperson Martinez called the regular meeting to order at 6:31 p.m. in the Lawndale City Hall Council Chamber, 14717 Burin Avenue, Lawndale, California.

B. ROLL CALL

Commissioners Present: Chairperson John Martinez, Vice Chairperson Smith, Commissioner Madonna Sitka, Commissioner Ni Kal S. Price, Commissioner Erick Escamilla

Other Participants: Assistant City Attorney Alondra Espinosa, Acting Director of Community Development Jared Chavez, Administrative Assistant II Adrian Gutierrez

C. PLEDGE OF ALLEGIANCE

Vice Chairperson Smith led the flag salute.

D. CONSENT CALENDAR

1. Minutes of the Lawndale Planning Commission Regular Meeting – April 27, 2022

Commissioner Price pointed out an error in the draft minutes. She noted that it was her who attended the grand opening of Curly Gurl Luv Beauty Supply and other new businesses in the City, not Commissioner Sitka. She requested that the minutes be corrected.

Commissioner Price motioned to approve the minutes, with a second from Commissioner Sitka. The vote was carried 4-0, with Vice Chairperson Smith abstaining, to approve the minutes with the above mentioned correction.

E. PUBLIC COMMENTS

None

F. PUBLIC HEARINGS

1. Case No. 22-12: Lot Size Exception Pursuant to Section 17.20.120 of the Lawndale Municipal Code for a 117 sq. ft. Addition to an Existing Home on a Legal Nonconforming Undersized Lot Located at 16602 Freeman Avenue and Finding of Exemption from CEQA.

Acting Director Chavez presented the item.

Chairperson Martinez opened the public hearing at 6:37 p.m.

Matthew Sunseri, Designer, provided a summary of the project.

Commissioner Sitka asked if the bedroom would also be extended? Matthew Sunseri indicated that only the kitchen and bathroom will be extended by a few feet.

Commissioner Escamilla asked if Matthew Sunseri would oversee the decisions for the interior redesign. Matthew Sunseri said he will not be involved with the interior redesign.

Chairperson Martinez closed the public hearing at 6:39 p.m.

Commissioner Sitka motioned to approve Resolution 22-02 with a second from Commissioner Price. The vote was carried with a 5-0.

G. REGULAR AGENDA ITEMS

None

H. ITEMS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Acting Director Chavez spoke about the recent meeting she attended regarding the Metro Green Line extension.

Vice Chairperson Smith asked if there were any updates to the South Bay Galleria Expansion Project. Acting Director Chavez had no updates to provide.

I. ITEMS FROM THE COMMISSION

Chairperson Martinez asked when the bathroom at the public parks would be reopened. Acting Director Chavez mentioned that there are still no park staff available from the Community Services Department to oversee the parks. She mentioned that she would speak to the Director of Community Services regarding about this issue.

J. ADJOURNMENT

Chairperson Martinez adjourned the meeting at 6:47 p.m. to the next regularly scheduled meeting to be held on Wednesday, May 25, 2022, at 6:30 p.m. at the Lawndale City Hall Council Chamber located at 14717 Burin Avenue, Lawndale, California.

John Martinez, Chairperson

ATTEST:

Jared Chavez,
Acting Director of Community Development



CITY OF LAWDALE PLANNING COMMISSION

STAFF REPORT

DATE: July 13, 2022

TO: Honorable Chairman and Members of the Planning Commission

PREPARED BY: Jared Chavez, Acting Director, Community Development *JC*

RE: **CASE NO. 22-15 CONSIDERATION OF AMENDMENT TO TRACT MAP NO. 73502 FOR PROPERTY LOCATED AT 4440 W 153RD AND FINDING OF EXEMPTION FROM CEQA.**

PROJECT DESCRIPTION:

The Applicant is requesting an amendment to the conditions of approval previously approved by the City Council on June 5, 2017 for Tract Map No. 73502, related to a 41 unit mixed-use development located at 4440 W 153RD ("Project"). As part of the original approval there were conditions adopted, which require the recording of the Tract Map before issuing the certificate of occupancy for the development. Now the Applicant wishes to temporarily rent the units in order to financially recover, and to ward off a public nuisance.

Due to the recent Covid-19 pandemic the Project has been impacted by the high cost of construction and operations. The National Association of Home Builders reports a 19% increase in building materials since 2018 and mainly increasing after April of 2020. The cost of labor has also increased as demand has increased.

The site has been sitting vacant for over two years. When the building was about 90% complete and vacant it became a magnet for crime. The units have been broken into several times and the Applicant has had many issues dealing with homeless, nefarious activities, people breaking in and living in the units, and vandalism, creating a nuisance for the nearby community. The Applicant would like to put an end to these issues by occupying the units with rental tenants.

The Applicant requests that the conditions of approval be amended in order to be able to rent the units and recover some of the costs of construction. According to the Applicant, he can lose money if forced to sell the units at the current market rate. The Applicant provided the following information regarding the Project:

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1. *The Banks will not loan funds on a Temporary Occupancy making it almost impossible for the applicant to take out a loan to recoup personal funds invested in the Project.*
2. *If required to complete the track map process for the condominiums it could take up to a year and a half.*
3. *If the units are put up for sale, they would have to be sold above the projected market rate, making it challenging for the above medium-income Lawndale residents to qualify and many would remain vacant for years.*
4. *As such, he may not be able to recapture the investment until all the units were sold making it challenging to maintain them until and recapture the investment.*

Over two years, staff and the Applicant have talked about Mr. Awad's investments. Mr. Awad invested \$21 million in cash to build the mixed use development. Mr. Awad is seeking to refinance the Subject Property in order to get his investment back. Unfortunately if the Subject Property is refinanced as individual condominiums the back return is significantly lower amount than that of which he initially invested. If he refinances the Subject Property as a whole and rents the units out for at least 6 months he can recover his initial investment.

APPLICANT: Ali Awad

PROPERTY OWNER: Ali Awad

LOCATION: 4440 W 153rd (the "Subject Property")

APN: 4079-017-004, 4079-017-005, 4079-016-021, 4079-016-026 and 4079-016-027

ZONE: R-3 (Limited Multiple Residence zone) and GC (General Commercial)

GENERAL PLAN:

The City's General Plan designates the Subject Property as "Residential Multi-Family Medium," which permits a density of 17.6 to 33 dwelling units per acre. The housing types permitted are single-family detached, duplex/double unit, condominiums, apartments, townhomes, manufactured housing or any combination of the above if deemed appropriate and compatible with surrounding land uses.

ZONING CODE:

The Subject Property is zoned R-3 (Limited Multiple Residence zone) and GC (General Commercial). The R-3 Zone allows three residential dwelling units subject to compliance with the density standards for the R-3 zone.

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Lawndale Municipal Code Section 17.12.100 (5) gives the Planning Commission power to revoke, modify any permit, expectation or approval which has been granted by either the Planning Commission or the City Council if the uses may be causing a public nuisance.

ENVIRONMENTAL ASSESSMENT:

On March 8, 2017 the Planning Commission approved the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and First Addendum for the Project pursuant to the California Environmental Quality Act ("CEQA") and the local environmental guidelines.

The proposed amendments to the project are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines, as the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and also exempt under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

SURROUNDING LAND USES

AND ZONING:	North:	C-M (Commercial Manufacturing) Zone
	South:	R-2 (Two-Family Residence) Zone
	East:	GC (General Commercial) Zone
	West:	R-2 (Two-Family Residence) Zone

BACKGROUND:

The Applicant wishes to amend the previously approved Case No 14-11, which included Tract Map No. 73502 for a 41 unit mixed-use development project. On June 5, 2017 the City Council adopted Resolution No. CCC-1706-028, upholding the Planning Commission's decision to approve a Special Use Permit, Design Review, Vesting Tentative Tract Map No. 73502, Density Bonus, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program and Addendum. As part of the approval there were conditions adopted which require the recording of the Tract Map before issuing the certificate of occupancy for the development. Now, the Applicant desires to rent the residential units as opposed to sell them, and thus, is requesting an amendment to the conditions of approval related to condominiums for the Project.

On March 8, 2017, the Planning Commission adopted Resolution No. 16-05, approving Case No. 14-1, a Special Use Permit, Design Review, Vesting Tentative Tract Map No. 73502, Density Bonus, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program and Addendum.

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The Project was appealed to the City Council. On April 17, 2017 the City Council conducted a public hearing on the appeal for Case No. 14-11 and the adoption of Resolution No. 16-05. After conducting the public hearing, the City Council continued the item to allow staff additional time to determine points of ingress and egress for the development site.

