

This Agenda contains a brief general description of each item to be considered. Copies of the Staff reports or other written documentation relating to each item of business referred to on the Agenda are on file in the Office of the City Clerk and are available for public inspection. Any person who has a question concerning any of the agenda items may call the City Manager at (310) 603-0220, ext. 200.



**AGENDA
City Council Special Meeting
TO BE HELD ON**

April 23, 2020

During the teleconference meeting, we ask all the public participating to please mute their device. Please advise the City Clerk of your intention to make a comment during public oral communication. Lines will be unmuted to allow you to make your comments, if any. Duly Posted 4/22/20 by MQ

TELECONFERENCE VIA WEBEX- participate by using one of the following numbers (213) 306-3065, (720) 650-7664, (206) 207-1700. Connect by using code 625 816 621; password 5969

11:45 AM

- 1. CALL TO ORDER**
- 2. CERTIFICATION OF AGENDA POSTING BY CITY CLERK**
- 3. ROLL CALL OF COUNCIL MEMBERS**

Aide Castro, Mayor
Jorge Casanova, Mayor Pro Tem
Salvador Alatorre, Council Member
Marisela Santana, Council Member
Jose Luis Solache, Council Member

- 4. PLEDGE OF ALLEGIANCE**
- 5. INVOCATION**

PUBLIC ORAL COMMUNICATIONS

(Regarding Agenda Items Only)

NEW/OLD BUSINESS

- 6. APPROVAL OF AN URGENCY ORDINANCE ENACTING A MORATORIUM**

Comments:

The City Council will consider the adoption of an Urgency Ordinance enacting a moratorium on prohibiting hotel owners from using their units for Covid-19 purposes or uses without prior approval from the City. (CD)

Recommendation:

Staff recommends that the City Council review and adopt, by a 4/5th vote, the attached Urgency

Ordinance (by title only) entitled "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ENACTING (1) A TEMPORARY EMERGENCY MORATORIUM UPON HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING AIRBNBS, OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FROM CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR HOMELESS HOUSING PURPOSES OR USES WITHOUT PRIOR CITY APPROVAL, (2) A TEMPORARY EMERGENCY MORATORIUM ON THE USE OF HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING, AIRBNBS OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FOR CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR COVID-19 HOUSING OR RELATED USES OR PURPOSES WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY," pursuant to Government Code Section 36934.

CITY COUNCIL WRITTEN AND ORAL COMMUNICATION

ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE HELD ON MAY 5, 2020 AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL ANNEX, 11350 BULLIS ROAD, CITY OF LYNWOOD, CALIFORNIA.



AGENDA STAFF REPORT

DATE: April 23, 2020

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Jose E. Ometeotl, City Manager

PREPARED BY: Michelle G. Ramirez, Director of Community Development

SUBJECT: APPROVAL OF AN URGENCY ORDINANCE ENACTING A MORATORIUM

Recommendation:

Staff recommends that the City Council review and adopt, by a 4/5th vote, the attached Urgency Ordinance (by title only) entitled "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ENACTING (1) A TEMPORARY EMERGENCY MORATORIUM UPON HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING AIRBNBS, OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FROM CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR HOMELESS HOUSING PURPOSES OR USES WITHOUT PRIOR CITY APPROVAL, (2) A TEMPORARY EMERGENCY MORATORIUM ON THE USE OF HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING, AIRBNBS OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FOR CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR COVID-19 HOUSING OR RELATED USES OR PURPOSES WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY," pursuant to Government Code Section 36934.

Background:

On March 16, 2020, the City Council adopted Resolution No. 2020.041, declaring a local emergency due to the novel coronavirus (COVID-19) pandemic. Governor Newsom recently announced a program to secure access to hotel and motel rooms across the State of California to house homeless people. This is very concerning as it would allow hotel owners within Lynwood to contract directly with the County of Los Angeles for use of their units for Covid-19 purposes without prior approval from the City.

Discussion and Analysis:

In response to Governor Newsom recent announcement of a program to secure access to hotel and motel rooms across the State of California to house homeless people, it is recommended that the City Council adopt (by a 4/5ths vote) an ordinance prohibiting owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City from converting or utilizing their business or property for homeless housing purposes or uses, without prior City approval. Any request for such use must be evaluated by City staff and approved by the City Council prior to such use being put into effect. For purposes of the proposed ordinance, "short term rental" means any structure or residential dwelling unit rented to a paying guest for a period of not less than 12 hours and for a maximum of 29 consecutive days.

California Environmental Quality Act

The proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because there is no possibility that the recommendations contained in this ordinance may have a significant adverse effect on the environment, the adoption of this resolution is exempt from CEQA.

Fiscal Impact:

There is no fiscal impact.

