



staff report

TO: Honorable Chairman and Members of the Planning Commission

ATTENTION: Elizabeth Corpuz, Director of Planning and Building Services

FROM: Eliana Muñoz, Assistant Planner

SUBJECT: Consideration and possible action to conduct a public hearing to consider a Zoning Ordinance Text Amendment; and adopt Resolution No. PC 18-20 – A Resolution recommending the City Council approve Zoning Ordinance Text Amendment Case No. ZOTA 18-04 amending Chapters 17.08, 17.44, 17.52 and 17.61 of the Bellflower Municipal Code (BMC) regarding “recycling centers,” “collection centers,” “collection centers (recyclable materials),” and “recycling facilities, stand alone” including but not limited to, requiring a Conditional Use Permit (CUP) for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G (General Commercial) Zone and BAMU (Bellflower/Alondra Mixed-Use) Overlay Zone, requiring a CUP for collection centers and recycling centers in the M-1 (Light Industrial) District, establishing operational and development standards, and adding definitions.

DATE: December 3, 2018

RECOMMENDATION

1. Open the public hearing; take testimonial and documentary evidence; and after considering the evidence, adopt Resolution No. PC 18-20; or
2. Alternatively, discuss and take other action related to this item.

PUBLIC NOTICE

A Notice of Public Hearing was published in the Herald American (Bellflower Edition) newspaper on November 22, 2018. Public hearing notices were posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, Simms Park, and Caruthers Park on November 19, 2018. As of the writing of this staff report, the City has not received any correspondence.

CEQA STATUS

Pursuant to the authority and criteria of the California Environmental Quality Act (CEQA), it has been determined that the ZOTA does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3). This ZOTA would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

Staff Report – ZOTA 18-04 - Regarding Recycling and Collection Centers

December 3, 2018

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BACKGROUND

On April 9, 2018, the City Council adopted Urgency Ordinance No. 1357 establishing a temporary (45-day) moratorium on the issuance of permits for the construction, expansion, or placement of recycling facilities and collection centers within the City's jurisdiction (**Attachment B**). On May 7, 2018, the Planning Commission held a study session to consider future amendments to the BMC pertaining to "recycling facilities," "recycling centers," "collection centers," and "collection centers (recyclable materials)." During the study session the Commission discussed possible amendments to the BMC such as adding definitions, development standards, and operational standards (**Attachment C**). On May 14, 2018, the City Council amended Urgency Ordinance No. 1359 extending the temporary moratorium to March 29, 2019 (**Attachment D**).

Currently, collection centers require a CUP within the C-G Zone, and are allowed by-right in the M-1 District. Within the Bellflower/Alondra Mixed-Use (BAMU) Overlay Zone, and the M-1 District, recycling centers require a CUP. Both recycling and collection centers are required to comply with BMC Chapter 5.64 (Purchase of Non-Ferrous Metals). Currently, neither the term "collection centers" nor "recycling centers" is defined in the BMC. In addition, the BMC does not have any specific land use development or operational standards that would better regulate these types of businesses.

DISCUSSION

There is a growing concern related to operations of recycling facilities and collection centers and issues related to the theft of metals and destruction of private and public properties. The proposed ZOTA would amend Chapters 17.44, 17.52, and 17.61 of the BMC to require a CUP for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G Zone and BAMU Overlay Zone; require a CUP for recycling centers and collection centers within the M-1 District; establish operational criteria and development standards, and add definitions to Chapter 17.08 of the BMC.

Some of the operational criteria and development standards proposed for the uses are: location and separation requirements, maximum area per installation, aesthetics and operating hours for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only); and distance from residential zones, prohibiting certain processes of ferrous metals, periodic inspections, and overall property maintenance for recycling and collection centers.

CONCLUSION

The draft Ordinance is written in the following format: ~~strikeout~~ to indicate language being deleted and underline to indicate language being added. The adoption of Resolution No. PC 18-20 recommends that the City Council adopt the proposed Ordinance, amending Chapters 17.08, 17.44, 17.52, and 17.61 in Title 17 of the BMC. The proposed amendments and necessary findings are included in the attached resolution (**Attachment A**).