The public hearing was continued to June 5, 2017 and was presented to City Council with additional conditions to satisfy the issues discussed on the April 17, 2017 hearing date. The City Council then adopted Resolution No. CC-1706-028 upholding the Planning Commission's decision to approve Case No. 14-1, and added conditions regarding points of ingress and egress for the development site.

CONCLUSION:

Amendment of the attached conditions would allow the Applicant to satisfy all conditions of approval necessary to obtain a certificate of occupancy and be able to occupy the building. No other changes are proposed as part of the Project. The Applicant would need to comply with all the other conditions as previously approved for the Project.

PUBLIC REVIEW:

Notices of a public hearing were mailed to property owners within a 500 ft. radius of the site. Notices were also posted in the designated public place (City Hall message board) on July 7, 2022 and published in the *Daily Breeze* on Thursday, June 29, 2022.

LEGAL REVIEW:

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

RECOMMENDATION:

IT IS RECOMMENDED THAT the Planning Commission:

- 1) Conduct a public hearing;
- 2) Determine that Resolution No. 22-03 is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines, as the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and also exempt under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment; and
- 3) Adopt Resolution No. 22-03 setting forth findings of fact and conditions of approval relative to the submitted application.

AGENDA ITEM F-1

ATTACHMENTS: "A" Vicinity Map
"B" Resolution No. 22-03
"C" Resolution No. CC-1706-028
"D" Letter from Applicant

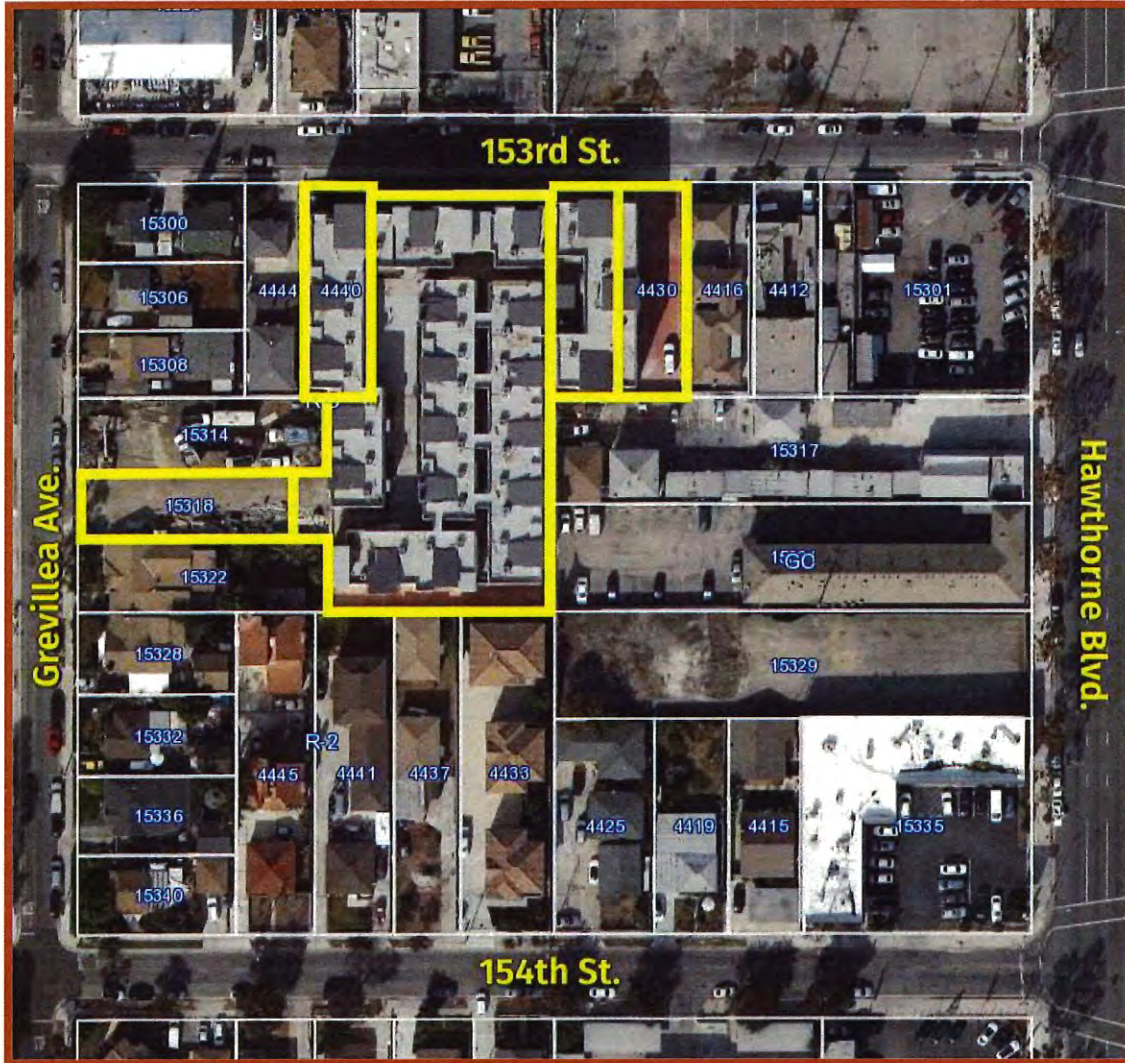
AGENDA ITEM F-1

ATTACHMENT "A"

Vicinity Map

VICINITY MAP

Subject Site: 4440 W 153rd



City of Lawndale
Community Development Department

APPLICATION/CASE NO:

P.C. CASE 22-15

AGENDA ITEM F-1

ATTACHMENT “B”

Resolution No. 22-03

RESOLUTION NO. 22-03

**CONSIDERATION OF
CASE NO. 22-15 AMENDMENT TO
TENTATIVE TRACT MAP NO. 73502,
AND AN EXEMPTION FROM CEQA**

WHEREAS, an application has been filed by the developer, Ali Awad (“Applicant”), for approval of an amendment to the conditions of approval for Tentative Tract Map No. 73502, (Case No. 22-15) for the construction of a mixed use development consisting of 41 unit residential units and 2,000 square feet of commercial retail space on a 1.2-acre site, consisting of a three-story building with tuck-under parking (“Project”) located at 4430-4440 West 153rd Street (“Property”); and

WHEREAS, the Property is zoned both R-3 Limited Multiple Residence and GC (General Commercial) and is designated as “Multi-Family Medium Density” in the City’s General Plan, with the portion of the Property within the GC zone located within the Hawthorne Boulevard Specific Plan area; and

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

WHEREAS, is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines, as the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and also exempt under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment; and

WHEREAS, after conducting a public hearing and considering all evidence, the Planning Commission adopted Resolution No. 22-03 on July 13, 2022 approving Case No. 22-15.

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

SECTION 1. The Planning Commission finds and determines that the foregoing recitals are true and correct and incorporated herein by reference.

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

SECTION 3. The Planning Commission finds the approval of Resolution No. 22-03 is exempt under Sections 15060(c) (2) of the CEQA Guidelines, as the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and also exempt under Section 15061(b) (3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

SECTION 4. That the Planning Commission hereby approves the amendments to Tentative Tract Map No. 73159 as follows:

Conditions of Approval

General Requirements:

~~6. **Term of Approval – Tract Map.** All conditions of approval shall be satisfied and the Final Map prepared and accepted by the City for recordation within twenty four (24) months of the approval of this tentative map. This time frame may be extended by twelve (12) months as authorized pursuant to the Government Code section 66452.23(a). If such an extension is applicable, the Applicant may file for an extension of the tentative map provided that such application is properly filed with the City at least thirty (30) days prior to the expiration date.~~

Engineering Requirements:

- ~~1. The Applicant shall pay all map checking fees at the time of Final Map submittal.~~
- ~~2. The Applicant shall submit a recent title report or subdivision guarantee to the Building Division that was issued within six months, prior to issuance of building permits and to the Public Works Department prior to approval of the Final Map.~~
3. Prior to *issuance of the certificate of occupancy* ~~the approval of the Final Map~~, the Applicant shall construct or guarantee the construction of all required off-site improvements. The required ultimate street improvements shall be subject to the review and approval of the City Engineer.
- ~~4. The Applicant shall record a set of Covenants, Conditions and Restrictions (“CC&Rs”) and ensure that a Homeowners’ Association is established for the purpose of maintaining all matters of common interest (i.e., ingress and egress access, utilities, common open space) within the Project. The CC&Rs shall contain all of the provisions outlined in LMC Section 17.80.050 and provide for the continued affordability of those units designated as affordable as required by these conditions of approval. A building permit for the structures to be constructed pursuant to the Project shall not be issued until such time as the CC&Rs have been recorded. The CC&Rs shall be recorded concurrently with the Final Map and must be recorded prior to the issuance of the Certificate of Occupancy.~~

