

CITY OF ARCADIA

City Council Regular Meeting Agenda



Tuesday, January 18, 2022, 7:00 p.m.

Location: City Council Chambers, 240 W. Huntington Drive, Arcadia

COVID-19 NOTICE

This meeting of the Arcadia City Council will take place in a hybrid format. Pursuant to the Brown Act and AB 361, the City Council may meet virtually or in-person. This meeting is open to the public for in-person attendance and public comment; however, the public is also welcome to view City Council Meetings as they take place on the City's website at ArcadiaCA.gov/livegov or on ACTV (check your local listings), and to submit public comment as outlined below. In-person attendance is subject to Los Angeles County Department of Public Health regulations for COVID-19 mitigation. The City of Arcadia reserves the right to limit or deny access to City facilities. The use of face coverings is required for in-person attendance.

新冠病毒 (COVID-19) 通知

阿卡迪亚市议会的这次会议将以混合形式举行。根据《布朗法案》和 AB 361 的规定，市议会会议可采用虚拟形式或面对面形式举行。本次会议向公众开放，公众可现场出席和提出意见；但同时欢迎公众通过市政府网站 ArcadiaCA.gov/livegov 或 ACTV（请查看您所在地的电视频道列表）参加会议，并按照以下说明提交意见。现场出席须遵守洛杉矶县公共卫生部关于缓解新冠病毒疫情的规定。阿卡迪亚市保留限制或拒绝进入市政府设施的权利。现场出席会议时须佩戴口罩。

How to Submit Public Comment:

Citizens who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a blue Public Comment Speaker Card, indicating the agenda item number and place it in the Public Comment Drop Box located next to the podium in the City Council Chambers. Your card must be submitted before the Mayor calls for public comments, including for Public Hearings, as listed on the posted agenda. Cards submitted after the Mayor calls for public comments will not be accepted. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.
2. **Phone:** A conference line has been established for public comment. Your call will be recognized in the order it was received. Please keep your phone on MUTE until you are recognized for public comment.

Conference Line: (669) 224-3412
Access Code: 604-838-893#

Electronic submission of Public Comment is also available via the City's website or by email as noted below. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

1. **Website:** Please submit your comments using our online public comment form at ArcadiaCA.gov/comment. Your comments must be received at least 30 minutes prior to the posted meeting time.
2. **Email:** Please submit your comments via email to CityClerk@ArcadiaCA.gov. Your comments must be received at least 30 minutes prior to the posted meeting time.

Please contact the City Clerk's Office at CityClerk@ArcadiaCA.gov or at (626) 574-5455 for more information.

如何提交公众评论意见:

公民可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见。

1. **亲自:** 填写一张蓝色的公众评论意见发言人卡, 注明议程项目编号, 投入市议会会议厅内讲台旁的公众评论意见投递箱。发言人卡必须按发布议程之规定在市长征求公众评论意见(包括听证会)之前提交。凡市长征求公众评论意见后才提交的发言人卡将不予接受。每位发言人的发言时间不得超过五(5)分钟。市长可自行决定缩短发言时限, 以便允许所有发言人在市议会发言。
2. **电话:** 已经为公众提交评论意见设立一条会议专线。将按先后顺序接听您打来的电话。您应当将您的电话设为“静音”, 直至轮到您提出评论意见。

会议专线: (669) 224-3412
接入代码: 604-838-893#

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录, 但会在会议开始前转交给市议会, 供市议会考虑。

1. **网站:** 请使用以下网站中刊载的在线公众评论意见表提交您的评论意见: ArcadiaCA.gov/comment。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
2. **电子邮件:** 请将您的评论意见通过电子邮件发送至: CityClerk@ArcadiaCA.gov。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

详情请洽市书记官办公室, 电子邮件 CityClerk@ArcadiaCA.gov, 电话号码 (626) 574-5455。

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》, 需要调整或提供便利设施才能参加会议的残障人士(包括辅助器材或服务)可与市书记官办公室联系(电话: (626) 574-5455)。请在会前 48 小时通知市书记官办公室, 以便作出合理安排, 确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策, 英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系(电话: (626) 574-5455), 请求提供志愿或专业翻译服务, 请至少在会前 72 小时提出请求。

1. CALL TO ORDER

2. INVOCATION

Pastor Terrence Shay, First Chinese Baptist Church of Walnut/Arcadia Resident

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL OF CITY COUNCIL MEMBERS

Sho Tay, Mayor
Paul P. Cheng, Mayor Pro Tem
Tom Beck, Council Member
April A. Verlato, Council Member

5. FINDINGS TO ESTABLISH TELECONFERENCE MEETINGS UNDER AB 361 AND RELATED ACTIONS

- a. Acting on behalf of the Governing body of the City of Arcadia, and on behalf of boards and commissions for which the City Council has created, and are subject to the Brown Act: find in accordance with Assembly Bill (AB) 361 Section 3(e)(3), California Government Code Section 54953(e)(3) that the City Council has reconsidered the circumstances of the State of Emergency due to the COVID-19 pandemic and that the State of Emergency remains active and that local officials continue to recommend measures to promote social distancing; and instruct the City Manager to place on the meeting agendas for the City Council and the agendas for those entities for which the City Council has created, not more than 30 calendar days after these findings are adopted, an agenda item entitled "Findings to Continue Teleconference Meetings under AB 361 and Related Actions," and include these same findings for adoption, and continue to do so not more than 30 calendar days after each time these findings are adopted until instructed to cease doing so.
Recommended Action: Make Findings

6. REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS

7. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS

8. MOTION TO READ ALL ORDINANCES AND RESOLUTIONS BY TITLE ONLY AND WAIVE THE READING IN FULL

9. APPOINTMENTS

- a. Mayor and City Council appointments to fill various unexpired terms on outside Governmental Agencies
Recommended Action: Make Appointments

10. PUBLIC HEARING

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card noting the agenda item number and provide it to the City Clerk prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council) each speaker is limited to five (5) minutes per person unless waived

by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, in the discretion of the City Council.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- a. Statement of Objectives and Projects for use of Community Development Block Grant ("CDBG") Funds for Fiscal Year 2022-23.
Recommended Action: Approve

11. PUBLIC COMMENTS (5-minute time limit each speaker)

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

12. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).

13. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that a specific item be removed from the Consent Calendar for separate discussion and action.

- a. Special Meeting Minutes of December 9, 2021, and Regular Meeting Minutes of December 21, 2021.
Recommended Action: Approve
- b. Donation in the amount of \$5,000 from the Richard C. Seaver Trust for the purchase of books for the Arcadia Public Library.
Recommended Action: Accept
- c. Final Tract Map No. 73913 with a categorical exemption under the California Environmental Quality Act ("CEQA") for a six-unit multi-family residential condominium subdivision at 1027 Arcadia Avenue.
Recommended Action: Approve
- d. Grant Award from the U.S. Department of Homeland Security – State Homeland Security Assistance Program ("SHSP") for the reimbursement of in-car mobile radio costs in the amount of \$39,770.
Recommended Action: Approve
- e. Professional Services Agreement with Southland Sports Officials to provide Basketball Officiating Services for Basketball Leagues from January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 in an amount not to exceed \$50,800.
Recommended Action: Approve

- f. Accept all work performed by Gentry Brothers, Inc. for the Live Oak Avenue Rehabilitation improvements from Santa Anita Avenue to the Easterly City Limits as complete.

Recommended Action: Approve

14. CITY MANAGER

- a. Appeal of the Business Permit and License Review Board's Decision to revoke the Business License for Saybrook Media Group Inc. at 529 Las Tunas Drive and if the decision is to uphold the Board's decision, adopt Resolution No. 7394.

Recommended Action: Adopt

- b. Ordinance No. 2384 Amending the Arcadia Municipal Code by adding Sections 4290.2, 4290.3, 4290.4 and 4294 to Part 9 of Chapter 2 of Article IV ("The Public Welfare, Morals and Policy Code") with an exemption from the California Environmental Quality Act ("CEQA"), to establish smoking prohibitions for Multi-Family Residential Units, Commercial and Retail entryways, and Outdoor Dining facilities.

Recommended Action: Introduce

- c. Notification of the establishment of the Arcadia Parks Foundation to benefit the Recreation and Community Services Department.

Recommended Action: Receive and File

15. ADJOURNMENT

The City Council will adjourn this meeting in memory of longtime Arcadia resident and former staff member Ray Petterson to Tuesday, February 1, 2022, 6:00 p.m. in the City Council Conference Room.

Welcome to the Arcadia City Council Meeting!

The City Council encourages public participation, and invites you to share your views on City business.

MEETINGS: Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall, the Arcadia Library, and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (CityClerk@ArcadiaCa.gov). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please submit a **Speaker Card** to the City Clerk prior to your comments, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record. Please provide the City Clerk with a copy of any written materials used in your address to the City Council as well as 10 copies of any printed materials you would like distributed to the City Council. The use of City equipment for presentations is not permitted.

MATTERS NOT ON THE AGENDA should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given five (5) minutes to address the City Council; however, the Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the City Council. **By State law, the City Council may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response or will be placed on the agenda of a future meeting.**

MATTERS ON THE AGENDA should be addressed when the City Council considers that item. Please indicate the Agenda Item Numbers(s) on the **Speaker Card**. Your name will be called at the appropriate time and you may proceed with your presentation within the five (5) minute time frame. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council.

PUBLIC HEARINGS AND APPEALS are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), speakers shall be limited to five (5) minutes per person. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council. The applicant may additionally submit rebuttal comments.

AGENDA ITEMS: The Agenda contains the regular order of business of the City Council. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the City Council can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine by the City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

DECORUM: While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, shall serve as the Sergeant-at-Arms of the City Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

欢迎参加阿凯迪亚市议会会议!

市议会鼓励公众参与，并邀请您分享对城市管理的看法。

会议：市议会定期会议于每个月第一个和第三个星期二下午七时在市议会会议厅举行。在市政厅、阿凯迪亚图书馆和市政府网站 (www.ArcadiaCa.gov) 可以找到包含所有相关信息的完整市议会议程。单独的议程报告可应请求通过电子邮件索取 (CityClerkGeneralMailbox@ArcadiaCa.gov)。至于在发布该议程后向市议会多数成员分发的文件，公众可在阿凯迪亚市书记官办公室查阅，地址：240 W. Huntington Drive, Arcadia, California。市议会会议实况将通过有线电视进行现场直播和回放。如在以往的通知中所提示，如果您参加这次公开会议，您的图像和/或声音可能被录下并播出。

公民参与：市议会欢迎并邀请您参加市议会的所有会议。在每次定期会议上都为那些希望在会上发言的市民留出时间。市政府要求在市议会发言的人杜绝个人攻击、诽谤、亵渎或破坏性言论。如有可能，请在发表意见之前向市书记官提交一张**发言卡**，亦可在市长宣布自由发言时直接上台发言，并说出您的姓名和地址（如果您愿意），以便制作会议记录。请向市书记官提供一份您在发言中使用的任何书面材料，以及 **10** 份您希望分发给市议会的任何印刷材料。不允许把市政府设备用于准备发言内容。

议程之外的事项应当在指定的“公众评议”时间提出。在一般情况下，每位发言者将有五（5）分钟时间向市议会陈述意见，但市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。**根据州法，市议会不得讨论或表决未列入议程的事项。此类事项将自动转给工作人员采取适当行动或作出回应，或将其列入未来会议的议程。**

列入议程的事项应当在市议会审议该事项时讨论。请在**发言卡**上标明事项的议程编号。在适当的时间会叫到您的名字，您可以在五（5）分钟时限内发言。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。

公开听证和上诉是为需要或希望征求公众意见的事项安排的日程。除申请人外（市议会可酌情决定延长申请人的发言时间），每位发言人的发言不得超过五（5）分钟。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。申请人还可以另外提交反驳意见。

议程事项：议程包含市议会的例行议题。一般而言，由市政府工作人员在会议前对议程中的事项进行审查和调查，以便市议会在作出决定之前能够充分了解情况。

同意日历：在同意日历上列出的事项被市议会视为例行公事，并将通过一项动议采取行动。除非市议员、工作人员或公众提出请求，否则不会对这些事项进行单独讨论。如果有人提出请求，该事项将从同意日历中删除，单独进行审议和采取行动。

行为规范：尽管市民可对市政府的政策和市议会或其成员的行动或拟议行动自由地提出批评，但不得出现干扰会议正常秩序的行为，包括但不限于在别人的发言时间内阻止别人发言，或妨碍公众听到发言内容或看到议程进展状况。市民亦不得威胁进行身体伤害或以可能被合理理解为作出身体伤害紧迫威胁的方式行事。所有出席会议的人都必须遵守市政府的反骚扰政策，禁止基于个人种族、宗教信仰、肤色、原国籍、祖籍、身体残障、疾病、婚姻状况、性别、性取向或年龄骚扰他人。警察局长或警察局其他成员将担任维持市议会会议秩序的保安官。保安官将执行会议主持人的一切命令和指示，以维持会议秩序和行为规范。对任何违反会议秩序和行为规范的人可执行拘捕，并可能根据《刑法典》第 403 条或《阿凯迪亚市政法典》相关条款提出起诉。



STAFF REPORT

Office of the City Clerk

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Michael Bruckner, Deputy City Manager

SUBJECT: MAYOR AND CITY COUNCIL APPOINTMENTS TO FILL VARIOUS UNEXPIRED TERMS ON OUTSIDE GOVERNMENTAL AGENCIES
Recommendation: Make Appointments

SUMMARY

Each year following the City Council reorganization, the Mayor makes appointments to City boards, commissions, and outside governmental agencies. The attached Council Member Liaison List (Exhibit "A") reflects those boards, commissions, and outside agencies that Mayor Tay has assigned to each City Council Member to serve on beginning May 5, 2021, and continuing through May 3, 2022.

Due to the current vacancy on the City Council, the Mayor and City Council should consider making appointments to following outside agencies, which were previously assigned to Council Member Chandler:

1. Foothill Transit Authority and Metro Gold Line Phase II JPA/Foothill Gold Line

The authority to assign this position rests with the Mayor. Mayor Po Tem Cheng served as the alternate under Council Member Chandler. Mayor Tay has affirmed Mayor Pro Tem Cheng's appointment to serve as the delegate and indicated he will serve as the alternate.

2. LA County Sanitation Districts 15 and 22

Mayor Tay currently serves as the delegate, since the Mayor is automatically the delegate for this position. There currently is no alternate assigned. The Mayor can appoint an alternate or take no action. Mayor Tay recommends no action be taken, leaving him as the sole delegate.

3. San Gabriel Valley Mosquito and Vector Control District

The City Council can appoint a representative to the Board and the District bylaws do not allow for an alternate. Mayor Tay has expressed interest in appointment to the Board. The City Council can elect a Council Member for this position or can choose any other interested City resident.

4. LA County Metro Transit Authority/San Gabriel Valley Service Council

This position represents the Cities of Arcadia, El Monte, and Temple City. The Board has reached out to the affected Mayors and City Managers seeking a joint nomination. Once the Cities agree on a nominee, a nomination letter must be submitted to the Board for appointment. The City Council can nominate a current City Council Member from any of three cities listed. The Mayor from the City of El Monte has expressed interest in filling the position.

5. Foothill Unity Center Board

Currently, former Mayor and current Arcadia resident Gary Kovacic is the City's representative on the Foothill Unity Center Board and sits as the Board President. His term expires on February 2, 2022. Mr. Kovacic has expressed interest in being reappointed. The City Council may reappoint Mr. Kovacic or choose an alternative from the City Council or a resident of the City at-large. Mayor Tay recommends that Mayor Pro Tem Cheng be considered for appointment.

ENVIRONMENTAL ANALYSIS

This proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

There is no fiscal impact to the City's budget as a result of these appointments. Several of these positions provide stipends to the appointees for meeting preparation, travel, and attendance, in accordance with the bylaws of those agencies.

RECOMMENDATION

It is recommended that the Mayor and City Council make appointments to fill the unexpired terms on outside agencies.

Attachment: Exhibit "A" – Council Member Liaison List 2021-22

Exhibit "A"

**CITY OF ARCADIA
COUNCIL MEMBER LIAISON LIST
January 18, 2022**

	Meeting Date/Time	Delegate	Alternate
Arcadia Beautiful Commission	Meetings are scheduled as needed	Paul Cheng	n/a
Arcadia Museum Commission	1 st Wednesday of every other month at 5:00 pm	April Verlato	n/a
Human Resources Commission	2 nd Thursday at 5:30 pm	Sho Tay	n/a
Library Board of Trustees	3 rd Thursday at 4:30 pm	Paul Cheng	n/a
Planning Commission	2 nd and 4 th Tuesday at 7:00 pm	Tom Beck	n/a
Recreation Commission	2 nd Wednesday at 6:00 pm	Sho Tay	n/a
Senior Citizen's Commission	1 st Thursday at 4:00 pm	Paul Cheng	n/a
Arcadia Council PTA	Meetings called as needed	April Verlato	Tom Beck
Chamber of Commerce	2 nd Tuesday at 8:00 am	Paul Cheng	Sho Tay
Foothill Workforce Development Board	Meetings called as needed	Sho Tay	n/a
Foothill Transit Authority	Meetings called as needed	Paul Cheng	Sho Tay
Foothill Unity Center Board	Meetings called as needed	Gary Kovacic (exp 2/22/22)	n/a
L.A. County Division of the League	1 st Thursday at 7:00 pm (January, March, June, August & December)	Sho Tay	Paul Cheng
L.A. County Sanitation District ** (Districts 15 and 22)	4th Wednesday at 1:30 pm	Sho Tay	n/a
L.A. County City Selection Committee *	on call	Sho Tay	Paul Cheng
Metro Gold Line Phase II JPA	2nd Thursday at 11:30 am (Dark in August)	Paul Cheng	Sho Tay
San Gabriel Valley Council of Governments	3rd Thursday at 4:00 pm	April Verlato	Paul Cheng
San Gabriel Valley Mosquito and Vector Control District ***	2nd Friday at 7:00 am	Sho Tay (exp 1/1/23)	n/a
Southern California Association of Governments	1st Thursday in May	Sho Tay	Paul Cheng
Clean Power Alliance	1st Thursday of each month at 1:00 pm	Sho Tay	Dominic Lazzaretto

*The Mayor and Mayor Pro Tem have traditionally been named the Delegate and Alternate for the L.A. County City Selection, but not required.

**The Delegate to the Sanitation District must be the Mayor, but either the Delegate or Alternate may attend the meetings.

***In November 2018, the City Council appointed Council Member Chandler to a 4-year term – term ends January 2023.

Agencies **highlighted** require Annual Form 700 filings and AB 1234 Training Certificates



STAFF REPORT

Development Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Tim Schwehr, Economic Development Manager
By: Janessa Kalanjian, Administrative Assistant

SUBJECT: STATEMENT OF OBJECTIVES AND PROJECTS FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) FUNDS FOR FISCAL YEAR 2022-23
Recommendation: Approve

SUMMARY

The overall goal of the Community Development Block Grant (“CDBG”) program is to provide assistance to low- and moderate-income families and individuals by enabling them to participate in various local community activities and to eliminate blighted or substandard housing conditions. The Los Angeles County Development Authority (“LACDA”) has advised that the City of Arcadia will receive an estimated \$336,589 in CDBG funds for Fiscal Year 2022-23, consisting of \$299,617 in new funding and \$36,972 in carry-over funds from the prior fiscal year. Following City Council approval, the proposed project summaries and budgets must be submitted to the LACDA.

It is recommended that the City Council approve the projects set forth in this report for Fiscal Year 2022-23, which include the Home Improvement Program, Congregate Meals for Seniors Program, and the Information and Referral Services for Seniors Program.

BACKGROUND

Since 1974, the City has been a participant in the Los Angeles Urban County’s Community Development Block Grant Program. The CDBG funds come from the U.S. Department of Housing and Urban Development (“HUD”) and are administered by the Los Angeles County Development Authority (“LACDA”) for participating cities in the County, including Arcadia. Use of these funds is restricted in order to meet the objectives of assisting low- and moderate-income families and improving disabled accessibility. Federal regulations allow for a 20% maximum of a grantee’s anticipated annual allocation to be used for Public Service programs. The balance of the annual funds must be directed towards projects that support and benefit low- and moderate-income families and individuals or the homeless.

DISCUSSION

The total estimated allocation for Fiscal Year 2022-23 is \$299,617. Additionally, there is an unspent balance of \$36,972 from the prior fiscal year which is proposed to be utilized in Fiscal Year 2022-23 for a total budget amount of \$336,589. The following table is a summary of the funding for the current Fiscal Year 2021-22 projects, and for the recommended projects and funding for Fiscal Year 2022-23:

Projects	Current FY 2021-22	Proposed FY2022-23
Home Improvement Program	\$242,457	\$269,271
<u>Public Service Projects</u>		
Congregate Meals for Seniors	\$40,067	\$46,770
Info. & Referral Services for Seniors	\$20,548	\$20,548
Totals	\$303,072	\$336,589

The proposed Fiscal Year 2022-23 CDBG budget will fund the following program activities:

Home Improvement Program

Since 1974, the Home Improvement Program (“HIP”) has been comparatively the largest of the City’s CDBG programs; having provided assistance to more than 500 low- and moderate-income homeowners. Currently, the HIP provides a maximum grant of \$20,000 for single-family homes and \$15,000 for condominiums to benefit income-qualified homeowners by providing needed home improvements and repairs such as painting, roofing, specific modifications for property owners with special needs, and energy-efficiency improvements. As a condition of the program, participants are expected to keep the property for at least three years and are required to sign an agreement to reimburse the City for the entire grant amount should the property be sold, or if the title is transferred within the three-year period. This agreement is recorded on the property deed and the homeowner is required to pay back the full grant amount to the City prior to closing escrow. The HIP has proven to be a positive and successful program in improving and maintaining aging building stock throughout the City.

On average, approximately ten income-qualified homeowners in Arcadia receive grants each year through this program. For the current fiscal year, the City is on pace to issue a total of nine home improvement grants consisting of grants for seven single-family homes and two owner-occupied condominiums. The recommended level of funding for the Home Improvement Program for Fiscal Year 2022-23 is \$269,271. Of these funds, 20% (\$53,854) is allowed to be used for administration of this program and will cover the cost of a consultant and staff time. It is anticipated that this funding will allow the City to assist approximately 10 income-qualified homeowners during the next fiscal year. Interest in the program has risen substantially in the past year, as enhanced outreach has led to more awareness of the program among residents in need of assistance.

Congregate Meals for Senior Citizens – (Public Service Project)

This Program is one of two public service projects funded for the current Fiscal Year, which cumulatively cannot exceed a total of 20% of the total annual CDBG allocation. This is an ongoing program that provides senior citizens with a nutrition program featuring mid-day hot meals, Monday through Friday, at the Community Center. The proposed funding of this project for Fiscal Year 2022-23 is \$46,770. It is anticipated that approximately 20,500 meals will be served during the next Fiscal Year. In the event adjustments to this program become necessary due to changes in COVID-19 health restrictions, any unspent funds will be carried-over for use in Fiscal Year 2023-24.

Information and Referral Services for Senior Citizens – (Public Service Project)

The Information and Referral Services program provides senior citizens with information that is essential for maintaining independent and healthy lifestyles. Services include assistance with government benefits (e.g., Medicare/Medi-Cal and Social Security) housing assistance, transportation, legal assistance, in-home services, health services, and educational opportunities. With a proposed budget of \$20,548, the current level of service can be maintained, which will serve approximately 700 clients during Fiscal Year 2022-23. In the event adjustments to this program become necessary due to changes in COVID-19 health restrictions, any unspent funds will be carried-over for use in Fiscal Year 2023-24.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA per Section 15061(b)(3) of the CEQA Guidelines.

FISCAL IMPACT

All CDBG funding comes from HUD. However, CDBG project appropriations are included in the operating budget, and are subject to City Council approval prior to the expenditures. The funding amount is similar to prior years and will maintain existing service levels for each of the City’s three on-going CDBG funded programs.

RECOMMENDATION

It is recommended the City Council determine that this action does not constitute a project and is therefore exempt under the California Environmental Quality Act (“CEQA”); approve the Statement of Objectives and Projects for use of Community Development Block Grant (“CDBG”) Funds for Fiscal Year 2022-23; and authorize and direct the City Manager to modify the project allocations should amendments become necessary, and

execute a Memorandum of Understanding with the Los Angeles County Development Authority ("LACDA").

Approved:



Dominic Lazzaretto
City Manager

**ARCADIA CITY COUNCIL
SPECIAL MEETING MINUTES
THURSDAY, DECEMBER 9, 2021**

CALL TO ORDER - Mayor Tay called the Special Meeting to order at 10:00 a.m.

ROLL CALL OF CITY COUNCIL MEMBERS

PRESENT: Beck, Verlato, Cheng, and Tay
ABSENT: None

PUBLIC COMMENTS - No one appeared.

OPEN SESSION TO THE PUBLIC

- a. Interview potential Candidates for Appointment to fill the unexpired term of City Council Member District 5; Report, discussion, and direction regarding Appointment to fill the unexpired term of City Council for District 5; or adoption of resolutions relating to an All-Mail Ballot Special Municipal Election to be held on Tuesday, April 12, 2022.

Resolution No. 7397 calling and giving notice of an All-Mail Ballot Special Municipal Election to be held in City Electoral District 5 on Tuesday, April 12, 2022, to fill a vacancy on the City Council as required by the provisions of the City Charter and the laws of the State of California relating to Charter Cities.

Recommended Action: Adopt

Resolution No. 7398 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an All-Mail Ballot Special Municipal Election to be held on Tuesday, April 12, 2022.

Recommended Action: Adopt

Resolution No. 7399 requesting the Board of Supervisors of the County of Los Angeles to render full services to the City relating to the conduct of an All-Mail Ballot Special Municipal Election to be held on Tuesday, April 12, 2022, to fill a vacancy on the City Council.

Recommended Action: Adopt

City Manager Lazzaretto noted for the record that Council Member Verlato had indicated that one of the candidates, Dr. Michael Cao, is an active client of hers and based on the facts, it was concluded that there is a potential conflict of interest. It was recommended that Council Member Verlato recuse herself from deliberating on the appointment of Dr. Cao.

Council Member Verlato announced that the City Attorney advised her that she must recuse herself from deliberating on the appointment of Dr. Michael Cao as a candidate for the District 5 vacancy.

The purpose of this Special Meeting was to interview potential candidates for appointment to the vacant City Council seat representing District 5.

The City Council interviewed eleven (11) potential candidates for appointment.

Council Member Verlato left the room during the interview of Dr. Michael Cao, and was present for all other interviews.

Thomas Tseng

Joyce Platt
Jason Lee
Tommy Thai
Michael Cao
Flora Tan
Eileen Wang
Terrence Shay
Angela Hui
Larry Steimle

At the conclusion of the interviews, Council Member Verlato recused herself and the remaining Council Members began deliberation.

After discussion, a motion was made by Council Member Beck to stop considering Dr. Cao as a candidate.

A substitute motion was made by Mayor Pro Tem Cheng, and seconded by Mayor Tay, to continue to consider Dr. Cao as a candidate.

AYES: Cheng, Tay
NOES: Beck
ABSENT: None

After further discussion a motion was made by Mayor Pro Tem Cheng, and seconded by Mayor Tay, to continue the hearing to 9:30 a.m. on December 10, 2021, and requested that staff provide a transcript of the question and answer section of all candidates regarding questions relating to the November 2022 election, and email those transcripts to City Council prior to the continued hearing at 9:30 a.m. on December 10, 2021.

AYES: Cheng, Tay and Beck
NOES: None
ABSENT: None

The Special Meeting recessed at 4:14 p.m. to Friday, December 10, 2021, at 9:30 a.m.

CALL TO ORDER - Mayor Tay called the Continued Special Meeting to order at 9:30 a.m. on Friday, December 10, 2021.

ROLL CALL OF CITY COUNCIL MEMBERS

PRESENT: Beck, Cheng, and Tay
ABSENT: Verlato

City Manager Lazzaretto noted for the record that Council Member Verlato recused herself from this portion of the meeting due to a conflict of interest and will join the meeting after deliberation on the appointment of Dr. Michael Cao.

Mayor Tay read into the record and commented on the email submitted by Stephen Dai regarding the City Council District 5 vacancy.

In response to Mayor Tay's comments, Council Member Beck indicated that his reason for inquiring whether applicants own property and businesses in the City is to avoid conflicts of interest. After discussion, a motion was made by Mayor Pro Tem Cheng, and seconded by Mayor Tay, to appoint Dr. Michael Cao to fill the unexpired term of City Council Member in District 5.

AYES: Cheng and Tay
NOES: Beck
ABSENT: Verlato

The motion failed on a 2-1 vote; the City Charter requires three affirmative votes to fill the vacancy. Given no further action, it was deemed that Dr. Cao would be excluded from further consideration.

The City Council recessed at 9:54 a.m. and reconvened at 9:59 a.m.

Council Member Verlato arrived at 9:59 a.m.

Discussion ensued and the City Council provided their recommendations of potential candidates to fill the vacancy in City Council District 5.

The City Council recessed at 11:15 a.m. and reconvened at 11:23 a.m.

The City Council provided their reasons why each of their recommended candidates is qualified to fill the vacancy.

The City Council recessed at 11:58 a.m. and reconvened at 1:03 p.m.

Angela Hui appeared and expressed her reasons why she feels she is the most qualified candidate to fill the unexpired term.

After City Council discussion, a motion was made by Mayor Pro Tem Cheng, and seconded by Mayor Tay, to adopt resolutions relating to an All-Mail Ballot Special Municipal Election to be held on Tuesday, April 12, 2022.

AYES: Cheng, Tay
NOES: Beck, Verlato
ABSENT: None

The motion failed on a 2-2 vote.

The Continued Special Meeting recessed at 2:12 p.m. to Monday, December 13, 2021, at 6:00 p.m.

CALL TO ORDER - Mayor Tay called the Continued Special Meeting to order at 6:00 p.m. on Monday, December 13, 2021

ROLL CALL OF CITY COUNCIL MEMBERS

PRESENT: Beck, Verlato, Cheng, and Tay
ABSENT: None

City Manager Lazzaretto noted that today is the 30-day deadline for the City Council to select an applicant to fill the District 5 vacancy or proceed with a Special Election per the City Charter.

Mayor Pro Tem Cheng shared a story and his feelings that he wants the City Council to leave what has happened in the past in the past and to move forward so that they may come into agreement together.

Council Member Beck announced that he apologized to Mayor Pro Tem Cheng following the December 10 Special Meeting for things that he said; he further announced his reasoning as to why he would not vote for a Special Election.