ATTACHMENTS

- A. Resolution No. PC 18-20
- B. Ordinance No. 1357
- C. Study Session (without attachments)
- D. Ordinance No. 1359

CITY OF BELLFLOWER

RESOLUTION NO. PC 18-20

A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 18-04 AMENDING CHAPTERS 17.08, 17.44, 17.52, AND 17.61 OF THE BELLFLOWER MUNICIPAL CODE (BMC) REGARDING "RECYCLING CENTERS," "COLLECTION CENTERS," "COLLECTION CENTERS (RECYCLABLE MATERIALS)," AND "RECYCLING FACILITIES, STAND ALONE" INCLUDING BUT NOT LIMITED TO, REQUIRING A CONDITIONAL USE PERMIT (CUP) FOR COLLECTION CENTERS (REVERSE VENDING MACHINES ONLY - ANCILLARY TO A GROCERY STORE, INDOOR USE ONLY) WITHIN THE C-G (GENERAL COMMERCIAL) ZONE AND BAMU (BELLFLOWER/ALONDRA MIXED-USE) OVERLAY ZONE, REQUIRING A CUP FOR COLLECTION CENTERS AND RECYCLING CENTERS IN THE M-1 (LIGHT INDUSTRIAL) DISTRICT, ESTABLISHING OPERATIONAL AND DEVELOPMENT STANDARDS, AND ADDING DEFINITIONS.

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds and declares as follows:

- A. The City of Bellflower is proposing Zoning Ordinance Text Amendment Case No. ZOTA 18-04, to amend chapters 17.44, 17.52, and 17.61 of the Bellflower Municipal Code (BMC) regarding "recycling centers," "collection centers," "collection centers (recyclable materials)," and "recycling facilities, stand alone" including but not limited to, requiring a Conditional Use Permit (CUP) for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G (General Commercial) Zone and BAMU (Bellflower/Alondra Mixed-Use) Overlay Zone, requiring a CUP for collection centers and recycling centers in the M-1 (Light Industrial) District, establishing operational and development standards, and adding definitions to BMC Chapter 17.08.
- B. The City reviewed this Zoning Ordinance Text Amendment (ZOTA) pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"); CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as "CEQA Regulations");
- C. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;
- D. The Planning Commission held a public hearing to consider the information provided by City Staff and public testimony. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its December 3, 2018 hearing including, without limitation, the staff report; and
- E. On December 3, 2018, the Planning Commission adopted Resolution No. PC 18-20 recommending the City Council approve ZOTA 18-04.

SECTION 2. *Factual Findings and Conclusions.* The Planning Commission finds as follows:

- A. There is a growing concern related to operations of recycling facilities and collection centers and issues related to theft of metals and destruction of private and public properties;
- B. On April 9, 2018, the City Council adopted Urgency Ordinance No. 1357 establishing a temporary (45-day) moratorium on the issuance of permits for the construction, expansion, or placement of recycling facilities and collection centers within the City's jurisdiction;
- C. On May 7, 2018, the Planning Commission held a study session to consider future amendments to the BMC pertaining to "recycling facilities," "recycling centers," "collection centers," and "collection centers (recyclable materials)";
- D. On May 14, 2018, the City Council amended Urgency Ordinance No. 1357 extending the temporary moratorium to March 29, 2019;
- E. The Planning Commission determines that the BMC requires updating in order to alleviate the impacts related to such uses, and the related public health, safety, and welfare concerns; and
- F. The proposed ZOTA will amend Chapters 17.08, 17.44, 17.52, and 17.61 of the BMC by requiring a CUP for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G (General Commercial) Zone and BAMU (Bellflower/Alondra Mixed Use) Overlay Zone, requiring a CUP for collection centers and recycling centers in the M-1 (Light Industrial) District, establishing operational and development standards, and adding definitions.

SECTION 3. *Environmental Assessment.* Pursuant to the authority and criteria of the California Environmental Quality Act (CEQA), it has been determined that the ZOTA does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3). This ZOTA would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 4. *Zoning Ordinance Text Amendment Findings.* Pursuant to BMC § 17.104.030, the City Council makes the following findings:

- A. This proposed Ordinance will not adversely affect any property in the City as to value or precedent and will not be detrimental to any area of the City by, among other things, ensuring that the use would be necessary or desirable for the development of the community, and in harmony with the various elements or objectives of the General Plan through the Conditional Use Permit process, while safeguarding and protecting the public health, safety and general welfare, and to ensure the development is in accordance with established development and operational standards.

- B. This Ordinance promotes public health, safety and general welfare by among other things, requiring a CUP for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G Zone and BAMU Overlay Zone, requiring a CUP for recycling centers and collection centers within the M-1 District, establishing operational and development standards, and adding definitions.
- C. This Ordinance will not adversely affect the City's General Plan or zoning regulations set forth in the BMC. The requirement for a CUP, as well as establishing development and operational standards related to the use, is consistent with the policies of the General Plan, which is to encourage opportunities to sensitively integrate different, but compatible, land uses and to organize land uses to avoid creating nuisances among adjacent land uses. Furthermore, it is the purpose of the BMC's zoning regulations to encourage the most appropriate use of the land; to conserve and stabilize the value of property; and promote the public peace, health, safety, morale, and general welfare, all in accordance with the General Plan.