~~Prior to recordation with the Los Angeles County Recorder’s Office, the CC&Rs shall be subject to the review and approval of the Community Development Director, City Engineer, and City Attorney.~~

- ~~5. The Final Map shall indicate all areas of common interest within the Project (i.e., ingress and egress access, parking lots, common open space) to be maintained by the Homeowners’ Association.~~
- ~~6. The Final Map shall be tied to the North American Datum of 1983 (NAD83), California Coordinate System of 1983.~~

~~7. The Applicant shall provide the City with a set of 100 scale and 200 scale duplicate photo Mylars of the Final Map for the City Engineer's signature.~~

~~8. The Final Map shall be recorded prior to issuance of the Certificate of Occupancy.~~

Additional Conditions:

68. A maximum of 41 rental units shall be permitted within the Project, with four (4) units deed restricted as "very low income" affordable housing units as further detailed in Condition 81 below. ~~A notation of which of the units are restricted shall be shown on the Tentative Map.~~

74. The site shall be maintained by the Applicant, at Applicant's, or their successors' or assignees in interest's sole cost and expense. ~~This obligation shall be referenced in the CC&Rs and~~ The City shall have the right to enforce proper maintenance:

82. In accordance with the requirements of the Lawndale Municipal Code, prior to ~~issuance of the certificate of occupancy~~ ~~final map approval~~, the Applicant and the City shall enter into a density bonus agreement/affordable housing covenant, in a form to be approved by the City Attorney, to be recorded as a restriction on the Property ensuring compliance with state density bonus law affordable housing requirements and Chapter 17.50 of the Lawndale Municipal Code. In the event any of the affordable units are re-sold to other than a very low income household or family prior to the end of the thirty-year affordability restriction, the City shall enforce the equity share agreement as provided in Government Code section 65915(c)(2)(A)-(C).

84. Prior to the ~~rental initial sale~~ of any affordable housing units, the ~~lessee purchaser~~ of each affordable unit shall execute a covenant/deed instrument on a form approved by the City Attorney, which instrument shall restrict the ~~rental sale~~ of the affordable unit to very low income households or families for a period of thirty (30) years. Applicant shall ensure that each covenant is recorded concurrent with the ~~sale/rental~~ of the unit. The City may take appropriate action in law or equity in order to enforce this condition during the entire covenant period.

PASSED, APPROVED AND ADOPTED this 13th day of July, 2022

John Martinez, Chairperson

I, Jared Chavez, Acting, Community Development Director for the City of Lawndale, California, do hereby certify that the foregoing **Resolution No. 22-03** was duly approved and adopted by the Planning Commission of the City of Lawndale at a regular meeting of said Commission held on the **13th day of July, 2022** by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jared Chavez, Acting Community Development Director

AGENDA ITEM F-1

ATTACHMENT "C"

Resolution No. CC-1706-028

RESOLUTION NO. CC-1706-028

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS
RELATIVE TO CASE NO. 14-11: SPECIAL USE PERMIT,
DESIGN REVIEW, TENTATIVE TRACT MAP NO. 73502,
DENSITY BONUS, MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM
CONDITIONALLY APPROVED**

WHEREAS, an application has been filed by the developer, Ali Awad ("Applicant"), for approval of a Special Use Permit, Design Review, Tentative Tract Map No. 73502, Density Bonus, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (collectively, "Case No. 14-11") for the construction of a mixed use development consisting of 41 unit residential condominiums and 2,000 square feet of commercial retail space on a 1.2-acre site, consisting of a three-story building with tuck-under parking ("Project") to be located at 4430-4440 West 153rd Street ("Property"); and

WHEREAS, the Property is zoned both R-3 Limited Multiple Residence and GC (General Commercial) and is designated as "Multi-Family Medium Density" in the City's General Plan, with the portion of the Property within the GC zone located within the Hawthorne Boulevard Specific Plan area; and

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

WHEREAS, as an incentive to produce affordable units, the Applicant has applied for a density bonus pursuant to the State Density Bonus Law (Government Code section 65915) and the density bonus provisions of the LMC (Chapter 17.50) to allow 2 additional dwelling units beyond the 39 units allowed by the LMC, for a total of 41 units, with 4 units being designated as very low income units; and

WHEREAS, pursuant to LMC section 17.30.020(B), design review by the Planning Commission at a public hearing is required for any project that will result in two or more dwelling units located on a single parcel of land; and

WHEREAS, pursuant to LMC section 17.28.020, approval of a Special Use Permit is required for a "Condominium" project, and pursuant to the Hawthorne Boulevard Specific Plan, a Special Use Permit is required for a mixed-use development; and

WHEREAS, an environmental assessment has been conducted for the Project in compliance with CEQA and, in accordance with the provisions of CEQA, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project; and

WHEREAS, after conducting a public hearing and considering all evidence, the Planning Commission adopted Resolution No. 16-05 on February 22, 2017 conditionally approving Case No. 14-11; and

WHEREAS, on March 8, 2017 a request for appeal was timely submitted to the City Clerk, appealing the decision of the Planning Commission to approve Case No. 14-11 ("Appeal"); and

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

WHEREAS, on April 17, 2017, the City Council conducted a public hearing on the Appeal, which public hearing was duly and properly noticed and subsequently continued to the City Council's June 5, 2017 meeting; and

WHEREAS, at the continued public hearing, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council, having reviewed, analyzed and studied said proposal.

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

SECTION 1. The City Council finds and determines that the foregoing recitals are true and correct and incorporated herein by reference.

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

SECTION 3. As described in the Initial Study and Mitigated Negative Declaration prepared for the Project, based on the information contained therein and the entire record including the required mitigation measures, the City Council hereby finds that with the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant adverse effect on the environment.

SECTION 4. That the City Council finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment and analysis of the Planning Commission.

SECTION 5. That the City Council has reviewed and considered the information in the staff report, the Initial Study, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The City Council hereby adopts and approves the Mitigated Negative Declaration for this Project in accordance with the provisions of CEQA.

SECTION 6. That the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program, attached as Exhibit "A" to this Resolution. Compliance with all requirements of the Mitigation Monitoring and Reporting Program is mandated by condition of approval number 90 in Section 8 of this Resolution.

SECTION 7. The following findings of fact relative to the Project are hereby adopted:

Special Use Permit

A. *The granting of such Special Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.* The Project is consistent with the development standards of the R-3 and GC zoning districts. As conditioned, the impacts from the development will be reduced to a level below significance. For example, interior noise levels for the dwelling units will be below 40 dBA and West 153rd Street will be widened along the Property frontage to alleviate traffic congestion. The Project will pose no threat to the public health, safety, or general welfare of the City and its citizens.

B. *The use applied for at the subject location is properly one for which a Special Use Permit is authorized.* Lawndale Municipal Code Chapter 17.80, "Condominiums," requires a Special Use Permit for the development of condominiums. Additionally, the Hawthorne Boulevard Specific Plan requires a Special Use Permit for a mixed-use development, such as the Project.

C. *The site for the proposed use is adequate in size and shape to accommodate said use, and all yard, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust said use with the land and uses in the neighborhood.* The plans are in compliance with all of the development standards of the R-3 and GC zoning district and density bonus requirements under state law (Government Code section 65915). The site can adequately accommodate the condominium complex and with the implementation of the mandatory mitigation measures set forth below, any impacts will be reduced to a level below significance.

D. *The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.* The site abuts West 153rd Street and Grevillea Avenue, which are both local streets providing access to the major arterials of the City's street system. As discussed in the Initial Study/Mitigated Negative Declaration and supporting Traffic Impact Analysis documents prepared for the Project, traffic impacts will be reduced to less than significant levels with mitigation measures. Specifically, a raised island on the west leg of 153rd Street at Hawthorne Boulevard south and on the east leg of 153rd Street at Hawthorne Boulevard north to force motorists to turn right at Hawthorne Boulevard will be required.

