

TUESDAY, NOVEMBER 14, 2017 - 6:30 P.M.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (714) 890-4245. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City Council agenda and supporting documentation is made available for public review and inspection during normal business hours in the Office of the City Clerk, 7800 Katella Avenue, Stanton California 90680 immediately following distribution of the agenda packet to a majority of the City Council. Packet delivery typically takes plan on Thursday afternoons prior to the regularly scheduled meeting on Tuesday. The agenda packet is also available for review and inspection on the city's website at <u>www.ci.stanton.ca.us</u>, at the public counter at City Hall in the public access binder, and at the Stanton Library (information desk) 7850 Katella Avenue, Stanton, California 90680.

1. CLOSED SESSION None.

2. CALL TO ORDER REGULAR CITY COUNCIL MEETING

- 3. PLEDGE OF ALLEGIANCE
- 4. ROLL CALL Council Member Donahue Council Member Ethans Council Member Ramirez Mayor Pro Tem Shawver Mayor Warren

5. SPECIAL PRESENTATIONS AND AWARDS None.

6. CONSENT CALENDAR

All items on the Consent Calendar may be acted on simultaneously, unless a Council/Board Member requests separate discussion and/or action.

CONSENT CALENDAR

6A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

RECOMMENDED ACTION:

City Council/Agency Board/Authority Board waive reading of Ordinances and Resolutions.

6B. APPROVAL OF WARRANTS

City Council approve demand warrants dated October 19, 2017, October 26, 2017, and November 2, 2017 in the amount of \$3,133,114.09.

6C. 2018 LEGISLATIVE PLATFORM

Consideration of a legislative platform to establish guiding principles and policy statements that will allow city staff to address legislative and regulatory issues in a timely manner, without precluding the consideration of additional legislative and budget issues that may arise during the legislative session.

RECOMMENDED ACTION:

- City Council declare that the project is not subject to the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- 2. Adopt the Legislative Platform; and
- 3. Authorize the City Manager and Mayor to provide support or opposition for legislation in compliance with the Legislative Platform.

6D. AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE 2017 CITYWIDE OVERLAY PROJECT TO TAIT & ASSOCIATES

The 2017 Citywide Overlay Project will improve infrastructure throughout the City of Stanton. Staff recommends that the firm TAIT & Associates be retained for the design services of this project.

RECOMMENDED ACTION:

- 1. City Council approve a Professional Services Agreement with TAIT & Associates for design support and development of plans for the Citywide Overlay Project the maximum contract sum of \$91,360; and
- 2. Authorize the City Manager to bind the City of Stanton and TAIT & Associates in a contract to provide these services; and
- 3. Declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

6E. APPROVE AND ADOPT AN ANNUAL EXPENDITURE REPORT TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO ACCOUNT FOR M2 FUNDS, DEVELOPER/TRAFFIC IMPACT FEES, AND FUNDS EXPENDED BY THE CITY TO SATISFY MAINTENANCE OF EFFORT REQUIREMENTS

The Measure M2 ordinance requires local agencies to adopt and submit an expenditure report to the Orange County Transportation Authority each year. The expenditure report has been prepared and is being presented to Council for adoption and submission to the OCTA.

RECOMMENDED ACTION:

- City Council find that this item is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060 (c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2. Adopt Resolution No. 2017-46 approving the 2016-17 Measure M2 expenditure report and direct staff to submit the report to the OCTA, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF STANTON".

6F. RESOLUTION 2017-45 APPROVING AN APPLICATION FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

The City of Anaheim is proposing to synchronize the Katella Avenue corridor from the 605 on ramp in the City of Los Alamitos to Jamboree Road in the City of Orange. The Cities of Los Alamitos, Cypress, Stanton, Garden Grove, Orange, and Villa Park are intending to join the City of Anaheim in submitting a joint grant application to OCTA to obtain funding for the project.

RECOMMENDED ACTION:

- City Council declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) – Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and
- 2. Adopt Resolution No. 2017-45 approving the submittal of the application for the Katella Avenue Traffic Signal Synchronization Project, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM"; and

3. Approve the City of Anaheim to act as the lead agency in the project.

END OF CONSENT CALENDAR

7. PUBLIC HEARINGS

7A. PROPOSED ORDINANCE TO AMEND THE CITY'S ZONING CODE TO ESTABLISH NEW REGULATIONS RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS

The Council previously directed staff to amend the City's sign ordinances to comply with a 2015 United States Supreme Court ruling. This staff report proposes an ordinance to revise the City's sign ordinances, including allowing a certain number of temporary noncommercial signs to be displayed on private property during an election period.

RECOMMENDED ACTION:

- 1. City Council conduct a public hearing; and
- Find that Ordinance No. 1050 is exempt from CEQA pursuant to Section 15061(b)(3), because there is no possibility that the proposed Ordinance will have a significant effect on the environment; and
- 3. Conduct first reading of Ordinance No. 1050 entitled,

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 20.325 OF THE STANTON MUNICIPAL CODE RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS"; and

4. Set the Ordinance for adoption at the November 28, 2017 meeting.

ROLL CALL VOTE:	Council Member Donahue
	Council Member Ethans
	Council Member Ramirez
	Mayor Pro Tem Shawver
	Mayor Warren

7B. AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN ART IN PUBLIC PLACES ORDINANCE

Introduction of an Ordinance which would establish an Art in Public Places Program and Manual to further the goals of the General Plan and the Livable Beach Blvd. Mobility Plan.

RECOMMENDED ACTION:

- 1. City Council conduct a public hearing; and
- 2. Declare that the project is not a project subject to CEQA pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- 3. Introduce Ordinance No. 1072, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADDING CHAPTER 20.533 TO THE ZONING CODE PERTAINING TO THE IMPLEMENTATION OF AN ART IN PUBLIC PLACES PROGRAM"; AND

4. Set Ordinance for adoption at the November 28, 2017 meeting.

ROLL CALL VOTE:	Council Member Donahue
	Council Member Ethans
	Council Member Ramirez
	Mayor Pro Tem Shawver
	Mayor Warren

7C. PUBLIC HEARING NO. 4 AND 5 - TRANSITION TO DISTRICT BASED CITY COUNCIL ELECTIONS

The City Council adopted a Resolution of Intention on July 11, 2017, initiating the process to transition to district-based elections. Subsequently, the City entered into a contract with National Demographics Corporation ("NDC") to provide demography and district map preparation services. After two Public Hearings, the public was invited to submit potential district maps based upon adopted criteria. The deadline for public map submission was October 12, 2017, after which NDC collated and prepared draft district maps, which were presented to the City Council and community to receive public comments at the third public hearing. At the third Public Hearing, held on October 23, 2017, the City Council selected one focus map (Tan) and directed NDC to prepare modified (Tan) maps using specific geographic criteria. Two modified (Tan) maps were published on November 2, 2017.

RECOMMENDED ACTION:

- City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
- 2. Conduct the fourth and fifth of five (5) required public hearings related to the creation of geographic voting districts and the drawing of district boundaries; and
- 3. Select a final district boundary map; and
- 4. Determine the sequence of district based elections; and
- 5. Introduce Ordinance No. 1073, entitled: **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ESTABLISHING FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM AND CERTAIN RELATED MATTERS";** and
- 6. Set Ordinance for adoption at the November 28, 2017, regular City Council meeting; and
- Approve Resolution No. 2017-47, entitled:
 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADOPTING A MAP OF FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM".

ROLL CALL VOTE:	Council Member Donahue
	Council Member Ethans
	Council Member Ramirez
	Mayor Pro Tem Shawver
	Mayor Warren

8. UNFINISHED BUSINESS

8A. APPROVAL OF ORDINANCE NO. 1071

This Ordinance was introduced at the regular City Council meeting of October 24, 2017.

RECOMMENDED ACTION:

1. City Clerk read the title of Ordinance No. 1071, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 20.205.040, SECTION 20.210.010, TABLE 2-2 OF SECTION 20.210.020, TABLE 3-6 OF SECTION 20.320.030, SECTION 20.400.330, SECTION 20.410.020, SECTION 20.410.030, SECTION 20.410.050, AND SECTION 20.700.900 OF TITLE 20 OF THE STANTON MUNICIPAL CODE REGULATING ACCESSORY DWELLING UNITS"; and

- City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15282(h) as the actions of this Ordinance are taken to implement the provisions of State Government Code 65852.2 as set forth in Section 21080.17 of the Public Resources Code; and
- 3. Adopt Ordinance No. 1071.

ROLL CALL VOTE:	Council Member Donahue
	Council Member Ethans
	Council Member Ramirez
	Mayor Pro Tem Shawver
	Mayor Warren

9. NEW BUSINESS None.

10. ORAL COMMUNICATIONS - PUBLIC

At this time members of the public may address the City Council/Successor Agency/Stanton Housing Authority regarding any items within the subject matter jurisdiction of the City Council/Successor Agency/Stanton Housing Authority, provided that NO action may be taken on non-agenda items.