SECTION 5. *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this ZOTA are consistent with the General Plan. Among other things, this ZOTA will help implement General Plan – Land Use Element Goal 1, Policy 1.3, which is to organize land uses to avoid creating nuisances among adjacent land uses. The Ordinance is intended to promote public health, safety and general welfare by requiring a CUP for collection centers and recycling centers which is consistent with General Plan – Land Use Element Goal 2, Policy 2.7, which is to carefully scrutinize plans for developments which will have significant impact on the City or on surrounding developments to ensure the highest quality design; this action will not frustrate any goal or policy set forth in General Plan. Furthermore, the Ordinance will establish operational and development standards, add definitions, and will eliminate any potential misinterpretations and confusion by the public.

SECTION 6. *Recommendation.* Based on the above findings, the Planning Commission recommends the City Council approve Zoning Ordinance Text Amendment Case No. ZOTA 18-04 in a form substantially similar to the draft attached as Exhibit "A."

SECTION 7. *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 8. *Reliance On Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the ZOTA is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 11. *Preservation.* This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 13. The Planning Commission Secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 14. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF BELLFLOWER THIS 3rd DAY OF DECEMBER 2018.

John B. Nowlin, Chairman

Attest:

Elizabeth Corpuz, Secretary

Approved as to form:

David King, Assistant City Attorney

Attachment: Exhibit A – Draft Ordinance

EXHIBIT A

CITY OF BELLFLOWER

ORDINANCE NO. XXXX

AN ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 18-04 AMENDING CHAPTERS 17.08, 17.44, 17.52 AND 17.61 OF THE BELLFLOWER MUNICIPAL CODE (BMC) REGARDING "RECYCLING CENTERS," "COLLECTION CENTERS," "COLLECTION CENTERS (RECYCLABLE MATERIALS)," AND "RECYCLING FACILITIES, STAND ALONE" INCLUDING BUT NOT LIMITED TO, REQUIRING A CONDITIONAL USE PERMIT (CUP) FOR COLLECTION CENTERS (REVERSE VENDING MACHINES ONLY - ANCILLARY TO A GROCERY STORE, INDOOR USE ONLY) WITHIN THE C-G (GENERAL COMMERCIAL) ZONE AND BAMU (BELLFLOWER/ALONDRA MIXED-USE) OVERLAY ZONE, REQUIRING A CUP FOR COLLECTION CENTERS AND RECYCLING CENTERS IN THE M-1 (LIGHT INDUSTRIAL) DISTRICT, ESTABLISHING OPERATIONAL AND DEVELOPMENT STANDARDS, AND ADDING DEFINITIONS.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. *Findings.* The City Council finds and declares as follows:

- A. The City of Bellflower is proposing Zoning Ordinance Text Amendment Case No. ZOTA 18-04, to amend Bellflower Municipal Code ("BMC") Chapters 17.08 (Definitions), 17.44 (General Commercial [C-G] Zone), 17.52 (Light Industrial [M-1] Zone), and 17.61 (Bellflower/Alondra Mixed-Use (BAMU) Overlay Zone);
- B. The City reviewed this Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"); CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as "CEQA Regulations");
- C. Notices of Public Hearings before the Planning Commission and City Council were duly given and published in the time, form, and manner as required by law;
- D. On December 3, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided to the Planning Commission by City staff and public testimony;
- E. On December 3, 2018, the Planning Commission adopted Resolution No. PC 18-20 recommending the City Council approve ZOTA 18-04;
- F. On _____ 2018, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided by City staff and public testimony; and

- G. This Ordinance and its findings are made based upon the entire administrative record including testimony and evidence presented to the City Council at its _____ 2018 hearing and the staff report submitted by the Planning Department.

SECTION 2. *Zoning Ordinance Text Amendment Findings.* Pursuant to BMC § 17.104.030, the City Council makes the following findings:

- A. This proposed Ordinance will not adversely affect any property in the City as to value or precedent and will not be detrimental to any area of the City by, among other things, ensuring that the use would be necessary or desirable for the development of the community, and in harmony with the various elements or objectives of the General Plan through the Conditional Use Permit process, while safeguarding and protecting the public health, safety and general welfare, and to ensure the development is in accordance with established development and operational standards.
- B. This Ordinance promotes public health, safety and general welfare by among other things, requiring a CUP for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only) within the C-G Zone and BAMU Overlay Zone, requiring a CUP for recycling centers and collection centers within the M-1 District, establishing operational and development standards, and adding definitions.
- C. This Ordinance will not adversely affect the City's General Plan or zoning regulations set forth in the BMC. The requirement for a CUP, as well as establishing development and operational standards related to the use, is consistent with the policies of the General Plan, which is to encourage opportunities to sensitively integrate different, but compatible, land uses and to organize land uses to avoid creating nuisances among adjacent land uses. Furthermore, it is the purpose of the BMC's zoning regulations to encourage the most appropriate use of the land; to conserve and stabilize the value of property; and promote the public peace, health, safety, morale, and general welfare, all in accordance with the General Plan.