City Manager Lazzaretto recommended that Mayor Tay proceed with public comments.

PUBLIC COMMENTS:

Joyce Platt, a District 5 candidate, provided her condolences to the Chandler family, made a public apology to Mayor Tay, and asked that they move on from the 2018 election and move forward in a positive direction.

Stephen Dai, an Arcadia resident of District 5, addressed his concern for the selection of the interim City Council Member for District 5; he expressed his frustration with Council Member Beck for not recognizing Angela Hui as she has been involved in many City activities; he further announced his frustration for the City Council Members not advising the candidates that they would be disqualified if they planned on running in the November 2022 election.

Council Member Verlato asked Stephen Dai if he voted in the 2018 election.

Stephen Dai responded that he did not vote in the 2018 election, but he will vote in the 2022 election.

Jeannie Wang, an Arcadia resident of District 5, addressed her concern with the selection process.

Council Member Verlato asked Jeannie Wang if she voted in 2018 election.

Jeannie Wang responded that she did not vote, but her family did, and advised that she plans on voting in the 2022 election.

Lucy Zhang, an Arcadia resident of District 5, addressed Council Member Verlato and stated that she did not vote in 2018 as she had just moved to the City of Arcadia, but she will be voting in the 2022 election; she expressed her frustration with the selection process and recommended that City Council move forward with a Special Election so that the residents of District 5 can make the decision.

Ricky Lau, an Arcadia resident of District 5, expressed that he would like to have the residents of District 5 select the candidate to represent their own District.

Edmund Liu, an Arcadia resident of District 5, expressed his concern with Council Member Verlato providing voters personal information on Facebook; he asked Council Member Verlato to disclose her reasoning for asking public comments speakers if they voted in the 2018 election as he did not find it necessary for her to release their voter information.

Council Member Verlato responded and stated that the voter registration information is public record; she further responded about why she asked the public speakers if they had voted in the 2018 election as she would take those comments into stronger consideration than those that have not voted or are planning to vote in the next election.

Mayor Tay thanked Joyce Platt for all of her volunteer time and expressed that he has no ill feelings for her and appreciates her apology.

The City Council recessed at 6:43 p.m. break and reconvened at 6:48 p.m.

Council Member Beck responded to the comments by speaker Stephen Dai and clarified his reasoning for not selecting an applicant who planned on running in the November election; he further

addressed that he stated that he did not really know Angela Hui, and that is merely due to the fact he had never worked with her like other Council Members.

City Manager Lazzaretto clarified that if the City Council calls for a Special Election that it would take place in April 2022; he further explained that there are many very important decisions that need to be made prior to April 2022, such as redistricting, the housing element, and a City Charter review.

Mayor Tay asked to proceed with deliberations.

After discussion, Council Member Beck made a motion, seconded by Council Member Verlato, to appoint Joyce Platt to fill the unexpired term of City Council Member in District 5.

AYES: Beck, Verlato,
NOES: Cheng, Tay
ABSENT: None

The motion failed on a 2-2 vote; the City Charter requires three affirmative votes to fill the vacancy.

Mayor Pro Tem Cheng shared the reason that he believes that City Council should leave it up to the residents to select the candidate to represent their district; he further stated that Joyce Platt is a great person and he even recommended to her to run in the Special Election in April 2022, if that is what was voted on.

Council Member Verlato made a motion, seconded by Council Member Beck, to appoint Angela Hui to fill the unexpired term of City Council Member in District 5.

Mayor Pro Tem Cheng stated that a Special Election should not be a bad thing.

Council Member Beck stated that he is not putting his finger on the scale as Angela Hui was one of his top picks as she had stated that she does not plan to run in the November election.

AYES: Verlato, Beck
NOES: Tay
ABSTAIN: Cheng
ABSENT: None

The motion failed on a 2-1 vote, with 1 abstention; the City Charter requires three affirmative votes to fill the vacancy.

Council Member Verlato expressed the reason that she made a motion for Angela Hui.

Mayor Pro Tem Cheng stated that he received a lot of emails with a lot of mean messages about candidates; he further stated that if they just select anyone the residents in District 5 may feel cheated; he further stated that District 5 residents deserve better.

Council Member Beck stated that he was criticized for not knowing Angela Hui; however, he voted for her.

Mayor Pro Tem Cheng made a motion, seconded by Mayor Tay, to call for a Special Election and to incorporate the Resolutions and findings for Resolutions 7397, 7398, and 7399 as read into record on Thursday, December 9, 2021.

AYES: Cheng, Tay
NOES: Beck, Verlato
ABSENT: None

The motion failed on a 2-2 vote.

City Manager Lazzaretto asked the City Council if they would be interested in going into a Closed Session to further discuss legal issues with the City Attorney.

After some discussion, Mayor Tay recommended that City Council move to Closed Session.

Assistant City Attorney Maurer stated for the record that Closed Session would be pursuant to Government Code Section 54956.9(d)(2) [threatened litigation] and the factual circumstances for the Closed Session would be for the City Council not taking action at this meeting.

City Council recessed to Closed Session at 7:52 p.m. and reconvened to the Continued Special Meeting at 8:42 p.m.

City Manager Lazaretto announced that the Closed Session adjourned with no reportable action.

Mayor Pro Tem Cheng suggested that the City Council appoint someone tonight and call for a Special Election.

Council Member Verlato stated that based on what was discussed in Closed Session, that would not be in compliance with the City's Charter.

Assistant City Attorney Maurer stated that the language of the Charter states that, "any vacancy on the City Council shall be filled by a majority vote of the remaining Councilmember within 30 days after the vacancy occurs" and if the City Council fails for any reason to fill such vacancy they shall forthwith call for a Special Election; he then shared his proposed interpretation of the Charter and recommended that if no appointment is made, then a Special Election could be called.

Council Member Beck stated that it is in the best interest of the City to select a representative to fill the vacant position, and it would not be in the best interest of the City to call for a Special Election.

Council Member Verlato stated that she would like to appoint someone and she would not like to propose a Special Election.

Mayor Tay stated that City Council should not go back and forth to select someone by process of elimination, and would like to let District 5 voters select their representative by moving forward with a Special Election.

Council Member Verlato made a motion, seconded by Council Member Beck, to select Angela Hui.

AYES: Verlato, Beck
NOES: Tay
ABSTAIN: Cheng
ABSENT: None


The motion failed on a 2-1 vote, with 1 abstention; the City Charter requires three affirmative votes to fill the vacancy.

Mayor Tay made a motion, seconded by Mayor Pro Tem Cheng, to move forward with a Special Election with the required Resolutions.

AYES: Tay, Cheng
NOES: Beck, Verlato
ABSENT: None

The motion failed on a 2-2 vote.

The Special meeting adjourned at 8:58 p.m.



Rachelle Arellano
Deputy City Clerk

**ARCADIA CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 21, 2021**

CALL TO ORDER – Mayor Tay called the Closed Session Meeting to order at 6:00 p.m.

PUBLIC COMMENTS – No one appeared.

CLOSED SESSION

- a. Pursuant to Government Code Section 54956.9(d)(4) to confer with legal counsel regarding potential litigation – one (1) case

The Closed Session ended at 6:08 p.m.

**Regular Meeting
City Council Chamber, 7:00 p.m.**

1. **CALL TO ORDER** – Mayor Tay called the Closed Session Meeting to order at 7:00 p.m.

2. **INVOCATION** – Reverend Jolene Cadenbach, Arcadia Congregational Church

3. **PLEDGE OF ALLEGIANCE** – City Clerk Gene Glasco

4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Beck, Verlato, Cheng, and Tay
ABSENT: None

5. **REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS**

City Attorney Deitsch announced that prior to the Regular Meeting the City Council met in a Closed Session, and no reportable action was taken.

6. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto referenced a change on Exhibit A to Resolution SA-21 of Successor Agency Item 13.a.; he indicated that the appellant for City Manager Item 14.a. requested an additional continuance for that item and recommended to approve that continuance to the next City Council Meeting.

A motion was made by Council Member Verlato, seconded by Council Member Beck, and carried on a roll call vote to continue City Manager Item 14.a. to the next City Council meeting on January 18, 2022.

AYES: Verlato, Beck, Cheng, and Tay
NOES: None
ABSENT: None

City Manager Lazzaretto, requested to add an emergency item under City Manager Item 14.b. to declare an emergency at Wilderness Park and stated the reasons for the urgency.

A motion was made by Council Member Beck, seconded by Council Member Verlato, and carried on a roll call vote to add the Emergency Proclamation Item 14.b. to the agenda.

AYES: Beck, Verlato, Cheng, and Tay
NOES: None
ABSENT: None

7. MOTION TO READ ALL ORDINANCES AND RESOLUTIONS BY TITLE ONLY AND WAIVE THE READING IN FULL

A motion was made by Council member Beck and seconded by Verlato to read all ordinances and resolutions by title only and waive the reading in full and the City Council concurred.

8. PRESENTATIONS

- a. Presentation of Mayor's Certificates of Recognition to the Arcadia Seabiscuit Tennis Team for winning the USTA National Championship at Orlando, Florida.

9. PUBLIC HEARING

- a. Urgency Ordinance No. 2385 amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Municipal Code related to urban lot splits and two-unit projects ("SB 9") and determining the Ordinance to be statutorily exempt from the California Environmental Quality Act ("CEQA").
Recommended Action: Adopt

Assistant City Manager Kruckeberg presented the Staff Report.

Mayor Tay opened the public hearing. No one appeared.

A motion to close the public hearing was made by Council Member Verlato, seconded by Mayor Pro Tem Cheng, and seeing no objection, Mayor Chandler declared the public hearing closed.

A motion was made by Council Member Verlato, seconded by Mayor Pro Tem Cheng, and carried on a roll call vote to adopt Urgency Ordinance No. 2385 amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Municipal Code related to urban lot splits and two-unit projects ("SB 9") and determining the Ordinance to be statutorily exempt from the California Environmental Quality Act ("CEQA").

AYES: Verlato, Cheng, Beck and Tay
NOES: None
ABSENT: None

10. PUBLIC COMMENTS – No one appeared.

11. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).

Council Member Verlatto thanked all City Council District 5 applicants; she further thanked the Tzu Chi Foundation for the gifts given to the City Council; she wished everyone a happy winter solstice and wished her daughter Caity a happy birthday; and she further wished everyone Happy Holidays and Happy New Year.

Council Member Beck thanked the applicants who applied for the City Council District 5 seat; he further thanked the Tzu Chi Foundation and wished everyone Happy Holidays.

Mayor Pro Tem Cheng shared a story about a dinner he had with Council Members Verlatto and Beck; he thanked April for sharing a story about her father; he further thanked the Arcadia Beautiful Commission and everyone that participated in the Holiday Decoration Awards on December 16; he especially thanked Michael and Lori Cappello for being such great people; he wished Harry Horak a happy 100th birthday; and he further wished everyone a Merry Christmas and Happy Holidays.

City Clerk Gene Glasco wished everyone a Merry Christmas and a happy, healthy, and prosperous New Year.

Mayor Tay shared his thoughts on how important it is to respect other people's opinions; he further shared the philosophy of the Tzu Chi's Foundation, which is "big love," and reminded residents that we are all here so that we can make Arcadia a better place.

12. CONSENT CALENDAR

- a. Regular Meeting Minutes of December 7, 2021.
Recommended Action: Approve

- b. Resolution No. 7382 approving a Memoranda of Understanding establishing compensation and related benefits for employees represented by the Arcadia Fire Fighters' Association and Resolution No. 7401 amending the Fiscal Year 2021-22 General Fund Operating Budget authorizing a budget appropriation for costs associated with adoption of the Memorandum of Understanding.

Resolution No. 7382 approving a Memorandum of Understanding establishing compensation and related benefits for employees represented by the Arcadia Fire Fighters' Association for July 1, 2021, through June 30, 2024.
Recommended Action: Adopt

Resolution No. 7401 amending the Fiscal Year 2021-22 General Fund Operating Budget authorizing a budget appropriation in the amount of \$440,000 for costs associated with the adoption of the Arcadia Fire Fighters' Association Memorandum of Understanding.
Recommended Action: Adopt

- c. Extension to the Professional Services Agreement with Mariposa Landscapes, Inc. for Landscape Maintenance Services in the amount of \$583,222.18.
Recommended Action: Approve

- d. Extension to the Contract with Sheldon Mechanical Corporation for HVAC Preventative Maintenance and Repair Services at various City facilities in the amount of \$151,046.

Recommended Action: Approve

It was moved by Council Member Beck, seconded by Council Member Verlato, and carried on a roll call vote to approve Consent Calendar Items 12.a. through 12.d.

AYES: Beck, Verlato, Cheng, and Tay
NOES: None
ABSENT: None

13. SUCCESSOR AGENCY

- a. Successor Agency Resolution No. SA-20 approving and adopting a Recognized Obligation Payment Schedule and Successor Agency Resolution No. SA-21 approving and adopting a Last and Final Recognized Obligation Payment Schedule.

Successor Agency Resolution No. SA-20 approving and adopting a Recognized Obligation Payment Schedule (“ROPS”) for the period of July 1, 2022, through June 30, 2023, pursuant to Health and Safety Code Section 34177(m).

Recommended Action: Adopt

Successor Agency Resolution No. SA-21 approving and adopting a Last and Final Recognized Obligation Payment Schedule (“ROPS”) for the period of July 1, 2022, through June 30, 2026, pursuant to Health and Safety Code Section 34177(m).

Recommended Action: Adopt

Economic Development Manager Schwehr provided the Staff Report.

A motion was made by Council Member Beck, seconded by Council Member Verlato, to adopt Resolution No. SA-20, and carried on a roll call vote:

AYES: Beck, Verlato, Cheng, and Tay
NOES: None
ABSENT: None

A motion was made by Council Member Verlato, seconded by Council Member Beck, to adopt Resolution No. SA-21, and carried on a roll call vote:

AYES: Verlato, Beck, Cheng, and Tay
NOES: None
ABSENT: None

14. CITY MANAGER

- a. Appeal of the Business Permit and License Review Board’s Decision to revoke the Business License for Saybrook Media Group Inc. at 529 Las Tunas Drive and if the decision is to uphold the Board’s decision, adopt Resolution No. 7394.

Recommended Action: Adopt

At the recommendation of City Manager Lazzaretto and by the consensus of the City Council, this item was continued to the next City Council Meeting on January 18, 2022.

b. Emergency Proclamation – Wilderness Park, Ratify and adopt Resolution No. 7402.

City Manager Lazzaretto provided the Staff Report, stating that the recent heavy rains had inundated Wilderness Park with mud and debris flowing from the Bobcat Fire burn area above the park and that damages were thought to be in the millions of dollars and would require the park to be closed throughout the winter.

A motion was made by Mayor Pro Tem Cheng, seconded by Council Member Beck, to adopt Resolution No. 7402 to declare a state of emergency at Wilderness Park, and carried on a roll call vote:

AYES: Cheng, Beck, Verlato, and Tay
NOES: None
ABSENT: None

15. ADJOURNMENT

The City Council adjourned in memory of former Chamber of Commerce President and Arcadia Association of Realtors' President Gordon Maddock, at 8:10 p.m. to Tuesday, January 18, 2022, at 6:00 p.m. in the City Council Conference Room.



Rachelle Arellano
Deputy City Clerk



STAFF REPORT

Library and Museum Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Darlene Bradley, Director Library & Museum Services

SUBJECT: DONATION IN THE AMOUNT OF \$5,000 FROM THE RICHARD C. SEAVER TRUST FOR THE PURCHASE OF BOOKS FOR THE ARCADIA PUBLIC LIBRARY
Recommendation: Accept

SUMMARY

The Richard C. Seaver '78 Trust wishes to donate \$5,000 to the Arcadia Public Library. Pursuant to City policy, any donation of \$1,000 or more shall be approved by the City Council. It is recommended that the City Council accept the donation.

DISCUSSION

The Richard C. Seaver '78 Trust, has offered a \$5,000 donation to the Arcadia Public Library that will be used for the purchase of new books for the Adult collection. New books are among the most sought after and popular items in the Library's collection. Generous cash donations such as this help the Library increase the number of new books available to the residents of Arcadia beyond the current capacity of the City's General Fund.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

The Library's collection is enhanced by the additional \$5,000 of new materials that will be enjoyed by the public.

Donation in the amount of \$5,000 from the Richard C. Seaver Trust

January 18, 2022

Page 2 of 2

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project and is therefore, exempt under, the California Environmental Quality Act ("CEQA"); and accept a donation in the amount of \$5,000 from the Richard C. Seaver Trust for the purchase of books for the Arcadia Public Library.

Approved:



Dominic Lazzaretto
City Manager



STAFF REPORT

Development Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Lisa Flores, Planning & Community Development Administrator
Prepared By: Vanessa Quiroz, Associate Planner

SUBJECT: FINAL TRACT MAP NO. 73913 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FOR A SIX-UNIT MULTI-FAMILY RESIDENTIAL CONDOMINIUM SUBDIVISION AT 1027 ARCADIA AVENUE
Recommendation: Approve

SUMMARY

Tentative tract maps and final maps are required for all subdivisions that result in or create five or more parcels or condominium units. In accordance with Arcadia Development Code Section 9105.05.050, the City Council shall approve a final map if it conforms to all the requirements of the subdivision regulations of the Development Code and the State Subdivision Map Act. Tentative Tract Map No. 73913 was conditionally approved by the Planning Commission on August 14, 2018, to develop a six-unit multi-family residential condominium subdivision at 1027 Arcadia Avenue. Final Tract Map No. 73913 has met all applicable criteria (refer to Attachment No. 1). Therefore, it is recommended that the City Council approve Final Tract Map No. 73913, along with a Categorical Exemption under the California Environmental Quality Act (“CEQA”).

DISCUSSION

Tentative Tract Map No. 73913 was conditionally approved by the Planning Commission on August 14, 2018. Final Tract Map No. 73913 will accommodate the construction of a six-unit multi-family residential condominium within an 11,400 square foot lot. According to Development Code Section 9105.03.110, tentative tract maps are valid for 24 months after the effective date. However, Assembly Bill No. 1561, which was approved on September 28, 2020, to support housing production in light of the challenges created by the COVID-19 pandemic, extended the expiration date of housing entitlements by 18 months. Therefore, the tentative tract map for this project will expire on February 25, 2022. Project construction is currently in progress and a Certificate of

Occupancy will not be issued until the map has been approved and recorded by the Los Angeles County Recorder's Office. The map has been reviewed by the Los Angeles County Department of Public Works – refer to Attachment No. 2. The map has been found to be in substantial compliance with both the tentative map, as conditionally approved by the Planning Commission, and the subdivision regulations of the City's Development Code and the State Subdivision Map Act.

FISCAL IMPACT

There will be no fiscal impact incurred by the City as a result of this action.

ENVIRONMENTAL ANALYSIS

Final Map No. 73913 is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 15332 of the CEQA Guidelines as an infill development project. The Planning Commission affirmed this finding and conditionally approved Tentative Tract Map No. 73913 at its regular meeting on August 14, 2018.

RECOMMENDATION

It is recommended that the City Council approve Final Tract Map No. 73913 with a categorical exemption under the California Environmental Quality Act ("CEQA") for a six-unit multi-family residential condominium subdivision at 1027 Arcadia Avenue.

Approved:



Dominic Lazzaretto
City Manager

Attachment No. 1: Final Tract Map No. 73913

Attachment No. 2: Letter of Compliance from Los Angeles County

Attachment No. 1

Final Map No. 73913

1 LOT
11,400 SQ. FT.

TRACT NO. 73913

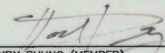
SHEET 1 OF 2 SHEETS

IN THE CITY OF ARCADIA
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
BEING A SUBDIVISION OF A PORTION LOT 91 OF TRACT NO. 2731,
AS PER MAP RECORDED IN BOOK 33, PAGE 29 OF MAPS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
FOR CONDOMINIUM PURPOSES

OWNER'S STATEMENT:

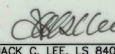
WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

PROVENANCE DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (OWNER)


HENRY PHUNG (MEMBER)

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A TRUE AND COMPLETE FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN JUNE, 2018, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HENRY PHUNG, ON JULY 5, 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.


JACK C. LEE, LS 8407
EXP. 6-30-2022

June 23, 2021
DATE



A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ON June 30, 2021, BEFORE ME Jonathan Wang, A NOTARY PUBLIC, PERSONALLY APPEARED HENRY PHUNG WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE Jonathan Wang
PRINT NAME: Jonathan Wang



MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY.

MY COMMISSION NO. 2336112

MY COMMISSION EXPIRES 10/20/24

BASIS OF BEARING:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N86°10'25"E OF THE CENTERLINE OF ARCADIA AVENUE AS SHOWN ON MAP OF TRACT NO. 73324 RECORDED IN BOOK 1405 PAGES 18, 19 AND 20 OF MAPS, RECORDS OF LOS ANGELES COUNTY.

CITY ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT CONFORMS SUBSTANTIALLY TO THE TENTATIVE MAP AND ALL APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF SUBDIVISION ORDINANCES OF THE CITY OF ARCADIA APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT WITH RESPECT TO CITY RECORDS.

DATE _____ CITY ENGINEER, CITY OF ARCADIA
PHILIP A. WRAY
LS 7305, EXP. 12-31-2022

CITY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF ARCADIA, TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT, AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

DATE _____ CITY TREASURER
CITY OF ARCADIA

PLANNING COMMISSION'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE TENTATIVE MAP OF TRACT NO. 73913 WAS APPROVED AT A MEETING HELD ON THE 14TH DAY OF AUGUST, 2018. I HEREBY CERTIFY THAT THIS MAP SUBSTANTIALLY COMPLIES WITH THE PREVIOUSLY APPROVED TENTATIVE MAP.

DATE _____ SECRETARY OF THE PLANNING COMMISSION
CITY OF ARCADIA

FINANCE DIRECTOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE FEE REQUIRED BY SECTION 9116.4 OF THE MUNICIPAL CODE HAS BEEN PAID TO THE CITY OF ARCADIA.

DATE _____ FINANCE DIRECTOR - CITY OF ARCADIA

CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ARCADIA BY MOTION PASSED ON _____ APPROVED THE ATTACHED MAP.

DATE _____ CITY CLERK - CITY OF ARCADIA

COUNTY SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT COMPLIES WITH ALL PROVISIONS OF STATE LAW APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT CERTIFIED BY THE CITY ENGINEER.

COUNTY SURVEYOR

BY _____
FABRIZIO G. PACHANO, DEPUTY DATE _____
L.S. NO. 7274

CONDOMINIUM NOTE:

THIS TRACT IS APPROVED AS A CONDOMINIUM PROJECT FOR 8 UNITS, WHEREBY THE OWNERS OF THE UNITS OF AIR SPACE WILL HOLD AN UNDIVIDED INTEREST IN THE COMMON AREAS THAT WILL, IN TURN, PROVIDE THE NECESSARY ACCESS AND UTILITY EASEMENTS FOR THE UNITS.

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ _____ HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON MAP OF TRACT NO. 73913 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

SCALE: 1" = 20'

SHEET 2 OF 2 SHEETS

TRACT NO. 73913

IN THE CITY OF ARCADIA
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
FOR CONDOMINIUM PURPOSES

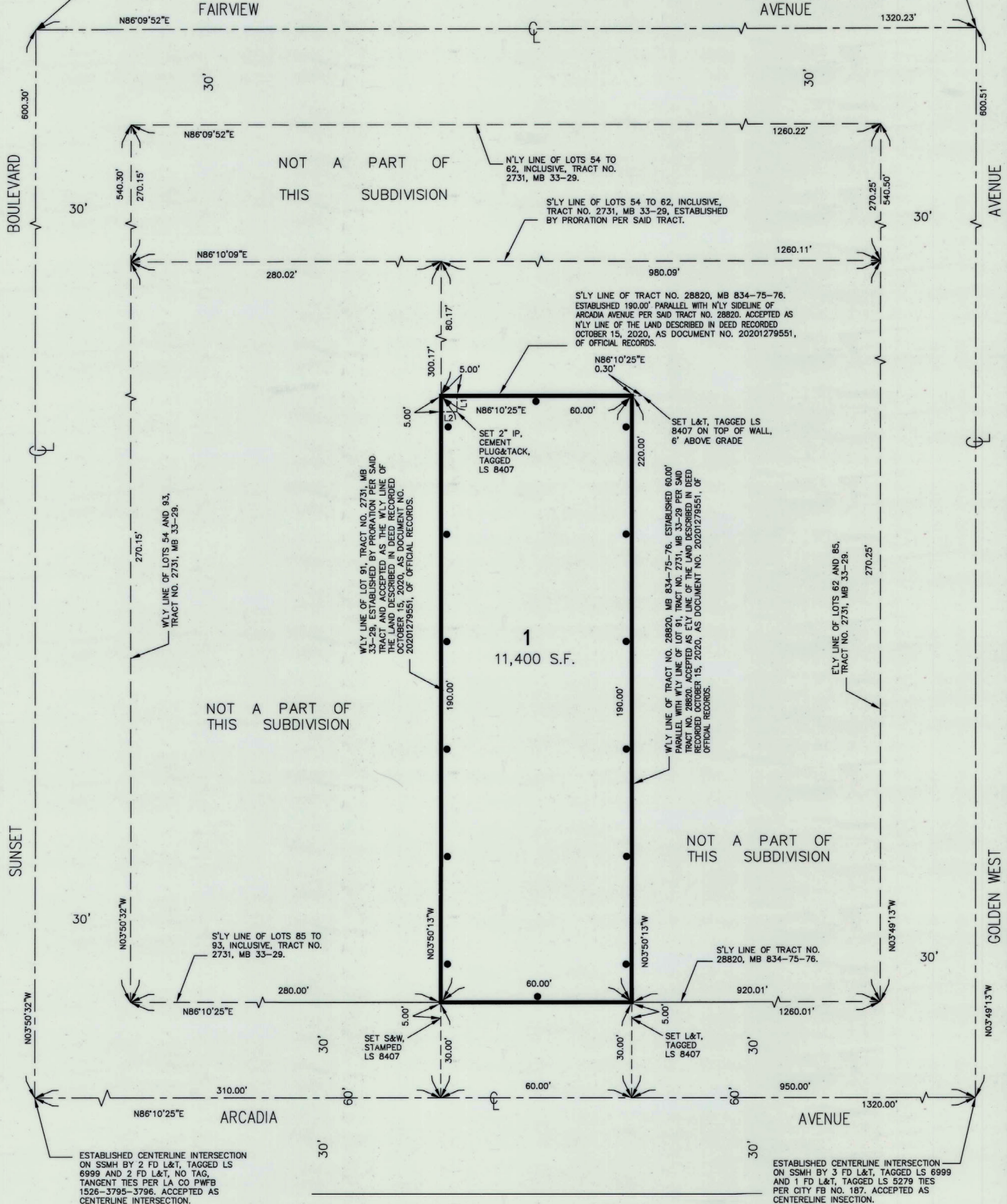
LEGEND

INDICATES THE BOUNDARY
OF THE LAND BEING
SUBDIVIDED BY THIS MAP.

NO	BEARING	LENGTH
L1	N03°50'13" W	5.00'
L2	N86°10'25" E	5.00'

ESTABLISHED CENTERLINE INTERSECTION
ON SSMH BY 3 FD L&T, NO TAG AND 1
FD L&T, TAGGED LS 6999 TIES, PER LA
CO. PWF# 1526-3793-3794, ACCEPTED
AS CENTERLINE INTERSECTION.

ESTABLISHED CENTERLINE INTERSECTION
ON SSMH BY 4 FD L&T, TAGGED LS
6999 TIES PER CITY FB NO. 171,
ACCEPTED AS CENTERLINE INTERSECTION.



NOT A PART OF
THIS SUBDIVISION

NOT A PART OF
THIS SUBDIVISION

NOT A PART OF
THIS SUBDIVISION

1
11,400 S.F.

Attachment No. 2

Letter of Compliance from Los Angeles
County



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 30, 2021

IN REPLY PLEASE
REFER TO FILE: **LD-2**

Mr. Philip Wray
City Engineer
City of Arcadia
P.O. Box 60021
Arcadia, CA 91006-6021

Dear Mr. Wray:

TRACT NO 73913

Tract No. 73913 (enclosed) has been reviewed and approved by Public Works for mathematical accuracy, survey analysis, title information, and for compliance with the Subdivision Map Act. It is ready for your examination and certification as to compliance with the conditions of approval and applicable City ordinances.

The City Council or Advisory Agency should make the findings required by the California Environmental Quality Act and the Subdivision Map Act.

After your approval and the approval of the City Council or Advisory Agency, the final map should be returned to Los Angeles County Public Works, Land Development Division, for filing with the Registrar-Recorder/County Clerk's office.

If you have any questions, please contact Mr. Max Rodriguez of Public Works, Land Development Division, at (626) 458-4915 or mrodrigue@pw.lacounty.gov.

Very truly yours,

MARK PESTRELLA
Director of Public Works

for


GREG EVEN, PE, MBA
Assistant Deputy Director
Land Development Division

MR:kt

P:\LDPUB\SUBMAP\LETTERS\CITY LETTERS - TRACT\TR 73913 CITY LETTER (ARCADIA).DOC

Enc.



STAFF REPORT

Police Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Roy Nakamura, Chief of Police
By: Dr. Jennifer Brutus, Senior Management Analyst

SUBJECT: GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY - STATE HOMELAND SECURITY ASSISTANCE PROGRAM ("SHSP") FOR REIMBURSEMENT OF IN-CAR MOBILE RADIO COSTS IN THE AMOUNT OF \$39,770
Recommendation: Accept

SUMMARY

The Arcadia Police Department (the "Department") has applied for a grant from the U.S. Department of Homeland Security for a State Homeland Security Program ("SHSP") grant centered on communications improvements, which will reimburse the cost of in-car mobile radio equipment in an amount not to exceed \$39,770. The Department's funding request has been approved and the grant Agreement has been finalized. With City Council approval, the Department will be able to proceed with purchasing the equipment. Therefore, it is recommended that the City Council accept a grant award from the U.S. Department of Homeland Security for a State Homeland Security Assistance Program ("SHSP") for reimbursement of costs related to in-car mobile radio equipment in the amount of \$39,770.

BACKGROUND

Since 2010, the Department has purchased portable handheld radios and in-car mobile radios through the City's annual Equipment Replacement Program. While the radios are on a perpetual replacement schedule, only a certain number of radios are replaced each year due to a limited budget.