- Members of the public wishing to address the Council/Agency/Authority during Oral Communications-Public or on a particular item are requested to fill out a REQUEST TO SPEAK form and submit it to the City Clerk. Request to speak forms must be turned in prior to Oral Communications-Public.
- When the Mayor/Chairman calls you to the microphone, please state your Name, slowly and clearly, for the record. A speaker's comments shall be limited to a three (3) minute aggregate time period on Oral Communications and Agenda Items. Speakers are then to return to their seats and no further comments will be permitted.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council/Agency/Authority and Staff need to be recognized by the Mayor/Chairman before speaking.

11. WRITTEN COMMUNICATIONS None.

12. MAYOR/CHAIRMAN COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

12A. COMMITTEE REPORTS/ COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

At this time Council/Agency/Authority Members may report on items not specifically described on the agenda which are of interest to the community provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

12B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE MEETING

At this time Council/Agency/Authority Members may place an item on a future agenda.

12C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

At this time Council/Agency/Authority Members may place an item on a future study session agenda.

Currently Scheduled:

• None

13. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

14. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

15. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 9th day of November, 2017.

s/ Patricia A. Vazquez, City Clerk/Secretary

CITY OF STANTON ACCOUNTS PAYABLE REGISTER

October 19, 2017

October 26, 2017

November 2, 2017

\$1,751,990.71

\$387,299.52

\$993,823.86

\$3,133,114.09

Demands listed on the attached registers conform to the City of Stanton Annual Budget as approved by the City Council.

City Manager 3

Demands listed on the attached registers are accurate and funds are available for payment thereof.

Administrative Services Director

<u>6</u>B

CITY OF STANTON REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

November 14, 2017 DATE:

SUBJECT: 2018 LEGISLATIVE PLATFORM

REPORT IN BRIEF:

Consideration of a legislative platform to establish guiding principles and policy statements that will allow city staff to address legislative and regulatory issues in a timely manner, without precluding the consideration of additional legislative and budget issues that may arise during the legislative session.

RECOMMENDED ACTION:

- Declare that the project is not subject to the California Environmental Quality Act 1. ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- Adopt the Legislative Platform; and 2.
- Authorize the City Manager and Mayor to provide support or opposition for 3. legislation in compliance with the Legislative Platform.

BACKGROUND:

During the legislative session, the City is often asked by different agencies, cities, and organizations to provide letters of support or opposition for certain pieces of legislation. These requests usually provide a very short turn around period of a number of days, rather than weeks for cities to draft and send letters of support or opposition. Due to the short turn around period for these requests, the current protocol is to have the City Manager evaluate whether the piece of legislation would be a benefit or hindrance to the City, and follow-up with a letter of support or opposition for the legislation. To ensure the positions being taken on the pieces of legislation are consistent with the City Council, it is suggested to adopt a Legislative Platform.

ANALYSIS/JUSTIFICATION:

The adoption of the legislative platform allows for the City Council to establish guiding

Council Agenda Item # (

principles, and policy statements to provide staff with direction on which legislation to support or oppose. Included in the proposed Legislative Platform (Attached) are three Guiding Principles:

- 1. **Preserve Local Control** Preserve and protect the City's powers, duties and prerogatives to enact local legislation and policy direction concerning local affairs and oppose legislation that preempts local authority. Local agencies should preserve authority and accountability for revenues raised and services provided.
- 2. Promote Fiscal Stability Support measures that promote fiscal stability, predictability, financial independence, and preserve the City's revenue base and maximum local control over local government budgeting. Oppose measures that shift local funds to the County, State or Federal Governments and/or make cities more dependent on the County, State or Federal Governments for financial stability, such as unfunded mandates or mandated costs with no guarantee of local reimbursement or offsetting benefits.
- 3. **Support Funding Opportunities** Support opportunities that allow the City to compete for its fair share of regional, state and federal funding. Support funding for programs including, but not limited to economic development such as infrastructure investment and housing, transportation projects including road resurfacing, bicycle and pedestrian safety, multi-modal transportation systems and transit oriented development, air quality, water quality and local water reliability, parks and recreation, historic preservation, natural resources, hazard mitigation, public safety and public health.

Consistent with the Guiding Principles, a number of Policy Statements are proposed to take a clear position on a number of topics, including: administration and taxation, economic development, air quality and renewable energy, building, solid waste and recycling, water quality and water supply, land use planning and housing, cannabis, libraries, parks and recreation, human resources and risk management, public safety, police, fire and emergency medical services, and public works.

The adoption of the Legislative Platform will allow the City to address legislative and regulatory issues in a timely manner, while ensuring the positions taken are consistent with Council's direction. As new types of legislation are introduced, where a specific policy statement has not been included, staff would refer to the three guiding principles to determine whether to support or oppose a piece of legislation. This document may also be updated periodically, with the approval of Council, to address new policies and positions.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3).

PUBLIC NOTIFICATION:

Public notice for this item was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

4 – Ensure Fiscal Stability and Efficiency in Governance

6 - Maintain and Promote a Responsive, High Quality, and Transparent Government

Prepared by:

Approved by:

Kelly Haft Community & Economic Development Director

James A. Box City Mahager

Attachments:

Legislative Platform



Purpose of the Legislative Platform

This document serves as the City of Stanton's guide to actively pursuing pending legislation through monitoring and communications activities. The 2018 City of Stanton Legislative Platform represents the City Council's position on current or future issues that have the potential to directly or indirectly impact the City.

Below are the Guiding Principles and Policy Statements that will allow City staff to address 2018 legislative and regulatory issues in a timely manner, without precluding the consideration of additional legislative and budget issues that may arise during the legislative session.

GUIDING PRINCIPLES

I. PRESERVE LOCAL CONTROL

Preserve and protect the City's powers, duties and prerogatives to enact local legislation and policy direction concerning local affairs and oppose legislation that preempts local authority. Local agencies should preserve authority and accountability for revenues raised and services provided.

II. PROMOTE FISCAL STABILITY

Support measures that promote fiscal stability, predictability, financial independence, and preserve the City's revenue base and maximum local control over local government budgeting. Oppose measures that shift local funds to the County, State or Federal Governments and/or make cities more dependent on the County, State or Federal Governments for financial stability, such as unfunded mandates or mandated costs with no guarantee of local reimbursement or offsetting benefits.

III. SUPPORT FUNDING OPPORTUNITIES

Support opportunities that allow the City to compete for its fair share of regional, state and federal funding. Support funding for programs including, but not limited to economic development such as infrastructure investment and housing, transportation projects including road resurfacing, bicycle and pedestrian safety, multi-modal transportation systems and transit oriented development, air quality, water quality and local water reliability, parks and recreation, historic preservation, natural resources, hazard mitigation, public safety and public health.

POLICY STATEMENTS

Administration and Taxation

- 1. Oppose State or Federal efforts to "borrow" local revenues and encourage the State to find other methods of balancing its budget.
- 2. Support local sales and use tax reform to create an accurate and equitable distribution structure that appropriately captures and allocates sales tax, including automobile, boat, and RV purchases.
- 3. Oppose the imposition of state, federal and regional mandates upon local governments, as well as federal mandates on the state.
- 4. Support maximum flexibility for local government in contracting and contract negotiations.
- 5. Support open government initiatives as well as the principles of the open meetings provisions of the Ralph M. Brown Act at all levels of government.
- 6. Support legislation that facilitates the ability of local government to share resources to increase efficiencies and decrease costs, including local efforts to address regional public safety issues.

- 7. Oppose proposals that would create additional financial burden on, or threaten the viability of the California Public Employees' Retirement System (CalPERS).
- 8. Oppose measures that reduce local control over employee relations issues.
- 9. Support legislation that preserves the ability of local governments to determine the appropriate type of election for their jurisdiction.

Economic Development

- 10. Support policies and programs that encourage working with other cities, counties and government agencies to jointly leverage resources and assets to create and strengthen economic clusters within the region.
- 11. Support economic development initiatives that preserve and enhance a positive business climate and maintain and grow the business tax base.

Air Quality and Renewable Energy

- 12. Support continued funding and incentives to local agencies to work together to improve air quality through the reduction of emissions and advancing economic and technical developments.
- 13. Support legislation and grants that would provide funds to support projects that demonstrate cost effective, environmentally friendly, cutting edge technologies and renewable energy for publicly owned facilities.

Building

- 14. Support policies and guidelines to facilitate alternative building methods, materials and technologies.
- 15. Oppose legislation and regulations that create an unfunded mandate for upgrades to public facilities owned by local public agencies.

Solid Waste and Recycling

16. Support measures that maintain and enhance local authority and economic flexibility to regulate solid waste and recyclables.

Water Quality and Water Supply

- 17. Support and monitor legislation that increases the availability of, and funding for, water conservation, water reuse technologies, water recycling, local water storage and other water supply technologies such as the Groundwater Replenishment System project.
- 18. Support the enhancement of a reliable and sustainable water supply for California as well as measures that improve water quality in the region.
- 19. Monitor the development and implementation of a State framework for long term water conservation measures.