E. *The granting of such Special Use Permit is consistent with the City's General Plan.* The Project is consistent with the General Plan Land Use and Housing Elements. The Project is within the "Multi-Family Medium Density" and "Commercial" designation of the City's Land Use Element, which permits mixed use condominium developments of such a scale. Also, the Project is consistent with Policy 1.1 of the Housing Element, which states that the City shall "Ensure the provision of a variety of housing types to fulfill regional housing needs." This Project would help the City meet its identified share of regional affordable housing (53 very low income units) identified in the City's 2013-2021 Housing Element.

Design Review

F. *The proposed development site plan and the building design features will integrate harmoniously and enhance the character and design of both the immediate neighborhood and the surrounding area.* Both the General Plan and Zoning Ordinance allow for mixed use condominium development on the Property. In order to properly integrate the Project into the neighborhood, the application of development standards that meet or exceed minimums are used. The mitigation measures and other conditions of approval will help to integrate the development as well. For example, the undergrounding of overhead utilities along the Property frontage will enhance the Property and the immediate neighborhood. Additionally, the development of the Project will be an improvement to the vacant existing site from an architectural design perspective because of the enhanced design and aesthetics, architectural elements, and landscaping.

G. *The site plan and building design will improve the community appearance by preventing extremes of building bulk and mass.* Although the Project will be one of the largest structures in the immediate neighborhood, it is not extremely bulky or massive. In fact, the building height is moderate (35 feet) and the setbacks and architectural design elements give the building a human scale. Additionally, the structure is designed with physical separation between the units to allow for greater air circulation throughout the site and increased natural illumination.

H. *The site plan and design of the buildings, parking areas, landscaping, illumination and other design features demonstrate that proper consideration has been given to both the functional aspects of the site development and the visual effects as seen from public spaces.* The Project's building aesthetics and site layout will be an improvement to the existing conditions, which consist of a vacant site with the exception of one single-family dwelling at 4440 West 153rd Street. The Project as planned is efficiently and attractively laid out and the building will add to the architectural and visual character of the site and its surroundings. Additionally, the Project provides on-site parking in excess of what the LMC and state density bonus law require.

I. *The site plan and building design substantially conform to the City's adopted design guidelines.* The establishment of design guidelines has not yet been undertaken. This finding is not currently applicable.

Design Criteria

J. *The building height, bulk and other design features are proportionate to the site and the surrounding area.* Although the building will be larger than the neighboring structures, the Project complies with the development standards for the R-3 and GC Zone in terms of allowable height and building setbacks. The adjacent properties that are also zoned R-3 are currently developed with single-family residences and duplexes; however, these properties have the ability to be redeveloped at a similar scale to the Project.

K. *The site layout, orientation, and location of structures, and their relationship to one another and to open spaces, parking areas, pedestrian walks, illumination and landscaping*

are interrelated and arranged to achieve a safe, efficient and harmonious development. The Project has a balanced and efficient layout that allows for easy pedestrian and vehicular circulation. The structure design with separation between sections allows for greater air circulation throughout the site and increased natural illumination.

L. *The grading and development of the site respects the qualities of the natural terrain and landscape – mature trees and other natural features.* There is little in the way of interesting terrain or natural landscaping on the site or in the immediate vicinity. The installation of trees and other landscaping will be an improvement to the existing site.

M. *The building site has been developed to achieve a harmonious relationship with existing and proposed adjoining developments.* The Project will be considerably larger than the adjoining residential developments; however, this is an area that could be transitioning. The neighboring R-3 properties could potentially be further developed and a vacant commercial property abuts the site of the Project to the east. Given the development potential of the surrounding properties, the Project fits into the neighborhood. The Project complies with the development standards for the R-3 and GC Zone.

N. *The building reflects due consideration of a total site design program that reflects quality contemporary design practices.* The Project provides architectural treatments that incorporate contemporary design practices. The Applicant provides visual relief to the building elevations by varying the planes of the exterior walls, articulating the different parts of the building façade by use of colors and the avoidance of blank walls, and by incorporating landscaping elements.

O. *The proposed project substantially complies with the design elements set forth in the city's adopted design guidelines.* The establishment of design guidelines has not yet been undertaken. This finding is not currently applicable.

P. *The mechanical equipment or machinery, trash storage areas and other exterior service areas are screened from view from all public spaces.* The identified mechanical equipment and trash storage areas are screened from public view. Any utility meters or rooftop mechanical equipment will also need to be screened per the Lawndale Municipal Code and/or the conditions of approval placed on the Project.

Tentative Tract Map

Q. *The subdivision is consistent with the General Plan and applicable specific plans.* The subdivision to create 41 residential condominiums is consistent with the General Plan Land Use and Housing Elements. The Project is within the “Multi-Family Medium Density” and “Commercial designation of the City’s Land Use Element, which permits mixed use condominium developments of such a scale. Also, Policy 1.1 of the Housing Element states that the City shall “Ensure the provision of a variety of housing types to fulfill regional housing needs.” The Project will consist of 37 market rate condominium units as well as 4 “very low income” affordable housing units. See also specific plan consistency findings located at paragraphs Y – DD below.

R. *The design of the subdivision is consistent with the General Plan and applicable specific plans.* The development of the Project in compliance with the requirements of Article IV of LMC Chapter 17.48 “R-3 Limited Multiple Residence Zone” and LMC Chapter 17.80 “Condominiums” and the conditions of approval will improve the appearance and condition of the Property and is consistent with the objectives of the General Plan to produce and improve the housing stock of the City. The appearance of the property will be improved through new construction, landscaping, and street improvements, which will have a beneficial visual impact upon the streetscape. Mixed-use development is appropriate within the Hawthorne Boulevard Specific Plan area.

S. *The site is physically suitable for the type of development.* The new construction will comply with the standards of the R-3 and GC zoning districts. The site, including the surrounding infrastructure, is physically suitable for the development of the Project.

T. *The site is physically suitable for the density of development.* The new construction will comply with the standards of the R-3 and GC zoning districts and density bonus laws. The site, including the surrounding infrastructure, is physically suitable for the development of the Project.

U. *The design of the subdivision and the improvements are not likely to cause substantial environmental damage.* As measured by the California Environmental Quality Act (CEQA), with mitigation measures applied, the Project will not pose a significant adverse threat or create significant adverse impacts to the environment.

V. *The design of the subdivision or type of improvements will not cause serious public health problems.* The Project is consistent with the development standards of the R-3 and GC zoning districts. As conditioned, the impacts from the development will be reduced to a level below significance and the Project will pose no threat to the public health, safety or general welfare of the City and its residents. Furthermore, the Project must comply with all applicable codes, laws, rules, and regulations, including Health and Safety, Fire, Building, and Zoning of the City of Lawndale.

W. *The design of the subdivision will not conflict with public or utility easements.* The subdivision map and Project plans were submitted to all affected utility providers. No conflicts with public or utility easements were identified.

Density Bonus

X. *The Project does not meet any of the requirements specified in Government Code Section 65915(d)(1) which would preclude approval of a density bonus.* The Applicant’s inclusion of four (4) “very low income” housing units within the 41 unit Project entitles the Applicant to a density bonus in accordance with the mandatory requirements of State Density Bonus Law (Government Code section 65915) and Lawndale Municipal Code Section 17.50.030. Without the density bonus, the Applicant would be entitled to build up to 39 units. The Applicant is requesting two additional units beyond what would otherwise be permitted, for a total of 41

units. The Applicant is entitled to a density bonus to build the 2 additional units. The affordable housing units within the Project also qualify the Applicant for a concession from the General Commercial zone lot coverage maximum of 50%. The Applicant will provide a total of 109 parking spaces for the residential and commercial components of the Project. Without the density bonus, the LMC would require a total of 111 parking spaces for the Project (103 residential plus 8 commercial). However, Pursuant to Government Code section 65915(p)(1)(B), a developer may request that parking for a qualifying density bonus project be limited to two onsite parking spaces for each two to three bedroom unit, inclusive of handicapped and guest parking. Here, the minimum number of parking spaces with a density bonus would be 82 residential parking spaces plus 8 commercial parking spaces, for a total of 90 spaces. Despite this reduced requirement, the Applicant will provide 109 parking spaces. Because the number of parking spaces exceeds the amount required by state law, a concession is not required for reduced parking. However, the Applicant will be utilizing tandem parking, which is also allowed without a concession in accordance with Government Code section 65915(p)(4).

a. *The concession to allow lot coverage greater than 50% in the General Commercial zone would result in identifiable and actual cost reductions to provide for affordable housing.* Requiring the Applicant to comply with the 50% lot coverage standard for the portion of the Project site within the Hawthorne Boulevard Specific Plan area would reduce the overall number of units available for the Project, and as a result increase the per-unit cost of the development.

b. *The concession or incentive would not have a specific, adverse impact, as defined in Section 65589.5 of the Government Code, upon public health and safety or the physical environment or on any historical property.* Lot coverage of 68% in the General Commercial zone will not have a specific adverse impact on public health or safety or the physical environment. No historical properties will be impacted as a result of lot coverage greater than 50% on the Property within the General Commercial zone.

c. *The concession or incentive would not be contrary to state or federal law.* No state or federal law would preclude lot coverage greater than 50% on property in the City's General Commercial zone.