Many police and fire agencies utilize the SHSP to help offset the extensive cost of upgrading communications equipment. For the 2019 grant period, the Arcadia Police Department was approved (as a sub-recipient under a larger Interoperable Communications Equipment Project) to purchase five all-band mobile radios to be mounted inside marked police vehicles.

The Department will purchase the Motorola APX8500 model, which is P25 compliant. P25 is a set of standards for federal, state, and local public safety agencies to provide interoperable emergency communication within a jurisdiction as well as between agencies and mutual aid response teams. The selected model offers unlimited mobility and interoperability, integrated Wi-Fi, data connectivity, and information security.

DISCUSSION

The grant is being managed by the California Governor's Office of Emergency Services ("Cal OES"). Cal OES mandates that the City use its own documented procurement procedures, which reflect applicable Federal, State, and local standards in the award of any subcontracts. In the case of this equipment purchase, subcontracts include purchase agreements.

Although the Department is eligible to piggyback on a regional contract for this purchase such as the Los Angeles County's Master Purchase Agreement for Regional Communications Systems, the Department was required to conduct a Formal Request for Quotations in order to comply with the grant's purchasing guidelines. When solely utilizing other agencies' contracts, the Department is not able to expound upon their bid processes and purchasing decisions in the event of an audit. Thus, by conducting a new bid, the Department is able to demonstrate original bid paperwork and answer questions about its own bid process.

In December 2021, the Department published a Notice Inviting Quotations three times in the Arcadia Weekly newspaper and emailed the formal notice to two local equipment vendors. The Notice listed the equipment needs of five in-car mobile radios. After a two-week submission period, one bid was received from Day Wireless Solutions on December 16, 2021. A committee comprised of four City staff members later convened to review and discuss the bid.

Day Wireless submitted a bid stating \$39,769.71 for all five in-car mobile radios, which is \$7,214.46 per radio plus sales tax. The quote includes a 32% discount from the City of Glendale's Master Purchase and Service Agreement with Motorola Solutions, which is for radios on the Interagency Communications Interoperability ("ICI") network. The Agreement designates local government agencies as eligible purchasers, and the City is an ICI member.

Although the purchase of Motorola radios is not considered a sole source, it is a product whose selling territory is set by the manufacturer. Day Wireless is the only dealer in the region authorized to quote Motorola products for Arcadia. No other radio equipment provider (even Foothill Communications located in Pasadena) is able to quote or sell Motorola products to the Arcadia Police Department, thus no other bids were received.

The grant award will be distributed on a reimbursement basis. Cal OES will reimburse the City for all pre-approved costs upon receipt of the Department's claims. The City will be required to comply with the terms and conditions of the grant, including expense reporting and auditing.

By purchasing the radio equipment from Day Wireless, the Department will ensure compatibility with existing radio infrastructure, P25 compliance, and realize significant cost savings of approximately \$17,000.

ENVIRONMENTAL IMPACT

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

The funds for the radio equipment been allocated in the Fiscal Year 2021-22 Operating Budget. All costs related to the Project will be offset by reimbursement at the end of the grant period, in an amount not to exceed \$39,770. Accepting these grant funds will alleviate the burden on the Equipment Replacement Fund, which normally would fund such acquisitions.

RECOMMENDATION

It is recommended that the City Council determines that this project is exempt under the California Environmental Quality Act ("CEQA"); and accept a grant award from the U.S. Department of Homeland Security – State Homeland Security Assistance Program ("SHSP") for reimbursement of in-car mobile radio costs in the amount of \$39,770.

Approved:



Dominic Lazzaretto
City Manager



STAFF REPORT

Recreation and Community Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Sara Somogyi, Director of Recreation and Community Services
By: Alma Villasenor, Recreation Coordinator

SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH SOUTHLAND SPORTS OFFICIALS TO PROVIDE BASKETBALL OFFICIATING SERVICES FOR BASKETBALL LEAGUES FROM JANUARY 30, 2022, THROUGH JUNE 30, 2022, AND FISCAL YEAR 2022-23 IN AN AMOUNT NOT TO EXCEED \$50,800
Recommendation: Approve

SUMMARY

The Recreation and Community Services Department provides basketball leagues requiring sports officiating services. In May 2021, the City Council approved a Professional Services Agreement for Basketball Officiating Services with Breakthrough Sports. The current agreement with Breakthrough Sports was terminated on December 3, 2021, because the contractor was unable to provide adequate officials for the programs, failing to execute the Scope of Services in the agreement.

It is recommended that the City Council authorize and direct the City Manager to execute a Professional Services Agreement with Southland Sports Officials to provide basketball officiating services for basketball leagues from January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 in an amount not to exceed \$50,800, including an option for three one-year renewal periods thereafter with the City Manager's approval.

DISCUSSION

Each year, the Recreation and Community Services Department provides basketball leagues requiring sports officiating services. In March 2021, staff sent out a Request for Proposal for Basketball Officials to seek out competitive service providers. Two sports official providers submitted qualified proposal by the deadline, which were Breakthrough Sports and Southland Sports Officials. The review committee selected Breakthrough Sports to receive the bid for officiating services. Unfortunately, Breakthrough Sports was not able to fulfil the Scope of Services because they could not provide adequate officials

for the program. On December 3, 2021, a letter of termination was sent to Breakthrough Sports. Southland Sports Officials is the next qualified vendor on the sports officials bid list. Southland Sports Officials proposed officiating fee is \$28 per game, which is \$3 more than Breakthrough Sports.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

The proposed budget for Basketball Officiating Services from January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 is \$50,800. Registration fees are collected for basketball leagues to offset the cost for officiating. The proposed General Fund budget is sufficient to cover the cost of officials for the basketball leagues.

RECOMMENDATION

It is recommended that the City Council determine that this action is exempt under the California Environmental Quality Act ("CEQA"); and authorize and direct the City Manager to execute a Professional Services Agreement with Southland Sports Officials to provide basketball officiating services for basketball leagues from January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 in an amount not to exceed \$50,800, including an option for three one-year renewal periods thereafter with the City Manager's approval.

Approved:



Dominic Lazzaretto
City Manager

Attachment: Proposed Professional Services Agreement

**CITY OF ARCADIA
PROFESSIONAL SERVICES AGREEMENT REGARDING
BASKETBALL OFFICIATING SERVICES FOR BASKETBALL LEAGUES**

This Agreement is made and entered into as of _____, 2022 by and between the City of Arcadia, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 240 West Huntington Drive, Arcadia, California 91066 (“City”), and Southland Sports Officials PARTNERSHIP with its principal place of business at 1822-A E. Route 66 #437, Glendora, CA 91740 (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

Basketball League Officials (hereinafter referred to as “the Project”).

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit “A.”

2. Compensation

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit “B.”

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$50,800. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or

the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 with three (3) possible one (1) year extensions.

The term of this Agreement shall be from January 30, 2022, through June 30, 2022, and Fiscal Year 2022-23 with three (3) possible one (1) year extensions, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). Consultant shall complete the services required hereunder within "Activity Schedule", Exhibit "C". The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage

(9) Independent Consultants Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury and property damage
Employer's Liability	\$1,000,000 per occurrence
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term

of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. To the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's obligations under the above indemnity shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, but shall not otherwise be reduced. If Consultant's obligations to defend, indemnify, and/or hold harmless arise out of Consultant's performance of "design professional services" (as that term is defined under Civil Code section 2782.8), then upon Consultant obtaining a final adjudication that liability under a claim is caused by the comparative active negligence or willful misconduct of the City, Consultant's obligations shall be reduced in proportion to the established comparative liability of the City and shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects (“Prevailing Wage Laws”). If the services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$15,000 or more for maintenance or \$25,000 or more for construction, alteration, demolition, installation, or repair, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1).

b. If the services are being performed as part of an applicable “public works” or “maintenance” project and if the total compensation is \$15,000 or more for maintenance or \$25,000 or more for construction, alteration, demolition, installation, or repair, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Los Angeles, State of California.

16. Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

17. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

18. Organization

Consultant shall assign Frank Ortiz, Owner as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

19. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

20. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:
City of Arcadia
240 West Huntington Drive
Arcadia, CA 91066
Attn: Recreation & Community Services
Department

CONSULTANT:
Southland Sports Officials
1822-A E. Route 66 #437
Glendora, CA 91740
Attn: Frank Ortiz

and shall be effective upon receipt thereof.

21. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

22. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

23. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

24. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

25. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

26. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

27. Time of Essence

Time is of the essence for each and every provision of this Agreement.

28. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

29. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF ARCADIA
AND SOUTHLAND SPORTS OFFICIALS**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF ARCADIA

SOUTHLAND SPORTS OFFICIALS

By: _____
Dominic Lazzaretto
City Manager

By: _____
Frank Ortiz
Owner

Date: _____

Its: _____

ATTEST:

Printed Name

By: _____
City Clerk

Date: _____

APPROVED AS TO FORM

By: _____
Stephen P. Deitsch
City Attorney

EXHIBIT "A"

Scope of Services

Consultant shall provide the following services as part of their Professional Services Agreement:

- Provide two (2) CIF certified and Live Scan cleared basketball officials for each adult basketball game.
- Provide two (2) CIF certified and Live Scan cleared basketball officials for each middle school game.
- Provide one (1) CIF certified and Live Scan cleared basketball official for each elementary game.
- Officials must arrive to assigned site ten (10) minutes prior to their assigned start time.
- Officials must wear appropriate referee uniform.

EXHIBIT "B"

Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with a detailed invoice. The total compensation shall not exceed \$50,800 per the attached "Proposal Cost Sheet".

PROPOSAL COST SHEET – ATTACHMENT “A”

ALL PROPOSER’S MUST EXECUTE THIS FORM AND RETURN IT IN A **SEPARATE** ENVELOPE CLEARLY MARKED “COST PROPOSAL FOR BASKETBALL OFFICIALS” WITH YOUR PROPOSAL.

COST PER OFFICIAL PER ADULT LEAGUE GAME \$ 28.00

COST PER OFFICIAL PER MIDDLE SCHOOL GAME \$ 28.00

COST PER OFFICIAL PER ELEMENTARY SCHOOL GAME \$ 28.00

COST PER OFFICIAL PER ADULT AND MIDDLE SCHOOL GAME IF THERE IS ONLY ONE OFFICIAL \$ 41.00

IN THE EVENT OF A FORFEIT, OFFICIALS WILL BE PAID PER FORFEITED GAME. \$ 28.00

ADDITIONAL COSTS, IF ANY (PLEASE EXPLAIN)

If officials are only assigned two games, the City will be charged \$33.00 per official.

If officials are only assigned one game, the City will be charged \$42.00 per official.

If two officials are scheduled, and only one official shows up, we will only charge \$28.00 for one official per game.

PROPOSAL COST SHEET – ATTACHMENT “A” (continued)


I (We) hereby agree to provide officials for the adult and youth basketball league games at the fees stated in this proposal, subject to the instructions and conditions as show in this request for proposal.

I (We) the undersigned, on behalf of Southland Sports Officials
(Name of Company)

hereby certify that this proposal shall be valid and not be withdrawn for a period of sixty (60) days from the proposal due date and time.

1822 - A E. Route 66, #437, Glendora, CA 91740
Address City, State and Zip Code

(818) 425-9789
Phone Number Fax Number


Authorized Signature Printed Name
Frank Ortiz

Owner March 15, 2021
Title Date Signed

NOTE: THIS PROPOSAL IS IRREVOCABLE FOR A PERIOD OF SIXTY (60) DAYS FOLLOWING THE CLOSING DATE OF THIS REQUEST FOR PROPOSAL. THIS PERIOD MAY BE EXTENDED BY WRITTEN MUTUAL AGREEMENT OF THE CITY OF ARCADIA AND THE PROPOSER.

EXHIBIT "C"

Activity Schedule

The adult basketball league is scheduled to operate on Sundays between the hours of 8am and 10pm and on Fridays between the hours of 6pm and 10pm at the Dana Gym, 1401 South First Avenue, Arcadia. CIF certified basketball officials are needed to officiate the games. Each season is 10 weeks, the Sunday League runs for four seasons and the Friday League runs for two seasons.

The youth basketball league operates for six (6) weeks, consisting of approximately 24 teams. Games are scheduled each Friday between the hours of 4pm and 10pm and each Saturday between the hours of 8am and 5pm. Approximately 12 games are scheduled each week, six (6) requiring one official and six (6) requiring two officials.



STAFF REPORT

Development Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Philip A. Wray, Deputy Director of Development Services/City Engineer
By: Kevin Merrill, Principal Civil Engineer

SUBJECT: ACCEPT ALL WORK PERFORMED BY GENTRY BROTHERS, INC. FOR THE LIVE OAK AVENUE REHABILITATION IMPROVEMENTS FROM SANTA ANITA AVENUE TO THE EASTERLY CITY LIMITS AS COMPLETE
Recommendation: Approve

SUMMARY

On July 6, 2021, the City Council awarded a contract to Gentry Brothers, Inc. in the amount of \$1,083,045.23, plus a 10% contingency, for the rehabilitation of Live Oak Avenue between Santa Anita Avenue and the Easterly City Limits. There were three (3) change orders and adjustments in quantities that decreased the contract by \$38,501.97.

The terms and conditions of this project have been complied with, and the required work has been performed to the City's satisfaction, for a final cost of \$1,044,543.26. It is recommended that the City Council accept the project as complete and authorize the final payment in accordance with the approved contract.

BACKGROUND

This project was the Arterial Pavement Rehabilitation of Live Oak Avenue between Santa Anita Avenue and the Easterly City Limits. This segment of Live Oak Avenue had an average Pavement Condition index ("PCI") rating as low as 28 for the eastbound direction and 42 for the westbound direction. Improvement of Live Oak Avenue is in line with the City's continued efforts to maintain a goal of a PCI rating of 65 or greater for all arterial streets.

The rehabilitation included removing and replacing isolated sections of pavement and grinding and resurfacing the entire street with 2-inches of new asphalt. The project also included curb ramp, sidewalk, driveway, curb and gutter repairs, drainage improvements, new vehicle loop detectors, removal of two mid-block crosswalks at Louise and Third

Avenue, and removal of seven Ficus trees. The City contracted with Kreuzer Consulting Group (“KCG”) for the project design services.

The project was advertised for bids in May 2021, and bids were opened on June 10, 2021, with Gentry Brothers, Inc. as the qualifying low bidder. A contract in the amount of \$1,083,045.23, plus a 10% contingency, was awarded by the City Council on July 6, 2021.

DISCUSSION

All elements of the project were completed within budget. There were two minor delays due to delivery of additional hand railing material and a sub-contractor failing to install vehicle loop detectors in a timely manner.

There were three (3) change orders for a total credit of \$38,501.97. The following is a summary of the change orders:

Change Order #1 (drainage improvements)	\$24,400
Change Order #2 (curb ramp hand railing)	\$4,600
Change Order #3 (striping and final adjustment in quantities)	\$(67,501.97)
Total =	\$(38,501.97)

The first change order was to add drainage improvements to eliminate continuous water ponding in the gutter between Louise Avenue and Greenfield Avenue. Two catch basins and a segment of pipe were installed along the north side of Live Oak Avenue from El Capitan Avenue to an existing catch basin west of Greenfield Avenue. A catch basin was installed at the northeast corner of Louise Avenue and Live Oak Avenue with a pipe connected to a drywell installed by a separate contractor. These improvements addressed historical water ponding issues. The second change order was to add construction of a new hand railing at the northeast corner of El Capitan and Live Oak Avenues. The third and final change order was required for additional striping improvements and a reduction in overall quantity of materials. The total of all change orders is a credit of \$38,501.97, which is a 4% decrease to the contract, well within the original budget. With the adjustment for these change orders, the final cost of the project is \$1,044,543.26.

FISCAL IMPACT

The original budget available for the project was \$1,100,000, with \$900,000 from Proposition C funds and \$200,000 from Transportation Impact funds. With an additional appropriation of \$260,000 from Measure R funds, the final total budget was \$1,360,000.

The design cost for the entire project was approximately \$82,000. The remaining budget for this contract was \$1,278,000. With the bid amount of \$1,083,045.23, and three

change orders totaling to a credit of \$38,501.97, the final cost is \$1,044,543.26. There are sufficient funds in the budget to cover the entirety of the project costs.

RECOMMENDATION

It is recommended that the City Council accept all work performed by Gentry Brothers, Inc. for the Live Oak Avenue Rehabilitation improvements from Santa Anita Avenue to the Easterly City Limits as complete, and authorize the final payment to be made in accordance with the contract documents.

Approved:



Dominic Lazzaretto
City Manager



STAFF REPORT

Development Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Lisa Flores, Planning & Community Development Administrator
Prepared By: Amber Abeyta, Business License Officer

SUBJECT: APPEAL OF THE BUSINESS PERMIT AND LICENSE REVIEW BOARD'S DECISION TO REVOKE THE BUSINESS LICENSE FOR SAYBROOK MEDIA GROUP INC. AT 529 LAS TUNAS DRIVE AND IF THE DECISION IS TO UPHOLD THE BOARD'S DECISION, ADOPT RESOLUTION NO. 7394

Recommendation: Adopt

SUMMARY

The Appellant, Attorney Mr. Ron Betty, on behalf of Saybrook Media Group Inc., (herein referred to as "Saybrook"), has filed an appeal of the decision made by the Business Permit and License Review Board ("Board") to uphold the revocation of their business license. The City revoked Saybrook's business license after it was determined that the business was not in compliance with their approved use, which is general office only, and that the business was being utilized as a residence, which is not a permitted use on this property. This project was previously scheduled to be presented as a public hearing on December 7, 2021; however, the applicant originally requested a continuance of two weeks to December 21 and this was granted. Subsequently, a second continuance was requested by the applicant at the December 21 meeting and this continuance was also granted to the date of January 18, 2022.

In accordance with Arcadia Municipal Code ("AMC") Section 6216.90 – Appeal to the City Council, it is recommended that the City Council consider the findings and recommendations of the Board and adopt them in total by adopting Resolution No. 7394 – refer to Attachment No. 1. This would have the effect of denying the appeal and upholding the revocation of Saybrook's business license.

BACKGROUND

After a thorough investigation, on July 28, 2021, the business license was revoked by the Business License Officer for two reasons: (1) Saybrook had partially converted their approved floor plan and use from required storage and office use to residential use, which

is in violation of Saybrook’s business license Conditions of Approval, and (2) the overnight stay/residential use of the subject property within the C-O Zone is prohibited under the AMC Development Code and is in violation of Section 6216.7 of the Arcadia Municipal Code.

Saybrook timely appealed this decision. On September 28, 2021, a public hearing was held before the Board to consider the appeal, at which time Saybrook was provided a full opportunity to be heard and to present evidence in opposition to the revocation. Saybrook was represented by counsel at the hearing, and several witnesses spoke on its behalf.

At the conclusion of the hearing, the Board unanimously voted to uphold the revocation. The decision of the Board was 4-0, with one member absent, to deny the appeal and revoke the business license. In addition, the decision included that Saybrook not be allowed to apply for a new business license for the next 12 months. Please note that Saybrook has been allowed to continue to operate their business until final action has been taken on their Appeal.

Subsequent to the Board’s decision, Saybrook again filed a timely appeal to the City Council. The purpose of this agenda item is to consider this appeal.

Arcadia Municipal Code Section 6216.90 provides the City Council with different procedural options to consider a decision of the Board. Specifically, the City Council may hold a completely new hearing or may simply review the findings made by the Board. At the conclusion of either process, the City Council may uphold, amend, modify, or reject the findings. The relevant part of the Code reads as follows:

“...The City Council shall consider the findings and recommendations of the Board and may adopt them in total, hold a de novo hearing, or the City Council may amend, modify or reject the recommended decision of the Board. In addition, the City Council may send the findings and recommendations back to the Board with instructions to rehear any relevant matter not previously heard and then resubmit additional amended or modified findings to the City Council. The City Council may revoke, amend or modify the license, or impose such other or further reasonable terms, conditions or restrictions on the terms, condition or restrictions theretofore placed on said license as the City Council finds reasonable or necessary to ensure that the business enterprise, occupation or activity will not be contrary to or inimical to or jeopardize the preservation of the public peace, safety or welfare of the City or its inhabitants, or be detrimental to other properties or businesses in its vicinity. The City Council may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified, reasonable time period as the City Council deems prudent. The decision of the City Council shall be final.”

The appeal was originally scheduled for the City Council Meeting of November 16, 2021; however, the meeting was rescheduled to December 7, 2021, at the request of Council Members who desired more time to be able to review the record. Since then, the Appellant has requested two additional continuances, first to the December 21, 2021, Council Meeting and then to the January 18, 2022, meeting. Both requests were granted.

Several letters were received following the first continuance, as well as a book from Dr. Susan Block. These letters have been provided to City Council Members previously, but all correspondence received since the original continuance is attached again here as Attachment No. 5.

DISCUSSION

Given the process outlined in the Code, it is recommended that the City Council hold a de novo hearing on this matter. Saybrook did have a full opportunity to be heard and to present evidence in opposition to the revocation at the prior hearing before the Board. Regardless, it is recommended that Saybrook be allowed the opportunity to present whatever additional information may be relevant to the case before the City Council.

Attached for your review is the staff report packet (attachments included) that was presented to the Board at its September 28, 2021, meeting (Attachment No. 3), and the transcription of the Board's meeting minutes (Attachment No. 4). This represents the entire record of this matter to date. The recommended process is to allow the City's representative to provide comments on the record and context for the Board's decision, to allow representatives from the Appellant's team to present as well, and to allow time for rebuttal.

The facts, conclusions, and recommendations submitted in the Staff Report and attachments for the September 28, 2021, hearing remain unchanged and were further supported by testimony and other information provided during the Board's appeal hearing. Pursuant to Section 6216.7 of the Arcadia Municipal Code, the Business License Officer may suspend or revoke any business license upon receipt of any of the following information: 1) The business has been expanded, or partially or wholly converted to another business, without the required City approvals and permits; or 2) The business has violated, or permitted to be violated, any federal, State, or local law applicable to the premises or business; or 3) The business has, in the conduct of the same or any similar business, engaged in conduct detrimental to the public welfare. Conduct detrimental to the public welfare includes, but is not limited to, operations or activities that do not comport with the peace, health, safety, and convenience of the public. Examples of conduct detrimental to the public welfare include but are not limited to: (a) operating a business prohibited by local or State law, or (b) allowing activities that are or become a public nuisance.

In this case, Saybrook's business license has been revoked for two independent reasons:

1. Saybrook’s business license was conditionally approved as an office use only. One of the conditions of approval was that the rooms were to be maintained as office space and storage for the office use, as outlined on the business license application, business license certificate and floor plan refer to Attachment No. 8 of the Business License Review Board packet. Many of the rooms were used as bedrooms for “overnight stay”; therefore, violation of the Conditions of Approval is grounds for revocation of the business license according to AMC Section 6216.7(3), as stated above.

2. The subject business address is Zoned C-O Professional Office. The C-O Zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices (Development Code Section,9102.03.010.). Residential uses are prohibited in the C-O Zone (Development Code Section 9102.03.020.). The City has a permissive zoning code, so only expressly permitted uses are allowed. Residential uses are not listed as a permitted use in the C-O Zone (Development Code Section 9102.03.020, Table 2-8.) Therefore, they are prohibited unless the Development Services Department Director makes a finding that they are sufficiently similar to an expressly permitted use as to be allowed on the same basis in accordance with Development Code Section 9102.03.020(B). No such finding has been made. Therefore, the residential use of the subject property within the C-O Zone is prohibited under the AMC Development Code and is in violation of the City’s Zoning Ordinance applicable to the premises where the business covered by said license is conducted, which is grounds for revocation of Saybrook’s business license in accordance with AMC Section 6216.7(3).

At the September 28, 2021, hearing, the Board found that the City has met the preponderance of evidence standard with respect to each ground above and adopted these two reasons as findings to deny the Appeal. Additional facts to support the findings are included in Resolution No. 7394.

Saybrook has submitted no evidence to counter the findings and determinations made by the Business License Officer or the Review Board. Therefore, it is recommended that the City Council make the same findings related to the two grounds for revocation listed above, deny the appeal, and uphold the decision to revoke Saybrook’s business license.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

RECOMMENDATION

It is recommended that the City Council determine that this action is exempt under the California Environmental Quality Act (“CEQA”); and adopt Resolution No. 7394, denying the appeal and upholding the Business Permit and License Review Board’s decision in the revocation of the business license for Saybrook Media Group Inc. at 529 Las Tunas Drive.

Approved:



Dominic Lazzaretto
City Manager

- Attachment No. 1 – Resolution No. 7394
- Attachment No. 2 – Appeal Letter
- Attachment No. 3 – September 28, 2021, Business Permit and License Review Board Staff Report and Attachments
- Attachment No. 4 – Minutes of the September 28, 2021, Business Permit and License Review Board Meeting
- Attachment No. 5 – Additional Correspondence Received

Attachment No. 1

Resolution No. 7394

RESOLUTION NO. 7394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DENYING THE APPEAL OF THE BUSINESS PERMIT AND LICENSE REVIEW BOARD DECISION AND UPHOLDING THE REVOCATION OF THE BUSINESS LICENSE FOR SAYBROOK MEDIA GROUP INC. AT 529 LAS TUNAS DRIVE

WHEREAS, on January 7, 2020, the City issued a business license to Saybrook Media Group Inc. (herein referred to as "Saybrook") at 529 Las Tunas Drive, for general office use only. The subject business address is zoned C-O Professional Office; and

WHEREAS, on April 20, 2021, a Notice of Violation ("NOV") was issued to Saybrook since they had an online advertisement for a "live-in" position and residential use of the subject property is not allowed per the City's zoning regulations for C-O, Professional Office. The NOV cited that Saybrook had at least partially expanded to another business without the required City approval or permits. The NOV gave Saybrook until May 3, 2021, to remove any business unrelated to the approved office use; and

WHEREAS, on June 2, 2021, a second NOV was issued to Saybrook, since the business owner of Saybrook confirmed that the building was being used for overnight stay and acknowledged the online advertisement for a job for a "live-in" position at their business location, which is not allowed. The second NOV cited that Saybrook must correct this violation immediately and that they must cease and desist use of the property for any overnight stays since the business license was approved strictly for office use only. Subsequently, on June 15, 2021, in response to the NOV the business owner informed the City that Saybrook is not in violation of any City Codes; and

WHEREAS, on July 22, 2021, in order to confirm whether Saybrook abated the Arcadia Municipal Code ("AMC") violation of residential use, which is not allowed in the

zone for the subject property, the City served Saybrook an Inspection Warrant. An inspection of the business was conducted that day, and it was confirmed (1) that the business had partially converted the approved floor plan and use from required storage and office use to residential use, which is in violation of Saybrook's business license conditions of approval, and (2) the overnight stay/residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises; and

WHEREAS, pursuant to Section 6216.7 of the Arcadia Municipal Code, the Business License Officer may suspend or revoke any business license upon receipt of any of the following information: 1) The business has been expanded, or partially or wholly converted to another business, without the required City approvals and permits; or 2) The business has violated any conditions of said license, or has violated or permitted to be violated any federal, State, or local law applicable to the premises or business; or 3) The business has, in the conduct of the same or any similar business, engaged in conduct detrimental to the public welfare. Conduct detrimental to the public welfare includes, but is not limited to, operations or activities that do not comport with the peace, health, safety, and convenience of the public. Examples of conduct detrimental to the public welfare include but are not limited to: (a) operating a business prohibited by local or State law, or (b) allowing activities that are or become a public nuisance. Though the burden of proof is not expressly stated in the City's ordinance, the preponderance of the evidence standard generally applies to all civil and administrative matters unless another higher degree of proof is imposed by statute; and

WHEREAS, on July 28, 2021, the business license was revoked by the Business License Officer for two reasons: (1) Saybrook had partially converted their approved floor plan and use from required storage and office use to residential use which is in violation of Saybrook's business license conditions of approval, and (2) the overnight stay/residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises pursuant to Section 6216.7 of the Arcadia Municipal Code; and

WHEREAS, on August 9, 2021, the Appellant of Saybrook's business, Mr. Maximilian Lobkowicz, filed an appeal within the prescribed ten-day appeal period; and

WHEREAS, on September 28, 2021, a public hearing was held before the Business Permit and License Review Board ("Board") on said appeal, at which time all interested persons were given full opportunity to be heard and to present evidence. At said meeting the Board made the decision in a 4 -0 vote with one (1) Board Member absent, to deny Saybrook's appeal and uphold the City's Business License Officer's decision to revoke Saybrook's business license, subject to the condition that Saybrook's employees, agents, partners, directors, officers, controlling stockholders and managers not be allowed to apply for a new business license in the City of Arcadia for a period of 12 months from the date of this revocation; and

WHEREAS, on October 7, 2021, Attorney Mr. Ron Betty, on behalf of Saybrook, filed an appeal to the City Council of the Board's decision to deny Saybrook's appeal and uphold the City's Business License Officer's decision to revoke Saybrook's business license within the prescribed ten-day appeal period; and

WHEREAS, Saybrook requested and received a continuance from the originally scheduled hearing date of December 7, 2021, and, on December 21, 2021, at the City Council meeting, a second continuance was requested by Saybrook, which was granted to the date of January 18, 2022; and

WHEREAS, on January 18, 2022, at its regularly scheduled meeting, the City Council heard said appeal, at which time the appellant and the City were given an opportunity to be fully heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The facts set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Based on the Board's findings presented to this City Council at the above-referenced meeting on January 18, 2022, including factual data submitted by the Business License Division in the staff report with attachments dated September 28, 2021, the City Council considered the findings and recommendations of the Board and hereby adopts them in total in accordance with Arcadia Municipal Code Section 6216.90 – Appeal to City the City Council, hereby denying the appeal and upholding the Board's decision in the revocation of the business license for Saybrook subject to the condition that Saybrook's employees, agents, partners, directors, officers, controlling stockholders and managers not be allowed to apply for a new business license in the City of Arcadia for a period of 12 months from the date of the revocation. In so deciding, the Council finds and determines all of the following pursuant to Arcadia Municipal Code Section 6216.7:

1. Saybrook has been expanded, or partially or wholly converted to another business, without the required City approvals and permits, thereby violating conditions of approval of their business license and partially converting required storage and office space to residential use.

Facts to Support the Finding: Saybrook's business license was conditionally approved as an office use only. One of the conditions of approval was that certain rooms were to be maintained as office space and storage for the office use, as outlined on the business license application, and as listed on the business license certificate. As evidenced by the photographs within the record, many of the rooms required to be used for office or storage use were instead being used as bedrooms for overnight stay; therefore, this violation of conditions of approval of said license is grounds for revocation according to AMC Section 6216.7(3).