Coordinated With:

City Manager's Office
City Attorney

ATTACHMENTS:

- | | Description |
|---|---------------------------------|
| ▫ | Attachment A - Ordinance |

URGENCY ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ENACTING (1) A TEMPORARY EMERGENCY MORATORIUM UPON HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING AIRBNBS, OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FROM CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR HOMELESS HOUSING PURPOSES OR USES WITHOUT PRIOR CITY APPROVAL, (2) A TEMPORARY EMERGENCY MORATORIUM ON THE USE OF HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING, AIRBNBS OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FOR CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR COVID-19 HOUSING OR RELATED USES OR PURPOSES WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY

WHEREAS, international, national, state, and local health and governmental authorities are responding to a pandemic outbreak of a respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a “state of emergency” throughout the State in response to COVID-19, and in furtherance of this proclamation has issued several Executive Orders that include extraordinary measures directed at slowing the spread of COVID-19 and reducing impacts to residents and businesses; and

WHEREAS, since the initial declaration of a “state of emergency” Governor Newsom has issued additional Executive Orders in an effort to address the circumstances surrounding the impacts created by COVID-19; and

WHEREAS, given these conditions, on March 16, 2020, the City Council of the City of Lynwood proclaimed the existence of a local emergency to allow prompt response to emergency conditions at the local level, and provide the City access to federal, state, and local resources during the crisis; and

WHEREAS, on March 19, 2020, in an unprecedented step to slow the spread of COVID-19, Governor Newsom issued Executive Order No. 33-20 ordering all California residents and businesses to stay and work at home for an indeterminate period of time, at least through April 19, 2020, with the only exceptions from this order being essential services and industries; and

WHEREAS, the City Council has reconsidered the conditions giving rise to the “local emergency” proclamation made by the City Council on March 16, 2020, and has determined that the conditions giving rise to the local emergency continue to exist, and in fact have become more dire since the original proclamation was made; and

WHEREAS, the City Council desires to temporarily prohibit and impose a moratorium upon owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their businesses or property for homeless housing purposes or uses, without prior City approval; and

WHEREAS, the City Council desires to temporarily prohibit and impose a moratorium upon owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for COVID-19 housing or related uses or purposes, without prior City approval; and

WHEREAS, the City Council further finds and declares, restates and reaffirms the importance of local control during this emergency period of COVID-19, as established in California Government Code Section 8634 and other provisions of law, and in order to protect the public health and safety of the residents and business owners/operators of the City of Lynwood; and

WHEREAS, the City Council finds this Ordinance is a temporary moratorium intended to (1) promote safety and well-being for the residents and general public within the City of Lynwood, (2) protect the unlawful use of properties in a manner inconsistent with the City’s General Plan, Zoning Codes or other Municipal Code provisions, and (3) avoid unscrupulous and unauthorized uses of hotels, motels, short-term rentals, including Airbnbs, or other residential uses from unsanctioned housing or COVID-19 related uses, thereby serving the public peace, health, safety, and public welfare of the residents of the City of Lynwood; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council has duly considered all evidence presented in connection with its consideration of this Ordinance, which justify adoption of this Ordinance as an emergency measure to be effective immediately upon adoption by a majority vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Lynwood hereby finds and determines that all of the foregoing recitals are true and correct and are incorporated as part of the City’s findings.

Section 2. The City Council of the City of Lynwood finds that this action is exempt under the California Environmental Quality Act (CEQA), because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378.

Section 3. Authority. The City Council of the City of Lynwood hereby adopts this Urgency Ordinance as an emergency measure pursuant to Government Code Section 36934 for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings of the City Council in Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council’s consideration hereof.

Section 4. During the period of local public health emergency and/or local emergency declared in response to COVID-19, a temporary moratorium is hereby imposed to prohibit owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for homeless housing purposes or uses, without prior City approval. Any request for such use must be evaluated by City staff and approved by the City Council prior to such use being put into effect. For purposes of this Ordinance, “short term rental” shall mean any structure or residential dwelling unit rented to a paying guest for a period of not less than 12 hours and for a maximum of 29 consecutive days.

Section 5. During the period of local public health emergency and/or local emergency declared in response to COVID-19, a temporary moratorium is hereby imposed to prohibit owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for COVID-19 housing or related uses or purposes, without prior City approval. Any request for such use must be evaluated by City staff and approved by the City Council prior to such use being put into effect. For purposes of this Ordinance, “short term rental” shall mean any structure or residential dwelling unit rented to a paying guest for a period of not less than 12 hours and for a maximum of 29 consecutive days.

Section 6. During the period of local public health emergency and/or local emergency declared in response to COVID-19, the City Council further finds, declares, restates and reaffirms the importance of local control during this emergency period of COVID-19, as established in California Government Code Section 8634 and other provisions of law, in order to protect the public health and safety of the residents and business owners/operators of the City of Lynwood. Specifically, the City Council hereby recognizes and confirms its authority and control as found in California Government Code Section 8634, which states: “During a local emergency the governing body of a political subdivision...may promulgate orders and regulations necessary to provide for the protection of life and property....” (Emphasis added.)