Land Use Planning and Housing

- 20. Support efforts to strengthen the legal and fiscal capability of local agencies to prepare, adopt and implement plans for orderly growth, development, beautification and conservation of local planning areas.
- 21. Oppose state and federal legislation and regulations that mandate the ministerial or streamlined approval of accessory dwelling units, by-right housing or other types of developments.
- 22. Support housing measures that promote the development and enhancement of safe and affordable housing within the City for all economic segments of the population, while still retaining local control.
- 23. Support local control over the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities.

<u>Cannabis</u>

- 24. Support local, state and federal actions that maintain local control and land use authority relating to medicinal and recreational cannabis.
- 25. Support local, state and federal regulations that provide for the enforcement necessary for medicinal and recreational cannabis laws.

<u>Libraries</u>

26. Support full State funding of the Public Library fund and other local public library programs.

Parks and Recreation

- 27. Oppose efforts that diminish funding for vital regional and community services that negatively impact Californian's access to parks, open space, and natural resources.
- 28. Support policies and funding sources that improve local government's ability to provide bike lanes and bike ways, after school programming, senior services, and facilities that promote physical activity.
- 29. Support local government funding opportunities for new recreation resources and for ongoing operations and maintenance for existing parks.
- 30. Promote local agency control over policies that recognize the benefits of parks and recreation facilities.

Human Resources and Risk Management

- 31. Oppose measures that reduce local control over employee relations issues or mandate new or enhanced local government employee benefits.
- 32. Oppose measures that impose compulsory and binding arbitration with respect to employees.
- 33. Oppose legislation that would add unnecessary bureaucratic requirements to the California Public Records Act (CPRA).

34. Support pension reform measures designed to control or decrease employer liability or increase transparency in reporting without imposing undo hardships or administrative burdens on local government.

Public Safety

- 35. Support measures that promote and improve community safety and well-being.
- 36. Oppose legislative attempts at early release of incarcerated prisoners and measures that would further de-criminalize non-violent offenses.
- 37. Support funding for local mitigation related to Proposition 47 and Proposition 57.
- 38. Support initiatives involving county, state, and federal governments to reduce and prevent homelessness in Orange County.
- 39. Support legislation and funding for disaster preparedness and emergency planning as well as measures that provide cities with an increased role in emergency preparedness.
- 40. Oppose legislation and regulations that would hinder a local governments ability to contract for public safety services.

<u>Police</u>

- 41. Support local control over adult entertainment facilities, alcohol establishments and illegal business operations.
- 42. Support local control for the regulation of cultivation, storage, manufacturing, transportation and use of medicinal and recreational cannabis and monitor legislative and administration activity to create a joint regulatory structure for medicinal and recreational cannabis.
- 43. Support legislation increasing resources and local authority for abatement of public vandalism, especially graffiti.
- 44. Support the use of Homeland Security Funds for local public safety agencies.

Fire and Emergency Medical Services

- 45. Support local control of fire and emergency medical services/ambulance services, including pre-hospital care and transport.
- 46. Support efforts to streamline and coordinate hazardous materials regulations.
- 47. Oppose onerous standards for fire safety personnel that increase costs for local governments while doing little to increase effectiveness.

Public Works

- 48. Support increased State and Federal funding of transportation improvements with regional or sub-regional benefits for all modes of transportation.
- 49. Monitor the rollout of the 2017 SB 1 gas tax increase and related funding programs to ensure the interests of the City are promoted and protected.

- 50. Support legislation that would increase funding for local transportation projects including road resurfacing projects, local transit projects, adding bicycle lanes, sidewalks and trails throughout the city where appropriate, programs that facilitate development-oriented transit and transit oriented development and enhancing pedestrian safety.
- 51. Support the allocation of state or federal transportation dollars to fund rail repurposing projects.
- 52. Support legislation that affords local agencies greater discretionary authority to expend available transportation funds and affords local jurisdictions greater flexibility over transportation related issues.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 14, 2017

SUBJECT: AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE 2017 CITYWIDE OVERLAY PROJECT TO TAIT & ASSOCIATES

REPORT IN BRIEF:

The 2017 Citywide Overlay Project will improve infrastructure throughout the City of Stanton. Staff recommends that the firm TAIT & Associates be retained for the design services of this project.

RECOMMENDED ACTION:

- 1. City Council approve a Professional Services Agreement with TAIT & Associates for design support and development of plans for the Citywide Overlay Project the maximum contract sum of \$91,360; and
- 2. Authorize the City Manager to bind the City of Stanton and TAIT & Associates in a contract to provide these services; and
- 3. Declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

BACKGROUND:

The Citywide Overlay Project will improve the roadways throughout the City and will improve many areas of poor asphalt. The selected streets are per the City's Pavement Management Plan.

ANALYSIS/JUSTIFICATION:

In December of 2016 TAIT and Associates (TAIT) was selected through a competitive process for the design of the 2016 Overlay Project within Sunshine Village, Alley Reconstruction and Cerritos Avenue Widening Design Project. Six proposals had been

Council Agenda Item #

(0)

received and reviewed by a panel of City staff members represented by the Public Works Department. TAIT was found to have extensive experience in designing similar projects and has successfully provided infrastructure design services for other municipalities within Orange County.

TAIT has now completed the design for this project and has done an excellent job. Staff would recommend that TAIT would be the best-qualified firm for the design of the 2017 Citywide Overlay Project. Staff has checked with the City Attorney's office and found that under the City's purchasing ordinance, the City may award TAIT with the design contract without further undergoing a new RFP process.

As part of this Professional Services Agreement, the designer will be required to hold community meetings with the residents/business owners adjacent to the project site to obtain their input on the project and to address their concerns.

FISCAL IMPACT:

Funds for the 2017 Citywide Overlay Project have been budgeted in Measure-M Fund Account 220-3500-710190.

ENVIRONMENTAL IMPACT:

None at this time. The project will comply with the California Environmental Quality Act and will be discussed further at the time of award of construction.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

3–Provide a quality infrastructure.

PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.

Prepared by:

Guillermo Perez

Assistant Engineer

Concur:

Stephen Parker, CPA Administrative Services Director

Attachments: (1) Professional Services Agreement

Reviewed by:

Allan Rigg, P.E. AICP Director of Public Works

Approved by: James A. Box City Manager

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and effective as of November 14, 2017, between the City of Stanton, a California Municipal Corporation ("City") and TAIT & Associates, ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. <u>TERM</u>

This Agreement shall commence on <u>November 14, 2017</u> and shall remain and continue in effect until tasks described herein are completed, but in no event later than <u>November 14, 2018</u> unless sooner terminated pursuant to the provisions of this Agreement.

2. SERVICES

Consultant shall perform the tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A. When available, a more detailed work program shall be attached and incorporated into this agreement as a separate exhibit.

3. **PERFORMANCE**

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. <u>CITY MANAGEMENT</u>

City's Director of Public Works shall represent City in all matters pertaining to the administration of this Agreement, review and approval of all products submitted by Consultant, but not including the authority to enlarge the Tasks to Be Performed or change the compensation due to Consultant. City's City Manager shall be authorized to act on City's behalf and to execute all necessary documents that enlarge the Tasks to Be Performed or change Consultant's compensation, subject to Section 5 hereof.

5. **PAYMENT**

(a) The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth herein, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This

amount shall not exceed <u>Ninety One Thousand, Three Hundred Sixty</u> <u>Dollars</u> (\$91,360.00) for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Consultant at the time City's written authorization is given to Consultant for the performance of said services. The City Manager may approve additional work not to exceed ten percent (10%) of the amount of the Agreement, but in no event shall such sum exceed ten thousand dollars (\$10,000.00). Any additional work in excess of this amount shall be approved by the City Council.

(c) Consultant will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 3.

7. DEFAULT OF CONSULTANT

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the City Manager or his/her delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. OWNERSHIP OF DOCUMENTS

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records; shall permit City to make transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused, or otherwise disposed of by the City without the permission of the Consultant. However, use of data by City for other than the project that is the subject of this agreement shall be at City's sole risk without legal liability or exposure to Consultant. With respect to computer files, Consultant shall make available to the City, at the Consultant's office and upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. INDEMNIFICATION

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City, and any and all of its officials, employees and agents (collectively "Indemnified Parties"), from and against any and all claims, charges, complaints, liabilities. obligations. promises. benefits. agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, including but not limited to the extent same are caused or contributed to in whole or in part which relate to or arise out of any negligent act, intentional or willful misconduct of, or omission (collectively "Claims"), by Consultant, its officers, agents, employees or subcontractors (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement without regard to whether such Claims arise under the federal, state, or local constitutions, statutes, rules or regulations, or the common law. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Consultant.

(b) <u>Indemnification for Other Than Professional Liability</u>. In addition to indemnification related to the performance of professional services and to the full extent permitted by law, Consultant shall further indemnify, protect, defend and hold harmless the City and Indemnified Parties from and against any liability (including Claims) where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the negligent acts, omissions, or willful misconduct by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees or subcontractors of Consultant.

(c) <u>General Indemnification Provisions</u>. Consultant agrees to obtain executed indemnity agreements which indemnify, protect, defend and hold harmless the City from liability, with provisions identical to those set forth here in this Section 9 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required, this failure shall be a material breach of this Agreement, and Consultant agrees to be fully responsible according to the terms of this entire Section 9. City has no obligation to ensure compliance with this Section by Consultant and failure to do so will in no way act as a waiver. This obligation to indemnify and defend City is binding on the successors, assigns or heirs of Consultant, and shall survive the termination of this Agreement or this section.