2. Saybrook violated, or permitted to be violated, local law applicable to the premises or business, by using the property for residential uses prohibited in the AMC in the C-O Professional Office zone.

Facts to Support the Finding: The subject business address is Zoned C-O Professional Office. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical, and governmental offices (Development Code Section, 9102.03.020.). The City has a permissive zoning code, so only expressly permitted uses are allowed. Residential uses are not listed as a permitted use in the C-O Zone (Development Code Section 9102.03.020, Table 2-8.). Therefore, they are prohibited unless the Development Services Director makes a finding that they are sufficiently similar to an expressly

permitted use as to be allowed on the same basis in accordance with Development Code Section 9102.03.020(B). No such finding has been made. There is ample evidence of residential use of the property, including information from the sex offender registrant that he resided at the property, the online advertisement for a live in position, and evidence taken during the inspection on July 22, 2021, that confirmed the residential use. The residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises where the business covered by said license is conducted, which is grounds for revocation of Saybrook's business license in accordance with AMC Section 6216.7(3).

3. Saybrook engaged in conduct detrimental to the public welfare, which includes allowing activities that are a public nuisance, by violating conditions of approval of their business license and the AMC by partially converting required storage and office space to residential use.

Facts to Support the Finding: The previous facts are incorporated herein. Despite clear restrictions placed on their business license certificate, Saybrook allowed activities on site that violated the conditions of approval of their business license. AMC Section 6216.7. – Suspension or Revocation states, “The License Officer may suspend or revoke any business license upon receipt of information from any source that: . . . (3) The holder of license has violated any of the conditions of said license, or has violated or permitted to be violated any law or laws of the United States or the State, or any ordinance applicable to the premises where the

business covered by said license is conducted, or in connection with said business.”

4. Based on the foregoing, the City of Arcadia City Council finds that AMC Section 6216.7 was violated by Saybrook, justifying its business license revocation.

SECTION 3. The Secretary shall certify to the adoption of this Resolution.

Passed, approved and adopted by the City Council this 18th day of January, 2022.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:

Todd Leishman
Best Best & Krieger LLP
Office of the City Attorney

Attachment No. 2

Appeal Letter

Amber Abeyta

From: Ron Betty <rwbetty@bettyagawa.com>
Sent: Thursday, October 7, 2021 10:25 AM
To: Amber Abeyta
Cc: Lisa Flores; Diana Loli; Sho Tay; Paul Cheng
Subject: Appeal of 9/28/21 Board Hearing - Saybrook Media

<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon-color.png>> IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender rwbetty@bettyagawa.com

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Please take notice that Saybrook Media Group, Inc. is appealing the board's determination to uphold the revocation of their business license.

Please advise if you require any additional forms to be completed in order to appeal the board's decision.

Thank you,

--

Ronald W. Betty
Attorney
BETTY AGAWA, APC
m: 323.240.0666 e: rwbetty@bettyagawa.com <mailto:rwbetty@bettyagawa.com>
a: 1129 Maricopa Hwy., B191, Ojai, CA 93023

NOTICE: THIS COMMUNICATION MAY BE CONFIDENTIAL. This communication may be: (1) subject to the Attorney-Client Communication Privilege; (2) Attorney Work Product Privilege; (3) Privacy or any other privilege under California, federal or other applicable laws [Cal. Evid. Code §§ 950 et seq., Cal. Civ. Proc. Code §§ 1018]. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this message in error, please reply and notify the sender ONLY at (323) 240-0666 and delete this message. UNAUTHORIZED INTERCEPTION OF THIS E-MAIL IS NOT A WAIVER OF PRIVILEGE PURSUANT TO 18 U.S.C. § 2517(4).

Attachment No. 3

September 28, 2021 Business Permit and
License Review Board's Staff Report and
Attachments



STAFF REPORT

Development Services Department

DATE: September 28, 2021

TO: Business Permit and License Review Board

FROM: Lisa Flores, Planning & Community Development Administrator
By: Amber Abeyta, Business License Officer

SUBJECT: RESOLUTION NO. 2081 – DENYING THE APPEAL AND UPHOLDING THE REVOCATION OF THE BUSINESS LICENSE FOR SAYBROOK MEDIA GROUP INC., LOCATED AT 529 LAS TUNAS DRIVE
Recommendation: Adopt

SUMMARY

The Appellant and business owner of Saybrook Media Group Inc., (herein referred to as “Saybrook”) Mr. Maximilian Lobkowicz, is appealing the City’s decision to revoke the business license on July 28, 2021. The City revoked Saybrook’s business license after it was determined that the business is not in compliance with their approved use, which is general office only, and the business was being utilized as a residence, which is not a permitted use on this property. On August 9, 2021, the Appellant filed an appeal - refer to Attachment No. 1. It is recommended that the Business Permit and License Review Board adopt Resolution No. 2081, denying the appeal and uphold the business license revocation for the business, Saybrook, that is located at 529 Las Tunas Drive and this business owner may not be allowed to apply for another business license within this City for 12 months.

BACKGROUND

On January 7, 2020, the City issued a business license to Saybrook to operate an office use which consist of archiving and cataloging years’ worth of internally generated files, print, media and memorabilia, storing the materials and professional office usage within the one-story building that is located at 529 Las Tunas Drive. The subject commercial building is approximately 7,055 square feet in size, and is zoned C-O, Professional Office. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and general offices. According to the Los Angeles County Assessor’s database, the commercial building is owned by Hot Kid LLC in c/o Anne W. Yeh. The property owner was copied on all the Notice of Violations and correspondence from the City related to this business.

On April 14, 2021, the Arcadia Police Department (“APD”) was contacted by an individual (via telephone and in-person) attempting to register his residence as a sex offender who informed APD that he lived at the business location of Saybrook’s since April 10, 2021. According to the registrant, Saybrook also operates a phone sex business for the Dr. Susan Block Institute (the Appellant’s wife), and that him and several others that works for Saybrook also lived there as well. Since residential use of the subject property is not allowed per the City’s zoning regulations for C-O, Professional Office, APD informed the registrant that he could not register the subject property as his residence.

Subsequently, City staff found proof of an online advertisement – refer to Attachment No. 2 for a job at Saybrook for a “live-in” position. The job advertisement included photographs of the subject property including the kitchen, shower, bedroom with a bed, and a laundry facility.

Based on this information, it was determined that Saybrook was unlawfully using the subject property for residential activity in violation of its zoning regulations. In addition, a sex phone business is considered an “adult business” use that is prohibited in every zone except the M-1 Zone and requires an Adult Business Regulatory Permit.

As a result, a Notice of Violation (“NOV”) was issued on April 20, 2021 – refer to Attachment No. 3 citing that the business has expanded partially or wholly converted to another business without the required City approval or permits. The NOV gave Saybrook until May 3, 2021 to remove any business unrelated to the approved office use. The Appellant informed the City that his wife is a therapist (the business owner of Dr. Susan Block Institute) and was not operating her business out of this building. He admitted that all Saybrook’s employees, including himself stay overnight at the subject site for several days a week due to work deadlines. In addition, when the Appellant was informed of the online advertisement for a job at Saybrook for a “live-in” position he did not deny the online advertisement and explained that it was not intended for a permanent “live-in” position, but a position to stay overnight for a few days out of the week. Furthermore, on May 3, 2021, the Appellant informed the City that Saybrook is not in violation of any Arcadia ordinances.

Since the Appellant confirmed that the building was being used for overnight stay and acknowledged the online advertisement for a job for a “live-in” position at Saybrook, which is not allowed, an NOV was issued by the City on June 2, 2021 to correct this violation immediately and that they must cease and desist use of the property for any overnight stays since the business license was approved strictly for office use only – refer to Attachment No. 4. The NOV cited several code sections from the City’s Development Code stating that overnight stay is not allowed on this subject site and within this office building. On June 15, 2021, in response to the NOV the appellant informed the City that Saybrook is not in violation of the any City’s Codes.

On July 22, 2021, in order to confirm whether Saybrook abated the AMC violation of residential use, which isn’t allowed in the zone for the subject property, the City served

the Appellant an Inspection Warrant, and an inspection was conducted that day – refer to Attachment No. 5. Additionally, the Warrant authorized City staff to photograph or videotape the inspection for the purpose of preserving evidence of violations of the Arcadia Municipal Code. During the inspection, it was discovered that the business has ten (10) rooms that were being used as bedrooms – refer to Attachment No. 6 and contained other evidence of unlawful residential use of the property.

As a result, Saybrook was informed by certified mail on July 28, 2021 – refer to Attachment No. 7, that their business license was revoked.

DISCUSSION

Pursuant to Section 6216.7 of the Arcadia Municipal Code, the Business License Officer may suspend or revoke any business license upon receipt of any of the following information:

- The business has been expanded, or partially or wholly converted to another business, without the required City approvals and permits; or
- The business has violated, or permitted to be violated, any federal, State, or local law applicable to the premises or business; or
- The business has, in the conduct of the same or any similar business, engaged in conduct detrimental to the public welfare.
 - a. Conduct detrimental to the public welfare includes, but is not limited to, operations or activities that do not comport with the peace, health, safety and convenience of the public.
 - b. Examples of conduct detrimental to the public welfare include, but are not limited to: (a) operating a business prohibited by local or State law, or (b) “allowing” activities that are or become a public nuisance.

Though the burden of proof is not expressly stated in the City’s ordinance, the preponderance of the evidence standard generally applies to all civil and administrative matters unless another higher degree of proof is imposed by statute.

The preponderance-of-the-evidence standard requires that City staff must persuade the Board that, by the evidence presented in this Staff Report and any evidence presented at the hearing, that what City staff is required to prove is more likely to be true than not true. Stated another way, the preponderance-of-the-evidence standard simply requires the Board to believe that the existence of a fact is more probable than its nonexistence.

Under AMC Section 6216.7, the Business License Officer has broad discretion to revoke or suspend a business license. In this case, Saybrook’s business license has been revoked for two independent reasons:

1. Saybrook’s business license was conditionally approved as office use only. One of the conditions of approval was that the rooms were to be maintained as office space and storage for the office use, as outlined on the business license application, business license certificate and floor plan refer to - Attachment No. 8. Many of the room were used as bedrooms for “overnight stay”; therefore, violation of the conditions of approval of said license is grounds for revocation according to AMC Section 6216.7(3), as stated above.
2. The subject business address is zoned C-O Professional Office. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices (Development Code Section, 9102.03.010.). Residential uses are prohibited in the C-O zone (Development Code Section 9102.03.020.). The City has a permissive zoning code, so only expressly permitted uses are allowed. Residential uses are not listed as a permitted use in the C-O zone (Development Code Section 9102.03.020, Table 2-8.) Therefore, they are prohibited unless the Development Services Department Director makes a finding that they are sufficiently similar to an expressly permitted use as to be allowed on the same basis in accordance with Development Code Section 9102.03.020(B). No such finding has been made. Therefore, your residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City’s Zoning Ordinance applicable to the premises where the business covered by said license is conducted, which is grounds for revocation of Saybrook’s business license in accordance with AMC Section 6216.7(3).

The City has met the preponderance-of-the-evidence standard with respect to each ground above.

Saybrook has been allowed to continue to operate their business until action has been taken on their Appeal.

RECOMMENDATION

It is recommended that the Business Permit and License Review Board adopt Resolution No. 2081, denying the appeal and uphold the decision to revoke the City’s business license for Saybrook Media Group, Inc. and that Saybrook’s employees, agents, partners, directors, officers, controlling stockholders or managers not be allowed to apply for a new business license in the City of Arcadia for a period of 12 months from the date of this revocation.

Business License Revocation
Saybrook Media Group, Inc. – 529 Las Tunas Drive
September 28, 2021
Page 5 of 5

If any of the Business License and Review Board Members or other interested party has any questions or comments regarding this matter prior to the September 28, 2021, hearing, please contact Business License Officer, Amber Abeyta, at (626) 574-5437, or by email at aabeyta@ArcadiaCA.gov .

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1 – Resolution No. 2081
- Attachment No. 2 - Appeal Letter
- Attachment No. 3 – Job Advertisement
- Attachment No. 4 – Notice of Violation Issued April 20, 2021
- Attachment No. 5 – Notice of Violation Issued June 2, 2021
- Attachment No. 6 – Inspection Warrant
- Attachment No. 7 – Pictures of Rooms and Business Premises
- Attachment No. 8 – Business License Revocation Letter dated July 28, 2021
- Attachment No. 9 – Saybrook’s Business License Application, Business License Certificate and Floor Plan

Attachment No. 1

Resolution No. 2081

RESOLUTION NO. 2081

A RESOLUTION OF THE BUSINESS PERMIT AND LICENSE REVIEW BOARD OF THE CITY OF ARCADIA, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE REVOCATION OF THE BUSINESS LICENSE FOR SAYBROOK MEDIA GROUP INC. AT 529 LAS TUNAS DRIVE

WHEREAS, on January 7, 2020, the City issued a business license to Saybrook Media Group Inc. (herein referred to as "Saybrook") at 529 Las Tunas Drive, for general office use only. The subject business address is zoned C-O Professional Office; and

WHEREAS, on April 20, 2021, a Notice of Violation ("NOV") was issued to Saybrook since they had an online advertisement for a "live-in" position and residential use of the subject property is not allowed per the City's zoning regulations for C-O, Professional Office. The NOV cited that Saybrook had at least partially expanded to another business without the required City approval or permits. The NOV gave Saybrook until May 3, 2021, to remove any business unrelated to the approved office use; and

WHEREAS, On June 2, 2021, a second NOV was issued to Saybrook, since the business owner of Saybrook confirmed that the building was being used for overnight stay and acknowledged the online advertisement for a job for a "live-in" position at their business location, which is not allowed. The second NOV cited that Saybrook must correct this violation immediately and that they must cease and desist use of the property for any overnight stays since the business license was approved strictly for office use only. Subsequently, on June 15, 2021, in response to the NOV the business owner informed the City that Saybrook is not in violation of any Citys Codes; and

WHEREAS, on July 22, 2021, in order to confirm whether Saybrook abated the Arcadia Municipal Code violation of residential use, which is not allowed in the zone for

the subject property, the City served Saybrook an Inspection Warrant. An inspection of the business was conducted that day, and it was confirmed (1) that the business had partially converted the approved floor plan and use from required storage and office use to residential use, which is in violation of Saybrook's business license conditions of approval, and (2) the overnight stay/residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises; and

WHEREAS, pursuant to Section 6216.7 of the Arcadia Municipal Code, the Business License Officer may suspend or revoke any business license upon receipt of any of the following information: 1) The business has been expanded, or partially or wholly converted to another business, without the required City approvals and permits; or 2) The business has violated, or permitted to be violated, any federal, State, or local law applicable to the premises or business; or 3) The business has, in the conduct of the same or any similar business, engaged in conduct detrimental to the public welfare. Conduct detrimental to the public welfare includes, but is not limited to, operations or activities that do not comport with the peace, health, safety and convenience of the public. Examples of conduct detrimental to the public welfare include, but are not limited to: (a) operating a business prohibited by local or State law, or (b) allowing activities that are or become a public nuisance. Though the burden of proof is not expressly stated in the City's ordinance, the preponderance of the evidence standard generally applies to all civil and administrative matters unless another higher degree of proof is imposed by statute; and

WHEREAS, on July 28, 2021, the business license was revoked by the Business License Officer for two reasons: (1) Saybrook had partially converted their approved floor plan and use from required storage and office use to residential use which is in violation

of Saybrook's business license conditions of approval, and (2) the overnight stay/residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises pursuant to Section 6216.7 of the Arcadia Municipal Code; and

WHEREAS, on August 9, 2021, the Appellant of Saybrook's business, Mr. Maximilian Lobkowicz, filed an appeal within the prescribed ten-day appeal period; and

WHEREAS, on September 28, 2021, a public hearing was held before the Business Permit and License Review Board ("Board") on said appeal, at which time all interested persons were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, THE BUSINESS PERMIT AND LICENSE REVIEW BOARD OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The facts set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Based on the preponderance of the evidence presented to this Board at the above-referenced public hearing on September 28, 2021, including factual data submitted by the Business License Division in the staff report with attachments dated September 28, 2021, and all related information presented to the Board, this Board finds and determines that the business license shall be revoked for two independent reasons:

1. Saybrook's business license was conditionally approved as office use only. One of the conditions of approval was that the rooms were to be maintained as office space and storage for the office use, as outlined on the business license application, and as listed on the business license certificate. Many of the rooms were used as bedrooms

for overnight stay; therefore, violation of the conditions of approval of said license is grounds for revocation according to AMC Section 6216.7(3).

2. The subject business address is zoned C-O Professional Office. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices (Development Code Section, 9102.03.010.). Residential uses are prohibited in the C-O zone (Development Code Section 9102.03.020.). The City has a permissive zoning code, so only expressly permitted uses are allowed. Residential uses are not listed as a permitted use in the C-O zone (Development Code Section 9102.03.020, Table 2-8.). Therefore, they are prohibited unless the Development Services Department Director makes a finding that they are sufficiently similar to an expressly permitted use as to be allowed on the same basis in accordance with Development Code Section 9102.03.020(B). No such finding has been made. Therefore, the residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises where the business covered by said license is conducted, which is grounds for revocation of Saybrook's business license in accordance with AMC Section 6216.7(3).

3. Based on the foregoing, the City of Arcadia Business Permit and License Review Board hereby finds that AMC section 6216.7 was violated by Saybrook, justifying its business license revocation.

SECTION 3. For the foregoing reasons the Business License and Review Board determines that the business license for Saybrook, Inc. shall be revoked, and denies the appeal and upholds the City's Business License Officer's decision, subject to the condition that Saybrook's employees, agents, partners, directors, officers, controlling

stockholders and managers not be allowed to apply for a new business license in the City of Arcadia for a period of 12 months from the date of this revocation.

SECTION 5. The Secretary shall certify to the adoption of this Resolution.

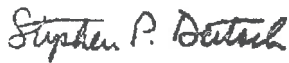
Passed, approved and adopted by the Business Permit and License Review Board this 28th day of September 2021.

Marilynne Wilander
Chair, Business Permit and License
Review Board

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney

Attachment No. 2

Appeal Letter

Monday Aug. 9th, 2021

City of Arcadia - Development Services Department
Attn: Amber Abeyta
240 W Huntington Drive
PO Box 60021
Arcadia, CA 91066



PLEADING IN RESPONSE TO BUSINESS LICENSE REVOCATION NOTICE

Dear Mrs. Abeyta

In response to the inspection and follow-up correspondence, I would like to clarify some of the issues raised.

I am honestly baffled by the misrepresentations, flat-out falsehoods, and defamatory accusations leveled against me, my wife, and our volunteers.

1. The individual who contacted the Arcadia Police Department on April 14, 2021 has never at any point lived on the premises of the subject property. That fits with the individual's other misrepresentations of the property and business conducted on the premises, which make it clear that the individual has no knowledge of the comings and goings of the subject property nor its operations. We do not know the identity of this individual. He applied to volunteer under an assumed name which made us unable to perform a background check.
2. There is no "phone sex business" operating at or from 529 Las Tunas Drive and no person "lives" at said property. No human being is domiciled at 529 Las Tunas Drive. Not now, not ever. Full stop.
3. No "adult business" is being conducted at the property. My wife, Susan Block, Ph.D. is a graduate of Yale University and a world-renowned sex therapist, author, speaker and educator. To characterize her work as "adult business" is plainly inaccurate at best and defamatory at worst. The work of a therapist and their client is no more an "adult business" than any couples counselor working from their office or, like during lockdown, home office.
4. Our work requires 24-hour monitoring of numerous websites, ad campaigns and radio podcast platforms that involve IT, coding, editorial deadlines, promotions, graphic design, editing, social media monitoring and archiving over 30 years worth of broadcasts from syndicated radio, cable TV (including HBO specials) and the Internet, as well as Dr. Block's lectures at universities and symposiums around the world. We also answer listener calls from all over the world 24/7.
5. To reiterate, our work has not changed, expanded, nor converted to another line of work from the moment we moved in to this day. The facts have not changed between the time we moved our office here and today. We have always been cooperative with all city departments and representatives and granted all requests from various city agencies including the police, fire, and building inspectors, to come in and see whatever they want to see.
6. The advertisement referenced in the letter is a case of literary license and has been misunderstood. The word "live-in" is meant metaphorically, not literally. Since we consider our

volunteers as family and our work as our life, that ad refers to our blending of art, life, and work, and it may cause confusion for people who work 9-5. We don't believe in a 9-5 economy. I want to make it abundantly clear: 529 Las Tunas Drive is not a residence or domicile for anyone. The only time people have lived here, that we know of, is when it was a home for the deaf.

7. The work we do is critical to the well-being of the individual, the couple, and the community. Our volunteers believe in our mission of making the world a better, more peaceful place, as Dr. Block describes in her best-selling book, *The Bonobo Way*. We work long hours on current programs as well as archiving over 30 years of our work. Some volunteers work 18 hours in a row (think coders and/or fire fighters). Like many organizations, after live broadcasts, special projects or long hours of work, we usually provide a nice meal and drinks for the volunteers. I will not send anyone home who is too tired to drive or has had one too many. We just witnessed a terrible, deadly, drunk-driving accident this past Friday night in front of our facility, and it reminded me of why we don't put our people in danger. Our volunteers can take a nap here on one of the couches, chairs or our many show beds which we've been storing for many years and were part of the original set for the HBO and cable TV shows. The volunteers separated the couches and beds in separate storage areas to maintain social distancing to prevent the spread of Covid. The accusation that our volunteers "live" here is as preposterous as accusing a hardworking lawyer who sleeps at their desk (or on their couch) after a long day, or the sheriff's deputies regularly seen snoozing in their squad cars during overnight shifts. Are these deputies "living" in their squad cars?
8. We cannot cease and desist something we never did. We are troubled by the accusations, which have no merit. Are we being accused of working too hard? Or are you attempting to dictate when we can work and when we can't? Why is a nap at 3 in the morning different from a nap at 3 in the afternoon? Under which dictionary is a nap in the middle of a long workday or overnight shift considered "living?" Once again, we are not a traditional 9-to-5 business, we do this work because we love it, and we do it with great joy and dedication. The City of Arcadia does not get to decide our work ethic or our work hours.
9. Our storage rooms are not bedrooms. They are storage rooms which store boxes, books, mattresses, used and unused equipment, chairs, costumes, props, art, gifts, archives. Some of these storage rooms are organized, and others, like most storage rooms, are pretty messy. Your photos focused on the messiest parts along with the beds. Why didn't you take pictures of our offices, broadcasts or the thousands of books in our library? The City of Arcadia's own definition of "bedroom" is: "is a private room intended primarily for sleeping." None of our offices, studios or storage rooms fit that definition.
10. We've seen how much our work in sexuality and politics has helped people over the past 30 years. We do nothing illegal or inappropriate for this building, and yet our work can be considered controversial and even demonized by many uneducated people, religious groups and hate groups. Nothing we do, or are accused of doing, falls under any definition of "adult businesses" mentioned in Arcadia Municipal Code.
11. In conclusion, we feel that we are being targeted unfairly and harassed by the City of Arcadia because of our work in sexuality and politics and our slightly unusual, non-9-5 work style. We are prepared for a protracted legal battle to maintain our rights under the first and fourth amendment of the Constitution of The United States which we will vigorously defend. The residents of the City of Arcadia deserve to have their tax dollars go towards more worthy causes such as reducing the number of fatal car collisions like the one that just happened in front of our building.

12. We love it here. We have invested a lot of time and money into this building and into Arcadia. We have a good relationship with our landlady, neighbors and fellow local businesspeople. We share your vision for a better Arcadia and we want to be a part of that vision. This is why we continue to invest in this city and support the local businesses and community. We're not enemies. We are all trying to make a better Arcadia for all of us. Like bonobos, we just want to get along.

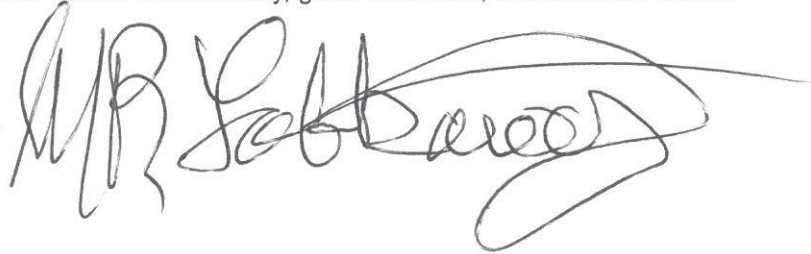
I am happy to discuss this further with honesty, good intentions, and common sense.

Sincerely,

Maximilian Lobkowitz

626.461.5212

FDRradio.com

A handwritten signature in black ink, appearing to read 'Maximilian Lobkowitz', written in a cursive style. The signature is positioned to the right of the typed name.

Attachment No. 3

Job Advertisement

<https://bonoboville.com/classifieds/80051/seeking-artist-social-media-writer-web-designer-it-computer-savvy-or-personal-assistant/admin-office/?fbclid=IwAR0GtcRP0QCZFJeffMHpoi1rf9pmo5INlh9SjL0nUPhGAVZUvB0An7xl2MU>

Seeking Artist, Social Media, Writer, Web Designer, IT, Computer Savvy, or Personal Assistant

Category: JOBS → admin / office

Posted By: Harry Sapien

Phone: (626) 662-0195

Additional Photos:



More Information

We have a Live-in Position that is open to a wide range of talents and skill sets. If you are an artist, fashion designer, photographer, writer, know how to use social media, graphic artist, web designer, IT, or personal assistant or willing to learn then you can apply.

We are an online company centered around Dr. Susan Block— a world renown sexologist. We run The Dr. Susan Block Institute and produce The Dr. Susan Block Show and FDR Radio.

www.DrSusanBlock.com

www.DrSusanBlockInstitute.com

www.DrSusanBlock.com/home

www.Bonoboville.com

www.DrBlocksPleasureShop.com

We publish content online as well as produce magazines, books, journals, and various projects. We also run an online store that sells various items to include art, photographs, and physical products.

Your job will depend on your skill set but in general, you will work four hours per day six days per week (with some light office/admin work required) and in exchange we provide room and board, utilities, internet and even food is paid for.

Because of COVID we are seeking people who are freelancers and work their own hours, preferably are trying to create their own labels, brands, etc and spend the majority of their time/work online or isolated. Obviously, if you go out to shop or for work that is fine, we just ask that you are safe and wear a mask.

We are a group of laid back hippie-dippie-make-love-not-war liberals that believe in freedom and equality. We do not discriminate based on race, age, sexual orientation etc and we ask that you be the same or else please don't apply for this job.

Everyone here is a professional with amazing skill sets: writers, artists, musicians, tech wizards, business weenies, web design, etc.

We are a growing company and if you want to get more directly involved there is opportunity for advancement and to earn money (completely voluntary and not required).

Your room is a private room with private shower and bathroom, looks out into the courtyard with a private entrance. We are in a great affluent neighborhood in Arcadia / Temple City area (15 minutes east of Downtown LA) with great shopping and parks just a few minutes walk away. The street is also along two major bus routes. Facility has an industrial kitchen and on site laundry room and tons of privacy and space and is quiet.

If interested please tell us about yourself, include social media links, samples of your work (if applicable) and a resume.

EMAIL: SaybrookMedia@gmail.com

Lastly, don't forget to send us contact information so we can get ahold of you.

Attachment No. 4

Notice of Violation Issued April 20, 2021



Development Services Department
 Business License Division
 240 West Huntington Drive
 Post Office Box 60021
 Arcadia, CA 91066-6021

CITY OF ARCADIA
 BUSINESS LICENSE DIVISION
 NOTICE OF VIOLATION

DATE OF VIOLATION: 4/20/21

Business Address/Location of Violation 529 Las Tunas Drive, Arcadia, CA 91007		Business License Number 063881	
Business Name Saybrook Media Group, Inc.	Business Owner Saybrook Media Group, Inc.	Telephone Number (626) 461-5948	
Mailing Address Same as business address	City Arcadia	State CA	Zip 91007

YOU ARE IN VIOLATION OF THE FOLLOWING ARCADIA MUNICIPAL CODE SECTION(S):

- AMC 6211**
No person shall engage in business in or transact and carry on any business trade, profession, calling or occupation in the City without a City of Arcadia Business License.
- AMC 6211.1**
Application Contents. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements.
- AMC 6212.5**
Same. Not Transferable. No license shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.
- AMC 6216**
Separate license shall be obtained for each branch establishment or location of the business engaged in, and each license shall authorize the licensee to engage only in the business licensed therefor at the location and in the manner designated in such license.
- AMC 6216.2**
Every person having a business license under this chapter and carrying on a business or pursuit at a fixed place of business shall keep such licensed posted in a conspicuous place in such place of business so as to be easily seen.
- AMC 6220.14**
Commercial Building Rental. For every person engaged in the business or occupation of conducting the rental of commercial building property.

- Other: AMC 6216.7(2) -The business has expanded, or partially or wholly converted to another business without required City approvals and permits....
- Other: _____
- Other: _____

This notice has been mailed/posted pursuant to 9404.2.D of the Arcadia Municipal Code. In addition, a copy of this notice will be mailed to the property owner. Further information may be obtained by contacting the undersigned.

Remarks/Required Actions: The subject business is currently operating an illegal sex phone business and utilizing the facility as a residence. Neither of these uses are allowed on this property,
which is zoned C-O, Professional Office Zone. This is in violation against the zoning and your approved business license, which limit the use to "office use" only. Additionally, operating a phone sex business is considered as an "Adult Oriented Business," which is only permitted in a M-1, Industrial zone and it is subject to a discretionary review process.

Notice is hereby given that the violation(s) must be corrected by May 3, 2021. It is the responsibility of the business owner to notify this office when the above corrections have been completed. Failure to correct the violations in the time period given will result in the issuance of an administrative citation that includes a monetary fine and/or the revocation of your business license.