Hawthorne Boulevard Specific Plan/ Development Permit Findings

Y. *The Project, as conditioned, substantially complies with the Hawthorne Boulevard Specific Plan.* Approval of final development plans and use permits shall be contingent upon a determination of substantial compliance with the applicable provisions of the Hawthorne Boulevard Specific Plan, applicable provisions of the Zoning Ordinance, and the General Plan. The Project is a mixed-use development, which is allowed under the Hawthorne Boulevard Specific Plan, as amended by Ordinance No. 923-02.

Z. *The Project is consistent with the development standards and design guidelines of the Hawthorne Boulevard Specific Plan.* The Project complies with the development standards for the R-3 and GC Zone in terms of allowable height and building setbacks. The adjacent properties that are also zoned R-3 are currently developed with single-family residences and duplexes; however, these properties have the ability to be redeveloped at a similar scale to the Project.

AA. *The Project will not interfere with the use and enjoyment of neighboring existing or future development, and with traffic mitigation measures incorporated, will not create traffic or pedestrian hazards.* With mitigation measures in place, it is not anticipated that the proposed Project will prohibit the enjoyment of neighboring uses or prevent future development.

BB. *The Project will maintain and enhance the attractive and orderly development contemplated by the Hawthorne Boulevard Specific Plan.* The Project provides architectural treatments that incorporate modern contemporary design practices that meet the design standards of the Hawthorne Boulevard Specific Plan Area.

CC. *The Project will provide a desirable environment for its occupants, community residence, and the public through good aesthetic use of materials, texture, and color.* The Project provides architectural treatments that incorporate modern contemporary design practices. The Applicant provides visual relief to the building elevations by varying the planes of the exterior walls, articulating the different parts of the building façade by use of colors and the avoidance of blank walls, and by incorporating landscaping elements.

DD. *The Project will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity.* With mitigation measures in place, it is not anticipated that the Project will be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity.

SECTION 8. That the City Council hereby approves the Project, including the Special Use Permit, Design Review, Tentative Tract Map No. 73159, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Density Bonus subject to the execution and/or fulfillment of the conditions set forth herein.

Conditions of Approval

General Requirements:

1. **Acceptance of Conditions.** Within thirty (30) days of approval of the Project, the Applicant and property owner shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that the he/she accepts and shall be bound by all of the conditions, the original of which shall be immediately delivered to the Community Development Director.

2. **Development Standards.** The Project shall conform to all requirements of the City of Lawndale Municipal Code ("LMC") Title 17, including provisions of the Limited Multiple Residence (R-3) Zone and GC Zone. The Project shall also conform to the provisions of LMC Chapter 17.80, "Condominiums."

3. **Regulations.** The Applicant shall ensure that the Project is developed and maintained in compliance with all applicable City, County, State, and federal regulations, all approved conditions of approval and the CEQA Mitigation Measures for this Project.

4. **Conformance to Approved Plans.** Development of the Project, including building elevations, materials, and colors shall conform substantially to the approved set of plans. Any deviation not in substantial conformance to the approved set of plans shall require the appropriate Planning Division review and approval.

5. **Term of Approval – Special Use Permit.** The Applicant shall submit the building construction documents to the City for plan check within one (1) year of approval of the Project. Failure to comply with this condition shall automatically render the Special Use Permit null and void. The Applicant may file for an extension of the Special Use Permit provided that such application is properly filed with the City at least thirty (30) days prior to the expiration date.

6. **Term of Approval – Tract Map.** All conditions of approval shall be satisfied and the Final Map prepared and accepted by the City for recordation within twenty-four (24) months of the approval of this tentative map. This time frame may be extended by twelve (12) months as authorized pursuant to the Government Code section 66452.23(a). If such an extension is applicable, the Applicant may file for an extension of the tentative map provided that such application is properly filed with the City at least thirty (30) days prior to the expiration date.

7. **Submission of Plans.** Construction plans shall be submitted to the Community Development Department (Planning and Building Divisions), Public Works Department, and other agencies as required for review and approval prior to the issuance of any building permits. All conditions of approval shall be included on the construction plans.

8. **Notification.** The abutting property owners and tenants, including those across from the Property along West 153rd Street, shall be notified in writing at least ten (10) days prior to demolition, grading, and construction on the Property.

9. **Fire Department Conditions.** The Project shall comply with all requirements and conditions of approval of the Los Angeles County Fire Department. All Fire Department conditions of approval shall be included on the building plans.

10. **Park Development Fees.** Prior to the issuance of building permits, the Applicant shall pay park development fees pursuant to LMC Chapter 12.34, in the amount of \$16,400.00 (\$400.00 per dwelling unit) to mitigate the impact of the Project on the City's parks.

11. **Environmental Filing Fees.** The Applicant shall submit a check to the City within three (3) days of approval of the Project payable to the Los Angeles County Recorder's Office in the amount of \$2,210.00 for the filing of the Notice of Determination as required by CEQA.

12. **Indemnification.** The Applicant shall indemnify, defend and hold harmless, with counsel selected by the City, the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval by the City concerning the Project or the City's refusal to issue Certificates of Occupancy for the Applicant's failure to comply with any of these conditions of approval or

for any other claim relating to the Project. The City shall promptly notify the Applicant of any filed claim, action or proceeding and shall cooperate fully in the defense of the action.

Design Requirements:

13. **Lighting.** All exterior light fixtures shall be decorative and directed onto the Property and no direct glare shall be visible from adjoining residentially zoned and/or developed properties. The maximum allowable illumination at the property line shall not exceed 0.5 foot-candles. All light fixtures shall be approved by the Community Development Director.

14. **Landscaping.** A landscape plan that complies with the requirements of LMC Section 17.88, "Water-Efficient Landscape," shall be approved by the Community Development Director prior to the issuance of building permits. Additionally, the Applicant must provide a landscape plan including the use of 48-inch box trees, shrubs, and ground cover. Vertical landscape elements must be provided at the base of the buildings. Landscaping must accentuate the entries from West 153rd Street and Grevillea Avenue through the use of flowering accents, shrubs, and specimen trees. Mature 36-inch and 48-inch box trees shall be provided throughout the site. Landscaping shall be used to help screen the Project from adjacent residential uses.

15. **Walls and Fences.** The Applicant shall install new decorative masonry walls around the periphery of the Property to the satisfaction of the Community Development Director. The decorative walls shall not exceed 30 inches in height within the front setback area and shall be a minimum 6 feet in height along the side and rear property lines. Any existing masonry walls shall be refurbished to match the new decorative wall.

16. **Driveways.** Decorative paving shall be installed in the front setback area of the three (3) vehicular access points to the satisfaction of the Community Development Director. All other driveways and parking areas shall be concrete. The material, color, and pattern shall be approved by the Community Development Director prior to installation.

17. **Walkways.** All walkways located on-site along West 153rd Street shall consist of decorative paving to the satisfaction of the Community Development Director. All other on-site walkways shall be concrete. The material, color, and pattern shall be approved by the Community Development Director prior to installation.

Engineering Requirements:

18. The Applicant shall continue the five (5) foot wide dedication of land along the Property frontage on West 153rd Street to include the westerly 37 feet of frontage. The Applicant shall also provide a five (5) foot wide dedication of property along Grevillea Avenue. These dedications shall be included on the tentative map.

19. Prior to the issuance of building permits, the Applicant shall provide construction drawings of an acceptable domestic water and fire flow system subject to the approval of the Fire Department and the City Engineer.

20. The Applicant shall submit a Los Angeles County Fire Department clearance letter to the Building Division and Public Works Department prior to the issuance of a Certificate of Occupancy.