(d) <u>Obligation to Defend</u>. It shall be the sole responsibility and duty of Consultant to fully pay for and indemnify the City for the costs of defense,

including but not limited to reasonable attorney's fees and costs, for all Claims against the City and the Indemnified Parties, whether covered or uncovered by Consultant's insurance, against the City and the Indemnified Parties which arise out of any type of omission or error, negligent or wrongful act, of Consultant, its officers, agents, employees, or subcontractors. City shall have the right to select defense counsel.

10. **INSURANCE**

Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit B attached to and part of this Agreement.

11. **INDEPENDENT CONSULTANT**

(a) Consultant is and shall at all times remain as to the City a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

12. LEGAL RESPONSIBILITIES

The Consultant shall keep itself informed of State and Federal laws and regulations, which in any manner affect those employed by it or in any way, affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

13. UNDUE INFLUENCE

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Stanton in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the City of Stanton will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

14. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

15. RELEASE OF INFORMATION/CONFLICTS OF INTEREST

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents, or sub consultants, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(b) Consultant shall promptly notify City should Consultant, its officers, employees, agents, or sub consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with City and to provide the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

16. **NOTICES**

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City:City of Stanton
7800 Katella Ave
Stanton, California 90680
Attention: City ClerkTo Consultant:TAIT & Associates
701 N. Parkcenter Drive
Santa Ana, CA 92705

17. ASSIGNMENT

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Because of the personal nature of the services to be rendered pursuant to this Agreement, only TAIT & Associates shall perform the services described in this Agreement.

18. LICENSES

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

19. GOVERNING LAW

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Stanton.

20. ENTIRE AGREEMENT

This Agreement contains the entire understanding that between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

21. CONTENTS OF PROPOSAL

Consultant is bound by the contents of the proposal submitted by the Consultant, Exhibit "A" hereto.

22. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF STANTON

CONSULTANT

By:

James A. Box City Manager By:_____(Signature)

(Typed Name)

Its: _____

Attest:

Patricia A. Vazquez, City Clerk

Approved As To Form:

Matthew E. Richardson, City Attorney

EXHIBIT A

TASKS TO BE PERFORMED

Provide professional engineering services for the design of the 2017 Citywide Overlay Project. The scope of work for this project is detailed in the proposal submitted by TAIT & Associates on October 17, 2017.

Stanton

PROJECT UNDERSTANDING

Per instructions from City staff, it is understood that the scope of work for this project includes the design and preparation of Plans, Specifications, and Estimates (PS&E) for the City FY 17-18 Street Rehabilitation Project on the roadway segments identified in the City's Pavement Management Program (PMP) prepared by Nichols Consulting. The roadway segments included in this proposal are as follows:

Residential Street Rehabilitation:

- Alley b/w Davmore & Orangewood from Santa Rosalia St to Beach Blvd
- Cedar St from Katella Ave to South End
- Central Ve from Date St to Beach Blvd
- Davmor Ave from Santa Rosalia to Stanton Ave
- Industrial Ave from Western Ave to Mercantile Ave
- Santa Rosalia Ave from Orangewood Ave to North End
- Stanton Ave/Plaza from Ruthann Ave to Davmore Ave
- Electric Way from Court to End
- Georgian St from Santa Rosalia Ave to End
- Alley b/w Dale & Sonmet from Winston to North End
- Alley to w & e of Sylvan St from Cerritos Ave at W to Cerritos Ave at E

(Note – Three segments listed in PMP for 2017 have previously been completed and are omitted from the scope of work. Omitted Segments are Rutledge Ave from Western to Bradford, Ewell Way from Rudtledge to Hardee, and Kent Way from Dover Way to End)

Arterial Street Rehabilitation:

- Cerritos Ave from City Limit ~445' w/o Magnolia Ave to Magnolia Ave
- Knott Ave from City Limit (426' n/o Cerritos Ave) to Cerritos Ave
- Knott Ave from Katella Ave to City Limit (1,370' s/o Katella Ave)

The general design scope for the above noted segments include:

- ✓ Meet with City staff to understand project scope
- Conduct and distribute utility notices
- ✓ Project research & base mapping
- ✓ Design field walk
- ✓ Preparation of design PS&E
- ✓ Construction coordination/assistance

The work items and project scope for this project are described in further detail below.

SCOPE OF WORK

1 Design Kick-Off Meeting

A design kick-off meeting with TAIT's Project Manager, City staff, and other affected parties, will be held at the start of the project to identify clear lines of communication and review the final scope, schedule, milestones and other project details of concern. At this meeting the project's schedule will be confirmed with the City. It is anticipated that the City will provide all pertinent record information for the existing City streets and utilities including as-built plans, record plans, and CAD files and GIS files (As applies) for the project limits.

TAIT

Stanten

Based on our actual NTP date, TAIT will prepare and present an update of our project schedule to be reviewed with the City Project Manager during our Kick-off Meeting. Any revisions or adjustments that need to be made to the project schedule will be thoroughly discussed with the City Project Manager prior to finalization.

TAIT will prepare a meeting agenda for initial circulation. Upon completion of the meetings, TAIT will also prepare meeting minutes for circulation, review and comments. All meeting agendas, minutes and exhibits will be filed in our project folder for final submittal to the City at the completion of the project.

Deliverables:

- ✓ Meeting Agenda & Minutes
- ✓ Updated Project Schedule

2 Existing Records Research & Field Walk

Review of record Information provided from the City files will be conducted to verify existing field conditions. TAIT will also research acquire existing available design records and utility information. It is anticipated that the information collected during the research phase will be used to assist in the development of the project base maps.

The records research will include obtaining records from the City of Stanton, utility providers and all other jurisdictions within the project limits. In addition, TAIT will document, contact, and coordinate with other public and private agencies/entities/jurisdictions involved to inform them about the project and obtain their records, approval, and permit requirements, as applies.

Obtained records will be reviewed and correlated with the Topographic and aerial (Bing Map) data in order to prepare the final project Base map.

Deliverables:

✓ Digital Copies of Obtained Records

3 Utility Notifications, & Coordination

Utility Notifications

At project inception, TAIT will conduct utility research through Dig-Alert and City records and will prepare and distribute the 1st utility notifications which will identify the project intent, limits, and general scope of work and will request that each utility provide our office with the associated As-Built records for the project limits. TAIT will review and compile the received responses in to the project Utility matrix for tracking of existing utilities and conflicting facilities.

Upon completion of the 75% design, TAIT will distribute a 2nd notice to all present utilities and will include a current set of plans for the utility's review and comment. All foreseen utility relocations or conflicts will be identified in this notice for the Utility's review and action. TAIT will actively coordinate with all utilities in order to ensure all relocations are coordinated and completed prior to the start of the City's project.

The final notice will be sent at the design completion stage and will include a signed print of the plans for the utilities records. TAIT will review all obtained record data and will coordinate with utilities that may be affected

in order to obtain further design and construction requirements. All utility coordination, records and data will be compiled at the end of the project and will be submitted to the City for future reference.

Utility Coordination

TAIT will coordinate with all present and affected utilities during the course of the design. All potential conflicts with the improvements will be identified, and contact will be made with the appropriate utility coordinator.

Utility relocations or permits are not anticipated as part of this project.

Deliverables:

- ✓ Utility Correspondence and Design Records
- ✓ 1st, 2nd & Final Utility Notices

4 Design Field Walk (Prelim. And Final)

Per discussion with the City, a conventional design survey will not be required for this project segment, and it is anticipated that all base mapping will be provided through review and drafting of existing records. The proposed base map will also include an aerial base prepared from google maps or Bing maps (Based on the base available imagery). As a result, all field data will be obtained through a design field walk.

However, as an alternate work items, TAIT has included an allowance for a single day of topographic pickup survey in order to provide field data and elevations for critical areas requiring localized removal and replacements. It is anticipated that the pickup survey for these areas, if needed, will be on a local control/datum with a temporary horizontal control set in the field in order to maximize the benefit of the survey data. Should survey data be deemed necessary, TAIT will notify the City and obtain approval of proceeding on the alternate work item prior to proceeding on any work.

Preliminary Design Field Walk

At project inception, and on the same day as the design kickoff meeting, TAIT will conduct a preliminary design field walk to visually confirm the current pavement conditions along each of the noted roadway segments. An initial visual observation will be conducted in order to prepare and submit an initial pavement rehabilitation scenario to the City for review and verification prior to TAIT conducting its detailed field investigation. As the pavement treatment method will affect the work items needing observation in the field, this initial task will ensure that the design team is able to capture the necessary level of detail in the field during the final design field walk.

Preliminary Design Field Walk

Upon authorization of the pavement rehabilitation scenario, TAIT will initiate the final design field walk. This task includes all hours necessary for the field review and design required to observe and document the existing site conditions and to identify anticipated work items. Existing condition photos will be along the project limits in order to aid the City in construction coordination. All field notes will be compiled and stored in the design file





for reference. Grades at existing ramps will be noted for review and recommendation of removal and replacement.