Amber Abeyta

 Business License Officer Name

4/19/21

 Date
 Phone: (626) 574-5430

Amber Abeyta

 Business License Officer Signature

_____ Email: Aabeyta@ArcadiaCA.gov

C: Hot Kid LLC c/o Anne W Yeh, Bu, Property Owner

Attachment No. 5

Notice of Violation Issued June 2, 2021



Development Services Department
 Business License Division
 240 West Huntington Drive
 Post Office Box 60021
 Arcadia, CA 91066-6021

COPY

**CITY OF ARCADIA
 BUSINESS LICENSE
 NOTICE OF VIOLATION**

DATE OF VIOLATION: 6/2/21

Business Address/Location of Violation 529 Las Tunas Drive, Arcadia, CA 91007		Business License Number 063881	
Business Name Saybrook Media Group, Inc.	Business Owner Saybrook Media Group, Inc.	Telephone Number (626) 461-5948	
Mailing Address Same as business address	City Arcadia	State CA	Zip 91007

YOU ARE IN VIOLATION OF THE FOLLOWING ARCADIA MUNICIPAL CODE (AMC) SECTION(S):

- AMC 6211**
 No person shall engage in business in or transact and carry on any business trade, profession, calling or occupation in the City without a City of Arcadia Business License.
- AMC 6211.1.**
 Application Contents. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements.
- AMC 6212.5.**
 Same. Not Transferable. No license shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.

Other: The business address is zoned C-O Professional Office. Under AMC section 9102.03.020, the C-O Professional Office zoning designation expressly prohibits hotel and motel use. Under AMC section 9109.01.090, "Hotel" is defined as "[a] commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. A hotel or motel may include ancillary facilities such as common meeting rooms, dining facilities, and guest amenities." Therefore, staying overnight on a regular basis at the business address is prohibited under the AMC Development Code. Violations of the AMC Development Code are a public nuisance under AMC section 9108.15.070(A)(1).

This notice has been mailed/posted pursuant to 9404.2.D of the Arcadia Municipal Code. In addition, a copy of this notice will be mailed to the property owner. Further information may be obtained by contacting the undersigned.

Remarks/Required Actions: Cease and desist use of the property for short-term lodging. The business license is strictly for office use. The use of the property for short-term lodging is in violation of the AMC and may constitute grounds for revocation of the license under AMC section 6216.7(3).

Notice is hereby given that the violation(s) must be corrected within **14 days** of the date of this NOV. It is the responsibility of the business owner to notify this office when the above corrections have been completed. Failure to correct the violations in the time period given will result in the issuance of an administrative citation that includes a monetary fine and/or the revocation of your business license.

Amber Abeyta
 Business License Officer Name

 Business License Officer Signature

6/2/21
 Date
 Phone: (626) 574-5430
 Email: Aabeyta@ArcadiaCA.gov

C: Hot Kid LLC c/o Anne W Yeh, Bu, Property Owner

Attachment No. 6

Inspection Warrant

1 STEPHEN P. DEITSCH, Bar No. 089318
stephen.deitsch@bbklaw.com
2 BRANDON A. SANCHEZ, Bar No. 300718
brandon.sanchez@bbklaw.com
3 BEST BEST & KRIEGER LLP
2855 E. Guasti Road, Suite 400
4 Ontario, California 91761
Telephone: (909) 989-8584
5 Facsimile: (909) 944-1441

6 Attorneys for Applicant
CITY OF ARCADIA

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103.

7

8

SUPERIOR COURT OF THE STATE OF CALIFORNIA

9

COUNTY OF LOS ANGELES—NORTH CENTRAL DISTRICT

10

GLENDALE COURTHOUSE

11

12 IN THE MATTER OF THE INSPECTION
13 OF:

Warrant No.: _____

14

529 LAS TUNAS DRIVE, ARCADIA,
CALIFORNIA 91007

**[PROPOSED]
INSPECTION WARRANT**

15

[Code Civ. Proc., §§ 1822.50–1822.60.]

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APN: 5787-024-021

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1 INSPECTION WARRANT

2
3 Upon review of the City of Arcadia’s (“City”) Application for Inspection Warrant
4 (“Application”), the Memorandum of Points and Authorities attached thereto, the Declaration of
5 Business License Officer Amber Abeyta, and all other evidence available to the Court, and upon
6 proof being made before me this day that there is probable cause to believe that there are
7 building, fire, safety, plumbing, electrical, health, labor, or zoning code violations on the property
8 located at 529 Las Tunas Drive, Arcadia, California 91007 (“Subject Property”)—

9
10 THIS INSPECTION WARRANT IS HEREBY DIRECTED to any Code Services
11 Officer, Building and Safety Inspector, Fire Inspector, Environmental Inspector, Planning or
12 Zoning Inspector, Animal Control Officer, Arcadia City Attorney, County Health Inspector,
13 Arcadia Police Officer, and any other individual acting as an agent of the City of Arcadia
14 (“YOU”).

15
16 YOU ARE HEREBY AUTHORIZED IN THE NAME OF THE PEOPLE to enter and
17 inspect the Subject Property as authorized by Code of Civil Procedure sections 1822.50 through
18 1822.60, which shall include the interior and exterior of any open fields, yards, structures,
19 buildings, homes, houses, sheds, garages, and rooms located on or at the Subject Property
20 (“Inspection”). The purpose of this Inspection will be to verify the existence, scope, and extent of
21 any violations of the Arcadia Municipal Code (“AMC”) or other State laws, that exist on the
22 Subject Property.

23
24 YOU ARE FURTHER AUTHORIZED to photograph or videotape the Inspection for the
25 purpose of preserving evidence of violations of the Arcadia Municipal Code. Any peace officer
26 may accompany the execution of this Inspection Warrant in order to keep the peace and to
27 prevent any interference with the execution of this Inspection Warrant. Any animal control officer
28 may accompany the execution of this Inspection Warrant in order to control or take into custody

1 any uncontrolled animal on the premises.

2

3 YOU ARE FURTHER AUTHORIZED to conduct the Abatement between the hours of
4 8:00 a.m. and 6:00 p.m.

5

6 YOU ARE FURTHER AUTHORIZED to conduct the Inspection without providing
7 advance notice of the Inspection.

8

9 YOU ARE FURTHER AUTHORIZED to conduct the Inspection in the absence of an
10 owner or occupant of the Subject Property because the absence of such persons is reasonably
11 necessary to effectuate this Inspection Warrant.

12

13 YOU ARE FURTHER AUTHORIZED to use reasonable force, if necessary, to enter the
14 Subject Property, or any structures thereon, to conduct the Inspection on the Subject Property,
15 with the assistance of the Arcadia Police Department or a locksmith.

16

17 Unless otherwise extended or renewed, this Inspection Warrant shall be effective for a
18 period of 14 days from the date of signature. This Inspection Warrant shall be returned to this
19 Court within 30 days following expiration of the Inspection Warrant.

20

21 Dated: July 13, 2021

Suzette Clover
JUDGE OF THE SUPERIOR COURT

22

23

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25

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Attachment No. 7

Pictures of Rooms and Business Premises

Bedroom #1



Bedroom #2



Bedroom #3



Bedroom #4



Bedroom #5



Bedroom #6



Bedroom #7



Bedroom #8



Bedroom #9



Bedroom #10



Following Pictures are of Other Areas of the Business



















Attachment No. 8

Business License Revocation Letter dated
July 28, 2021



City of Arcadia

Development Services Department

Jason Kruckeberg
Assistant City Manager/
Development Services
Director

240 West Huntington Drive
Post Office Box 60021
Arcadia, CA 91066-6021
(626) 574-5415
(626) 447-3309 Fax
www.ArcadiaCA.gov

SENT VIA CERTIFIED MAIL

July 28, 2021

Saybrook Media Group Inc.
Attn: Melvin Harris
529 Las Tunas Drive
Arcadia, CA 91007

SUBJECT: Business License Revocation of Saybrook Media Group, Inc., Business License Account No. 063881

BUSINESS ADDRESS: 529 Las Tunas Drive

Dear Mr. Harris:

On July 22, 2021, an Inspection Warrant (copy enclosed) was served by City staff to your business, Saybrook Media Group, Inc. (herein referred to as "Saybrook") located at 529 Las Tunas Drive, and an inspection was conducted to determine if the subject property is being used as a residence. The inspection was prompted by the following:

1. On April 14, 2021, the Arcadia Police Department ("APD") was contacted by an individual (via telephone and in-person) attempting to register his residence as a sex offender who informed APD that he had lived at Saybrook's subject business location since April 10, 2021. According to the registrant, Saybrook runs a phone sex business for the Dr. Susan Block Institute, and he and several others work for Saybrook, operate the company's phone system, and live at the subject business location. According to the registrant, those who live at the subject property live there rent free in exchange for their work. Since use of the subject property as a residence is prohibited by the City's zoning regulations, APD informed the registrant that he could not register the subject property as his residence.
2. Based on this information, it was determined that Saybrook was unlawfully using the subject property for residential activity in violation of its zoning regulations. In addition, a sex phone business is an "adult business" use that is prohibited in every zone except the M-1 Zone and requires an Adult Business Regulatory Permit per Arcadia Municipal Code ("AMC") Section 9104.02.020.
3. Accordingly, on April 20, 2021, this office issued a Notice of Violation ("NOV") (copy enclosed) to Saybrook citing AMC section 6216.7(2), "business has expanded partially or wholly converted to another business without the required City approval or permits." The NOV gave Saybrook until May 3, 2021 to comply.
4. On April 27, 2021 this office discovered an online advertisement (copy enclosed) for a job at Saybrook for a "live-in" position. The job advertisement included photographs of the subject property including the kitchen, shower, bedroom with mattress, and laundry facilities.
5. In response to the NOV issued on April 20, 2021, a Saybrook business associate, Mr. Maximillian Lobkowicz informed this office that his wife is a therapist (business owner of Dr. Susan Block Institute) and is not involved in his business, and he admitted that all of Saybrook employees, including himself stay overnight at the subject site for several days to complete work when on a deadline. In addition, when Mr. Lobkowicz was informed of the online advertisement for a job at Saybrook for a "live-in" position he didn't deny the online advertisement and explained it wasn't for a "live-in" position not to permanently stay at Saybrook, but to stay overnight for few days out of the week.
6. On May 3, 2021, this office received an email from Mr. Lobkowicz stating that Saybrook is not in violation of any Arcadia ordinances.
7. On June 2, 2021, this office issued a second NOV (copy enclosed) to Saybrook citing AMC sections 9102.03.20 [Land Use Regulations and Allowable Uses], 9109.01.090, and 9108.15.070(A)(1). The NOV informed Saybrook that overnight stay is not allowed in a professional office building. In addition, Saybrook must cease and desist use of the property for short-term lodging. The business license is strictly for office use. The use of the property for short-term lodging/overnight stay is in violation of the AMC and may constitute ground for revocation of Saybrook's business license under AMC, Section 6216.7(3).

8. On June 15, 2021, this office received an email from Mr. Lobkowitz stating that Saybrook is not in violation of any Arcadia city ordinances.

In order to confirm whether Saybrook abated the AMC violation of residential use, which isn't allowed in the zone for the subject property, an Inspection Warrant was served on July 22, 2021. During the inspection, it was discovered that the subject business location has ten (10) rooms that are being used as bedrooms (see attached photos) and contained other evidence of unlawful residential use of the property. **Therefore, Saybrook's business license is hereby revoked as follows for two independent reasons:**

- A. The Arcadia Municipal Code (AMC) violation constitutes grounds for revocation of your business license under AMC section 6216.7 [Suspension or Revocation], which states, "The License Officer may suspend or revoke any business license upon receipt of information from any source that: (3) The holder of the license has violated any of the conditions of said license or has violated or permitted to be violated any law or laws of the United States or the State, or any ordinance applicable to the premises where the business covered by said license is conducted, or in connection with said business...."
- B. Saybrook's business license was conditionally approved as office use only. One of the conditions of approval was that the subject rooms were to be maintained as office space and storage (see enclosed business license certificate and floor plan). Numerous rooms required to be used as storage were observed being used as bedrooms as discovered on July 22, 2021; therefore, Saybrook has violated the conditions of said license which is grounds for revocation according to AMC section 6216.7 (3) as listed above.
- C. In addition, the subject business address is zoned C-O Professional Office. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices. (AMC, § 9102.03.010.) Residential uses are prohibited in the C-O zone. (AMC, § 9102.03.020.) The City has a permissive zoning code, so only expressly permitted uses are allowed. Residential uses are not listed as a permitted use in the C-O zone. (AMC, § 9102.03.020, Table 2-8.) Therefore, they are prohibited unless the Development Services Department Director makes a finding that they are sufficiently similar to an expressly permitted use as to be allowed on the same basis in accordance with AMC section 9102.03.020(B). No such finding has been made. Therefore, your residential use of the subject property within the C-O zone is prohibited under the AMC Development Code and is in violation of the City's Zoning Ordinance applicable to the premises where the business covered by said license is conducted, which is grounds for revocation of Saybrook's business license in accordance with AMC section 6216.7(3).

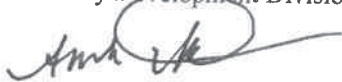
Please be advised that continuing to operate your business in the City constitutes unlicensed business activity, which violates the Arcadia Municipal Code and is subject to further enforcement.

Immediately wind down all business activities and discontinue the residential use of the property immediately.

Per Arcadia Municipal Code Section 6216.8 (attached) you may appeal this decision within ten (10) days of the date of this notice. An appeal must be made in writing and delivered to the Business License Division by **5:30 p.m. on Monday, August 9, 2021**. If you fail to appeal the revocation is final and you will be deemed to have failed to exhaust your administrative remedies.

If you have any questions, you may contact me at (626) 574-5430 or by email at: Aabeyta@ArcadiaCA.gov

Sincerely,
DEVELOPMENT SERVICES DEPARTMENT
Community Development Division / Business License Division



Amber Abeyta
Business License Officer

- C: Hot Kid LLC c/o Anne W. Yeh, Property Owner
Brandon Sanchez, City Attorney's Senior Prosecution Counsel
Lisa Flores, Planning & Community Development Administrator
Lieutenant Foley, Arcadia Police Department
Detective Quiroz, Arcadia Police Department

Enclosure

1 STEPHEN P. DEITSCH, Bar No. 089318
stephen.deitsch@bbklaw.com
2 BRANDON A. SANCHEZ, Bar No. 300718
brandon.sanchez@bbklaw.com
3 BEST BEST & KRIEGER LLP
2855 E. Guasti Road, Suite 400
4 Ontario, California 91761
Telephone: (909) 989-8584
5 Facsimile: (909) 944-1441

6 Attorneys for Applicant
CITY OF ARCADIA
7

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES—NORTH CENTRAL DISTRICT
10 GLENDALE COURTHOUSE
11

12 IN THE MATTER OF THE INSPECTION
OF:
13
14 529 LAS TUNAS DRIVE, ARCADIA,
CALIFORNIA 91007
15
16 APN: 5787-024-021
17

Warrant No.: _____
[PROPOSED]
INSPECTION WARRANT
[Code Civ. Proc., §§ 1822.50–1822.60.]

1
2 INSPECTION WARRANT

3 Upon review of the City of Arcadia's ("City") Application for Inspection Warrant
4 ("Application"), the Memorandum of Points and Authorities attached thereto, the Declaration of
5 Business License Officer Amber Abeyta, and all other evidence available to the Court, and upon
6 proof being made before me this day that there is probable cause to believe that there are
7 building, fire, safety, plumbing, electrical, health, labor, or zoning code violations on the property
8 located at 529 Las Tunas Drive, Arcadia, California 91007 ("Subject Property")—
9

10 THIS INSPECTION WARRANT IS HEREBY DIRECTED to any Code Services
11 Officer, Building and Safety Inspector, Fire Inspector, Environmental Inspector, Planning or
12 Zoning Inspector, Animal Control Officer, Arcadia City Attorney, County Health Inspector,
13 Arcadia Police Officer, and any other individual acting as an agent of the City of Arcadia
14 ("YOU").
15

16 YOU ARE HEREBY AUTHORIZED IN THE NAME OF THE PEOPLE to enter and
17 inspect the Subject Property as authorized by Code of Civil Procedure sections 1822.50 through
18 1822.60, which shall include the interior and exterior of any open fields, yards, structures,
19 buildings, homes, houses, sheds, garages, and rooms located on or at the Subject Property
20 ("Inspection"). The purpose of this Inspection will be to verify the existence, scope, and extent of
21 any violations of the Arcadia Municipal Code ("AMC") or other State laws, that exist on the
22 Subject Property.
23

24 YOU ARE FURTHER AUTHORIZED to photograph or videotape the Inspection for the
25 purpose of preserving evidence of violations of the Arcadia Municipal Code. Any peace officer
26 may accompany the execution of this Inspection Warrant in order to keep the peace and to
27 prevent any interference with the execution of this Inspection Warrant. Any animal control officer
28 may accompany the execution of this Inspection Warrant in order to control or take into custody

55575.18155\33367803.1

1 any uncontrolled animal on the premises.

2

3 YOU ARE FURTHER AUTHORIZED to conduct the Abatement between the hours of
4 8:00 a.m. and 6:00 p.m.

5

6 YOU ARE FURTHER AUTHORIZED to conduct the Inspection without providing
7 advance notice of the Inspection.

8

9 YOU ARE FURTHER AUTHORIZED to conduct the Inspection in the absence of an
10 owner or occupant of the Subject Property because the absence of such persons is reasonably
11 necessary to effectuate this Inspection Warrant.

12

13 YOU ARE FURTHER AUTHORIZED to use reasonable force, if necessary, to enter the
14 Subject Property, or any structures thereon, to conduct the Inspection on the Subject Property,
15 with the assistance of the Arcadia Police Department or a locksmith.

16

17 Unless otherwise extended or renewed, this Inspection Warrant shall be effective for a
18 period of 14 days from the date of signature. This Inspection Warrant shall be returned to this
19 Court within 30 days following expiration of the Inspection Warrant.

20

21 Dated: July 13, 2021

22

Suzette Clover

JUDGE OF THE SUPERIOR COURT

23

24

25

26

27

28



Development Services Department
Business License Division
240 West Huntington Drive
Post Office Box 60021
Arcadia, CA 91066-6021

CITY OF ARCADIA
BUSINESS LICENSE DIVISION
NOTICE OF VIOLATION

DATE OF VIOLATION: 4/20/21

Table with 4 columns: Business Address/Location of Violation, Business License Number, Business Name, Business Owner, Telephone Number, Mailing Address, City, State, Zip.

YOU ARE IN VIOLATION OF THE FOLLOWING ARCADIA MUNICIPAL CODE SECTION(S):

- AMC 6211: No person shall engage in business in or transact and carry on any business trade, profession, calling or occupation in the City without a City of Arcadia Business License.
AMC 6211.1: Application Contents. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements.
AMC 6212.5: Same. Not Transferable. No license shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.
AMC 6216: Separate license shall be obtained for each branch establishment or location of the business engaged in, and each license shall authorize the licensee to engage only in the business licensed therefor at the location and in the manner designated in such license.
AMC 6216.2: Every person having a business license under this chapter and carrying on a business or pursuit at a fixed place of business shall keep such licensed posted in a conspicuous place in such place of business so as to be easily seen.

- Other: AMC 6216.7(2) -The business has expanded, or partially or wholly converted to another business without required City approvals and permits....
Other:
Other:

This notice has been mailed/posted pursuant to 9404.2.D of the Arcadia Municipal Code. In addition, a copy of this notice will be mailed to the property owner. Further information may be obtained by contacting the undersigned.

Remarks/Required Actions: The subject business is currently operating an illegal sex phone business and utilizing the facility as a residence. Neither of these uses are allowed on this property, which is zoned C-O, Professional Office Zone. This is in violation against the zoning and your approved business license, which limit the use to "office use" only. Additionally, operating a phone sex business is considered as an "Adult Oriented Business," which is only permitted in a M-1, Industrial zone and it is subject to a discretionary review process.

Notice is hereby given that the violation(s) must be corrected by May 3, 2021. It is the responsibility of the business owner to notify this office when the above corrections have been completed. Failure to correct the violations in the time period given will result in the issuance of an administrative citation that includes a monetary fine and/or the revocation of your business license.

Amber Abeyta
Business License Officer Name
[Signature]

4/19/21
Date
Phone: (626) 574-5430
Email: Aabeyta@ArcadiaCA.gov

C: Hot Kid LLC c/o Anne W Yeh, Bu, Property Owner

<https://bonoboville.com/classifieds/80051/seeking-artist-social-media-writer-web-designer-it-computer-savvy-or-personal-assistant/admin-office/?fbclid=IwAR0GtcRP0QCZFJeffMHpoi1rf9pmo5INlh9SjL0nUPhGAVZUvB0An7xl2MU>

Seeking Artist, Social Media, Writer, Web Designer, IT, Computer Savvy, or Personal Assistant

Category: JOBS → admin / office

Posted By: Harry Sapien

Phone: (626) 662-0195

Additional Photos:



More Information

We have a Live-in Position that is open to a wide range of talents and skill sets. If you are an artist, fashion designer, photographer, writer, know how to use social media, graphic artist, web designer, IT, or personal assistant or willing to learn then you can apply.

We are an online company centered around Dr. Susan Block— a world renown sexologist. We run The Dr. Susan Block Institute and produce The Dr. Susan Block Show and FDR Radio.

www.DrSusanBlock.com

www.DrSusanBlockInstitute.com

www.DrSusanBlock.com/home

www.Bonoboville.com

www.DrBlocksPleasureShop.com

We publish content online as well as produce magazines, books, journals, and various projects. We also run an online store that sells various items to include art, photographs, and physical products.

Your job will depend on your skill set but in general, you will work four hours per day six days per week (with some light office/admin work required) and in exchange we provide room and board, utilities, internet and even food is paid for.

Because of COVID we are seeking people who are freelancers and work their own hours, preferably are trying to create their own labels, brands, etc and spend the majority of their time/work online or isolated. Obviously, if you go out to shop or for work that is fine, we just ask that you are safe and wear a mask.

We are a group of laid back hippie-dippie-make-love-not-war liberals that believe in freedom and equality. We do not discriminate based on race, age, sexual orientation etc and we ask that you be the same or else please don't apply for this job.

Everyone here is a professional with amazing skill sets: writers, artists, musicians, tech wizards, business weenies, web design, etc.

We are a growing company and if you want to get more directly involved there is opportunity for advancement and to earn money (completely voluntary and not required).

Your room is a private room with private shower and bathroom, looks out into the courtyard with a private entrance. We are in a great affluent neighborhood in Arcadia / Temple City area (15 minutes east of Downtown LA) with great shopping and parks just a few minutes walk away. The street is also along two major bus routes. Facility has an industrial kitchen and on site laundry room and tons of privacy and space and is quiet.

If interested please tell us about yourself, include social media links, samples of your work (if applicable) and a resume.

EMAIL: SaybrookMedia@gmail.com

Lastly, don't forget to send us contact information so we can get ahold of you.



Development Services Department
 Business License Division
 240 West Huntington Drive
 Post Office Box 60021
 Arcadia, CA 91066-6021

COPY

**CITY OF ARCADIA
 BUSINESS LICENSE
 NOTICE OF VIOLATION**

DATE OF VIOLATION: 6/2/21

Business Address/Location of Violation 529 Las Tunas Drive, Arcadia, CA 91007		Business License Number 063881	
Business Name Saybrook Media Group, Inc.	Business Owner Saybrook Media Group, Inc.	Telephone Number (626) 461-5948	
Mailing Address Same as business address	City Arcadia	State CA	Zip 91007

YOU ARE IN VIOLATION OF THE FOLLOWING ARCADIA MUNICIPAL CODE (AMC) SECTION(S):

- AMC 6211**
 No person shall engage in business in or transact and carry on any business trade, profession, calling or occupation in the City without a City of Arcadia Business License.
- AMC 6211.1.**
 Application Contents. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements.
- AMC 6212.5.**
 Same. Not Transferable. No license shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.
- Other:** The business address is zoned C-O Professional Office. Under AMC section 9102.03.020, the C-O Professional Office zoning designation expressly prohibits hotel and motel use. Under AMC section 9109.01.090, "Hotel" is defined as "[a] commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. A hotel or motel may include ancillary facilities such as common meeting rooms, dining facilities, and guest amenities." Therefore, staying overnight on a regular basis at the business address is prohibited under the AMC Development Code. Violations of the AMC Development Code are a public nuisance under AMC section 9108.15.070(A)(1).

This notice has been mailed/posted pursuant to 9404.2.D of the Arcadia Municipal Code. In addition, a copy of this notice will be mailed to the property owner. Further information may be obtained by contacting the undersigned.

Remarks/Required Actions: Cease and desist use of the property for short-term lodging. The business license is strictly for office use. The use of the property for short-term lodging is in violation of the AMC and may constitute grounds for revocation of the license under AMC section 6216.7(3).

Notice is hereby given that the violation(s) must be corrected within 14 days of the date of this NOV. It is the responsibility of the business owner to notify this office when the above corrections have been completed. Failure to correct the violations in the time period given will result in the issuance of an administrative citation that includes a monetary fine and/or the revocation of your business license.

Amber Abeyta
 Business License Officer Name

 Business License Officer Signature

6/2/21
 Date
 Phone: (626) 574-5430
 Email: Aabeyta@ArcadiaCA.gov

C: Hot Kid LLC c/o Anne W Yeh, Bu, Property Owner

BUSINESS LICENSE CERTIFICATE**CITY OF ARCADIA**

The person, firm or corporation named below is granted this certificate pursuant to the provisions of the City Business Tax Ordinance to engage in, carry on or conduct the business, trade, calling, profession, exhibition or occupation described below. Issuance of certificate is not an endorsement, nor certification of compliance with other ordinances or laws, nor an assurance that the proposed use is in conformance with the city zoning regulations. This certificate is issued without verification that the taxpayer is subject to or exempt from licensing by the State of California.

Business Name: Saybrook Media Group Inc.
Business Location: 529 LAS TUNAS DR
 ARCADIA, CA 91007-8426

Description: Office Use And Storage

Business Owner(s): Saybrook Media Group, Inc.
 Melvin Harris

OFFICE USE ONLY . SQ. FT.
 OF OFFICE SPACE SHALL BE
 MAINTAINED AT ALL TIME

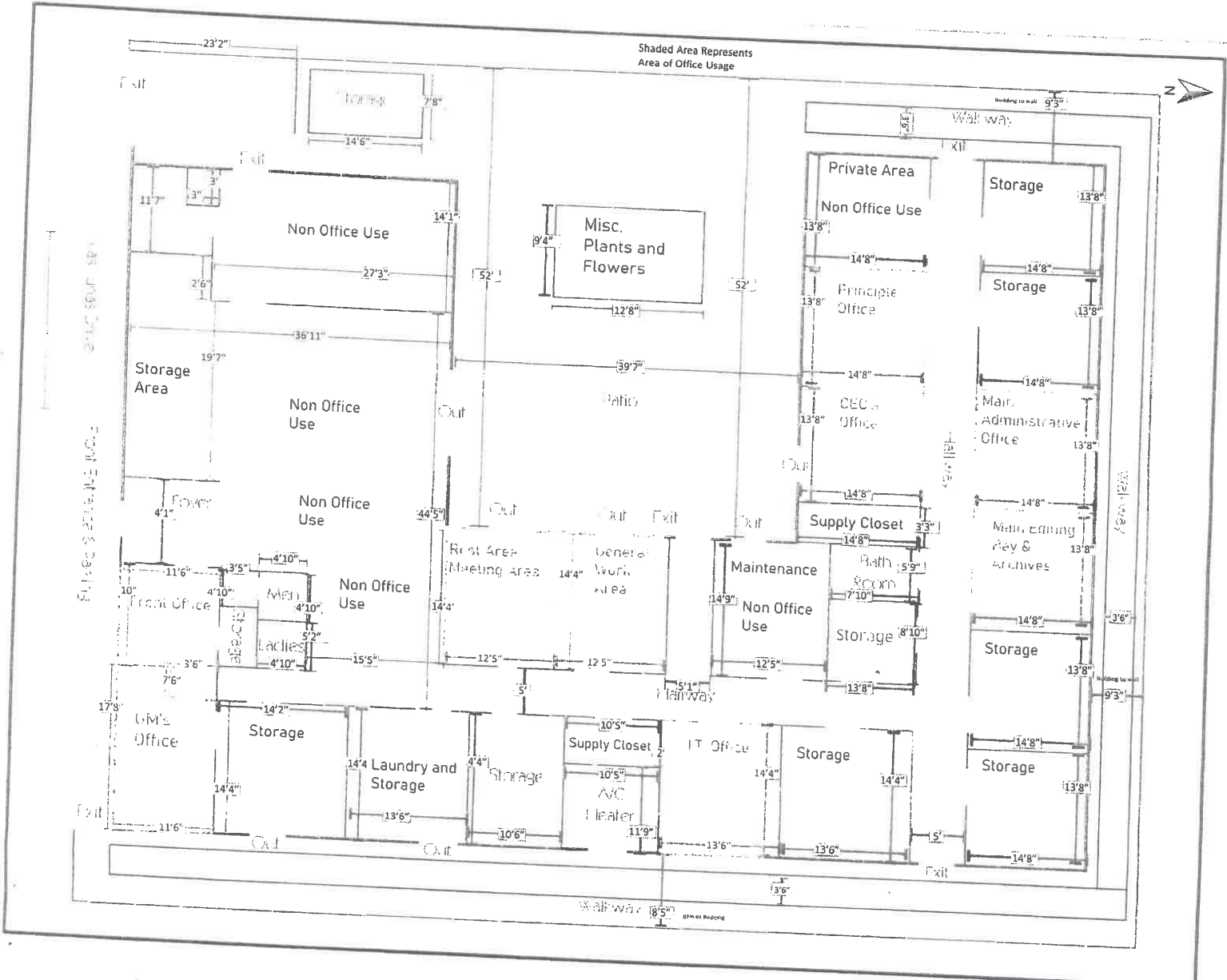
SAYBROOK MEDIA GROUP INC.
 529 LAS TUNAS DR
 ARCADIA, CA 91007-8426

Account Number:	063881
License Fee:	\$ 258.70
Effective Date:	01/01/2021
Expiration Date:	12/31/2021

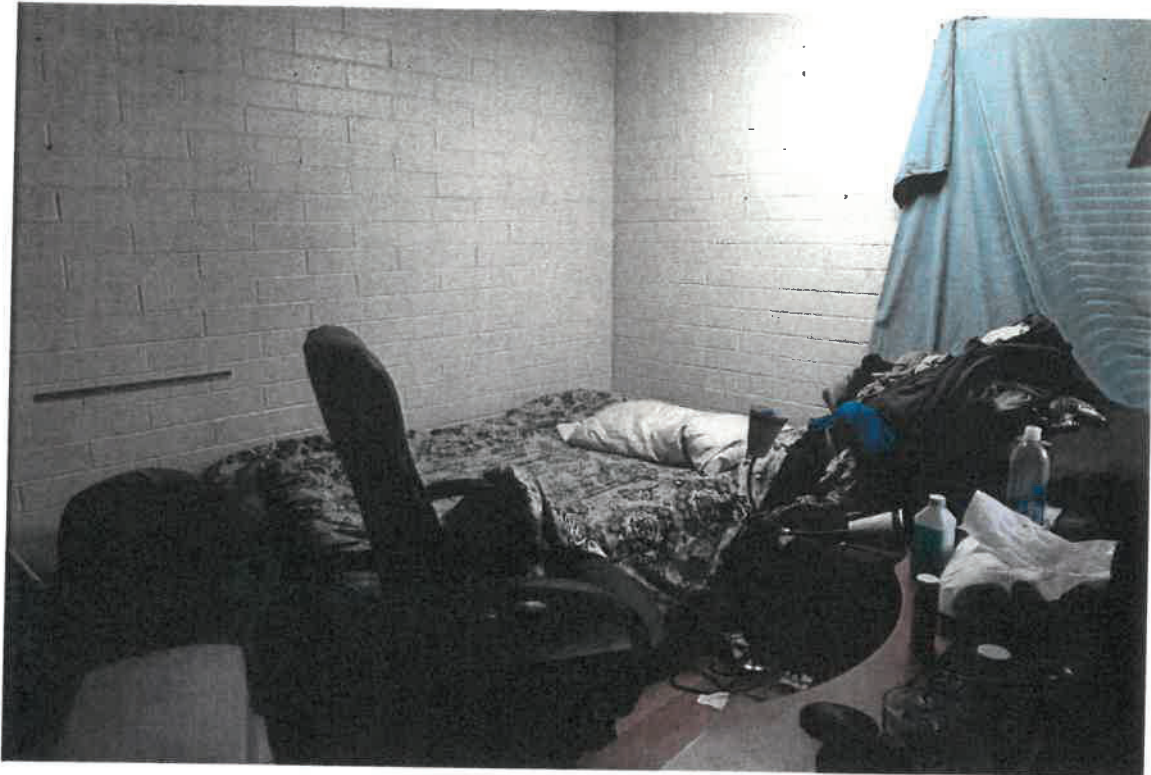
Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.doa.ca.gov/publications/>

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE



Bedroom #1



Bedroom #2



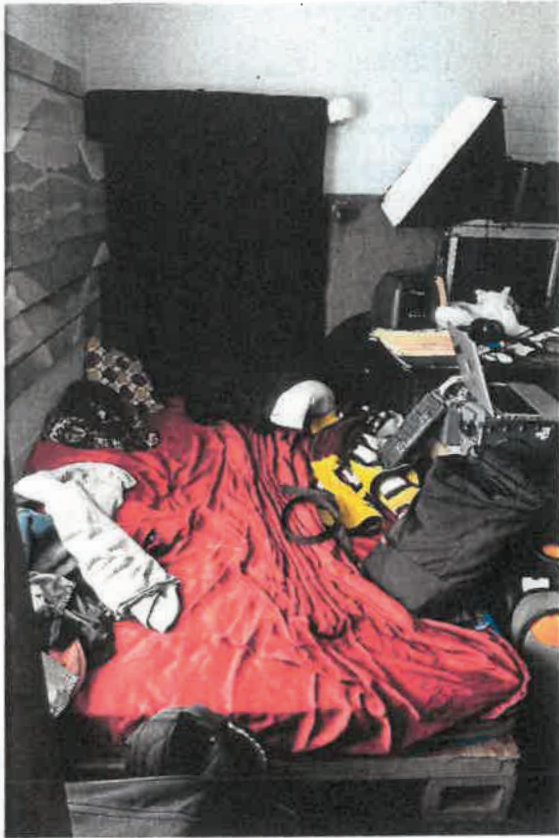
Bedroom #3



Bedroom #4



Bedroom #5



Bedroom #6



Bedroom #7



Bedroom #8



Bedroom #9



Bedroom #10





ARCADIA MUNICIPAL CODE
SECTION 6216.7. SUSPENSION OR REVOCATION

6216.7. - SUSPENSION OR REVOCATION.