Section 7. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

Section 8. The City Council of the City of Lynwood hereby passes this Urgency Ordinance by a four-fifths vote of the City Council.

Section 9. The City Clerk shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

Section 10. This Ordinance shall go into effect and be in full force and effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 23rd day of April 2020.

Aide Castro, Mayor

ATTEST:

Maria Quinonez, City Clerk

APPROVED AS TO FORM

APPROVED AT TO CONTENT

Noel Tapia, City Attorney

Jose Ometeotl, City Manager

STATE OF CALIFORNIA)
) §
COUNTY OF LOS ANGELES)

I, the undersigned, City Clerk of the City of Lynwood, do hereby certify that the above and foregoing ordinance was duly adopted by the City Council of the City of Lynwood at a regular meeting held in the City Hall of said City on the **23rd** day of **April, 2020**, and passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF LYNWOOD COUNCIL MEETINGS

These are unprecedented times. The President, Governor, and the City of Lynwood have declared a State of Emergency as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-29-20 that directs Californians to follow public health directives including cancelling all large gatherings. The Executive Order also lifts the strict adherence to the Brown Act regarding teleconferencing requirements and allows local legislative bodies to hold their meetings without complying with the normal requirements of in-person public participation.

The health and well-being of our residents is the top priority for the City of Lynwood and you are urged to take all appropriate health safety precautions. To that end, out of an abundance of caution members of the public wishing to participate will be able to do so telephonically. In order to participate via telephone please follow the steps below:

1. Dial any of the following phone numbers (213) 306-3065, (720) 650-7664, (206) 207-1700. (If any of the numbers ring busy please proceed to call the next phone number provided)
2. Dial in the following access code to be connected to the meeting 625-816-621; password 5969

***ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR THE ITEMS ON THE AGENDA MAY DO SO AS FOLLOWS:**

1. **Email:** You can email comments to cityclerk@lynwood.ca.us no later than three (3) hours before the start of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.
2. **Telephone:** You can record your comments at (310) 603-0220 Ext. 520 no later than three (3) hours before the start of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

Lynwood City Council and staff thank you for your continued patience and cooperation during these unprecedented times. If you have any questions related to participation in the City Council Meeting please call (310) 603-0220 Ext. 214.

Thank you



AVISO ESPECIAL Y URGENTE ELIMINANDO LA PARTICIPACIÓN PÚBLICA EN PERSONA EN LAS REUNIONES DEL CONSEJO DE LA CIUDAD DE LYNWOOD

Estos son tiempos sin precedentes. El presidente, el gobernador, y la ciudad de Lynwood han declarado un estado de emergencia como resultado de la amenaza de COVID-19 (también conocido como el “coronavirus”). El gobernador también emitió la Orden Ejecutiva N-29-20 que ordena a los californianos que sigan las directivas de salud pública, incluyendo la cancelación de todas las reuniones grandes. La Orden Ejecutiva también levanta la estricta restricción a la ley Brown Act con respecto a los requisitos de teleconferencia y permite a los oficiales legislativos locales conducir sus reuniones sin cumplir con los requisitos normales de participación pública en persona.

La salud y el bienestar de nuestros residentes es la máxima prioridad para la Ciudad de Lynwood y se le recomienda que tome todas las precauciones de seguridad de salud apropiadas. Con ese fin, por precaución los miembros del público que deseen participar podrán hacerlo por teleconferencia. Para participar por teléfono, siga estos pasos:

1. Marque cualquiera de los siguientes números de teléfono (213) 306-3065, (720) 650-7664, (206) 207- 1700. (Si alguno de los números suena ocupado, llame al siguiente número de teléfono proporcionado)
2. Marque el siguiente código de acceso para conectarse a la reunión 625-816-621; contraseña 5969

CUALQUIER MIEMBRO DEL PÚBLICO QUE DESEE PROPORCIONAR COMENTARIOS PÚBLICOS SOBRE LOS PUNTOS DEL ORDEN DEL DÍA PUEDE HACERLO DE LA SIGUIENTE MANERA:

1. **Correo electrónico:** puede enviar sus comentarios por correo electrónico a cityclerk@lynwood.ca.us a más tardar tres (3) horas antes de la junta el día de la reunión. Identifique el elemento de la Agenda que desea abordar en sus comentarios. Sus comentarios serán leídos en el registro.

2. **Teléfono:** puede grabar sus comentarios al (310) 603-0220 ext. 520 a más tardar tres (3) horas antes de la junta el día de la reunión. Identifique el elemento de la Agenda que desea abordar en sus comentarios. Sus comentarios serán leídos en el registro.

El Ayuntamiento y el personal de Lynwood le agradecen por sus continuos paciencia y cooperación durante estos tiempos sin precedentes. Si tiene alguna pregunta relacionada con la participación en la Reunión del Consejo de la Ciudad, llame al (310) 603-0220 Ext. 214

Gracias