21. The Applicant shall submit a grading and drainage plan, prepared and signed by a registered civil engineer to the City's Building Division and pay all applicable fees in connection with the review thereof prior to receipt of a grading permit. The Applicant shall indicate the location of all on-site water mainlines and sewer laterals on the grading and drainage plan.

22. The Applicant shall submit a copy of the City-approved grading and drainage plan to the Public Works Department.

23. The Applicant shall submit a final grading and drainage certificate to the Public Works Department prior to a Certificate of Occupancy, signed by a registered civil engineer, stating that the Project was constructed according to the approved grading and drainage plan and that the Project drains to the street and does not block the cross-lot drainage from adjacent properties.

24. The Applicant shall submit a copy of the final grading report and certification stamped and signed by a soils engineer, as approved by the Building Official, to the Public Works Department prior to issuance of a building permit. The report shall address site compaction, final soil conditions, and design implementation.

25. All Property drainage shall be directed to the street in a manner acceptable to the Building Official. The Applicant shall not block existing drainage from adjacent properties and must show sufficient elevations outside of the Property and contour lines to ascertain that existing drainage from adjacent properties is not blocked and adequate retaining systems are installed. The Applicant shall ensure that no surface water drains across the public sidewalk.

26. The Project shall comply with all of the provisions of Lawndale Municipal Code Title 13, "Public Services," relating to public services and storm water management. The Project shall also conform to National Pollutant Discharge Elimination System (NPDES) standards and Standard Urban Storm Water Mitigation Plan (SUSMP) requirements prior to the commencement of any grading operations.

27. The SUSMP shall be prepared in accordance with City SUSMP guidelines and shall be submitted to the City prior to the issuance of a building permit.

28. Roof-top runoff from all new buildings shall be directed to an infiltration control (preferably a planter, landscape, or vegetation) to the satisfaction of the Community Development Director and Building Official. Space limitations may necessitate vegetation with a perforated pipe under-drain leading to a storm water chamber (e.g., Contech, StormTech).

29. Parking area/drive aisle runoff shall be directed to an infiltration control (landscape/vegetation or some other type of infiltration control) to the satisfaction of the

Community Development Director and Building Official. A pre-treatment control such as catch basin insert (e.g., Kristar Fossil Filter or Abtech Filter) may be used.

30. Storm water post-construction pollution mitigation controls shall be designed/sized in accordance with Los Angeles County SUSMP guidelines.

31. All on-site trash enclosures shall conform to Los Angeles County SUSMP guidelines.

32. All on-site catch basins shall be stenciled with a "No dumping" message with the exception of clarifier drains.

33. The Applicant shall train his/her contractors, tenants, and employees to not discharge wash water or any other non-storm water to the municipal storm drain system (curbs, gutters, streets, catch basins, storm drains and/or all conveyances, natural or manmade that operate to transport runoff).

34. The Applicant shall enter into a maintenance agreement with the City, in a form approved by the City Engineer and City Attorney, which assures that all required post-construction runoff pollution mitigation controls are properly maintained. This agreement shall be approved prior to issuance of a Certificate of Occupancy.

35. The Applicant shall prepare and submit an off-site improvements plan to the Public Works Department showing existing and proposed improvements prior to issuance of building permits. The off-site improvements plan shall show all existing and proposed utilities and all existing culture (e.g., street trees, light standards, fire hydrants). The off-site improvements plan shall be prepared by a registered civil engineer. No off-site improvements shall be performed until the plan is reviewed and approved by the City Engineer.

36. The Applicant shall pay all applicable off-site improvements plan checking fees prior to City commencement of plan checking.

37. The Applicant shall pay all map checking fees at the time of Final Map submittal.

38. The Applicant shall submit a recent title report or subdivision guarantee to the Building Division that was issued within six months, prior to issuance of building permits and to the Public Works Department prior to approval of the Final Map.

39. Prior to the approval of the Final Map, the Applicant shall construct or guarantee the construction of all required off-site improvements. The required ultimate street improvements shall be subject to the review and approval of the City Engineer.

40. The Applicant shall record a set of Covenants, Conditions and Restrictions ("CC&Rs") and ensure that a Homeowners' Association is established for the purpose of maintaining all matters of common interest (i.e., ingress and egress access, utilities, common open space) within the Project. The CC&Rs shall contain all of the provisions outlined in LMC

Section 17.80.050 and provide for the continued affordability of those units designated as affordable as required by these conditions of approval. A building permit for the structures to be constructed pursuant to the Project shall not be issued until such time as the CC&Rs have been recorded. The CC&Rs shall be recorded concurrently with the Final Map and must be recorded prior to the issuance of the Certificate of Occupancy.

Prior to recordation with the Los Angeles County Recorder's Office, the CC&Rs shall be subject to the review and approval of the Community Development Director, City Engineer, and City Attorney.

41. The Final Map shall indicate all areas of common interest within the Project (i.e., ingress and egress access, parking lots, common open space) to be maintained by the Homeowners' Association.

42. The Final Map shall be tied to the North American Datum of 1983 (NAD83), California Coordinate System of 1983.

43. The Applicant shall provide the City with a set of 100 scale and 200 scale duplicate photo Mylars of the Final Map for the City Engineer's signature.

44. The Final Map shall be recorded prior to issuance of the Certificate of Occupancy.

45. This Project is subject to the City of Lawndale's Construction and Demolition Debris Ordinance. Determination of the diversion security deposit shall be made upon submittal of the Project's cost estimate to the Department of Public Works. Building permits and/or demolition permits shall not be issued until the Applicant contacts the Department of Public Works, Engineering Division regarding construction and demolition debris.

46. The Applicant shall construct or guarantee the construction of the on-site waterlines with a separate water meter and sewer lateral for each unit unless a special maintenance mechanism for these systems is approved by the City and other serving agencies. The new water meters shall be in locations that allow direct access and as approved by Golden State Water Company. Meters shall not be installed in driveway approaches unless otherwise approved by the City Engineer. The Applicant shall obtain any necessary permit from the Department of Public Works, Engineering Division prior to performing any construction work. Any and all existing water service lines less than one inch (1") in diameter shall be abandoned at the water main line per City instructions.

47. The Applicant shall pay all applicable sewer connection fees based on the rate in effect at the time of fee collection to the County Sanitation Districts prior to issuance of sewer permits.

48. The Applicant shall underground all existing dry utilities (electrical, telephone, and cable TV) and install three (3) separate conduits. This applies to all dry utilities within the public right-of-way fronting the Property. All Edison vaults and other structures shall be placed underground.

49. An encroachment permit from the Engineering Division is required prior to commencement of any and all off-site improvements.

50. The Applicant shall widen West 153rd Street by five (5) feet along the Property frontage from the westerly property line to the easterly property line and shall construct new asphalt pavement from the existing westerly edge of the gutter to the new relocated edge of the gutter.

51. The Applicant shall construct a new asphalt concrete pavement section from edge of gutter to edge of gutter fronting the Property on Grevillea Avenue. The new pavement section shall be four (4) inches of asphalt concrete on six (6) inches of new miscellaneous crushed base. Pavement striping shall be replaced per City Engineer instructions.

52. The Applicant shall remove existing sidewalks along West 153rd Street and Grevillea Avenue adjacent to the Property and all new sidewalks shall be constructed as concrete sidewalks per the approved off-site improvements plan.

53. The Applicant shall remove all existing curbs and gutters along the Project and all new curbs and gutters shall be constructed as 6-inch curb and gutter per American Public Works Association ("APWA") standards along the Property frontage per the approved off-site improvements plan.

54. The Applicant shall remove all existing drive approach(es) and construct all proposed drive approach(es) per APWA standards and the approved off-site improvements plan.

55. The Applicant shall remove all existing utility pavement markings from the sidewalk and street prior to the issuance of a Certificate of Occupancy for the Project.

56. The Applicant shall perform a field reconnaissance of the existing paving conditions on 154th Street from Hawthorne Boulevard to Grevillea Avenue; on 153rd Street from Hawthorne Boulevard to Grevillea Avenue and on Grevillea Avenue from Marine Avenue to 154th Street. Applicant shall perform a pavement sampling and testing. Coring of existing pavement, base material and subgrade will be performed at three locations on each segment as mentioned above, with thickness of base, original pavement, overlays and existence of fabric or other interlayers recorded. Moisture content of subgrade shall be required. Applicant shall develop R-values and design proper structural road way sections.