SECTION 3. *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the General Plan. Among other things, this Ordinance will help implement General Plan – Land Use Element Goal 1, Policy 1.3, which is to organize land uses to avoid creating nuisances among adjacent land uses. The Ordinance is intended to promote public health, safety and general welfare by requiring a CUP for collection centers (reverse vending machines only - ancillary to a grocery store, indoor use only), collection centers and recycling centers which is consistent with General Plan – Land Use Element Goal 2, Policy 2.7, which is to carefully scrutinize plans for developments which will have significant impact on the City or on surrounding developments to ensure the highest quality design; this action will not frustrate any goal or policy set forth in the General Plan. Furthermore, the Ordinance will establish operational and development standards, add definitions, and will eliminate any potential misinterpretations and confusion by the public.

SECTION 4. The proposed revisions will be illustrated with ~~strikethrough~~ for existing language that is proposed for deletion, and underlined for new language.

SECTION 5. BMC Chapter 17.08 (Definitions) is amended to include the following definitions in alphabetical order:

Collection Center

“Collection Center” means a facility, structure or enclosed space where the public may donate, redeem or purchase recyclable materials, including without limitation reverse vending machines. The term does not include “secondhand stores” as defined in BMC § 17.08.010 nor an unattended donation box as described in BMC § 17.44.340.”

Grocery Store

“Grocery store” means a full-line, self-service retail store that sells dry grocery, canned foods, or nonfood items and perishable items.”

Recycling Center

“Recycling Center” means a facility, structure or enclosed space used for the collection and/or processing of recyclable materials. A certified recycling center is an operation that is certified by the California Department of Resources Recycling and Recovery, known as CalRecycle, as meeting the requirements of the Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500 *et seq.*) by accepting containers from customers, and paying the redemption bonus for all types of empty beverage containers intended to be recycled.”

Reverse Vending Machines

“Reverse Vending Machines” means an automated mechanical device that accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the State. This machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.”

SECTION 6. BMC § 17.44.030 (Conditional Uses) is amended as follows:

“20. Collection centers (recyclable materials) (reverse vending machines only - ancillary to a grocery store, indoor use only), subject to the requirements of Section 17.44.350.”

SECTION 7. BMC Chapter 17.44 (C-G General Commercial Zone) is amended to add the following new section:

“17.44.350 Collection Centers (reverse vending machines only - ancillary to a grocery store, indoor use only)”

In addition to any other requirement of this Code, the following apply to Collection Centers (reverse vending machines only - ancillary to a grocery store, indoor use only).

1. Must be established in conjunction and within a grocery store, as defined by this Code, that complies with the City's building, zoning and fire codes;
2. Must be separated by a minimum of fifteen feet from any food or beverage vending machines;
3. Must occupy an area not to exceed fifty square feet per installation, and must not be more than eight feet in height, including any protective enclosure;
4. May sort and process containers mechanically provided that the entire process is enclosed within the machine;
5. Must be constructed and maintained with durable material;
6. Must be clearly marked to include the type of material to be deposited, operating instructions, and the identity and telephone number of the operator or responsible person to call if the machine is inoperative;
7. If more than one reverse vending machine is installed, the total number must not exceed three per grocery store and the machines must be grouped together and the style, color, and signage of the machines must be coordinated, and
8. Operating hours must coincide with those of the host use."

SECTION 8. BMC § 17.52.020 (Permitted Uses) is amended as follows:

"21. Collection centers."

SECTION 9. BMC § 17.52.030 (Conditional Uses) is amended as follows:

"K. Recycling centers, in addition to any other requirement of this Code, are subject to the following development standards:

1. Must not abut a residential zone;
2. All operations and storage of equipment and materials must be conducted completely within enclosed buildings;
3. Recycling and collection centers must not shred, compact or bale ferrous metals other than food and beverage containers;
4. If the center is open to the public, containers must be secured from unauthorized entry or removal of materials and must be clearly marked to identify the type of material that may be deposited. The facility must display a notice stating that no materials be left outside containers;
5. Power-driven processing operations must comply with the City's environmental performance standards;
6. The center must be administered by on-site personnel during the hours the center is open;
7. No dust, fumes, smoke, vibration or odor above an ambient level may be detectable on neighboring properties;
8. Site must be maintained free of litter and any other undesirable materials, and must be cleaned of loose debris on a daily basis;
9. All recycling and collection centers may be subject to periodic re-inspection. Any changes, additions or modifications must conform to the requirements of this section and are subject to the review and approval of the Director of Planning and Building Services."