Deliverables:

- Digital Copies of Obtained Records
- ✓ Field Notes, Observations, & Photos

5 Project Basemaps

As part of this contract, TAIT will prepare the following basemaps for incorporation in the project design:

- Roadway
- Right of way
- Utility
- Aerial Image (Bing/Google)

It is assumed that the City will provide TAIT with any available GIS and record basemaps for features within the project limits. TAIT will format and update the base with the noted existing records, Bing/Google Maps aerial reference imagery, and all other applicable existing improvements (loops, signal equipment, striping, legends, etc.).

Deliverables:

✓ Project Basemaps (Roadway, Right of Way, Utility, & Aerial Image)

6 Pavement Rehabilitation Scenario Verification & Preliminary Estimate

Upon completion of the preliminary field walk and base mapping task, TAIT will prepare a pavement rehabilitation scenario and estimate for the City's review and verification. Estimates will be based on the initial field walk notes for pavement condition and recommended method of pavement rehabilitation. All recommendations will be based on field maintenance recommendations and will not be based on geotechnical for testing data. Quantities for the estimate will be based on the records and GIS data obtained from the City and TAIT's research and will include pavement rehabilitation costs only. TAIT will submit a preliminary layout of the streets with hatching designating the treatment methods along with a preliminary pavement rehabilitation cost estimate as part of this task. Upon City approval of the rehabilitation scenario, TIAT will i

Deliverables:

- ✓ Pavement Rehabilitation Exhibit
- ✓ Preliminary Pavement Rehabilitation Estimate

Stanton

7 Design Plans

Upon City approval of the pavement rehabilitation scenario, TAIT will initiate the preparation of the design PS&E. Based on our review of the project limits, the following are the anticipated plan sheets for this project area:

SHEET DESCRIPTION	SCALE	SHEET COUNT
Title Sheet	N/A	1 Sheet
Notes, Details, & Typical Sections	Varies	2 Sheet
Street Improvement Plans (Plan View Only)	1" = 40'	7 Sheets
Signing & Striping Plans	1'' = 60'	2 Sheets
Total Sheet Count		12 Sheets

7.1) Title Sheet:

The title sheet will include all City of Stanton standard notes, project construction notes, bench mark and basis of bearing, vicinity map, list of utility contacts and project abbreviations and legends. The plan set will be prepared on the City of Stanton standard title block on 24"x36" bond paper. It is assumed that a separate plan set will be required for each project area.

7.2) Notes, Details, & Typical Sections:

General project notes, a master list of construction notes, and typical roadway sections will be included on these sheets that depict the nature of the proposed improvements based on the proposed stationing and intersecting streets.

Construction details will be prepared for all work items that cannot be built by standard plan, or do not have adequate space on the plan sheet for the necessary detailed callouts.

7.3) Street Improvement Plans:

Street improvement plan sheets will be prepared for the entire project limits at a 1''=40' horizontal scale. The plans will be presented in a stacked or grid layout of the existing residential and arterial streets in order to depict the location and limits of each work item. Existing improvements will be depicted from obtained existing records converted to CAD line work, and an aerial base which will help to communicate the location of each work item.

7.4) Signing & Striping Plans:

Signing & Striping plans will be prepared for the arterial roadway segments only. Plans will depict the proposed striping improvements as well as existing improvements to be joined. This plan set assumes that all striping width and configuration will be per existing conditions and that no major modifications will be made. All signing & striping within the residential street limits will be bid as a lump sum remove and replacement item that will require the contractor to prepare an existing condition inventory as a construction submittal for verification and replacement during the construction phase.

QA/QC, Compilation, and Submittal of PS&E

The following submittals are anticipated as part of this project:

- ✓ 75% PS&E
- ✓ 100% PS&E

Prior to each submittal, TAIT will conduct a full QA/QC review per our quality assurance protocols. Additionally, TAIT will plot, compile and deliver the noted number and format of PS&E to the City for each submittal per the RFP requirements.

Deliverables:

- ✓ 75% Plans (Digital & Hard Copy)
- 💉 100% Plans (Digital & Hard Copy)

8 Project Specifications

TAIT will prepare technical specifications for the proposed project based on the City boilerplate specifications. Each work item will have a clear measurement and payment clause in order to avoid costly change orders during the construction phase. Specifications will also include clear delineation of the traffic control requirements, water pollution control requirements, survey monument protection and replacement requirements, and construction scheduling parameters as well as coordination requirements with utilities. Utility owners, coordination and contact requirements, and additional permitting requirements will also be included in the specifications. The project specifications will be reviewed by the QA/QC Manager prior to each submittal per the quality assurance program.

Deliverables:

- ✓ 75% Draft Project Specifications (Digital & Hard Copy)
- ✓ 100% Project Specifications (Digital & Hard Copy)

9 Quantity Calculation and Cost Estimate

TAIT will prepare cost estimates at the 75% & 100% PS&E stage for City review and input. Unit prices will be checked against recent City projects. Work items will be prepared to correlate with the specifications and will include all work items including mobilization, storm water compliance, traffic control and striping. The cost estimate will be reviewed by the QA/QC Manager prior to each submittal per the quality assurance program.

Deliverables:

- ✓ 75% Engineer's Cost Estimate (Digital & Hard Copy)
- ✓ 100% Engineer's Cost Estimate (Digital & Hard Copy)

10 Mylar and Design File Submittal

Upon City approval and confirmation of the 100 %PS&E, a final signed mylar plan set will be routed through the City for signature. Final Specifications and cost estimate will also be plotted, signed, and compiled per RFP requirements. All electronic support documents (CAD, Word, Excel, Records, Etc.) will also be compiled and submitted to the City at this time.

Deliverables:

✓ 1 Set Mylar Plans (Wet Singed Copy)

Stanton

- Final Bid Document
- ✓ Design Files/Documents

12 Construction Support Services (As Needed)

TAIT will continue to support the City during the Construction phase on an as needed basis. This task includes assumed hours for the design team in order to review and respond to RFI's, prepare any necessary addenda's, and to attend construction meetings (as needed). This task assumes the following items:

- Review and Responding to Bidding RFIs
- Preparation of Addenda (as needed)
- Attendance at the Pre-Construction Meeting
- Review and Responding to Construction RFIs/Submittals
- Attendance at a single construction meeting/site visit at City's option

Deliverables:

- ✓ Response to RFIs
- ✓ Addenda Documents/Plans
- ✓ Coordination Records

A1 Pickup Topographic Survey, Processing & Incorporation (2 Days)

Should design survey data be required in order to design designated segments of the project limits, TAIT has provide an alternate task for the City's consideration and use. This task includes two days of field survey work as well as the associated office processing and design incorporation time for the given segments of roadway. This task will not be billed without prior authorization from the City.

A2 Added Plan & Profile Design for Dale & Winston Alley

Based on initial review of the Dale and Winston Alley segment, it has been noted that no concrete valley gutter exists for setting the flow line elections along the given alley segment. Depending on City preferences, it may be recommended that a plan and profile be prepared for this segment of alley in order to design and construct a new valley gutter for proper flowline control. Should the City opt to include this task, TIAT will update the plan view only sheets for this alley segment to a plan and profile sheet. This task will not be billed without prior authorization from the City.

A3 Allowance for Geotechnical Testing & Report

Based on initial review of the Dale and Winston as well as Sylvan alley segments from available aerial imagery, it is anticipated that a conventional overlay may not suffice for the full project limits as the ultimate rehabilitation methodology. This alternate work item has been provided to provide the City the necessary allowances for authorizing a geotechnical investigation in order to obtain pavement core samples, provide the necessary testing data, and recommend ultimate structural sections for the given alley segment. Should a segment requiring removal and replacement not be authorized for geotechnical investigation, all structural section recommendations will be based on existing record drawings.



1.

TAIT DISING TO THE GRACKENGE

Schedule of Fees

Employee Classification	Hourly Rate
08 - Engineering/Architect Assistant. 18 - Project Administrator. 04 - Designer I	
18 - Project Administrator many company and a second s	
10 - Daskinst II. Garagesterstation and a statistical and a statis	
03 - Project Engineer / Project Architect / Senior Environmental Scientist	
02 - Project Manager / Licensed Surveyor management and a surveyor management and a surveyor a surveyor and a survey	
17 - Senior Project Manager / Sanior Surveyor / Senior Architect	
11 - Permit Specialist / Environmental Scientist I / CADD Technicism	
09 - Research Analyst / Lead-Asbestos Technician / Environmental Scientist II	
07 - Field Surveyor	
08 – Field Surveyor Party Chief 00 - Two man survey crew	
00 - Two mon survey crew and an	
22 - One Man Survey Crew with Robotics	
00 - Three Man Survey Crew	

The hourly rate for client authorized overtime and for representation at hearings and meetings after 6:00 p.m. will be invoiced at 1.5 times the posted rate.

The above rates are inclusive of phone charges, fax charges, software and licensing fees, and photocopying charges.