57. Applicant shall construct new A.C. roadway pavement sections from edge of gutter fronting the proposed development on Grevillea Avenue from Marine Avenue to 154th Street on 154th Street from Hawthorne Boulevard to Grevillea Avenue, and on 153rd Street from Hawthorne Boulevard to Grevillea Avenue. Pavement striping with thermoplastic shall be replaced where applicable per city standards.

58. Applicant shall merge all associated parcels to the satisfaction of the Community Development Director and Department of Public Works Engineering Division prior to issuance of a building permit.

59. The Applicant shall enlarge wheel chair ramps at the corners of parcels 4079-015-006 and 4079-016-024 and shall obtain all appropriate easements. All new wheel chair ramps shall be installed per APWA standards.

60. Prior to connecting to the public sewer, the Applicant shall conduct a capacity study of the existing sewer system and shall correct any deficiencies that are revealed from results.

Additional Conditions:

61. The Applicant shall provide sufficient decorative outdoor lighting for each unit, to the satisfaction of the Community Development Director.

62. The location of all electrical panels and meters shall be approved by the City prior to installation. Electrical panels and meters are prohibited in the front yard setback. Electrical panels and meters shall be screened with landscaping as approved by the City. Electrical panels may not encroach into any required driveway, parking area or side yard setback.

63. The location of all backflow devices shall be approved by the City prior to installation. Backflow devices shall be painted and screened with landscaping as approved by the City. Backflow devices shall be located greatest distance possible from the property line.

64. All exterior materials to be used shall be approved by the Community Development Director prior to the issuance of a building permit.

65. All newly planted trees shall require root barriers.

66. All building drainage shall be interior with no exterior downspouts or gutters.

67. A trash enclosure shall be installed in a location approved by the Community Development Director. The enclosure shall compliment the design of the dwelling units by employing similar materials and colors. The enclosure shall include a decorative metal door cover with an automatic locking mechanism. The design of the decorative cover shall be subject to separate review by the Community Development Department.

68. A maximum of 41 condominium units shall be permitted within the Project, with four (4) units deed restricted as "very low income" affordable housing units as further detailed in Condition 81 below. A notation of which of the units are restricted shall be shown on the Tentative Map.

69. Except as set forth in the conditions, development shall take place as shown on the approved site plans and elevations. Any deviation must be approved by the Director of Community Development before any construction occurs.

70. No exterior structural alteration or building color change, other than the colors or building treatments originally approved by this application, shall be permitted without the prior approval of the Director of Community Development. This requirement shall be included in the CC&Rs for the Project.

71. The Applicant shall remove all existing utility pavement markings from the sidewalk and street prior to issuance of a Certificate of Occupancy for the Project.

72. Roof-Mounted Equipment and Projections. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Community Development Department. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. Details shall be included in building plans.

73. Driveway and parking areas shall not incorporate center swales. All drainage in common and private use areas shall be underground and shall not incorporate open gutters or underground swales.

74. The site shall be maintained by the Applicant, at Applicant's, or their successors' or assignees in interest's sole cost and expense. This obligation shall be referenced in the CC&Rs and the City shall have the right to enforce proper maintenance:

a. Building Maintenance. All building structures and associated improvements shall be maintained consistent with the approved plans and operated in a manner consistent with the approved use.

b. Trash and Litter Free. The entire site shall be kept in good, first class condition, free from trash, debris and litter at all times, and all trash, debris and litter shall be removed as soon as possible but at least within 24 hours.

c. Graffiti Removal. Graffiti shall be removed within 24 hours.

d. Site and Public Improvements Maintenance. All roadway easements, driveways, parking areas, curbs, gutters, sidewalks, drainage facilities, lighting and other improvements, shall be permanently maintained in good condition and repair.

e. Yards. All yards and open areas shall be kept in condition in accordance with the Lawndale Municipal Code, without encroachments.

f. Landscaping and Irrigation Systems. All landscaping and irrigation systems shall be continuously maintained in good repair by the Applicant/property owner(s). Irrigation systems shall not produce overspray. All landscaping shall be maintained in a healthy

condition and dying and dead landscaping shall be promptly replaced with similar plant materials and of a size similar to the plant being replaced.

75. All planning conditions of approval shall be printed as general notes on the front pages of the approved set of building plans.

76. No exterior security bars shall be allowed to be placed along building's façade.

77. Tarps are prohibited from use as carports, patio covers, shade covers, and covers for outdoor storage in all front and side setback areas, rear yard areas, and over driveways and in parking and circulation areas.

78. No motor vehicles, commercial or otherwise, shall be parked on the property except in the approved 109 marked parking spaces. Guest parking and handicapped parking shall be included within this number of spaces. Parking designated for the Property's residential occupants may be provided through tandem parking or uncovered parking, as marked, but not through on-street parking. Commercial and guest parking may not utilize tandem parking.

79. The Applicant shall establish survey markers and/or monuments at the Property's corners. The Applicant shall replace survey monuments damaged or destroyed during construction. The Applicant's surveyor is responsible for filing Corner Records with the Los Angeles County Surveyor for all monuments disturbed as part of construction.

80. Prior to Certificate of Occupancy, Applicant and property shall provide the Sheriff's Department with a keypad access and a unique code or other universal key access as is acceptable to the Sheriff's Department. The initial code shall be submitted to the Sheriff's Department along with plans for the site and structure. If this code is changed due to a change in personnel or for any other reason, the new code must be supplied to the Sheriff's Department within 24 hours.

81. In accordance with the requirements of state density bonus law and Chapter 17.50 of the Lawndale Municipal Code, the four (4) affordable housing units included as part of the Project shall be sold to the initial buyer at an affordable housing cost for persons/families of very low income, and the units must be offered for sale at an affordable housing cost for very low income households, as that cost is defined in Section 50052.5(b)(2) of the Health and Safety Code. A minimum of one of every ten units sold must be an affordable unit (i.e., no more than nine units can be sold without the sale of one affordable unit, no more than eighteen units can be sold without the sale of two affordable units, no more than twenty seven units can be sold without the sale of three affordable units, and no more than thirty six units can be sold without the sale of four affordable units.) The affordable housing units shall be reasonably dispersed throughout the Project, be similar in exterior appearance, interior appointments, configuration, quality, materials and basic amenities (such as storage space) to the market rate units in the Project.

a. All building permits for the affordable units shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units.

Occupancy permits and final inspections for the affordable units shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

b. The affordable units shall be reasonably representative of the market-rate unit mix pertaining to numbers of bedrooms.

c. Prior to the issuance of any building permits, the Applicant shall submit a marketing plan to the City that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of affordable units.

82. In accordance with the requirements of the Lawndale Municipal Code, prior to final map approval, the Applicant and the City shall enter into a density bonus agreement/affordable housing covenant, in a form to be approved by the City Attorney, to be recorded as a restriction on the Property ensuring compliance with state density bonus law affordable housing requirements and Chapter 17.50 of the Lawndale Municipal Code. In the event any of the affordable units are re-sold to other than a very low income household or family prior to the end of the thirty-year affordability restriction, the City shall enforce the equity share agreement as provided in Government Code section 65915(c)(2)(A)-(C).

83. In accordance with the requirements of Section 17.50.140 of the LMC, an administrative fee shall be charged to the Applicant for City review of all materials submitted. Fees will be charged for staff time and materials associated with the following activities: development review process, agreement drafting, legal review of the covenant agreements, project marketing and lease-up, and estimated city-incurred costs of monitoring long-term compliance of the affordable units.

84. Prior to the initial sale of any affordable housing units, the purchaser of each affordable unit shall execute a covenant/deed instrument on a form approved by the City Attorney, which instrument shall restrict the sale of the affordable unit to very low income households or families for a period of thirty (30) years. Applicant shall ensure that each covenant is recorded concurrent with the sale of the unit. The City may take appropriate action in law or equity in order to enforce this condition during the entire covenant period.

85. Prior to the approval of final plans, a geotechnical report including a soil study, shall be conducted by a certified engineering geologist or civil engineer pursuant to California Public Resources Code Section 2695(a). The report shall conclude if the Project site is appropriate for the intended development and if any further mitigation measures are required. The report shall be submitted to the Building Official, with a copy provided to the Community Development Department.

86. The Applicant shall implement construction Best Management Practices (BMPs) as set forth by the City. Such BMPs shall include, but are not limited to, using plastic coverings to prevent erosion of any unprotected area, such as mounds of dirt or dumpsters, along with devices designed to intercept and safely divert runoff.

87. To the extent feasible, grading shall be scheduled for completion prior to the start of the rainy season (between November and April).