“L. Reserved. Collection centers, subject to the development standards applicable to Recycling centers in this section.”

SECTION 10. BMC Section 17.61.040 and Table 17.61.040A (BAMU Overlay Zone Allowable Uses Table) are amended as follows:

Land Use or Activity	BAMU	References/Notes
General Commercial		
<u>Recycling Facilities, Stand Alone Collection centers (reverse vending machines only - ancillary to a grocery-retail [non-drive-thru], indoor use only), subject to the requirements of Section 17.44.350)</u>	CUP	

SECTION 11. *Environmental Review.* Pursuant to the authority and criteria of the California Environmental Quality Act (CEQA), it has been determined that the ZOTA does not have the potential to cause significant effects to the environment and, therefore, the project is exempt from CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3). This ZOTA would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 12. *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062 and any other applicable law.

SECTION 13. *Approval.* Based on the foregoing, the City Council approves Zoning Ordinance Text Amendment Case No. ZOTA 18-04.

SECTION 14. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 15. *Enforceability.* Repeal of any provision of the BMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 16. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other city ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 17. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City

**City of Bellflower
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Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 18. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 19. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 20. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 21. *Effective Date.* This Ordinance will take effect on the 30th day following its final passage and adoption.

ORDINANCE NO. XXXX HAD ITS FIRST READING ON _____, ITS SECOND READING ON _____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF _____.

ATTEST:

Ray Dunton, Mayor

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

CITY OF BELLFLOWER

ORDINANCE NO. 1357

AN URGENCY ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, EXPANSION, OR PLACEMENT OF RECYCLING FACILITIES AND COLLECTION CENTERS WITHIN THE CITY'S JURISDICTION FOR A PERIOD OF FORTY-FIVE (45) DAYS TO CONSIDER AMENDING THE BELLFLOWER MUNICIPAL CODE.

The City Council of the City of Bellflower does ordain as follows:

SECTION 1. This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2. *Findings.* The City Council finds and declares as follows:

- A. The City can adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.
- B. The City recently received an inquiry from a real estate broker who has a client operating a collection center in an unincorporated area of Los Angeles County and is planning to relocate to the City.
- C. The Bellflower Municipal Code ("BMC") allows standalone recycling centers and collection centers for recyclable materials in certain areas and prohibits such uses in other areas of the City (see, e.g., BMC §§ 17.44.030, 17.52.030 (conditional use in C-G and M-1 Light Industrial zones); 17.62.040, 17.65.090 (prohibited use in BVOZ and Design for Development area)). The BMC also has certain requirements that apply generally to scrap metal merchants (BMC Chapter 5.64). But the City's current code does not define the terms "recycling center" and "collection center" and does not take into account the impacts related to such uses, and the related public health, safety, and welfare concerns.
- D. The City realizes the importance of recycling in the community. However, the City Council is concerned about the impacts recycling facilities and collection centers pose to public health and public safety, specifically, issues related to theft of metals and destruction of private and public properties.
- E. The provisions of the BMC pertaining to recycling facilities and collection centers are inadequate and need review, study and revision. Without the enactment of this Ordinance, multiple applicants could receive permits and approvals that would allow recycling facilities and collection centers that potentially pose a threat to the public health, safety, and welfare.

- F. The City Council determines that the BMC requires updating to protect the public against health, safety, and welfare dangers potentially caused by recycling facilities and collection centers within the City. The City needs additional time to prepare, evaluate and adopt reasonable regulations regarding recycling facilities and collection centers.
- G. In order to prevent frustration of these studies and the implementation of new regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated BMC amendments, and any further authorization of these uses within the City during the period of the moratorium may be in conflict with or may frustrate the contemplated updates and revisions of the BMC.
- H. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential negative effects and impacts that arise from recycling facilities and collection centers such as theft, and other similar or related effects on property values and the quality of life in the City's neighborhoods.
- I. The City Council further finds that this moratorium is a matter of local and citywide importance and is not directed towards any particular entity that currently seeks to establish or expand a recycling facility or collection center in the City.
- J. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3. *Environmental Review.* Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for minor alterations in land use. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15305. This Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4. *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062; and any other applicable law.