** Survey hourly rates based on Prevailing Wage Rates as of 6/15/2017.

2. Mileage, Travel and Per Diem

Auto Mileage: IRS Rate plus 15 percent Air Travel and Auto Rental: Actual cost plus 15 percent Per Diem: Actual cost of lodging and meals, plus 15 percent

3. Materials and Supplies

Office and CADD supplies are included in the hourly rates. Prints, plots and reproductions are charged at cost plus 15 percent from commercial blueprint companies. In house reproduction charges are as follows:

	<u>Púrils</u>	Piots	Calor Plots
Bond	\$.95/c.f.	\$,95/s.f.	\$0.00/s.f.
Vellum	1.35/s.f.	1.65/9.f.	7.50/s.f.

4. Reimbursable Expenses

Will be billed at cost plus 15 percent. Client will pay directly for all permit and agency fees; otherwise cost plus 15%. Subconsultant involces will be billed at cost plus 15%.

5. Insurance Coverage

General Lability: \$5,000,000 Errors/Omissions: \$1,000,000 California Workers' Compensation - Statutory Certificates of Insurance coverage will be provided upon request. Waivers of Subrogation (if required) will be billed as a 2% surcharge on all invoices. Special endorsements will be billed to the client at cost plus 15% on the first project.

INTEREST OF 1-1/2 PERCENT PER MONTH WILL BE CHARGED ON ALL PAST DUE ACCOUNTS. :Fees57

	ITATION.	Total Estima
TAIT & ASSOCIATES PROPOSAL FOR	FY17-18 RESIDENTIAL & ARTERIAL STREET REHABILITATION	PROJECT FINANCIAL SUMMARY

69,690 91,360 Total Estimated Fee: \$ stimated Fee + Optional Items: \$

BILLING RATES	2	210 200	155	110	180	135	285	LO TO	TOTAL PROJET COSTS	COSTS
WORK	TASK P	PM QA/QC	Project	Designer	Survey	Survey	2-Man	Consultant	ITEN	ITEM TOTALS
TASK	#		Engineer	-	МЧ	Designer	Crew	Expense	HOURS	BILLABLE
	South States of States									
Design Kickoff Meeting		2	0	0	0	0	0	•	9	\$ 1,040
Existing Records Research	2	0	4	8	0	0	0	- ب	12	\$ 1,500
IUtility Notification & Coordination	3	0	0	20	o	0	0	۲ دی	24	\$ 2,820
Design Field Walk (Prelim & Final)	4	2	0 24	16	0	0	0	۲ 69	42	\$ 5,900
Project Basemaps	2	2	0 10	28	0	0	0	۱ ه	40	\$ 5,050
Pavement Rehabilitation Scenario Verification & Preliminary Estimate	9	4	0 10		0	0	0	•	32	\$ 4,370
Street Improvement Plans (75% & 100%)	7	14	4 46	200	0	0	0	•	264	\$ 32,870
Trile Sheet			0	4		0	0 % (State)	\$ ₽ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ê ê	\$ 750
I Notes: Details & Tvoical Sections	2.2 2	2.2			0		0	\$	5. 23	\$ 2000
Street Improvement Plans	<u>13</u>		2. 32				1. A.	\$	<u> </u>	\$ 22,440
Staning & Straing Plans	「大大		a			G	0×100000	\$	Sec 53	\$
Project Specifications	8	4	2 16	0	0	0	0	ч н	8	\$ 3,720
Quantity Calculation & Cost Estimate	თ	2	1 8	12	0	0	0	ı چ	23	\$ 3,180
Myar and Design File Submittal	10	ы	0 3	16	0	0	0	, \$	26	\$ 3,420
Construction Support Services	11	4	0 16	0	0	a	a	۱ ب	20	\$ 3,320
LABOR HOUR TOTALS BY CLASSIFICATION	ATION	36	7 150	318	0	0	0	TOTAL LABOR COSTS	OR COSTS	\$ 67,190
								REIMBI	REIMBURSABLES	\$ 2,500
							F	TOTAL PROJECT COSTS	CT COSTS	\$ 69,690

BILLING RATES		210	200	155	110	180	135	285	TOT	TOTAL PROJET COSTS	COSTS
WORK	TASK	Md	OAOC	Project	Designer	Survey	Survey	2-Man	2-Man Consultant/	ITEM	TEM TOTALS
TASK	#			Engineer	-	РМ	Designer	Crew	Expense	HOURS	BILLABLE
Optional Items											
Pickup Topographic Survey. Processing, and Incorporation (2 Days)	A-1	2		œ	16	۳	8	16	ہ ب	51 \$	
Added Plan & Profile Design for Dale & Winston Allev	A-2	2	1	ę	œ				ر ه	-17	\$ 2,430
	A-3								\$ 10,000	0	\$ 10,000
							,				
		4	~	14	24	-	8	16 \$	\$ 10,000	68	\$ 21,670

CLIENT: City of Stanton PROJECT: FY17-18 Street Rehabilitation Project PREPARED BY:DS 2017.10.17 - R1

91,360 TOTAL BASE FEE + OPTIONAL ITEMS: \$

A

EXHIBIT B

INSURANCE REQUIREMENTS

Prior to the beginning of and throughout the duration of the Work, Consultant will maintain insurance in conformance with the requirements set forth below. Consultant will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, Consultant agrees to amend, supplement or endorse the existing coverage to do so. Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to City in excess of the limits and coverage required in this Agreement and which is applicable to a given loss, will be available to City.

Consultant shall provide the following types and amounts of insurance:

- 1. **Commercial General Liability Insurance** using Insurance Services Office "Commercial General Liability" policy form CG 00 01 or the <u>exact</u> equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits are subject to review but in no event less than \$2,000,000 per occurrence.
- 2. **Business Auto Coverage** on ISO Business Auto Coverage form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less that \$1,000,000 per accident. If Consultant owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Consultant or Consultant's employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person.
- 3. **Workers Compensation** on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident or disease.
- 4. **Professional Liability or Errors and Omissions** Insurance as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the consultant and "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend. The policy retroactive date shall be on or before the effective date of this Agreement.

Insurance procured pursuant to these requirements shall be written by insurers that are admitted carriers in the state of California and with an A.M. Bests rating of A or better and a minimum financial size VII.

General conditions pertaining to provision of insurance coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

- 1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials, employees and agentsConsultant also agrees to require all contractors, and subcontractors to do likewise.
- 2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant's employees, or agents, from waiving the right of subrogation prior to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.
- 3. All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations limits the application of such insurance coverage.
- 4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.
- 5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.
- 6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.
- 7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy, shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any

other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.

- 8. Certificate(s) are to reflect that the insurer will provide 30 days notice to City of any cancellation of coverage..
- 9. It is acknowledged by the parties of this Agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.
- 10. Consultant agrees to ensure that subcontractors, and any other party involved with the project that is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.
- 11. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this Agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.
- 12. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.
- 13. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.
- 14. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.

- 15. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this Agreement. This obligation applies whether or not the Agreement is canceled or terminated for any reason. Termination of this obligation is not effective until City executes a written statement to that effect.
- 16. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five days of the expiration of the coverages.
- 17. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this Agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials and agents.
- 18. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.
- 19. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the parties here to be interpreted as such.
- 20. The requirements in this Section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.
- 21. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.
- 22. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this Agreement. City assumes no obligation or liability by such notice, but has

the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 14, 2017

SUBJECT: APPROVE AND ADOPT AN ANNUAL EXPENDITURE REPORT TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO ACCOUNT FOR M2 FUNDS, DEVELOPER/TRAFFIC IMPACT FEES, AND FUNDS EXPENDED BY THE CITY TO SATISFY MAINTENANCE OF EFFORT REQUIREMENTS

REPORT IN BRIEF:

The Measure M2 ordinance requires local agencies to adopt and submit an expenditure report to the Orange County Transportation Authority each year. The expenditure report has been prepared and is being presented to Council for adoption and submission to the OCTA.

RECOMMENDED ACTION:

- That City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
- 2) That City Council adopt Resolution No. 2017-46 approving the 2016-17 Measure M2 expenditure report and direct staff to submit the report to the OCTA.

BACKGROUND:

The Measure M (M1) ordinance contains specific language indicating the requirement from local agencies to be eligible to receive funding. Eligibility documentation is submitted by local agencies to the OCTA by June 30 each year. With the passage of Measure M2 (M2), local agencies must continue to demonstrate eligibility.

<u>(</u>E

ANALYSIS/JUSTIFICATION:

The eligibility requirements included in the M2 ordinance have been enhanced over the previous requirements for M1. Specifically local jurisdictions must adopt and provide an annual expenditure report to the OCTA to account for M2 funds expended by the jurisdiction to satisfy maintenance of effort requirements. The report is required to be adopted and submitted within six months of each jurisdiction's fiscal year end.

The report includes all M2 net revenue, fund balances and interest earned, and identifies expenditures by activity type and funding source.

FISCAL IMPACT:

No fiscal impact as report is regarding past expenditures.

ENVIRONMENTAL IMPACT:

Not applicable.

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the normal agenda process.