88. During inclement periods of the year (between November and April), an erosion control plan that identifies BMPs shall be implemented to the satisfaction of the City's Building and Safety Division to minimize potential erosion during construction. The erosion control plan shall be a condition prior to issuance of any grading permit.

89. The Project shall substantially comply with the requirements of the Hawthorne Boulevard Specific Plan, and approval of final development plans and use permits shall be contingent upon a determination of substantial compliance with the applicable provisions of the Hawthorne Boulevard Specific Plan, applicable provisions of the Zoning Ordinance and the General Plan.

90. The Applicant will reduce commercial tenant space shown in the current plans from 2,800, square feet to 2,000 feet.

91. The Applicant will provide a total of nine (9) additional parking spaces for the project site (including the 4 referenced in Condition 92 below) for a total of 109 spaces at the project. Eight (8) of the parking spaces shall be restricted for use by the commercial tenant parking spaces. These spaces will be located adjacent to the commercial tenant space.

92. The Applicant will eliminate the tenant office along ground floor and will use that space to provide four (4) additional parking spaces, to the satisfaction of the Community Development Director.

93. The four (4) parking spaces located in the parking garage shown on the site plan to be used for retail purposes shall be re-designated from retail to residential parking spaces.

94. All three (3) bedroom units will be provided with one additional parking space, totaling three dedicated parking spaces per 3 bedroom unit.

95. The Applicant will install personal storage cabinets above assigned parking areas and center walled storage units within the garage area, to the satisfaction of the Community Development Director.

96. All units will be individually metered for all utilities.

97. The Applicant will pay a public benefit fee in the amount of \$1,500 dollars per dwelling unit within 30 days of approval of the Project to fund a traffic engineer or other consultant to study one-way streets and parking congestion in the general vicinity of the Project.

98. The Applicant will provide two additional bicycle racks in locations approved by the Community Development Director.

99. The Applicant will pursue a Java Coffee, Peet's or similar fast casual type uses for the commercial tenant space.

100. The Applicant will provide and maintain an additional 20 percent (as compared to existing landscape plan) more enhanced landscaping within the rear yard and 2nd story courtyard to the satisfaction of the Community Development Director.

101. The Applicant will provide two (2) tot lots for recreation purposes in locations approved by the Community Development Director.

CEQA Mitigation Measures:

102. The Applicant shall comply with all requirements of the Mitigation Monitoring and Reporting Program attached as Exhibit "A" to this Resolution. The basic requirements are recorded here to facilitate review and implementation. More detailed information on the timing and responsible parties for these mitigation measures is provided in the Mitigation Monitoring and Reporting Program.

a. **CR1.** In the event that archaeological resources and/or human remains are encountered during grading or excavation, all earth-moving activities shall cease until the archaeological resources are properly assessed and an appropriate treatment plan is determined by a qualified archaeologist. If human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. Notification is required of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be the most likely descendant from the deceased for appropriate disposition of the remains.

b. **HM1.** The Applicant shall ensure that any positively identified asbestos containing materials (ACM) in the single-family residence located at 4440 West 153rd Street shall be disposed of in accordance with OSHA programs and regulations.

c. **HM2.** Prior to issuance of a demolition permit, lead-based paint testing shall be conducted on the existing structure. All materials identified as containing lead shall be removed by a licensed lead-based paint/materials abatement contractor.

d. **N1.** Prior to issuance of a Certificate of Occupancy, a qualified acoustical engineer shall verify that interior noise levels are below 40 dBA CNEL.

e. **N2.** The construction contractor shall implement the use of sound blankets on the perimeter of the proposed Project's property line. The sound blankets shall be at least ten feet high, and capable of blocking at least 15 dB of construction noise. The blankets shall be placed such that the line-of-sight between ground-level construction activity and sensitive land uses is blocked.

f. **N3.** The construction contractor shall implement the use of residential-grade mufflers on all construction equipment.

g. **T1.** The Applicant shall install raised islands on the west leg of 153rd Street at Hawthorne Boulevard South and on the east leg of 153rd at Hawthorne Boulevard North to force motorists to turn right at Hawthorne Boulevard.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2017.


Robert Pullen-Miles, Mayor

ATTEST:

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

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council of the City of Lawndale duly approved and adopted the foregoing Resolution No. CC-1706-028 at a regular meeting of said Council held on the 5th day of June, 2017, by the following roll call vote:

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


Rhonda Hofmann Gorman, City Clerk

APPROVED AS TO FORM:


Tiffany B. Israel, City Attorney

AGENDA ITEM F-1

ATTACHMENT “D”

Letter from Applicant



John Martinez, Chairperson
Lawndale Planning Commission
14717 Burin Ave
Lawndale, CA 90260

Dear Chairperson Martinez,

I write to extend my humble apologies to you and the Members of the commission for not being able to greet you personally. I had to travel to Lebanon to care for my 90-year-old mother, who took ill and is scheduled for medical treatment. I write in reference to Resolution No. 16-05, which set forth the conditions for developing 42 units at 153rd Street in Lawndale, approved and adopted by the Planning Commission of the city of Lawndale at their meeting on the 22nd day of February 2017.

Members, the past five years of COVID-19-related activities have caused me to suffer bankrupting-type losses, forcing me to invest twenty-one million dollars of personal funds in fulfilling my obligations to the community and the city. Which I was glad to do. Much of these funds were spent locally in the City of Lawndale, generating jobs and general fund revenue.

However, I am pleased to report that after several financial setbacks due to the COVID-19 pandemic, the onset of inflations, the invasion of homeless people, vandalism, and other criminal activities (due to a delay in occupancy), the project located at 153rd Street is now progressing well. COVID-19 has caused us all hardship, with some paying the ultimate price. In addition, it caused a delay in the supply line, which caused construction costs to increase by over 250%. Further, many of our employees fell victim to this deadly disease-causing further delays and cost overruns.

In addition, once the building was 90% finished, it became a magnet for the homeless, a target for vandalism, and housing for criminal activity. Concerned for the neighboring residents, the city's image, and our investment, we hired security firms and constantly repaired and replaced the vandalized property. These unforeseen challenges and related consequences have significantly caused the cost of constructing the units to exceed our budget.

Equally significant, the United States has slipped into a deep recession, causing the interest rates to climb well above anticipated. These combined inflationary activities have driven the cost of homeownership to exceed the projected selling price of the units in question.

Correspondingly, the cost of ownership far exceeds the average medium income in the area, further complicating our ability to sell these units. As a result, families we hoped to sell to - many of Lawndale's residents - with a medium income of \$28,956 are now forced into the rental market. With California amid severe housing access and affordability crisis, COVID-19 has acerbated this problem in the city of Lawndale.

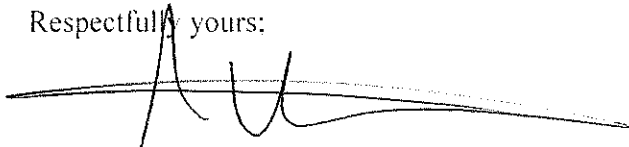
Members, as you may know, with the COVID-related closure of many federal, state, and local government offices, the time frame for filing the track map for the condominium expired without an extension from the city. Therefore, we estimate under current conditions; the property would remain vacant for one and a half years if we had to initiate the condominium approval process. This would cause us more significant financial loss and the risk of the property becoming a magnet for crime.

Lastly, my financial consultant has advised us of two factors that would leave this property vacant for years:

1. The Banks will not loan funds on a Temporary Occupancy, making it almost impossible for me to take out a loan to recoup my personal funds invested in the project.
2. If we are now required to complete the track map process for the condominiums, it could take up to a year and a half.
3. Then if we sell the units, we would have to sell them above the projected market rate, making it challenging for the above medium-income Lawndale residents to qualify, and many would remain vacant for years.
4. As such, I would not be able to recapture my investment until all the units were sold, making it challenging to maintain the until at my desired level and recapture my investment.

Accordingly, in consideration of all these variables which were outside of our control, we respectfully request that the Planning Commission waive the requirement to make these units condominiums. Noteworthy, to require the developer to comply with the condominium condition would cause him and the community irrevocable harm and threat of bankruptcy on this project. Furthermore, such would disadvantage 42 future Lawndale families by reducing the availability of rental housing for upward of a year and a 1/2 to fill and complete the condominium process.

Respectfully yours:



Ali Awad, Managing Partner
AWAD INVESTMENT GROUP