SECTION 5. *Interim Regulations.* The following provisions are adopted as interim requirements for recycling facilities and collection centers, and any construction or operation in the City in conflict with these provisions is expressly prohibited:

- A. *Restricted Activities.* For a period of forty-five (45) days after adoption of this Ordinance, the City will not issue a permit or land use entitlement to any person to allow for construction, expansion, or placement of recycling facilities and collection centers, as defined below, within the City. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City staff, including City boards and commissions, are directed to refrain from accepting or processing any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for construction, expansion, or placement of recycling facilities and collection centers within the City's jurisdiction, and to refrain from issuing any land use entitlement for any pending applications already received. These prohibitions will remain effective for forty-five (45) days following adoption of this Ordinance.
- B. *Definitions.* The following words and phrases will, for the purposes of this Ordinance, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of the BMC, the following definitions will prevail:
1. "Collection centers (recyclable materials)" means a facility used as a temporary repository for recyclable and recoverable materials for collection and transportation. Collection centers are not processing centers, but rather they are collection centers for the separation of recyclable goods. The term does not include "second hand stores" as defined in BMC §17.08.010.
 2. "Recycling center" means a facility used for the collection, storage and processing of recyclable materials. The term does not include a "junk yard" as defined in BMC § 17.08.010 nor an unattended donation box as described in BMC § 17.44.340.

SECTION 6. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. *Enforceability.* Repeal of any provision of the BMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other city ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other city ordinance to remain in full force and effect for all purposes.

SECTION 9. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 10. *Limitations.* The City Council's analysis and evaluation of the moratorium is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the moratorium is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 11. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. *Report.* Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires.

SECTION 14. *Declaration of Urgency.* Based on the findings set forth in Section 2, this is an urgency ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

SECTION 15. *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.


SECTION 16. *Expiration Date.* After adoption, this Ordinance will be repealed by operation of law on May 24, 2018, unless a subsequent ordinance is adopted by the City Council that extends this date.

ORDINANCE NO. 1357 WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF APRIL 9, 2018, AS AN URGENCY ORDINANCE.



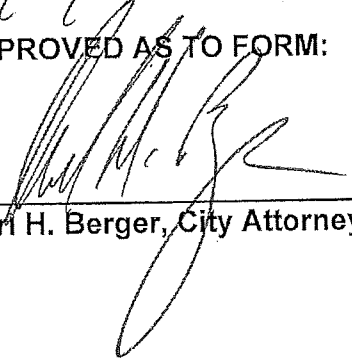
Sonny R. Santa Ines, Mayor Pro Tem

ATTEST:



Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

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

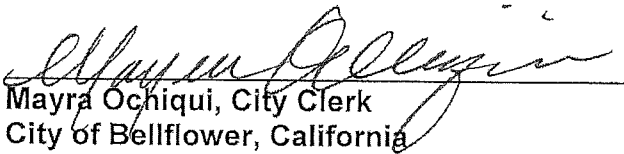
I, **Mayra Ochiqui, City Clerk** of the City of Bellflower, California, do hereby certify under penalty of perjury that:

Urgency Ordinance No. 1357 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of April 9, 2018, by the following vote to wit:

AYES: Council Members - Garza, Koops, Schnablegger, and
Mayor Pro Tem Santa Ines
ABSENT: Council Member - Mayor Dunton

Urgency Ordinance No. 1357 was posted at City Hall, the Clifton M. Brakensiek Library, John S. Simms Park, the Bellflower Sheriff's Substation, Ruth Caruthers Park, and T. Mayne Thompson Park; and the title, effective date, and vote will be published on Thursday, April 19, 2018, in the Public Notices Section of the *Herald American*, pursuant to Government Code Section 36933.

Dated: April 10, 2018


Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)



staff report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Rowena Genilo-Concepcion, Interim Director of Planning and Building Services
Eliana Muñoz, Assistant Planner

SUBJECT: Study Session to consider future amendments to the Bellflower Municipal Code (BMC) pertaining to "Recycling Facilities," "Recycling Centers," "Collection Centers," and "Collection Centers (recyclable materials)" within the City's jurisdiction. The study session will discuss possible amendments to the BMC including, without limitation, adding definitions, development standards, and operational standards.

DATE: May 7, 2018

RECOMMENDATION

1. Open the meeting and receive public testimony; and
2. Discuss and provide direction regarding adding definitions, development standards, and operational standards; or
3. Alternatively, discuss and take other action related to this item.

PUBLIC NOTICE

None formally required for study sessions.

CEQA STATUS

Pursuant to the authority and criteria of the Environmental Quality Act (CEQA), an environmental assessment has been conducted for this project. This project has been determined to be Categorical Exempt (Section 15306, Class 6) from the provisions of CEQA because the project is strictly a study session for information gathering purposes.

BACKGROUND

- *April 9, 2018 City Council Meeting (45-Day Urgency Ordinance)*

On April 9, 2018, the City Council approved a 45-day Urgency Ordinance prohibiting issuance of permits for construction, expansion, or placement of Recycling Facilities, Recycling Centers, Collection Centers, and Collection Centers (recyclable materials) (hereafter referred to as "Recycling Facilities") within the City's jurisdiction (see Attachment A). The moratorium was set in place because of a growing concern related to the operations of recycling facilities and collection centers, and issues related to theft of metals and destruction of private and public properties.