The License Officer may suspend or revoke any business license upon receipt of information from any source that:

- (1) The holder of the license, or his or her employee, agent, partner, director, officer, controlling stockholder or manager has knowingly made any false, misleading or fraudulent statement of material facts in the application for the license or permit, or in any report or record required to be filed with the city's police department, county health department, or any other city department or office in connection with the operation of the business; or
- (2) The business has been expanded, or partially or wholly converted to another business without the required City approvals and permits; or
- (3) The holder of the license has violated any of the conditions of said license, or has violated or permitted to be violated any law or laws of the United States or the State, or any ordinance applicable to the premises where the business covered by said license is conducted, or in connection with said business; or
- (4) The holder of the license, or his or her employee, agent, partner, director, officer, controlling stockholder or manager has, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

(Amended by Ord. 2263 adopted 12-1-09)

Editor's note— Ord. No. 2263, § 15, adopted Dec. 1, 2009, amended § 6216.7, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6216.7 pertained to Revocation. See "Ordinance List and Disposition Table" for derivation.

6216.8. - APPEAL AND FINAL DETERMINATION.

The actions taken pursuant to Section 6216.6 and 6216.7 require at least ten (10) days' written notice to the applicant. Within ten (10) days of the date of the notice of denial, suspension or revocation, the applicant may file an appeal to the Business Permit and License Review Board.

Upon the filing of an appeal, and within thirty (30) days of the date of such appeal, or as soon thereafter as possible, a hearing shall be conducted by the Board. Any

ARCADIA MUNICIPAL CODE
SECTION 6216.7. SUSPENSION OR REVOCATION

Board member who has any financial interest in the outcome of the hearing or is unable to make a fair, impartial and unbiased determination shall not participate in either the hearing or in any determination or recommendation after the hearing. Prior to the hearing, City staff may, in their sole and absolute discretion, request the presence of an attorney from the City Attorney's office at the hearing, if one is not already scheduled to appear, or his/her designee, in order to present evidence on behalf of the City. During the hearing, all parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence and may require the presentation of additional evidence from any party involved. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or witness at the request of the permit applicant or permit holder, or any other party. Extensions of time or continuances sought by a permit applicant or permit holder shall not be considered delay on the part of the City and shall not be deemed to constitute failure by the City to provide for prompt decisions on permit denials, suspensions, or revocations.

At the conclusion of the hearing, but no later than ten (10) days thereafter, the Board shall, by a majority vote of the members present at the hearing, order that the license be revoked, suspended, reinstated, or reinstated contingent upon the applicant performing some remedial action such as, but not limited to, paying a fine or penalty. The Board may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified reasonable time period as the Board deems prudent. In lieu of conducting a hearing itself, but only upon recommendation of the City Manager, the Board may choose to refer the matter to an Administrative Law Judge provided by the Office of Administrative Hearings pursuant to Government Code Section 27727. After referral and a hearing, the Administrative Law Judge shall render a written decision based solely on the relevant ordinance and findings of fact within five (5) days of the hearing. The written decision of the Administrative Law Judge shall carry the same weight and authority as decisions of the Board.

(Amended by Ord. 2263 adopted 12-1-09)

Editor's note— Ord. No. 2263, § 16, adopted Dec. 1, 2009, amended § 6216.8, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6216.8 pertained to Notice of Appeal. See "Ordinance List and Disposition Table" for derivation.

Attachment No. 9

Saybrook's Business License Application,
Business License Certificate and Floor Plan

DBA Saybrook Media Group Inc.

Account # 063881

DBA	Saybrook Media Group Inc.	Bus. Status	Pending	Ownership	Corporation
Bus Name	Saybrook Media Group Inc.	Lic. Status	Pending	Expiration Date	12/31/2020
Address	529 LAS TUNAS DR	Account #	063881	Rates	STD - Retail/Service
City	ARCADIA, CA 91007-8426	License #	063881		
Location	Inside	Phone	(626) 461-5948		
Loc. Type		Alt Phone		Geo Areas	
Mail Addr	529 LAS TUNAS DR	Fax Num			
Mail City	ARCADIA, CA 91007-8426	Start Date	01/02/2020		
Mail (Add'l)		Close Date			

Additional Information

E-Mail	[REDACTED]	Sales Tax	
Website		FEIN	[REDACTED]
License Desc	Office Use And Storage	SEIN	--
Business Type	1130 - Administrative Office	State License	
NAIC Code	561110 - Office Administrative Services	Type	
SIC Code	8741007 - Office Management Services	Exp. Date	

Custom Fields

Owner Information

Name	Saybrook Media Group, Inc.	Status	Active	Date of Birth	
Title		Start Date	01/02/2020	Driver's License	
Street	529 LAS TUNAS DR	End Date	[REDACTED]	SSN	
City	ARCADIA, CA 91007-8426	Phone	[REDACTED]	Contact Type	Business Owner
		Phone 2	[REDACTED]		
		Email	[REDACTED]		
Name	Melvin Harris	Status	Active	Date of Birth	
Title	secretary	Start Date	01/02/2020	Driver's License	[REDACTED]
Street	[REDACTED]	End Date	[REDACTED]	SSN	[REDACTED]
City	[REDACTED]	Phone	[REDACTED]	Contact Type	Business Owner
		Phone 2	[REDACTED]		
		Email	[REDACTED]		

Emergency Contact(s)

Name	Melvin Harris	Phone	[REDACTED]
Title	Secretary	Phone2	[REDACTED]
Street	[REDACTED]	Email	[REDACTED]
City	[REDACTED]		
Attn			

Alarm Information

NO ALARM INFORMATION AVAILABLE



BUSINESS LICENSE APPLICATION

City Review and Approval

PLEASE PRINT CLEARLY - All questions must be answered.

Please check one: New Application Change of Address

Business Name Saybrook Media Group Inc

Business Address (Include Unit No.) 529 Las Tunas, Arcadia CA 91007

Owner(s) of Business Saybrook Media Group Inc

Phone No. 626)461-5212

Email Saybrookmedia@gmail.com

Business Location Information

- 1. Is the business located on the: Ground floor Upper floor (indicate the floor No.) _____
- 2. Square footage of the business/unit: 1497 Warehouses Only: _____ Office Space Offices Storage _____
- 3. Is this a sublease? Yes No If yes, provide the business name of the primary tenant: _____

Type of Business

- Office Restaurant Retail Retail Food Sales
- Service Warehouse Professional (State licensed occupation i.e., medical, dental.....)
- Industrial/Manufacturing Educational Services Other: _____

Description of business activities: The company is archiving and cataloging years worth of internally generated files, print, media and memorabilia. This facility will be used for storing the aforementioned materials and professional office usage.

Proposed hours of operation: 10am to 6pm Number of Employees: Four

- 1. Is this a change of ownership? Yes No
- 2. Is this a change of address? If yes, provide your current business license account number: _____ Yes No
- 3. Will alcohol be served or sold on site? Yes No
- 4. Will any aspect of the business be conducted outdoors, including sales, storage, services, or seating? Yes No

Wastewater Discharge Questionnaire Section

Will your business discharge wastewater from other than restrooms, drinking fountains, showers, or air conditioners used for human comfort? Yes No

Will your business discharge any wastewater from any manufacturing, processing, institutional, commercial, or any other operation where the wastewater includes significant quantities of non-human origin? Yes No

If your business is the same as the previous tenant, did the previous tenant have an Industrial Wastewater Discharge Permit? Yes No

Please check if your business includes one of the following:

- Chemical Laboratories Auto Repair Shop Radiator Shop
- Film Processing Services Automotive Service Station Centralized Food Processing Facilities
- Bakeries Car Wash or Truck Wash Centralized Film Processing Facilities
- School Kennels and Animal Hospitals Cleaners and Laundries (not-coin operated)

I CERTIFY THAT I HAVE READ THE STATEMENTS CONTAINED IN THIS APPLICATION AND THEY ARE TRUE AND CORRECT.

Date: 11/18/19

Signature of Applicant(s):



BUSINESS LICENSE APPLICATION
City Review and Approval
 PLEASE PRINT CLEARLY - All questions must be answered.

● OFFICIAL USE ONLY ●

DEVELOPMENT SERVICES

FIRE DEPARTMENT

PUBLIC WORKS SERVICES

BUSINESS LICENSE:

(If applicable, inspections must be made and approved prior to issuance of a business license.)

WASTEWATER DISCHARGE PERMIT:

Previous business use:

Comments:

An Industrial Wastewater Discharge Permit:

- Is not required
- May be required
- Is required

Date previous business closed:

Approved Denied

Date: _____

Date: _____

Reviewed by: _____

By: _____

PLANNING REVIEW:

Zoning: C-O

Comments:

Conditions of Approval:

Approved Denied

Conditionally Approved

office use

Attached

Date: 12/17/19

floor plan

By: WP

with 1,407

sq. ft. of

office space
shall be
maintained
at all time.



BUSINESS LICENSE APPLICATION

City Review and Approval

PLEASE PRINT CLEARLY - All questions must be answered.

● OFFICIAL USE ONLY ●

DEVELOPMENT SERVICES

FIRE DEPARTMENT

PUBLIC WORKS SERVICES

BUSINESS LICENSE:

(If applicable, inspections must be made and approved prior to issuance of a business license.)

WASTEWATER DISCHARGE PERMIT:

An Industrial Wastewater Discharge Permit:

Previous business use:

Comments:

- Is not required
- May be required
- Is required

Date previous business closed:

Approved Denied

Date: _____

Date: 1/2/2020

Reviewed by: _____

By: M. Krikorian

PLANNING REVIEW:

Zoning: C-C

Comments:

Conditions of Approval:

Approved Denied

office use

• Attached

Conditionally Approved

floor plan

Date: 12/12/19

with 1,400 sq. ft. of

By: VP

office space

shall be maintained at all time.

BUSINESS LICENSE CERTIFICATE**CITY OF ARCADIA**

Person, firm or corporation named below is granted this certificate pursuant to the provisions of the City Business Tax Ordinance to engage in, carry on, or conduct the business, trade, calling, profession, exhibition or occupation described below. Issuance of certificate is not an endorsement, nor a guarantee of compliance with other ordinances or laws, nor an assurance that the proposed use is in conformance with the city zoning regulations. This certificate is issued without verification that the taxpayer is subject to or exempt from licensing by the State of California.

Business Name: Saybrook Media Group Inc.
Business Location: 529 LAS TUNAS DR
 ARCADIA, CA 91007-8426

Description: Office Use And Storage

Business Owner(s): Saybrook Media Group, Inc.
 Melvin Harris

OFFICE USE ONLY . SQ. FT.
 OF OFFICE SPACE SHALL BE
 MAINTAINED AT ALL TIME

SAYBROOK MEDIA GROUP INC.
 529 LAS TUNAS DR
 ARCADIA, CA 91007-8426

Account Number:	063881
License Fee:	\$ 258.70
Effective Date:	01/01/2021
Expiration Date:	12/31/2021

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE

Attachment No. 4

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TRANSCRIPT OF AUDIO-RECORDED
SPECIAL MEETING OF THE
ARCADIA BUSINESS PERMIT & LICENSE REVIEW BOARD
SEPTEMBER 28, 2021

Litigation Services Job Number: 816232

1 MS. WILANDER: Meeting is called to order. May we
2 have the roll call, please?

3 FEMALE: Boardmember Chan --

4 MR. CHAN: Here.

5 FEMALE: -- Boardmember Thompson --

6 MR. THOMPSON: Here.

7 FEMALE: -- Boardmember Tsoi --

8 MR. TSOI: Here.

9 FEMALE: -- Vice-Chair Lin, uh, he's not present
10 tonight. And Chair Wilander.

11 MS. WILANDER: Here. Here. Tonight we're having
12 a, uh -- this is the Ar- -- Arcadia Business Permit &
13 License Review Board, it's a special meeting. We're
14 going to be looking at resolution number 2081, denying
15 the appeal and uphold the revocation of the business
16 license for Saybrook Media Group, Incorporated located
17 at 529 Las Tunas Drive.

18 The recommendation is adopt the, um, denying the
19 appeal. The appellant is Saybrook Media Group,
20 Incorporated. Can we have the staff report, please?

21 MS. ABEYTA: Thank you. Good evening, Chair and
22 board members. As you mentioned, Chair Wilander,
23 before you tonight is an appeal of a revocation of a
24 business license for Saybrook Media located at 529 Las
25 Tunas Drive.

1 Before I give a little bit of background on this
2 business and the reason for the revocation, the main
3 reason is was revoked is because the business was
4 utilizing the building as a residence for overnight
5 stay, which is not allowed within the zone,
6 professional office. They were not in compliance with
7 their approved conditions and floor plans that rooms
8 to be used for office and storage only.

9 Instead these rooms were set up as bedrooms. To
10 give you some background on the business, the business
11 license was issued to Saybrook Media Group, Inc. on
12 January 7, 2020 for general office use, which consists
13 of archiving and cataloguing years' worth internally
14 generated files, print, media and memorabilia, storing
15 the materials for professional office use.

16 On April 20, 2021, staff received information
17 from the Arcadia Police Department that Saybrook was
18 using their business location as a residence and to
19 operate a sex phone business for the Dr. Susan Block
20 Institute. Saybrook's business location is zoned CO
21 professional office, which is intended to provide
22 sites for development as administrative, financial,
23 business professional, medical and general office use.

24 Residential use is not a permitted use for the CO
25 professional office zone. Furthermore, a sex phone

1 operation is considered an adult business, use that is
2 prohibited in every zone except the M1 zone and
3 requires an adult business regulatory permit.
4 Therefore, a sex phone business is not an allowable
5 use per the CO professional office zone.

6 In addition, the city found proof of an online
7 advertisement for a job at Saybrook for a live-in
8 position. The job advertisement included photographs
9 of the subject property, including the kitchen, shower
10 with a bed and laundry facilities. As a result of the
11 information, staff issued Saybrook two notices of
12 violations.

13 The first notice of violation that was issued on
14 April 20, 2021 cited that Saybrook had at least
15 partially expanded to another business without the
16 city required approval or permits and was unlawfully
17 using the subject property for residential activity,
18 which is not a permitted use at their business
19 location for the designed zone, CO professional office
20 zone.

21 The notice of violation stated that Saybrook was
22 required to remove any business unrelated to the
23 approved office use. In response to the notice of
24 violation, the business owner of Saybrook, Mr.
25 Maximilian Lobkowicz, who is the appellant, confirmed

1 that the building was being used for overnight stay
2 and acknowledged the online advertisement for a job at
3 Saybrook as a live-in position.

4 However, the appellant explained that the Dr.
5 Susan Block Institute was his wife's business and that
6 her business was not being operated at Saybrook and
7 that they were not operating a sex phone business. In
8 addition, the appellant stated that Saybrook was not
9 violating any city codes.

10 Based on this information and since the appellant
11 confirmed that the building was being used for an
12 overnight stay and acknowledged the online
13 advertisement for a live-in position in Saybrook, on
14 June 2, 2021, a second notice of violation was issued
15 to Saybrook. The second notice of violation cited that
16 Saybrook must cease and desist use of the property for
17 any overnight stay since the business license was
18 strictly approved for office use only.

19 In response to the second notice of violation,
20 the appellant informed the city that Saybrook is not
21 in violation of any city codes. On July 22nd, to
22 confirm whether Saybrook had abated the Arcadia
23 Municipal Code Violation of residential use, which as
24 previously stated, is not allowed in the zone set for
25 the subject property, the city served Saybrook with an

1 inspection warrant.

2 An inspection of the business was conducted that
3 day by myself, as the business license officer, a
4 staff member from the code services department, an
5 attorney from the city attorney's office, Mr. Brandon
6 Sanchez, a locksmith to open any locked doors, if
7 necessary, and the Arcadia Police Department who
8 cleared the business premises before staff entered and
9 attend for safety reasons as approved per the
10 inspection warrant.

11 During the inspection, it was discovered that
12 Saybrook had 10 rooms that were being used in -- as
13 bedrooms. This confirmed that one -- um, that Saybrook
14 was not resting -- not using a resting area for their
15 employees but it was actually someone's home.

16 This discovery con- -- confirmed that one,
17 Saybrook partially converted their floor -- approved
18 floor plan in use from the required storage and office
19 use to overnight stay and residential use of the
20 subject property within the CO zone prohibited under
21 the AMC Development Code and is in violation of the
22 city zoning ordinance applicable to the premises.

23 Saybrook's business license was revoked for those
24 two reasons.

25 This concludes my presentation. Staff recommends

1 that the business permit and license review board
2 adopt resolution number 2081 denying the appeal and
3 upholding the revocation of the business license for
4 Saybrook, Inc. and that anyone affiliated with
5 Saybrook, as outlined in the resolution, shall not be
6 allowed to apply for a new business license with the
7 city for a period of 12 months from the date of the
8 revocation.

9 I'm available for any questions as well as the
10 city attorney's representation, Mr. Brandon Sanchez.
11 Additionally, Detective Carlos Quiroz from the Arcadia
12 Police Department, who was here during the inspection,
13 is available to answer any questions you have relating
14 to the police department's involvement.

15 MS. WILANDER: Thank you, Ms. Abeyta. I'll go
16 ahead and with the, um -- our board members to see if
17 there's, uh, questions. Mr. Tsoi, did you have any
18 questions?

19 MR. TSOI: No.

20 MS. WILANDER: Mr. Chan?

21 MR. CHAN: I do. Um, a question to staff, um, if
22 I wanted to see some of the pictures again, do I do it
23 now or do I do it later?

24 MS. ABEYTA: Um, if you have a question right
25 now, we can go ahead and put that up on the screen for

1 staff.

2 MR. CHAN: Okay.

3 MS. WILANDER: Go ahead and ask the question
4 then, please.

5 MR. CHAN: Okay. I don't recall seeing 10
6 pictures of bedrooms, but if there are 10 pictures --
7 if there was actually 10, then, um, I have no issues
8 with that.

9 MS. FLORES: Amber, it might be faster if you go
10 onto the Q drive. She can't access it. Oh, okay.

11 MS. ABEYTA: Do you want me to go [inaudible]?

12 MS. FLORES: Can we come back to you, Mr. Chan --

13 MR. CHAN: Sure. No problem.

14 MS. FLORES: -- while we upload that?

15 MR. CHAN: Yeah. Go ahead.

16 MS. FLORES: Okay. Thank you.

17 MS. WILANDER: Okay. Mr. Thompson, did you have
18 any questions?

19 MR. THOMPSON: Uh, just one quick question, is it
20 -- is it, um, typically to have a second notice of
21 violation? Is that a typical or is it just required
22 because there was no action taken by the applicant?

23 MS. ABEYTA: It was typical to make clear the
24 issue that we were addressing. We wanted to be sure
25 that, um, the issue we were pursuing was the

1 residential use only --

2 MR. THOMPSON: Okay. Thank you.

3 MS. ABEYTA: -- and the violations of the
4 conditions of approval of the business license.

5 MR. THOMPSON: Okay. Thank you.

6 MR. SANCHEZ: And if I may, this is Brandon
7 Sanchez, I'm a city prosecutor for the city, uh, just
8 want to make clear that a notice of violation isn't
9 required before proceeding with the business license
10 revocation, it was, uh, just, uh, part of the city's
11 routine code enforcement steps, um, but it's not
12 actually a statutory requirement before we get to this
13 stage.

14 MR. THOMPSON: Thank you for that clarification.

15 MS. WILANDER: Thank you. We're -- and I -- I
16 don't have any questions of staff, but Ms. Flores is -
17 - and, uh -- is looking for the requested pictures and
18 we'll wait just a minute.

19 MR. CHAN: Sorry.

20 MS. FLORES: It's all right.

21 MS. WILANDER: Uh, I think it'll be helpful.

22 MR. THOMPSON: Amber, I do have a question --
23 another question, is it okay to have a kitchen in an
24 office building setting?

25 MS. ABEYTA: In this particular location, because

1 the kitchen was there and it was implied that it was
2 going to be used as a common area, um, the staff
3 didn't feel the need the kitchen needed to be removed
4 --

5 MR. THOMPSON: Mm-hmm.

6 MS. ABEYTA: -- but it's not common for most
7 businesses.

8 MR. THOMPSON: But it's -- it's not common. But
9 could a business office building have a small kitchen?

10 MS. ABEYTA: Um, that could be a possibility, but
11 I would ask Lisa -- Ms. Lisa Flores to elaborate since
12 that's a planning question.

13 MS. FLORES: I apologize -- I apologize, can you
14 repeat that question again? I was --

15 MR. THOMPSON: I mean, could a business --
16 because I've been in businesses where sometimes they
17 have like a mini kitchen. Uh --

18 MS. FLORES: Is, uh -- is the kitchen, is -- is
19 that allowed, a kitchenette?

20 MR. THOMPSON: Is it allowed -- is it allowed?

21 MS. FLORES: Sure. A lot of office buildings have
22 that.

23 MR. THOMPSON: Okay. So -- so that is allowed
24 then?

25 MS. FLORES: Right.

1 MR. THOMPSON: Okay.

2 MS. FLORES: But that's -- this is -- yeah. The
3 issue is not so much the kitchen --

4 MR. THOMPSON: Okay.

5 MS. FLORES: -- it's the fact that the rooms were
6 utilized not as office use but as bedrooms.

7 MR. THOMPSON: Okay. If you can't bring up the
8 pictures, that's fine, I -- I still got a memor- -- I
9 still -- I can still recall them.

10 MS. FLORES: Okay. Yeah.

11 MR. RUSEN: The- -- these are the pic- --

12 MS. FLORES: It's actually under attachment
13 number seven. If the commission wants to refer to the
14 photos of the rooms, um, they're all in this -- in the
15 planning commission packet.

16 MR. THOMPSON: Okay.

17 MR. RUSEN: Just to confirm, these are the
18 pictures that were attached to the staff report;
19 correct? These are not different pictures?

20 MR. THOMPSON: Yeah.

21 MS. FLORES: Yeah. That is correct.

22 MR. RUSEN: Okay. In that case, we can pull them
23 up later, if they can get them up, uh, during
24 deliberations.

25 MS. FLORES: Okay.

1 MR. RUSEN: You -- you can introduce them --

2 MS. WILANDER: And --

3 MS. FLORES: Yeah.

4 MR. RUSEN: -- just as long as it's not new
5 material.

6 MS. FLORES: Sorry about that, it's just a big
7 file. So it's going to take a long time.

8 MS. WILANDER: Thank you, Mr. Rusen [ph], for
9 that help. So then we can go ahead -- let me see if
10 there's any members of the public who would like to
11 speak in opposition to the appeal.

12 MR. RUSEN: I think we -- you start with the --
13 the floor.

14 MS. WILANDER: Oh, I'm sorry. The public -- so
15 the public hearing is open. Would the appellant -- I'm
16 -- I'm -- I need to look at my notes better. The
17 public hearing is open. The appellant gets a chance to
18 speak first. Please sign in and state your name for
19 the record.

20 MR. BETTIE: Thank you. My name is Ron Bettie.
21 I'm appearing on behalf of Saybrook Media, the
22 appellant.

23 MS. WILANDER: Go ahead then, sir.

24 MR. BETTIE: Thank you. Uh, board members, this
25 is a situation where how do you store a bed at a

1 property. Uh, Dr. Susan Block's business is well
2 known, she's been in business over 30 years operating,
3 uh, part of her business as bedside chats. There's
4 over 30 years of, uh, public broadcasting, records to
5 support this, Internet records where she hosts these
6 chats from the bedside.

7 So many of these beds are used from previous sets
8 from previous events in downtown, uh, from other
9 engagements of Dr. Susan Block. Notably, when the
10 investigation was done by the Arcadia -- city of
11 Arcadia Code Enforcement, no one was detained that
12 said they lived at the property.

13 Uh, there's only been one individual that, to my
14 knowledge, notified, uh, the appellant as well as code
15 enforcement that they were trying to register to live
16 at the property and they were explicitly told at that
17 time by the appellant, no, that's not okay, you can't
18 live at the property. Uh, the appellant, at all times,
19 has maintained that no one lives at the property.

20 They operate a business where they're working
21 24/7, they're updating a website, they're doing an
22 online YouTube show, but there's no phone sex business
23 operated at the business. Uh, no one lives at the
24 business, no one resides permanently at the business,
25 uh, which isn't to say that, you know, how does one,

1 at an office, take a break.

2 Are you allowed to sit in your chair and sleep on
3 a desk? Uh, do you have a break room where you sleep
4 on a couch? Or if you're a business that hosts, uh,
5 chats from the bedside, can you sleep on a bed for a
6 couple minutes a day? There's nothing in the code that
7 addresses that. There's nothing illegal, to my mind,
8 that would raise an issue.

9 Uh, really, what we have here are pictures of
10 beds in rooms. We don't have any evidence of anyone
11 actually living at the unit. We don't have any
12 evidence of, uh, people registering the unit as their
13 domicile.

14 The one thing that the city points to is the ad
15 on the Internet for a live-work unit and I believe my
16 client explained pretty well, actually, in their
17 letter to the board that live-work, it doesn't mean,
18 in his mind, that you live at the property, it means
19 more so that, you know, you have this environment
20 where you're working 24/7, if you're tired, you can
21 sleep at the -- you know, on a couch, on a bed or your
22 desk for an hour or something like that, but no one's
23 living at the unit.

24 Um, and I would actually be happy to have, uh,
25 Ms. Block -- Dr. Susan Block explain to you further on

1 the nature of her business that there's no phone sex
2 business being operated at this property, that is
3 explicitly for their Internet operations and trying to
4 open a podcast, get a podcast going, uh, which I
5 believe are all business uses approved by the city of
6 Arcadia.

7 Uh, I could also present more evidence, if the
8 board would prefer to see it, from Mr. Maximilian who
9 is there on the day-to-day that is running the
10 business. Uh, I also have the personal assistant of
11 the landlord who will explain to the board that these
12 tenants have been nothing but a dream.

13 They've paid their rent consistently, they've
14 always been quiet, there's never been any complaints
15 from any neighbors about them and that in this time
16 during Covid, when it's so hard to retain good
17 tenants, find tenants to pay the rent on time, that
18 these tenants -- you couldn't ask for better tenants.

19 Uh, and so with that, I'd actually like to open
20 up to the board if there's any other questions,
21 anything I can answer and thank you for your time.

22 MS. WILANDER: Thank you. Uh, so I'll -- I'll go
23 ahead and call on other people. So is there any member
24 of the public who would like to speak in support of
25 the appeal? Please come forward and sign in and state

1 your name and address.