STRATEGIC PLAN OBJECTIVES ADDRESSED:

4. Ensure Fiscal Stability and Efficiency in Government

Prepared by:

Stephen M. Parker, CPA Administrative Services Director

James A. Box City Manager

Approved:

Attachments:

- A. Resolution No. 2017-46
- B. M2 Expenditure Report Fiscal Year Ending June 30, 2017

RESOLUTION NO. 2017-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF STANTON

WHEREAS, Local Transportation Authority Ordinance No. 3 requires local jurisdictions to adopt an annual Expenditure Report to account for Net Revenues, developer/traffic impact fees, and funds expended by local jurisdiction that satisfy the Maintenance of Effort requirements; and

WHEREAS, the Expenditure Report shall include all Net Revenue fund balances, interest earned and expenditures identified by type and program or project; and

WHEREAS, the Expenditure Report must be adopted and submitted to the Orange County Transportation Authority each year within six months of the end of the local jurisdiction's fiscal year to be eligible to receive Net Revenues as part of Measure M2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY INFORM AND NOTIFY OCTA THAT:

SECTION 1: The above recitals are true and correct.

SECTION 2: The City of Stanton finds that this item is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly).

SECTION 3: The M2 Expenditure Report is in conformance with the M2 Expenditure Report Template provided in the Renewed Measure M Eligibility Guidelines and accounts for Net Revenues including interest earned, expenditures during the fiscal year and balances at the end of fiscal year.

SECTION 4: The M2 Expenditure Report is hereby adopted by the City of Stanton.

SECTION 5: The City of Stanton Director of Administrative Services is hereby authorized to sign and submit the Measure M2 Expenditure Report to OCTA for the fiscal year ending 2016-17.

SECTION 6: The City Clerk shall certify as to the adoption of this Resolution.

ADOPTED, SIGNED AND APPROVED this 14th day of November, 2017.

CAROL WARREN, MAYOR

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, Deputy City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2017-46 has been duly signed by the Mayor and attested by the Deputy City Clerk, all at a regular meeting of the Stanton City Council, held on November 14, 2017, and that the same was adopted, signed and approved by the following vote to wit:

AYES:	 	 	
NOES:	 	 	
ABSENT:		 	
ABSTAIN:	 	 	

PATRICIA A. VAZQUEZ, DEPUTY CITY CLERK

M2 Expenditure Report Fiscal Year Ended June 30, 2017 Beginning and Ending Balances

Description	Line No.	Amount	Interest
Balances at Beginning of Fiscal Year			
A-M Freeway Environmental Mitigation	1	\$	- \$ -
O Regional Capacity Program	2	\$	- \$ -
P Regional Traffic Signal Synchronization Program	3	\$	- \$ -
Q M2 Fair Share	4	\$ 1,082,3	66 \$ 13,270
R High Frequency Metrolink Service	5	\$	- \$ -
S Transit Extensions to Metrolink	6	\$	- \$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$	- \$
Senior Mobility Program or Senior Non-Emergency Medical		*********	
	8	\$ 27,4	40 \$ -
V Community Based Transit/Circulators	9		
W Safe Transit Stops	**************	\$	
X Water Quality Program	10	2 2	
Other*	11		20 S -
*** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** *** ***	12	9,5	
Balances at Beginning of Fiscal Year (Sum Lines 1 to 12)	13	\$ 1,119,3	
Monies Made Available During Fiscal Year Total Monies Available (Sum Lines 13 & 14)	14	\$ 522,6	***************************************
***************************************	15	\$ 1,642,0	
Expenditures During Fiscal Year	16	\$ 1.85,1	44 \$ 3,104
Balances at End of Fiscal Year	100		
A-M Freeway Environmental Mitigation	17	\$	- \$
O Regional Capacity Program	18	\$	
P Regional Traffic Signal Synchronization Program	19	\$	- S -
Q M2 Fair Share	20	\$ 1,420,4	43 \$ 19,530
R High Frequency Metrolink Service	21	\$	- <u>S</u> -
S Transit Extensions to Metrolink	22	\$	- \$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	23	\$	- \$
U Senior Mobility Program or Senior Non-Emergency Medical	24	\$ 26,8	
Program			
V Community Based Transit/Circulators	25	5	
W Safe Transit Stops	26	\$	- \$ -
X Water Quality Program	27	\$	- 20
Other*	28	\$ 9,5	62 \$ -

* Please provide a specific description

M2 Expenditure Report Fiscal Year Ended June 30, 2017 Sources and Uses

Description	Line No.		Amount	ln	terest
Revenues:	12 . 510				
A-M Freeway Environmental Mitigation	1	\$	-	\$	-
O Regional Capacity Program	2	\$	-	\$	-
P Regional Traffic Signal Synchronization Program	3	\$ \$	-	\$	-
Q M2 Fair Share	4	\$	490,709	\$	9,364
R High Frequency Metrolink Service	5	\$		\$	-
S Transit Extensions to Metrolink	6	\$	-	\$	-
T T Orange County with High-Speed Rail Systems	7	\$	-	\$	-
U Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$	31,927	\$	210
V Community Based Transit/Circulators	9	\$	-	\$	
W Safe Transit Stops	10	\$	-	\$	-
X Water Quality Program	11	ļş	-	\$	***************************************
Other*	12	\$	-	\$	-
TOTAL REVENUES (Sum lines 1 to 12)	13	\$	522,636	\$	9,575
Expenditures:					
A-M Freeway Environmental Mitigation	14	\$	**	\$	-
O Regional Capacity Program	15	\$ \$	-	\$	***************************************
P Regional Traffic Signal Synchronization Program	16	<u></u> \$	**	\$	
O M2 Fair Share	17	ļş	152,631	\$	3,104
R High Frequency Metrolink Service	18	\$		\$	
S Transit Extensions to Metrolink	19	\$	-	\$	
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	20	\$		\$	-
U Senior Mobility Program or Senior Non-Emergency Medical Program	21	,	32,513	**********	336355535555666666768376398;
V Community Based Transit/Circulators	22	\$		ć	*******
W Safe Transit Stops	23	\$ \$		\$	******
X Water Quality Program	23		_ ************************************		W
Other*	25	\$	••		
TOTAL EXPENDITURES (Sum lines 14 to 25)	25	\$	- 185,144	ې \$	2 104
TOTAL BALANCE (Subtract line 26 from 13)	20	\$ \$	337,492	ې \$	<u>3,104</u> 6,471
TATAL DALARIELIC, Jalan at U 90 fulling 493					

.

* Please provide a specific description

.

M2 Expenditure Report Fiscal Year Ended June 30, 2017 Streets and Roads Detailed Use of Funds

Time of Evnenditure	Line	2004	+ Developer /	c	•	۵			c	ď	×	×	Other M73		Other M2	Other*	TOTAL
	è.		Impact Fees	2	Interest		Inte	Interest	,	Interest	:	Interest			Interest	1	
Administration (indirect & Overhead)	1	\$ 118,946	-										\$ 32,	32,513			\$ 151,458
Construction & Right-of-Way																	
: New Street Construction	2																ŝ
Street Reconstruction					_		_	ŝ	5,821.14	\$ 3,103.86	_			_			\$ 8,925
Signals, Safety Devices, & Street Lights	4							47)	24,143.84		_						\$ 24,144
Pedestrian Ways & Bikepaths	5	_				_		_			_			_			' S
Storm Drains	φ						_				_						s.
Storm Damage		7															\$
Total Construction ¹		s v	s '	¢ک ۱	ۍ -	۰ ۲			_		ۍ ۲	•	، ج			,	\$ 33,069
Right of Way Acquisition	σ										_						Ş
Total Construction & Right-of-Way	9	v د		ۍ د		ş	،	γ,	29,964,98	\$ 3,103.86	- -	۔ ب	¢	აი 1	\$} 1		\$ 33,069
Maintenance						1.5 C											
	Ħ							ş	122,666.25						-		\$ 122,666
;Overlay & Sealing		_															Ş.
Street Lights & Ti	Ħ																\$
Storm Damage	14	_												1			Ş
Other Street Purpose Maintenance	ដ	\$ 24,787.19															\$ 24,787
Total Maintenance ¹	16	\$ 24,787.19	\$	ۍ ح	÷	ŝ	- ئ	۰ ب	\$ 122,666.25	\$	\$	- -	Ş	- \$	÷ -	,	\$ 147,453
Other	17	\$ 80,929.73															\$ 80,930
GRAND TOTALS (Sum Lines 1, 10, 16, 17)	18	\$ 224,663	- 5	s.	÷ Ş	ŝ	ج	ۍ ۲	152,631	\$ 3,104	÷	\$	- \$ 32,	32,513 \$	- \$		\$ 412,910

¹ Includes direct charges for staff time
 ² Local funds used to satisfy maintenance of effort (MOE) requirements
 ³ Other M2 includes A-M, R,S,T,U,V, and W
 ⁴ Transportation related only
 * Please provide a specific description

Legend

Project	Description of the second s
M-A	Freeway Environmental Mitigation
0	Regional Capacity Program
4	Regional Traffic Signal Synchronization Program
ď	M2 Fair Share
Я	High Frequency Metrolink Service
s	Transit Extensions to Metrolink
+	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
Э	Senior Mobility Program or Senior Non-Emergency Medical Program
Λ.	Community Based Transit/Circulators
M	Safe Transit Stops
×	Water Quality Program