Staff Report – Study Session Pertaining to Recycling Facilities

May 7, 2018

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DISCUSSION

- The purpose of this study session is to discuss whether it would be desirable to amend existing BMC regulations in order to ensure the City's zoning provisions are adequate and future recycling facilities are regulated in a manner that protects the public and satisfies the policies, goals, and objective of the General Plan. Specifically, the discussion entails the possibility of adding definitions, development standards, and operational standards. *Bellflower Municipal Code*

Currently, Title 17 (Zoning) of the BMC refers to "Recycling Facilities," "Recycling Centers," "Collection Centers," and "Collection Centers (recyclable materials)" as follows:

Code Section	Zoning Designation	Term	Approval Process
17.52.030	M-1	Recycling Centers	Conditional Use
17.52.020	M-1	Collection Centers	Permitted Use
17.44.030	C-G	Collection Center (recyclable materials)	Conditional Use
17.65.090	DFD	Collection Centers (recyclable materials)	Prohibited Use
17.62.040	BVOZ	Recycling Facilities	Prohibited Use
17.63.040	BVOZ (N)	Recycling Facilities	Prohibited Use

In addition, recycling facilities are required to comply with BMC Chapter 5.64 (Purchase of Non-Ferrous Metals); however, the BMC does not have any specific land use development or operational standards that could better regulate these types of establishments.

- *Definitions*

Although Chapter 17.08 (Zoning – Definitions) does not include definitions for the various types of recycling facilities, for the purposes of the moratorium, the following words were defined as follows:

- "Collection centers (recyclable materials)" means a facility used as a temporary repository for recyclable and recoverable materials for collection and transportation. Collection centers are not processing centers, but rather they are collection centers for the separation of recyclable goods. The term does not include "second hand stores" as defined in BMC §17.08.010.
- "Recycling center" means a facility used for the collection, storage and processing of recyclable materials. The term does not include a "junk yard" as defined in BMC § 17.08.010 nor an unattended donation box as described in BMC § 17.44.340.

- *Survey of Neighboring Cities*

Staff surveyed the neighboring cities (Norwalk, Paramount, Downey, Cerritos, Lakewood, and Long Beach) to determine their approval process for recycling facilities. Two of the surrounding cities (Norwalk and Paramount) are silent regarding larger recycling facilities, and are therefore interpreted as not allowed. In the City of Bellflower, the only active recycling facility (established in 1992 and is located at 17326 Woodruff Avenue, within the M-1 zone), is what Norwalk and Paramount would consider as a large recycling facility. Following is a table summarizing the result of the survey:

Staff Report – Study Session Pertaining to Recycling Facilities
May 7, 2018
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Cities	Types	Zones	Approval Process	Development Standards	Operational Standards
Cerritos	Reverse Vending Machines, Small Collection Facilities, Mobile Recycling Units	Commercial	Administrative Permit (limited as incidental and accessory use only)	Distance, maximum area, height, aesthetics, signage, location, and parking	Hours of operation, personnel, maintenance
	Large Collection/ Recyclable Material Processing Facilities	Industrial	CUP	In addition to above, must provide landscaping	In addition to above, must be completely within enclosed buildings, secured from unauthorized entry, restrictions on litter, dust, fumes, smoke, vibrations, and odor
Downey	Recycling Collection Center	Commercial, Light/General Manufacturing	CUP	None specific to use	None specific to use
	Recycling Processing Center	General Manufacturing	CUP		
Lakewood	Reverse Vending Machines, Small Collection Facility	Intermediate Commercial	DRB and CUP	Distance, maximum area, height, aesthetics, signage, location, limitation on number of establishments, and parking	Hours of operation, maintenance, must be established in conjunction with commercial use,
	Large Collection Facilities and Processing Facilities	Heavy Manufacturing	Permitted	In addition to above, no outside storage, screening methods, distance from residences	In addition to above, personnel, noise
Long Beach	Recycling Collection Center	Industrial	CUP- Single approval limited to 5 years	Screening	Noise, maintenance
	Collection Center for Recyclables	Commercial	Administrative Permit	Parking	In addition to above, hours of operation
Norwalk	Recycling Facilities	Commercial and Industrial	CUP (limited as an accessory use only)	Location	Maintenance and compatibility
Paramount	Reverse Vending Machines	Commercial and Industrial	Administrative Permit (limited as an accessory use only)	Location, parking, max floor space	Hours of operation, maintenance
	Small Collection Facilities		CUP (limited as an accessory use only)	In addition to above, distance, maximum area, height, aesthetics, signage, location, and parking	

Please refer to Attachment C for more information and details regarding the table above.