2 MS. LEE: Hi. I'm, um --

3 MS. WILANDER: So before you begin, I should
4 state that you have five minutes to speak then.

5 MS. LEE: Okay. My name is Charlene Lee [ph] and
6 I work as the public -- um, private assistant, uh, for
7 the landlord. She's currently, um, out of the country.
8 So I am kind of showing up here, uh, on her behalf.
9 Um, she rented out, uh, this unit, uh, without an
10 agent and I was kind of with her, because I am her
11 personal assistant, um, 1- -- like every step of the
12 way.

13 Sorry, I'm very nervous. Uh, but, um, I do deal
14 with the tenants on a weekly basis. Um, most of the
15 things I do are here in Arcadia. So I pass by day and
16 night, um, and, uh, I just wanted to say that, you
17 know, I visited the property and I wish you guys can,
18 because, um, you'll see that it's not -- uh, it does
19 not feel or look like a residence, um, or is, by all
20 means, not a residence, because, uh, I'm living proof
21 that I go there, I monitor, I --

22 You know, I see that they're working all the time
23 and you'll see like the computers set up and, you
24 know, everybody's -- if you ever even call into, uh,
25 the business, it's so well-made and professional and,

1 um, more so than many other businesses. But I just
2 wanted to, uh, make a point to say also that we've
3 tried, uh, to have a lot of other tenants come in
4 before, um, we had the luck of finding them as
5 tenants.

6 Uh, we tried having like a school, um,
7 chiropractor, doctor's office, just office use and
8 we've been rejected by the city of Arcadia many times
9 just because of zoning, um, and everything that was
10 included that I heard today for the board, uh, like
11 the kitchen and all this, it was all, I don't want to
12 say grandfathered in, but it -- it came with the
13 purchase of the property.

14 Uh, it wasn't like they built the kitchen for
15 their use. It wasn't like they built the rooms for
16 their use, um, and they've been nothing but compliant.
17 Uh, so I wanted to make a point to say that.

18 MS. WILANDER: Thank you -- thank you for your,
19 uh, information.

20 MS. LEE: Thank you.

21 MS. WILANDER: Thank you very much.

22 MS. LEE: Thank you.

23 MS. WILANDER: Should I ask if anybody has
24 questions of you? Should I ask if people -- if we have
25 questions of the people?

1 MS. FLORES: No.

2 MS. WILANDER: I didn't think so.

3 MR. SANCHEZ: Uh, if you have questions, you can
4 ask after the public hearing as well.

5 MS. WILANDER: Susan, you'll have five minutes
6 and you're speaking in favor of the, uh, appellant; is
7 that correct?

8 MS. BLOCK: It is. Thank you.

9 MS. FLORES: Madame Chair, he is the appellant.

10 MS. WILANDER: Oh, I'm sorry.

11 MS. FLORES: The person who first spoke was
12 actually the appellant's attorney. Yeah.

13 MS. WILANDER: Oh.

14 MS. FLORES: So we're going to [inaudible] --

15 MS. WILANDER: Thank you. I -- I knew that the
16 first person wasn't the appellant. So thank you.
17 Susan, you do have unlimited time to go ahead and
18 share.

19 MR. LOBKOWICZ: Should I introduce myself?

20 MS. WILANDER: So state -- so state your name and
21 sign in, please.

22 MR. LOBKOWICZ: Okay. My name is Maximilian
23 Lobkowitz D. Lobkowitz and, uh, I'm a journalist, an
24 artist. I've been doing my work for 40-some odd years.
25 I've been on radio. Um, this whole thing is about sex

1 and being offended; okay? With fire people coming in
2 and going, oh, oh, this is creeping me out and then
3 running over to this woman and saying, they're
4 pornographers.

5 What? My wife is a world-renowned author and
6 writer, a graduate of Yale University and you want to
7 defame her like that. That's not going to happen. We
8 are legitimate 40 years in the business. I used to
9 publish the Brentwood -- uh, the Brentwood newspaper,
10 I used to publish the Beverly Hills newspaper, I used
11 to publish the L.A. Star many many years ago when here
12 in Arcadia in the news racks they would throw tar on
13 top of it because it had to do with sex and that's all
14 this is about and it's about my --

15 How can a city tell me that I can't work 24 hours
16 as a journalist? How many lawyers here have worked for
17 hours and hours on their cases? We've saved this
18 building that was a wreck and, uh, there were homeless
19 people living in there. Nobody ever said anything. We
20 went in, we cleaned it up, we didn't change any walls.

21 They have never ever been refused to come in
22 there and they came with nine officers. It was like a
23 home invasion. This was an office invasion and I'm
24 offended and I will fight this. Obviously, she didn't
25 even look me up. I've gone to the Supreme Court -- I

1 will go anywhere for my ability to speak and take a
2 nap in my office and by the way, I don't live there.

3 Right now I live right outside here where my
4 motorhome is. I've lived in a motorhome for years and
5 years and years so that I could run the business and
6 not pay \$4,000 or \$5,000 in rent every month. I'm an
7 honorable man, I've been married 30 years with my wife
8 -- with my wife and she's been insulted, defamed and
9 detained in front of neighbors.

10 Can you imagine if they come to your house for a
11 building inspection with nine cops and police cars and
12 then they're sitting -- these people are sitting out
13 in front of the house like peeping toms seeing who's
14 coming and who's going and this is all your money,
15 it's all the money of the city.

16 That's all I have to say, that I work hard and I
17 keep working hard and I will continue to work hard and
18 I will continue to publish and these people here
19 cannot tell me -- they cannot tell me that I can't do
20 a podcast from my office, a podcast. No big antennas,
21 none of that, a podcast. They say it's illegal. Thank
22 you.

23 MS. WILANDER: Thank you, Mr. Lobkowicz. Is there
24 anyone else that wants to speak in support of the
25 appellant? Thank you. Then if you could sign in and,

1 uh, state your name and address and you'll have five
2 minutes.

3 DR. BLOCK: Hi. I'm Dr. Susan Block and I am a
4 sexologist and a sex therapist. And so that's part of
5 the reason that I'm here, I guess, because some people
6 have a difficult time with sexuality. I have two PhDs
7 and I'm a graduate of Yale University and I'm
8 sexologist of the year. In fact, I brought a picture
9 of that, I got a Glennie Award, and it shows me in my
10 usual position, which is in a bed.

11 I do a lot of shows in bed. Sometimes I interview
12 sex workers, I am not a sex worker unless you have a
13 very broad definition of that. Sometimes I interview
14 PhDs, fellow PhDs, like a couple weeks ago I
15 interviewed the, uh, primatology chief from Duke
16 University, Dr. Brian Hare and I did it from bed,
17 because just like a cook does her cooking shows in a
18 kitchen, I do my bedside chats in a bed and I talk
19 about sexuality, but I also talk about politics, I
20 talk about culture, I talk about art.

21 I'm also an artist, like my husband. I'm also a
22 publisher, like my husband and we do a radio show,
23 FDR. We had originally applied for a radio license to
24 do our radio podcasts, that was turned down. So these
25 people came up with the idea to give us a license as

1 offices in security and we thought that was fine; you
2 know?

3 We'd prefer to be licensed to do shows, because,
4 you know, we would like that, but it's okay, because
5 we have offices as, uh, storage. So lots of storage,
6 it worked, it was fine. And then they tell us we're
7 running, uh, an Airbnb, a hotel, uh, some sort of sex
8 business. There's nobody on campus -- we call it a
9 campus sometimes.

10 There's nobody on the facility that has sex with
11 anybody or even does sex things, it's all in
12 cyberspace. My method of doing sex therapy has, for 35
13 years, been virtual. I was one of the first to do
14 that, now everybody's doing it, all my coll- --
15 colleagues in therapy are doing it over the phone,
16 over Zoom.

17 I've been doing that for 35 years. And so I'm
18 with the times. The times are that we're all wearing
19 masks, we're all socially distancing. A lot of our
20 people, our volunteers, also are concerned about
21 Coronavirus. And so sometimes they do spend long times
22 at our studios. One of them lives in a place where his
23 whole family has, uh, Coronavirus.

24 So, yeah, we let him s- -- stay overnight
25 sometimes, because we don't want him going home, his

1 home is in West Covina. And so we have all these beds
2 from my bedside chats and sometimes I've done shows
3 where there's 10 beds in 1 big room. So we have them,
4 they're stored and yes, sometimes they're used and
5 yes, my husband and I are old people.

6 I don't know if anybody here is as old as us, but
7 we have to take naps every once in a while. I have had
8 pneumonia three times, my husband has had cancer. He
9 has also had a heart atta- -- uh, not a heart attack,
10 but heart surgery. I hate to talk about our illnesses,
11 I don't usually do that, I don't usually like to
12 portray myself as a victim, but I think I am a victim
13 here and I do think I should take care of my health
14 and when I'm working an 18-hour day, lie down.

15 I also have a -- a -- a breathing system that I
16 have to use sometimes and you have to use it lying
17 down. And by the way, when they detained me in the
18 parking lot, they wouldn't let me have a drink of
19 water or a cough drop and I need to have that, but I
20 wasn't allowed and, uh, other people that were in that
21 parking lot were not allowed to get to essential
22 items.

23 Anyway, we love it here in Arcadia. We have been
24 good tenants and good neighbors and I understand that
25 some people feel that anyone that has something to do

1 with sexuality, and I am proud to be a sex therapist,
2 I have contributed to the widely black -- well,
3 encyclopedia of human sexuality, uh, 10 articles.

4 I -- I write for CounterPunch, I -- uh, I'm on
5 HBO, I'm on all kinds of, uh, legitimate media, but I
6 also am a bit of a renegade, not that I do anything
7 illegal, but I'm an artist, like my husband, and I
8 wear hats and I do a show in bed. And so for that,
9 I've got inspectors like looking at everything,
10 opening, uh, my drawers to look at underwear and, uh -
11 - and -- and just inspecting way beyond and frisking
12 us -- frisking us in the parking lot.

13 Now, I'm a sexologist, I don't mind if people
14 feel me up, but I do mind when it's done to my
15 volunteers for no reason. You could see they didn't
16 have any weapons and people are feeling them all over
17 the place in the parking lot in front of our
18 neighbors. We've been good neighbors, but now of
19 course, they're all like, well, what was happening
20 that day?

21 So I don't know if I've gone over my time.
22 Anybody have any questions for me? I'm really good at
23 answering questions.

24 MS. WILANDER: Thank you. At this time, we'll go
25 -- is there anybody else -- thank you very much. Is

1 there anybody else that is speaking for the appellant?

2 Thank you. Then is there any member of the public who
3 would like to speak in opposition to the appeal? Uh,
4 board members, do any of you have questions of the
5 appellant? Mr. -- start the other direction, Mr.
6 Thompson?

7 MR. THOMPSON: Uh, no -- no questions of the
8 appellant. Thank you.

9 MS. WILANDER: Mr. Chan?

10 MR. CHAN: Uh -- uh, there -- there -- there was
11 nobody in opposition that you want to, um --

12 MS. WILANDER: Yeah. So there was nobody in
13 opposition.

14 MR. CHAN: So do you want to give them a chance -
15 - do they want to -- if there's nothing to rebut.

16 MS. WILANDER: Well, the -- if nobody spoke in
17 opposition --

18 MR. CHAN: Yes. So if you want to close the
19 public hearing.

20 MR. SANCHEZ: If I may make a quick rebuttal --

21 MS. WILANDER: You may.

22 MR. SANCHEZ: -- um, to the appellant's, uh,
23 statement, uh, I'd like to, if we could.

24 MS. WILANDER: Certainly.

25 MR. SANCHEZ: Uh, the business license wasn't

1 revoked, uh, due to there being evidence of a phone
2 sex business or an adult-oriented business even though
3 that was the initial indication from the person who
4 came to the police department to -- to register, um,
5 but the bottom line wa- -- is that what was found was,
6 uh, a residential use.

7 Uh, first, there was the registrant info saying
8 that he had lived there for several days before coming
9 to register, then there was the advertisement for the
10 live-in position and when we inspected, uh, we
11 confirmed those, uh, indications of residential use
12 when there were 10 bedrooms, 9 of them, uh, well-lived
13 in and you can refer to the, uh, Exhibit 7 to the
14 staff report.

15 And so the bottom line is there was -- the
16 business license was revoked for residential use, not
17 any, uh, indications of an adult u- -- uh, adult-
18 oriented business and even if, uh, for whatever
19 reason, the board finds that, uh, the appellants
20 weren't engaging in residential, uh -- residential
21 use, uh, they still deviated from their approved floor
22 plan, which, uh, these bedrooms, uh, were meant for
23 storage and office use, uh, which they were not
24 currently being used as.

25 That's a violation of their conditions of

1 approval and that's an independent basis, uh, to
2 uphold the revocation. That'd by my statement.

3 MS. WILANDER: Uh, thank you, Mr. Sanchez. So at
4 this point, uh, board -- I'm going to see if the board
5 members have any questions of the appellant. Mr.
6 Thompson, you said you --

7 MR. THOMPSON: Well, looks like, uh, we have
8 another speaker.

9 MS. WILANDER: Yes.

10 MR. BETTIE: Mr. Bettie, uh, attorney for
11 appellant.

12 MS. WILANDER: Certainly.

13 MR. BETTIE: If I could briefly, uh, there was no
14 deviation from the use, under the business license,
15 specifically, because as, uh, the appellants have
16 testified in support in the appeal, the beds were
17 placed there as part of storage as part of a
18 breakroom, people napped in them. That's allowed under
19 the business use.

20 It's business and storage. Uh, there's nothing
21 that I've seen in the code, and I welcome, uh, state
22 attorney to point out otherwise, that says you can't
23 have a bed in a room as storage, uh, how a bed should
24 be used as storage, if it needs to be propped up, if
25 it needs to be stacked three high.

1 Uh, there's nothing that says that you can't
2 leave a bed in a room. Uh, as far as evidence of well-
3 used and well-lived-in, their beds, as appellants and
4 witnesses have testified to in support of the appeal,
5 people napped on them sometimes. I'm not surprised, I
6 don't think anyone's surprised to hear that they
7 looked well-used in the sense that sheets may have
8 been ruffled.

9 Uh, again, I just wanted to highlight the fact
10 that as state counsel has pointed out, this is
11 specifically on the issue of residential use and
12 nonconforming to the license. Uh, we haven't seen
13 anybody that was living at the property that's
14 presented any evidence that the use of property as
15 their domicile.

16 Uh, when the search was conducted, there was no
17 one found that was living at the property at the time.
18 Uh, suffice to say I think this is a difference of
19 opinion. We've heard some passionate speeches tonight
20 from appellant and the supporters and it -- it really
21 comes down to, you know, you're trying to run a
22 business, how do you utilize your breakroom?

23 Can you have couches, can you have beds, do you
24 sleep at your desk? Uh, what's the appropriate way to
25 do that? And again, there's nothing in the code that

1 says that it can't be a bed. All it says, you can't
2 use it as a domicile, you can't reside at the property
3 and I think just from what's been presented tonight,
4 we haven't seen any evidence that it is being used as
5 a domicile. And so I thank you for your time. I have
6 nothing further.

7 MS. WILANDER: Thank you, sir. Mr. Chan, did you
8 have any questions of the appellant?

9 MR. CHAN: My one question would be, uh, before
10 you guys moved into the city of Arcadia in 2020, where
11 was your business conducted at?

12 MR. LOBKOWICZ: I'm so sorry, could you repeat
13 that?

14 MR. CHAN: Before you opened your business in the
15 city of Arcadia --

16 MR. LOBKOWICZ: Yes.

17 MR. CHAN: -- and you said you, uh -- your wife
18 said she's been doing this for about 35 years --

19 MR. LOBKOWICZ: Mm-hmm.

20 MR. CHAN: -- uh, where was your business
21 previously?

22 MR. LOBKOWICZ: Um, well, over the 30 years, it's
23 been in Hollywood Hills, uh, it's been downtown. Uh,
24 as a matter of fact, as soon as we moved downtown,
25 like many many years ago, we were raided by the

1 police. What are you doing?

2 MR. CHAN: Where -- where was your last place
3 before --

4 MR. LOBKOWICZ: Englewood, California.

5 MR. CHAN: Englewood. Okay. Thank you.

6 MR. LOBKOWICZ: Yeah. Englewood, California. Um,
7 then we were on Wilshire Boulevard, um, the hotel
8 owner provided us with suites so that we could
9 broadcast from there. I'm a leftie radical son-of-a-
10 gun and a lot of people don't like me. I've been
11 stabbed. So I'm very, very careful and security
12 conscious and, uh, over 35 years, uh, all over.

13 And if you go back 40 years, we traveled all over
14 Europe -- all over Europe, Italy, France, England.
15 I've published in England, I've published in Italy
16 and, uh, I did radio in Italy. Um, so I've been all
17 over the world and I'm known for what I do, been doing
18 it a long long time; you know?

19 A long time and I love what I do and I care about
20 what I do and we don't have any women with little
21 short skirts sitting there going, ah, ah, we don't
22 have that. That's in their imagination -- in their
23 imagination, in their heads.

24 MS. ABEYTA: Sir, please direct it to the board
25 and not to them, please.

1 MR. LOBKOWICZ: Yeah. Well, these are the people
2 accusing me. So, uh, in any case, uh, that's the
3 story, we've been everywhere, we've really always been
4 good tenants and certainly, we have poured about, in
5 the last almost three years that we've been there now,
6 uh, close to \$1.5 million into the community, not
7 counting the landlord's money, an empty building with
8 graffiti all over it and homeless people living in
9 there and I'm a danger.

10 Uh, I don't know, I'm so sorry to take up your
11 time, but thank you and I hope that you think this
12 over, because, uh, I have never ever, um -- no one can
13 tell me when I can speak, where I can speak at all or
14 I fight -- I fight nicely. I'm a peace [inaudible];
15 okay?

16 MS. WILANDER: Uh, thank you. We certainly will
17 take this under consideration.

18 MR. LOBKOWICZ: Thank you.

19 MS. WILANDER: Thank you, sir.

20 MR. LOBKOWICZ: Thank you so much.

21 MS. WILANDER: Then Mr. Tsoi, did you have any
22 questions?

23 MR. TSOI: No.

24 MS. WILANDER: Then, uh, may I have a motion to
25 close the public hearing?

1 MR. THOMPSON: No. I don't have any questions.

2 I'd make a motion to close the public hearing.

3 MS. WILANDER: Thank you. Motion and second to
4 close the public hearing?

5 MR. TSOI: I'll second.

6 MS. WILANDER: Thank you. Mr. Tsoi and Mr. -- Mr.
7 Thompson made the motion, Mr. Tsoi, the second.
8 Without objection, the motion is approved. Board
9 members will now discuss the item. So I'll start with
10 you, Mr. Tsoi, do you have any comments?

11 MR. TSOI: Yes. Um, from what I'm, uh, hearing
12 from the appellant and their attorney, it seems that
13 there's some inconsistency in what the -- the material
14 that's being presented to us. Um, they mention about
15 taking a break, you know, and use the bed to -- to
16 take a rest, but, um, there's 10 of them.

17 Um, I've seen offices that has breakroom with a
18 bed, because sometimes they have a pregnant mom that
19 wants to lay down, take a break, but that's 1, not 10;
20 you know?

21 So -- and then I'm looking at the background, uh,
22 on the staff report, the business license that was
23 originally applied as office use which consists of
24 archiving, cataloguing years' worth of internal
25 generated files, print media, they don't mention

1 anything about podcasting or conducting business, um,
2 you know, whatever they do, um, in the bed, um, you
3 know, maybe videotaping, but --

4 So there's some inconsistency that I think needs
5 to be clarified, um -- um, and I think in my position,
6 I have to rely on staff's report, um, and the city
7 staff police, um, doing their job. So, um, I would
8 feel that I have to, uh, you know, uphold the
9 decision. Um, this is -- sounds really strange, it --
10 it doesn't add up.

11 And -- and I'd -- I'd like to add that, um -- um,
12 city's, uh, police officers and staff, um, is just
13 doing their job. Um, you know, I have a friend who has
14 been visited by code enforcement, um, I think city has
15 the responsibility if there's any, uh, suspicious
16 that, um -- uh, an operation is deviating from, um,
17 the initial -- initially stated operation on a
18 business license, I think city staff has the right to
19 inspect your business.

20 So I mean, they were just basically operating on
21 a suspicion, that's all and, you know, that's just --
22 they're just doing their job to protect the life
23 safety of the citizens.

24 MS. WILANDER: Thank you, Mr. Tsoi. Mr. Chan,
25 comments?

1 MR. CHAN: I agree with Commissioner Tsoi's
2 comments. You know, there seems to be inconsistencies.
3 Um, I have no issues with the washer and dryer,
4 because I've seen businesses with washer and dryers in
5 their businesses. Um, actually, even my hairdresser,
6 she has a washer and dryer, because she doesn't send
7 anything out.

8 I've seen businesses with showers and I've seen
9 businesses with kitchens. Um, you know, I can kind of
10 like see, uh, Susan -- Dr. Susan, I can't pronounce
11 your last name --

12 DR. BLOCK: Block.

13 MR. CHAN: Block. But, um, you know, I've got no
14 issues, uh, with a sex therapist or, you know -- but,
15 you know, some of the bedroom pictures, uh, unless
16 it's staged, you know, it looked like, um, something
17 you would find in a home with the posters and
18 everything. It's more home-like; you know?

19 If it was staged, okay, but, you know, it's -- I
20 think if someone's doing broadcasts or -- or whatever,
21 you know, you would stage maybe one or two rooms and
22 just bring -- bring props in and whatever, but, you
23 know, I agree with Commissioner Tsoi, because what the
24 license was granted for and what's presently going on
25 they don't seem to match.

1 Um, if the license was originally issued for you
2 to do business as a sex therapist, I think it'd be a
3 totally different -- different situation, but the
4 license was issued for another use and, um, you know,
5 unless city staff can come up or the appellant can
6 come up with, uh, something else, I would have to
7 agree with the, uh, city's recommendation.

8 MS. WILANDER: Thank you, Mr. Chan. Mr. Thompson.

9 MR. THOMPSON: Yeah. I've reviewed the staff
10 report, I've listened to the testimony tonight, I have
11 reviewed the, uh, development code as well as the, uh
12 -- the appeal letter, the job advertisement, the
13 notice of violations and the inspection warrant and I
14 feel for the appellant, but, um, the city has done
15 significant investigation and due diligence in
16 reviewing this business license, which is for
17 professional office and storage and -- and other
18 related office uses and it doesn't appear that those
19 uses are consistent, um, with what is occurring at the
20 property.

21 Um, I feel that the city has, um, met the -- the
22 burden of proof or the, um -- which in this case is to
23 prove it is more likely to be true than not true, that
24 it has met the preponderance of the evidence standard,
25 uh, with respect to this use, um, as -- as compared to

1 the business license. Um, and so I -- I would be in
2 favor of, um -- uh -- uh, approving this ordinance.

3 MS. WILANDER: Thank you. I'm also agreeing with
4 my fellow commissioners, um, it's -- it's -- this is
5 not a witch hunt, it's a concern, because the
6 conditions of the, uh, business license have not been
7 followed. I understand -- you know, I -- I can
8 remember when I was -- was pregnant, I would go up and
9 sleep on the cot at the phone company, but this -- the
10 -- what I'm seeing does not look like, uh, the beds
11 that were used for -- for a broadcast.

12 It looks like, uh -- it -- it certainly appears
13 as if people are living there. Uh, that's not -- uh,
14 it's -- it's not just an occasional use, it appears.
15 In addition to that, there's a clear deviation from
16 the floor plan and all the time when we ever -- we
17 have an appeal -- um, an approval of a project, we
18 always have the floor plan and you can't just go ahead
19 and say, well, we've decided we don't like the floor
20 plan, we're changing it.

21 That -- that -- that's how the business license
22 was granted. So the city -- I believe that city has
23 met the burden of proof. The job application that
24 talked about live-in, that was a mistake, that was a
25 really bad mistake, because, uh, advertising it is a

1 live-in position makes us believe that that's what the
2 situation is.

3 So yes, I'm, uh, inclined to go ahead and support
4 the, um, revocation of the license. So is there a
5 motion on this item?

6 MR. THOMPSON: Yeah. I would make a -- a motion
7 to adopt resolution number 2081 denying the appeal and
8 uphold the decision to revoke the city's business
9 license for Saybrook Media Group, Inc. and that
10 Saybrook's employees, agents, partners, directors,
11 officers, controlling stockholders or managers not be
12 allowed to apply for a new business license in the
13 city of Arcadia for a period of 12 months from the
14 date of this revocation.

15 MR. SANCHEZ: Richard Thompson, that is staff's
16 recommendation you're moving?

17 MR. THOMPSON: Yes.

18 MS. WILANDER: Thank you. Is there a second to
19 Mr. Thompson's motion?

20 MR. TSOI: I'll second.

21 MS. WILANDER: Thank you, Mr. Tsoi. Roll call,
22 please.

23 FEMALE: Boardmember Chan --

24 MR. THOMPSON: Yes.

25 FEMALE: -- Boardmember Thompson --

1 MR. THOMPSON: Yes.

2 FEMALE: -- Boardmember Tsoi --

3 MR. TSOI: Yes.

4 FEMALE: -- Chair Wilander.

5 MS. WILANDER: Yes. The motion is approved.

6 There's a 10-day appeal period after the adoption of

7 the resolution. Appeals are to be filed by 4:30 p.m.

8 on Friday, October 1, 2021. The board shall end

9 tonight's meeting and thank you all for attending.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 38 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

October 27, 2021



Chris Naaden

(Arcadia Business Permit & License Review Board, 9-28-21)

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Attachment No. 5

Additional Correspondence Received

DEC 06 2021

CITY MANAGER

December 2, 2021

Dear Arcadia City Council Members,

This is a friendly note from your neighbors. We have a licensing issue before the Council, and in order to create a more level playing field, we would like to make sure that our rights as individuals, journalists and businesspeople are not violated. Therefore, we wish to work with you to resolve a very simple situation. If not, you leave us no recourse but to take action to protect ourselves, our business and our archives through the courts. We want to be transparent, so the following is a copy of our answers to questions posed to us by lawyers. Since this document includes a detailed summary of the events leading to the removal of our business license, we feel it would be beneficial for you to read it in its entirety.

Did the City send you any documents that included a discussion of your “appeal rights” and any procedures?

No appeal information that we can find.

What is your home address? How long have you lived there?

For the past nine years, our nomad address has been 8306 Wilshire Blvd., Suite 1047, Beverly hills Calif. 90211. We live in our motorhome. We bought our first RV, a classic Revcon, in 2013 in order to save money on rent and to invest in our work and offices. We also have occasionally rented out the motor home to movie and TV companies to raise additional capital. When our offices were Downtown and in Inglewood, we always kept our RV parked in our office parking lot, and sometimes at the beach where we might go after a hard day's work. We have not taken a non-working vacation for the past 30 years, so this allows us some mini vacations. We currently live in our Chevrolet Seabreeze motorhome which is comfortable, convenient, inexpensive and gives us great flexibility to do on-location shows.

Can you provide a little history of the license applications by you and their actions?

We first moved in here around March 15, 2019. It took about two months to move in because we had 10,000 square feet of furniture, books, art, props, scenery, mattresses, studio equipment, archives, etc. to move. Our archives span 50 years of publishing and broadcasting work, starting with Max's alternative newspapers, ground-breaking art and sex magazines. Max, aka Maximillian Lobkowicz Filangieri, published the “reader-written” LA STAR newspaper, Love Magazine, the Brentwood Bla Bla, Beverly Hills the Magazine, and many more.

Max's wife of over 30 years, Susan, aka Dr. Susan Block (known to fans as “Dr. Suzy”), is an internationally renowned sexologist, radio, cable TV and Internet talk show host (best-known for her #1-rated HBO specials), best-selling author (co-wrote “Being a Woman” with Dr. Toni Grant), lecturer, bonobo ape advocate, journalist, Emmys Academy of Television Arts & Sciences member (documentary division), LA Press Club member and award-winning writer on sex, culture and politics. She is well-known for hosting her shows from a bed. One of her first shows was entitled “Mattress Madness.” Recent interviews are “Bedside Chats.”

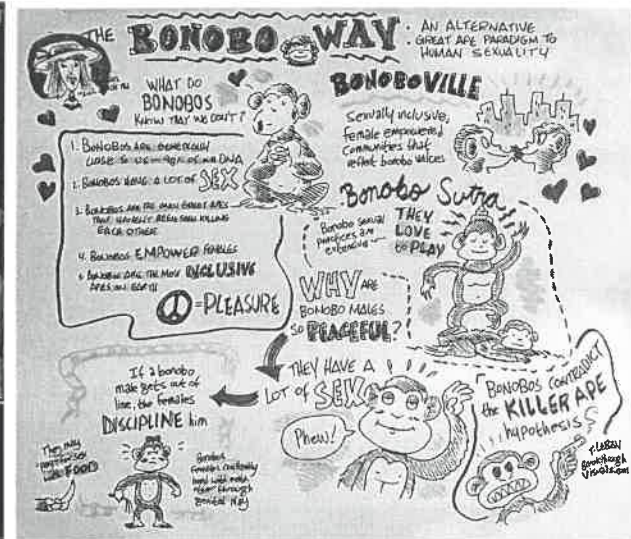
Over the decades, we have worked together on many projects and have long practiced a “Left Bank” alternative lifestyle. Though we do not live in our offices, we regularly mix business and pleasure with art, and this appears to be the Arcadia Zoning inspector’s and fire marshal’s main problem with us.

We have been broadcasting live and taped shows on radio and TV since the 1980s, and on the Internet since the mid-1990s. We were one of the first people broadcasting live on the internet, before it was called podcasting.

So, as we were moving in one day, a fire marshal showed up wanting to know who we were and what we were doing here. She asked to come in, so we let her in. When she entered the building, she saw our 6x6 ft Marilyn Monroe painting hanging in our broadcasting studio, and then she saw a “graphic recording” of one of Susan’s AASECT (American Association of Sex Educators, Counselors & Therapists) lectures on bonobo apes for sex therapists. She also saw one of our 8 mattresses stored in an empty room at the time and which is still there.



Marilyn Painting



Bonobo Way Graphic Recording (used during lectures)

After seeing the bed and the two artworks, she became very distraught and refused to continue the inspection because, she said, we were “creeping her out.” She drove back to Arcadia City Hall, and like a deceitful town crier, she spread the word to as many people in various departments as she could that some “pornographers” had moved into the address and that she had seen a sex storyboard (her absurd interpretation of the graphic recording above) for a “porn movie,” and a mattress where (she falsely assumed) they shoot porn. One of those people was Amber Abeyta in the business licensing department.