Staff Report – Study Session Pertaining to Recycling Facilities

May 7, 2018

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- *Factors to Consider*

Given the growing concern related to the operation and impacts of recycling facilities, it is prudent to re-assess the existing code provisions. Some of the factors to be considered are:

- Allowable Zones
- Types and Definition of Recycling Facilities
- Development Standards (minimum or maximum requirements): lot size, building size, parking, distance requirements, loading areas, queuing area, circulation, signage
- Operational Standards (minimum or maximum requirements): hours of operation, maintenance, noise, attendants, fumes, dust, vibration, odors, smoke, periodic re-inspection

Once the Planning Commission provides Staff direction on the above-mentioned factors, Staff will draft a set of provisions in the form of a Zoning Ordinance Text Amendment (ZOTA). The ZOTA will be presented to the Planning Commission and the City Council via the public hearing process. Meanwhile, on May 14, 2018, Staff will be requesting the City Council to extend the interim ordinance for up to 10 months and 15 days to allow additional time to complete the ZOTA.

ATTACHMENTS

- A. April 9, 2018 City Council Moratorium Staff Report
- B. Photos of Mobile Recycling Centers and Reverse Vending Machines
- C. Table of Detailed Survey Results from Surrounding Cities

CITY OF BELLFLOWER

ORDINANCE NO. 1359

AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1357 TO
EXTEND THE TEMPORARY MORATORIUM ON ISSUING PERMITS
FOR THE CONSTRUCTION, EXPANSION, OR PLACEMENT OF
RECYCLING FACILITIES AND COLLECTION CENTERS WITHIN THE
CITY'S JURISDICTION

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2. *Findings.* The City Council finds and declares as follows:

- A. On April 9, 2018, the City Council adopted Urgency Ordinance No. 1357, establishing a 45-day moratorium, temporarily prohibiting the City from issuing permits for the construction, expansion, or placement of recycling facilities and collection centers within the City's jurisdiction (the "Moratorium").
- B. At its public hearing on May 14, 2018, the City Council considered the report required by Government Code § 65858.
- C. The findings and conclusions set forth in Ordinance No. 1357 are incorporated by this reference as if fully set forth.
- D. The City Council further finds that the Moratorium is a matter of local and citywide importance and is not directed towards any particular entity that currently seeks to construct, expand, or place a recycling facility or collection center within the City.
- E. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3. *Environmental Review.* Adopting this Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code Regulations §§ 15000, et seq.) because it would establish rules and procedures for minor alterations and land use. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15305. This Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. This Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4. *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062; and any other applicable law.

SECTION 5. *Amendment.* The City Council amends the Moratorium as follows:

A. Section 16 of Ordinance No. 1357 is amended to read:

“*Expiration Date.* After adoption, this Ordinance will be repealed by operation of law on March 29, 2019 unless a subsequent ordinance is adopted by the City Council that extends this date.”

B. Other than amended by this Section, all other regulations of Ordinance No. 1357 remain the same.

SECTION 6. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. *Enforceability.* Repeal of any provision of the BMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other city ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other city ordinance to remain in full force and effect for all purposes.

SECTION 9. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 10. *Limitations.* The City Council’s analysis and evaluation of the moratorium is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the moratorium is the City Council’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

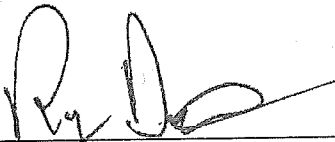
SECTION 11. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. *Declaration of Urgency.* Based on the findings set forth in Ordinance No. 1359, this is an urgency ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

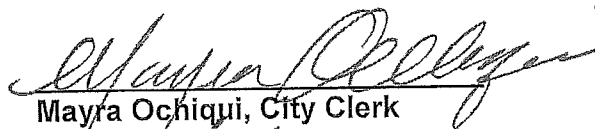
SECTION 14. *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

ORDINANCE NO. 1359 WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF MAY 14, 2018, AS AN URGENCY ORDINANCE.



Ray Duntun, Mayor

ATTEST:



Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

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

I, **Mayra Ochiqui, City Clerk** of the City of Bellflower, California, do hereby certify under penalty of perjury that:

Urgency Ordinance No. 1359 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of May 14, 2018, by the following vote to wit:

AYES: Council Members – Koops, Schnablegger, Santa Ines, Garza, and Mayor Dunton

Urgency Ordinance No. 1359 was posted at City Hall, the Clifton M. Brakensiek Library, the Bellflower Sheriff's Substation, John S. Simms Park, Ruth Caruthers Park, and T. Mayne Thompson Park; and the title, effective date, and vote will be published on Thursday, May 24, 2018, in the Public Notices Section of the *Herald American*, pursuant to Government Code Section 36933.

Dated: May 16, 2018



Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)