Almost immediately, Max got a call from Ms. Abeyta demanding to know what we were doing here and why we didn’t have a business license. Max told her we were just moving in, that we’d had several business licenses in areas in and around L.A. where we’d previously had offices, and we were planning to get an Arcadia business license asap. He told her that we would be using

the building for our podcasts and interviews, as well as our offices, editing studios and archives. She said okay.

A couple days later, an unannounced building inspector came to our door when neither of us was in the building. Our receptionist told the inspector that we were not in and asked him to leave his card so we could call him to make an appointment, which Max did right away.

That brought a registered letter (which we can't find at the moment) to vacate the premises in 10 days, or we would be charged with a misdemeanor.

Shortly afterwards, we applied for a business license for our Internet broadcast radio shows (now called podcasts) and archiving offices, along with an office/studio plan. The license was rejected. We were told this was because we were not in the right zone for podcasting. We were also told we would need a special license to podcast, and the podcasts would have to take place in a special entertainment zone (the location of which was never revealed to us). This sounded very strange, as people all over the world podcast from anywhere and everywhere. Moreover, the building next door—which is ten feet away from our property—houses a Chinese radio and TV station that appears to broadcast/podcast 24/7. When Max mentioned this to Ms. Abeyta, she said that the Chinese station has a special exemption, which could not be used for our building.

She also told us that we did not have enough parking spaces for the square footage of the building, so we would have to build an additional ten parking spaces to meet the code requirements.

This sounded even stranger. Max half-jokingly asked where we might build these parking spaces—above the building or underground? Ms. Abeyta was not happy with the question. But seriously, what could we, as lessees, do about these additional parking spaces that were now being required of us after we'd moved in?

At that point Ms. Abeyta told us that we could go before the zoning board for an exemption if we paid \$1200. Our landlady, with whom we have a great relationship, graciously paid this fee for us.

Some days passed, and then Ms. Abeyta called and said that she had come up with a new solution. What would that be? She said she would designate four of the rooms as "offices" and the rest would be storage areas for our archives, art works, equipment, props and other property. She said with this type of license, we didn't need any additional parking spaces. She also said we would get a refund of \$700.00, and that her office would keep \$500.00 for processing the hearing which she cancelled.

Again, it sounded strange, but we agreed to do as she said since she was in charge. Then we had two more building inspections, both supervised by Ms. Abeyta. Soon after Ms. Abeyta and two other inspectors arrived for the first inspection, Max tried to point out the two art pieces

that the first fire marshal had said “creeped her out” to the point that she had to leave. Ms. Abeyta shot back, “I don’t want to talk about that,” repeating this phrase a couple of times. She seemed very distraught, but she and the other inspectors completed the inspection, taking a good look at everything here, including all the mattresses.

Afterwards, she told us that we could now get a license, though we had to get another fire inspection. A few days later a couple of very nice fire marshals showed up, and we passed the inspection. It seemed like the chief fire marshal had been briefed on the situation. “Why don’t the code people understand who you are?” he mused with a slight smile on their face. “These are obviously artists’ offices.”

After we passed all these inspections, we re-applied for the license, doing exactly what Ms. Abeyta told us to do. In the section that asks what hours we’d be open, there was no “24 hours” option (which would be accurate for us). When Max asked Ms. Abeyta about that, she suggested that he put “normal business hours,” so he did as she said, and then we finally got our business license, though not for podcasting.

Right after we got our license, our designer made a very nice, elegant sign with raised lettering that said “Radio,” and we put it up on our property, for which we immediately received a violation notice, and we were told that in order to put up the sign, we needed to pay \$250 to have it approved. We took it down.

Some time passed without incident, and then, sometime in the Spring of 2021, we received an application from a web designer who said he wanted to volunteer his time to help out on our podcasts. He had a great, very professional resume, he seemed like a nice guy and our background check on his name didn’t produce any red flags, so we let him work with us on a couple of podcasts. Then suddenly, he disappeared, leaving nothing but a pair of sneakers, never to return.

Within a few days, we got a call from Ms. Abeyta, saying this guy (who was using an assumed name with us) was a convicted sex offender and had tried to register our business as his residence with the police. When Max asked for this person’s name, she refused to tell us.

Though she wouldn’t say, we had a hunch she was referring to the mysterious guy that disappeared and who had lied about a lot of things, including his own identity, as well as “living” here.

No one lives here. It’s true that we have great, very comfortable, homey, erotic art-filled offices with a big, commercial kitchen, fourteen small rooms (which Ms. Abeyta calls “bedrooms”), each with its own bathroom and shower or tub. This building used to be a home for the deaf, and many people did live here at that time. It seems this guy thought that he could register this place with the police as his “home,” but it was never his home and he knew that. After trying to register, he never returned to the building, not even to pick up his sneakers.

Apparently, the police had called Ms. Abeyta about this fellow, and soon more violations came our way. They said that we were running a sex business, a hotel and/or Air B&B, all of which would not be within code, but none of which are true. Because of these violations—all based on untruths—Ms. Abeyta revoked our hard-won business license. We responded to all charges that we weren't doing any of the things for which they are charging us, and we are still not in violation of any city codes that we know of.

Then, on the morning of July 22, 2021, Ms. Abeyta, several other city inspectors and nine police officers arrived at the property at 7:45 am—according to our Ring records and Ring security personnel, upon Ms. Abeyta's arrival, our Ring security system stopped recording. As soon as she and her group left, it went back on. When we asked Ring security what happened, they said their records showed that somebody jammed the system at the exact time they got here and unjammed when they left.

Ms. Abeyta's group arrived at quarter to 8am, fifteen minutes before the warrant allows. Several of our volunteers were here, having been working through the night, helping Susan to prepare for an early-morning interview with former [LA Times](#) journalist [Ken Silverstein](#).

As soon as Ms. Abeyta, the inspectors and police arrived, they ordered us to clear out of the building, and then herded us into the parking lot in front of the building. We were searched and frisked, including under the women's bras and around the men's crotches. We were told to keep our hands behind our back like we were handcuffed. No one was allowed to leave. We were detained like criminals. As we were standing outside, the neighbors came out to watch, and then there was a morning drive backed up traffic in front of the property, as motorists stopped to stare at us.

Both of us have serious medical issues. Susan has COPD (Chronic Obstructive Pulmonary Disease) and needs to hydrate regularly, but when she asked for a drink of water or a cough drop, the police told her to wait. Max is a 78-year-old bladder cancer survivor, and has to urinate frequently; his neo-bladder has never learned to control the flow. While he was being detained, they would not let him use the toilet. When he asked, the officer that was watching over him told him that he could go to a neighbor's house and ask if he could use their toilet. He declined and peed in his pants.

In order to get the search warrant, Ms. Abeyta committed perjury on behalf of the Arcadia zoning department. She lied to the judge when she said that we would not let her in to do an inspection. Of course, we had let her and other inspectors in several times with no problem.

So, she lied, maybe thinking she'd find something damning if she "surprised" us, but all she found was what she had seen before. Nothing had changed since her last inspection(s). The mattresses were exactly where they were on her most recent inspection, as well as all the other inspections. No surprises.

Nevertheless, Ms. Abeyta, having failed to establish that we were a “sex business,” a “hotel” or “AirBnB,” decided to accuse us of “living” on the premises. As we explain above, we do spend a lot of time here, and it’s a very homey place (that’s one reason we like this otherwise “difficult” building so much), but nobody lives here.

We’re not sure why Ms. Abeyta brought nine police officers—none of whom were wearing masks—when inspections like this require two. Though polite, the police treated us like criminals.

Naturally, our neighbors wanted to know why the police were here. Fortunately, we have a very good relationship with everyone around us, on the business side and the residential side. Over the past two and a half years we’ve been here, we’ve spent about a million dollars in this community, a lot of money for a small business. But bottom line: people are just grateful that there are no vagrants living the building like there were just before we moved in, and that there is always someone working here, 24/7, in case they need help with anything.

After the raid, several of our neighbors who saw what happened confided that the Arcadia building inspectors tend to be very unfair. To put it plainly, they don’t have a good reputation in this part of Arcadia.

Ironically, Ms. Abeyta claimed that she brought along all those extra police to “keep the peace,” even though we’re about as peaceful as can be. Indeed, Susan wrote the book about how we can live more peacefully following the example of the bonobo great apes. Just so you know a little more about us, we’re sharing a copy of *The Bonobo Way* with you today.

On Tuesday evening, September 28, we attended a meeting before the Arcadia Zoning Board which felt very much like a Kangaroo Court. No witnesses, no cross-examination of the accuser (Ms. Abeyta), no consideration of our situation, our business model, the Covid pandemic, the safety of the neighborhood or the construction of the building itself. Just a rubberstamp on Ms. Abeyta’s withdrawal of our business license.

Fortunately, the Pasadena Star-News understood what was really going on and wrote a very fair and mostly accurate article entitled “Arcadia wants to shut down sex therapist-radio host’s local studios,” a link to which is listed below (with a few of our comments and corrections). The piece and a follow-up also ran in the LA Daily News, the Arcadia Patch, the Arcadia Parrot and other publications.

Despite this and other positive media coverage, this whole experience has been a nightmare for us. We are all still shaken. Our work has been severely disrupted. After being frisked inappropriately, threatened and embarrassed in public, three of our volunteers quit. In the fifty years that Max has run businesses in Los Angeles county, New England and Europe, he has never encountered such unprofessional, hysterical and totally confused handling of a simple business license.

Even though we have never been harassed by a City zoning inspector like this, we have dealt with unfair, illegal and unconstitutional (First and Fourth Amendment) challenges from authorities in the past. In Max's erotica publishing days, he was prosecuted 20 or so times, and he won all his cases, including overturning the California criminal libel statute and news rack laws, with the help of some of Los Angeles' finest attorneys, including the late great Stanley Fleishman.

In 2000, the LAPD raided our studios without just cause, and we sued them for violating our First and Fourth Amendment rights. Susan brought the action, trying part of the case herself in Federal Court, and we won a very nice settlement. The LAPD never bothered us again, nor did any other police department.

Here are a couple links to make this a little more personal and to understand who we are (not required reading):

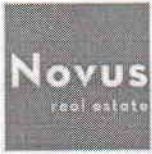
- "Survival of the Friendliest" (one of Susan's recent "Bedside Chats")
<https://www.youtube.com/watch?v=J-XrqSV9j5Q> and
<https://drsusanblock.com/survival-of-the-friendliest>
- The Bonobo Way (Susan's most recent book)
<http://amzn.to/1zimlbP> and <https://bonoboway.com>
- Our LAPD Raid
<https://archive.drsusanblock.com/editorial/police.htm>
- Our brief that won us a settlement from the LAPD
<http://www.drsusanblock.com/editorial/policebrief.htm>
- Overturning the California Criminal Libel Statutes
<https://law.justia.com/cases/california/court-of-appeal/3d/55/423.html>
- My early publishing days
<https://drsusanblock.com/saga-finger-magazine>
- The Pasadena Star News/LA Daily News article with our commentary
<https://drsusanblock.com/la-daily-news>

Thank you for reading our story. We hope to resolve this matter equitably and without further delay or damages. We look forward to meeting you.

Sincerely,



Susan M. Block, Ph.D. & Maximillian Lobkowitz



December 10th, 2021

City of Arcadia

Development Services Department

240 West Huntington Dr.
P.O. Box 60021
Arcadia, CA 91066

Re: 529 Las Tunas Dr. landuse

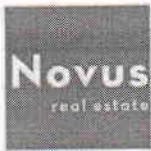
To whom it may concern:

I was retained by the property owner of 529 Las Tunas in the City of Arcadia to review the re-use possibilities for the property. This 7055 SF building is located at a prime location along the major City corridor, Las Tunas Dr., and close to the major intersection of Las Tunas and South Baldwin Ave. However, the building has experienced difficulty in re-uses and redevelopments which were limited by the current zoning and regulation for years.

The property is zoned Professional Office (C-O) according to the most recent 2018 version zoning map. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices. According to the 2016 Arcadia Development Code 9103.07.060 C, offices would require at least 1 off-street parking spaces per 250sf. For the existing 7055sf office building at 529 Las Tunas, that means approximately 28 parking spaces are required. However, the current site can only provide 19 parking spaces, which means only about 68% of the existing building can be used as offices.

With the above acknowledging issues, the property owner and the real estate agents had a difficult time finding office users in the past decades. Although this prime location has repeatedly attracted food, educational, medical office, and residential users, all these uses are either required to have even more off-street parking, or not allowed according to Arcadia Development Code.

When we look further into modifying the existing structure in order to provide more off-street parking, the current Development Code 9102.03.030 limited this possibility. With current residential zoning at the immediate east and north side of the site, the building is required to have a setback of 10' on the side, and 20' in the rear. The existing building layout cannot meet these setback requirements. And any modification or remodeling to the existing building may result in invalidating its current legal non-conforming status.



Even the owner is willing to tear down the existing building, and spend millions of dollars to replace, the usable SF cannot increase much with the FAR limit set at 0.5 under Development Code 9102.03.030, and the allowed use is limited. Plus, from a developer's perspective, it will not be an environmental friendly approach to demolish a well-designed and maintained building that can still serve the community for many years to come.

All the above conditions have pushed the property owner into a very difficult position, and the property has been significantly underutilized or even vacant for many years. I was told the City is now pushing out the current tenant which will make this property vacant again. According to the property owner, the tenants have not caused her, nor any Arcadia neighbors any trouble. A vacant property will indeed attract much more health and safety risks for the surrounding neighborhood.

I believe it is the common goal for the City, its residents, and business owners seek the highest and best use for each precious piece of land in the beautiful City of Arcadia. With some flexibility and creativity, this property can provide much needed services for the local community. We urge your understanding and support to give this asset a new life.

Best Regards,

A handwritten signature in cursive script that reads "Wei".

Wei Huang

Co-Founder

LEED AP BD+C

DRE 02051888

NOVUS REAL ESTATE

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STAFF REPORT

Office of the City Manager

DATE: January 18, 2022
TO: Honorable Mayor and City Council
FROM: Dominic Lazzaretto, City Manager
By: Michael Bruckner, Deputy City Manager

SUBJECT: ORDINANCE NO. 2384 AMENDING THE ARCADIA MUNICIPAL CODE BY ADDING SECTIONS 4290.2, 4290.3, 4290.4 AND 4294 TO PART 9 OF CHAPTER 2 OF ARTICLE IV (“THE PUBLIC WELFARE, MORALS AND POLICY CODE”) WITH AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), TO ESTABLISH SMOKING PROHIBITIONS FOR MULTI-FAMILY RESIDENTIAL UNITS, COMMERCIAL AND RETAIL ENTRYWAYS, AND OUTDOOR DINING FACILITIES

Recommendation: Introduce

SUMMARY

At the August 17, 2021, City Council Meeting, Mayor Pro Tem Cheng requested that an item be placed on an agenda at a future meeting to discuss updates to the City’s smoking regulations to include prohibitions on smoking in multi-family residential units, in front of entryways to commercial uses, and within a certain distance of outdoor dining facilities. At the November 2, 2021, City Council Meeting, the City Council directed staff to prepare an ordinance to expand the City’s smoking regulations to prohibit smoking in common areas of multi-family residential units and within 25 feet from commercial/ retail entryways and outdoor dining facilities. Therefore, it is recommended that City Council introduce Ordinance No. 2384 (Attachment No. 1) updating the City’s No Smoking regulations.

BACKGROUND

Currently, the Arcadia Municipal Code (“AMC”) Article IV, Chapter 9, Sections 4290 and 4290.1 prohibit smoking in a room, chamber, place of meeting or public assembly where public business is being conducted. Other restrictions include the portions of any building, structure or other enclosed facility open to the general public including City parks, recreational areas, and City sponsored events.

The American Lung Association grades cities on overall tobacco regulation. Due to the City’s limited regulations to address the adverse effects of first and secondhand smoke,

Arcadia has received the letter grade “D” by the American Lung Association. To promote a healthier environment, at the August 17, 2021, City Council Meeting, Mayor Pro Tem Cheng requested that an item be placed on an agenda at a future meeting to discuss updates to the City’s smoking regulations to include prohibitions on smoking in multi-family residential units, in front of entryways to commercial uses, and within a certain distance of outdoor dining facilities. After a lengthy discussion at the November 2, 2021, City Council Meeting, the City Council directed staff to develop an ordinance that creates additional regulations on tobacco use by limiting areas where smoking is allowed in the City. Changes and updates to current regulations will protect the public from experiencing the negative effects and health complications associated with smoking.

DISCUSSION

In accordance with California Health and Safety Code Section 104495, smoking is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation. The definition includes electronic devices that create an aerosol or vapor. The proposed Ordinance No. 2384 also updates the list of smoking products to include the use of marijuana now that under state law it is an allowable use in private homes.

Multi-Family Housing

A multi-family unit is defined as two or more units with a shared wall and/or ventilation. It is well established that smoke can travel from one unit to another and permeates through walls and ventilation systems. The draft Ordinance allows for the discretion of the tenant to smoke inside the unit (if it is allowed by the property owner) as long as it is undetected by neighboring residents. The proposed Ordinance also restricts smoking in common areas of the property. A common area is defined as an enclosed or unenclosed area of a multi-family unit facility including but not limited to halls and paths, lobbies and courtyards, elevators and stairs, community rooms, playgrounds, clubhouses, gym facilities and swimming pools, parking garages and parking lots, shared laundry rooms, shared cooking or eating areas, or other shared facilities used by tenants. Smoking is allowed inside units at the discretion of the property owner; however, tenants/occupants must make all reasonable efforts to diffuse smoke from permeating from the unit. Any smoke that is perceived by neighbors would be in violation of the proposed ordinance. There is nothing in this ordinance that prohibits a property owner from banning all smoking at their facilities as a condition of occupancy.

Outdoor Dining/ Retail Establishments

As a result of the COVID-19 pandemic, outdoor dining has become a popular trend for many bars and restaurants. Despite the open air atmosphere, smoking near outdoor dining facilities can disrupt the overall dining experience. In an effort to promote a healthy and safe environment, Ordinance No. 2384 would prohibit smoking in outdoor dining establishments as well as prohibiting individuals from smoking within 25 feet of an open-

air dining area. Smoking would also be prohibited within 25 feet from entrances to commercial and retail entryways. Businesses are expected to post signage in conspicuous areas highlighting the updates to the ordinance.

Enforcement

Ordinance No. 2384 establishes an enforcement mechanism and new penalties violations. The first violation of the ordinance in a year will result in a \$100 fine. The second violation would be a \$200 fine and each subsequent violation would be a \$500 fine. Similar to existing smoking regulations, it is anticipated that property and business owners will largely self-regulate. The City's Code Enforcement staff and Police Department can assist with enforcement related activities; however, much of the enforcement is likely to be reactive in nature. The penalties and enforcement approach are consistent with neighboring cities who have adopted similar policies.

ENVIRONMENTAL ANALYSIS

The proposed actions do not constitute a project under the California Environmental Quality Act ("CEQA") based on Section 15061(b)(3) of the CEQA Guidelines. It can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

There is a minimal impact to the General Fund for adopting Ordinance No. 2384. This will primarily consist of outreach to business and property owners regarding the new ordinance, as well as any additional calls for service related to enforcement. While fines are not expected to be common, they would tend to offset the cost of enforcement and education. There is sufficient funding in Department's operating budgets to resource these requirements.

RECOMMENDATION

It is recommended that the City Council introduce Ordinance No. 2384 adding Sections 4290.2, 4290.3, 4290.4, and 4294 to Part 9 of Chapter 2 of Article IV ("The Public Welfare, Morals and Policy Code") with an exemption from the California Environmental Quality Act ("CEQA"), to establish smoking prohibitions for multi-family residential units, commercial and retail entryways, and outdoor dining facilities.

Attachment No. 1: Ordinance No. 2384

ORDINANCE NO. 2384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING THE ARCADIA MUNICIPAL CODE BY ADDING SECTIONS 4290.2, 4290.3, 4290.4 AND 4294 TO PART 9 OF CHAPTER 2 OF ARTICLE IV (“THE PUBLIC WELFARE, MORALS AND POLICY CODE”) WITH AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), TO ESTABLISH SMOKING PROHIBITIONS FOR MULTI-FAMILY RESIDENTIAL UNITS, COMMERCIAL AND RETAIL ENTRYWAYS, AND OUTDOOR DINING FACILITIES

WHEREAS, at the August 17, 2021, City Council Meeting, the City Council requested an item be placed on a future agenda to consider updating the City’s smoking regulations to include prohibitions on smoking in multi-family residential units, in front of entryways to commercial/retail uses, and within a certain distance of outdoor dining facilities; and

WHEREAS, an ordinance addressing prohibitions on smoking in multi-family residential units, in front of entryways to commercial uses, and within a certain distance of outdoor dining facilities is non-existent in the current Arcadia Municipal Code (“AMC”). The American Lung Association, which grades California cities on overall tobacco regulation, has graded Arcadia with a letter “D” in 2021 for only regulating smoking in indoor public facilities, parks, and City sponsored events; and

WHEREAS, many cities near Arcadia have more stringent smoking regulations such as Alhambra, Beverly Hills, Burbank, Glendale, Pasadena, and Temple City; and enforce through a self-regulatory approach, hotlines, and ambassador programs; and

WHEREAS, the City Council believes that increasing smoking prohibitions to help protect community members from smoke-related diseases is necessary, as tobacco continues to be the leading cause of preventable death, contributing to nearly 500,000

deaths in the United States every year; and

WHEREAS, secondhand smoke can travel through lighting fixtures, cracks in walls, shared heating/ventilation, around plumbing, and under doors, which is another cause for increased smoking regulations; and

WHEREAS, this ordinance expands smoking prohibitions by adding new sections to Part 9 (“Smoking Prohibited in Designated Areas”) of Chapter 2 (“Disorderly Conduct, Nuisances, etc.”) of Article IV (“Public Welfare, Morals, and Policy”) in order to create additional smoking regulation categories for multi-family residential units, in front of entryways to commercial/retail uses, and within a certain distance of outdoor dining facilities; and

WHEREAS, several provisions of California state law govern the act of smoking and provide protections for persons from the adverse effects of tobacco smoke and secondhand smoke, but additional regulations are left to local authorities such as cities. California Health and Safety Code 118880 declares that tobacco smoke is a hazard to the health of the general public, and California Health and Safety Code Section 118910 states that local governing bodies may completely ban the smoking of tobacco or may regulate smoking in any manner not inconsistent with the state law; and

WHEREAS, the current definition of smoke or smoking within the chapter does not address marijuana and vaping products. Therefore, the definition of smoke or smoking is updated to include marijuana and vaping products, as these substances produce smoke containing harmful toxic emissions known to contribute to lung disease and other health issues; and

WHEREAS, the existing chapter does not contain information related to penalties

and enforcement, which this ordinance includes provisions for. The City Attorney, any peace officer and any City Code Enforcement Officer shall have the authority to enforce the provisions of the chapter; and

WHEREAS, the ordinance includes minor revisions to provide clarification of terms and headings; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000 et seq., the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq., and the City's Local CEQA Guidelines, it has been determined that this ordinance is exempt from review under CEQA pursuant to Section 15061(b)(3) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect in the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. This ordinance is exempt under Section 15321 because it consists of material that serves only to update the Public Welfare, Morals and Policy Code by expanding smoke regulations for the benefit of public health. This ordinance is an action that does not have the potential to cause significant effects on the environment, but will rather address changes to smoking regulations in Arcadia.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The Arcadia Municipal Code is amended by adding Section 4290.2, Section 4290.3, Section 4290.4, and Section 4294 to Part 9 ("Smoking Prohibited in Designated Areas") of Chapter 2 (Disorderly Conduct, Nuisances, etc.) of Article IV ("The Public Welfare, Morals and Policy Code") such that Part 9 shall read as follows:

PART 9. SMOKING PROHIBITED IN DESIGNATED AREAS

4290. SMOKING PROHIBITED

It shall be unlawful for any person to light, ignite or otherwise set fire to, or smoke, carry, throw or deposit any lighted cigar, cigarette, tobacco, marijuana, vaping, or other smoldering or smoke producing substance within:

- (a) Those portions of any building, structure or other enclosed facility open to the general public for the primary purpose of exhibiting any motion picture, stage production, musical recital or similar performance exclusive of sports events, other than in an area which serves as a lobby;
- (b) Any room, chamber, place of meeting or public assembly wherein public business is being conducted and which is open to members of the general public either as participants or as spectators, except that the prohibition contained in this subparagraph shall not apply within a contiguous area containing fifty percent (50%) or less of the room, chamber, or place of meeting or public assembly, if the entity having management and control of the premises has designated and identified such area as a Smoking Permitted Area by appropriate signs, provided that no division of that area of such room, chamber, place of meeting or public assembly set aside for use by the general public shall be made on a front area versus rear area basis.
- (c) Any elevator designed principally for the accommodation of passengers.

4290.1. SMOKING AT CITY PARKS, RECREATION AREAS AND ENTERTAINMENT EVENTS PROHIBITED.

- (a) It shall be unlawful for any person to use any form of tobacco, marijuana, or vaping products, at any time, in or upon any City Park property or recreation area. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes, as well as marijuana. Exceptions shall be made for the use or possession of prescription nicotine products.

(b) Tobacco, marijuana, and vaping products are prohibited during the performance or conduct of any City conducted or sponsored events at the parks and recreation areas, including but not limited to concerts, sports, entertainment, plays, ceremonies, carnivals, fairs, or training in any such location. Notwithstanding the foregoing, the Director of Recreation and Community Services is authorized to designate restricted areas within which the products containing tobacco or nicotine described in subsection (a) may be used at such a City conducted or sponsored event.

(c) During the period that the Arcadia Par 3 Golf Course is owned by the City of Arcadia, it shall be exempt from the prohibition against the use of products containing tobacco or nicotine.

4290.2. SMOKING IN COMMON AREAS AND OUTDOOR AREAS OF MULTI-FAMILY RESIDENTIAL UNITS PROHIBITED.

Smoking in multi-family residences, defined as two (2) or more units with a shared wall and/or ventilation, shall be governed by the following rules:

1. Smoking is prohibited in all common areas. A common area is defined as an enclosed or unenclosed area of a multi-family unit facility including but not limited to halls and paths, lobbies and courtyards, elevators and stairs, community rooms, playgrounds, clubhouses, gym facilities and swimming pools, parking garages and parking lots, shared laundry rooms, shared cooking or eating areas, or other shared facilities used by tenants.
2. Smoking is prohibited on patios and balconies.
3. Indoor smoking is permitted so long as smoke cannot be perceived by neighbors. Thus, smoke cannot permeate from the unit. Occupants should make reasonable efforts to diffuse smoke inside the unit to the extent practical.

4290.3. SMOKING IN COMMERCIAL AND RETAIL ENTRYWAYS PROHIBITED.

Smoking is prohibited within twenty-five feet (25') of a commercial or retail entryway.

4290.4. SMOKING IN OUTDOOR DINING FACILITIES PROHIBITED.

Smoking is prohibited in all open air dining areas located on private or public property, including the public right-of-way. In addition, smoking is prohibited within twenty-five feet (25') of an open air dining area, except smoking will be allowed if, and only if, the smoker is actively passing by the open air dining area.

4291. POSTING OF NO SMOKING SIGNS.

The person having the authority to manage and control any area set forth in the preceding section wherein the described prohibition applies shall post or cause to be posted and prominently displayed, and shall maintain "No Smoking" signs in conspicuous locations within said areas upon no less than two separate walls or columns in such area. Said signs shall be posted not less than five feet or more than eight feet above the floor level and shall be of sufficient number and location to cause the message by at least one of said signs to be clearly visible, legible and readable at all times from any other point within this same range of height from the floor in said area. Failure to post and maintain such signs shall be a misdemeanor.

4292. UNLAWFUL TO MUTILATE OR DESTROY SIGNS.

It shall be unlawful to mutilate or destroy any signs posted in accordance with this Part.

4293. EXEMPTION.

This Part 9 shall not be applicable to any room, chamber or place of meeting or public assembly under the jurisdiction of the Arcadia Public Schools Board of Education unless such Board of Education adopts and files with the City Clerk a Resolution declaring such places to be subject to the smoking prohibition as set forth above.

4294. PENALTIES AND ENFORCEMENT

It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation under this chapter to fail to comply with its provisions.

It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

The City Attorney, any peace officer, and any City Code Enforcement Officer shall have the authority to enforce the provisions of this chapter.

Violations of this chapter shall be considered an infraction and be charged according to the following fee schedule:

- (a) First Violation: \$100 fine
- (b) Second Violation: \$200 fine
- (c) Subsequent violations within any 12 month period: \$500 fine

SECTION 2. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

[SIGNATURES ON THE NEXT PAGE]


Passed, approved and adopted this _____ day of _____, 2022.

Mayor of City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney



STAFF REPORT

Recreation and Community Services Department

DATE: January 18, 2022

TO: Honorable Mayor and City Council

FROM: Sara Somogyi, Director of Recreation and Community Services
By: Ashley Marston, Management Aide

SUBJECT: NOTIFICATION OF THE ESTABLISHMENT OF THE ARCADIA PARKS FOUNDATION TO BENEFIT THE RECREATION AND COMMUNITY SERVICES DEPARTMENT
Recommendation: Receive and File

SUMMARY

The Arcadia Parks Foundation, a non-profit organization, was recently established to fundraise for various projects or services in the Recreation and Community Services Department to benefit the Arcadia Community.

DISCUSSION

The Arcadia Parks Foundation is a non-profit organization designed to directly benefit and support the Recreation and Community Services Department. The mission of the Arcadia Parks Foundation is to build community health, wellness, and togetherness through the preservation, promotion, and enhancement of public parks, greenspace, and recreation programs for present and future generations. The Arcadia Parks Foundation plans to seek and accept donations from community members and organizations and plans to allocate the funds to the Recreation and Community Services Department for specific projects or programs in order to alleviate pressure on the General Fund and make more parks and recreation opportunities available to the public.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. As such, this matter is exempt under CEQA.

FISCAL IMPACT

The Arcadia Parks Foundation is a non-profit organization which is completely separate from the City of Arcadia. Funds raised by the Foundation will directly benefit the City of Arcadia in the form of grants to projects and programs. Each such donation will be presented to the City Council for consideration in accordance with City policies. Approved grants would offset costs that would either be borne by the General Fund or otherwise forgone due to insufficient funding.

RECOMMENDATION

It is recommended that the City Council determine that this action is exempt under the California Environmental Quality Act (“CEQA”); and receive and file the notification of the establishment of the Arcadia Parks Foundation to benefit Arcadia Recreation and Community Services Department.

Approved:


Dominic Lazzaretto
City Manager