M2 Expenditure Report Fiscal Year Ended June 30, 2017 M2 Fair Share Project List

PROJECT NAME	ΑΜΟΙ	JNT EXPENDE
village Center Dr Project- traffic signal and street improvement Wesern/Thunderbird street improvement Maintenance- various street repairs Traffic signal improvement	\$	20,92
Nesern/Thunderhird street improvement	\$	
Maintananca various straat ronairs		8,92
	\$ \$	122,66
raffic signal improvement	Ş	3,21

	*****	*****
	*****	*************************
IVIERTINGENDEN VOORDEN VORDEN BEREISTERE VOORDEN VOORDEN BEREISTERE VOORDEN VOORDEN VOORDEN VOORDEN VOORDEN VOO		***

10,51,64,51,64,11,64,11,64,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74,11,74		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

		* 3 * 3 * 4 * 5 * 4 * 6 * * * * * * * * * * * * * * * * *
		4 L & < C & C & C & C & C & C & C & C & C &
***************************************	******	*********************************

	****************************	*************************
нала стала стал Стала стала стал	*********	8 + 8 3 + 6 5 > 6 3 + 2 3 + 2 3 + 2 3 + 2 3 + 6 3 + 6 6 + 6 6 + 6 6 6 6 6 6 6 6 6 6 6 6
	*******	******************************
(BERNERANDIALISACOUNTROPHICSBACHERSERENDERSERENDERSERENDERSERENDERSERENDERSERENDERSERENDERSERENDERSERENDERSEREN		*********************************
	******	**********

	·····	
	** * * * * * * * * * * * * * * * * * * *	****
	****	*****

aga mananananana ang ang mang mang mang		***********

		F41 F44 F44 1 444 444 E 64 7 F4 F44 1

	*** *** *** ***	*********
, הנה המתוכנות הספר המשמע המניה ברבות המניה המפריח מיתי מינה היו הרוו היו היו היו המופרים מתוכנים המתוכנים היו היו	*******	*********
	****	***********************
	*****	**********
		· · · · · · · · · · · · · · · · · · ·
	\$	155,735.0

M2 Expenditure Report Fiscal Year Ended June 30, 2017

I certify that the interest earned on Net Revenues allocated pursuant to the Ordinance shall be expended only for those purposes for which the Net Revenues were allocated and all the information attached herein is true and accurate to the best of my knowledge:

Stephen M. Parker, CPA Director of Finance (Print Name) 11/14/2017

Date

Stephen Panker

Signature

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 14, 2017

SUBJECT: RESOLUTION 2017-45 APPROVING AN APPLICATION FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

REPORT IN BRIEF:

The City of Anaheim is proposing to synchronize the Katella Avenue corridor from the 605 on ramp in the City of Los Alamitos to Jamboree Road in the City of Orange. The Cities of Los Alamitos, Cypress, Stanton, Garden Grove, Orange, and Villa Park are intending to join the City of Anaheim in submitting a joint grant application to OCTA to obtain funding for the project.

RECOMMENDED ACTION:

- 1. City Council declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and
- 2. Adopt Resolution No. 2017-45 approving the submittal of the application for the Katella Avenue Traffic Signal Synchronization Project; and
- 3. Approve the City of Anaheim to act as the lead agency in the project.

BACKGROUND:

The Measure M2 Regional Traffic Signal Synchronization Program targets over 2000 signalized intersections across Orange County to maintain traffic signal synchronization, improve traffic flow, and reduce congestion across jurisdictions. The City of Anaheim has proposed that the signal synchronization of Katella Avenue be an appropriate project for funding under this program. An application is needed to begin the process.



ANALYSIS/JUSTIFICATION:

The goal of the project is to improve the coordination of traffic signals to enhance traffic flow and reduce congestion across cities' boundaries. The proposed project will coordinate the traffic signals along Katella Avenue from the 605 on ramp in the City of Los Alamitos to Jamboree Road in the City of Orange. The City currently owns and maintains four signalized intersections along this corridor, and jointly owns one with Caltrans at Beach Bouelvard. The project would include the preparation of new timing plans optimized for signal synchronization, hardware and software upgrades to traffic controllers, telecommunications and inter-tie systems, central traffic master controllers and associated systems. The cost estimate to perform these improvements is approximately \$57,000.00. If granted, this project will require an in-kind match of 20%, resulting in an approximate match requirement of \$11,400.00. A more definitive estimate will be determined once the grant application is approved and the project is bid out.

FISCAL IMPACT:

Funds for this project will come from Measure M Turnback funds in account 220-3500-710190.

ENVIRONMENTAL IMPACT:

None

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

3 – Provide a quality infrastructure.

PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.

Prepared by:

Guillermo Perez

Assistant Engineer

Concur:

Stephen Harker, CPA Administrative Services Director

Reviewed by:

Allan Rigg, P.E. AICP Director of Public Works

Approved by: James A. Box City Manager

Attachments: (1) Resolution 2017-45

RESOLUTION NO. 2017-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

WHEREAS, the Measure M2 Regional Traffic Signal Synchronization Program targets over 2000 signalized intersections across Orange County to maintain traffic signal synchronization, improve traffic flow, and reduce congestion across jurisdictions; and

WHEREAS, the City of Stanton has been declared by the Orange County Transportation Authority to meet the eligibility requirements to receive revenues as part of Measure M2; and

WHEREAS, the City of Stanton has a currently adopted a Local Signal Synchronization Plan consistent with the Regional Traffic Signal Synchronization Master Plan as a key component of local agencies' efforts to synchronizing traffic signals across local agencies' boundaries; and

WHEREAS, the City of Stanton will provide matching funds for each project as required by the Orange County Comprehensive Transportation Funding Programs Procedures Manual; and

WHEREAS, the City of Stanton will not use Measure M funds to supplant Developer Fees or other commitments; and

WHEREAS, the City of Anaheim desires to implement multi-jurisdictional signal synchronization for 73 signals on Katella Avenue from the 605 on ramp in the City of Los Alamitos to Jamboree Road in the City of Orange; and

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Stanton hereby requests the Orange County Transportation Authority allocate funds in the amounts specified in the City's application to said City from the Regional Transportation Signal Synchronization Program to implement regional signal synchronization on Katella Avenue.

ADOPTED, SIGNED AND APPROVED this 14th day of November 2017.

C. WARREN, MAYOR

APPROVED AS TO FORM:

MAL RICHARDSON, CITY ATTORNEY

ATTEST:

I, Patricia Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2017-45 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 14, 2017, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES:

ABSENT: _____

ABSTAIN: _____

PATRICIA VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 14, 2017

SUBJECT: PROPOSED ORDINANCE TO AMEND THE CITY'S ZONING CODE TO ESTABLISH NEW REGULATIONS RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS

REPORT IN BRIEF:

The Council previously directed staff to amend the City's sign ordinances to comply with a 2015 United States Supreme Court ruling. This staff report proposes an ordinance to revise the City's sign ordinances, including allowing a certain number of temporary noncommercial signs to be displayed on private property during an election period.

RECOMMENDED ACTION:

- 1. City Council conduct a public hearing; and
- 2. Find that Ordinance No. 1050 is exempt from CEQA pursuant to Section 15061(b)(3), because there is no possibility that the proposed Ordinance will have a significant effect on the environment.
- 3. Conduct first reading of Ordinance No. 1050 entitled,

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 20.325 OF THE STANTON MUNICIPAL CODE RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS"**

4. Set the Ordinance for adoption at the November 28, 2017 meeting.

BACKGROUND:

At the June 14, 2016 Council meeting, staff introduced an ordinance to the Council that deleted references to political signs and religious signs based on a U.S. Supreme Court ruling, *Reed v. Town of Gilbert ((2015) 135 S. Ct. 2218).* The *Reed* case provides that cities may not treat temporary noncommercial signs, such as political, ideological, and



religious signs, differently.

The City Council considered the proposed ordinance and requested that staff bring back a revised ordinance that includes regulations: (1) allowing display of a limited number of temporary noncommercial signs year-round on private property, and (2) allowing display of a limited number of temporary noncommercial signs on private property during an election period.

At the June 28, 2016 Council meeting, the Council provided further direction to staff bring back additional options to the Council. For example, some Council members requested proposals that regulate the number of signs displayed based on a parcel's size. Some Council members also requested proposals that allow larger signs to be displayed on commercial properties.

At the July 26, 2016 Council meeting, Council considered the proposed Ordinance, which would regulate the maximum number of signs and the size of signs that may be displayed on private property during election and non-election seasons. At the conclusion of the discussion, Council voted to table the discussion, and revisit the Ordinance in a year. The attached Ordinance and discussion below is based on the latest direction from Council.

ANALYSIS/JUSTIFICATION:

Per the Council's direction, staff has prepared an ordinance, which includes striking the political sign regulations from the Code and allowing temporary noncommercial signs to be displayed on private property during an election period. The size and number of signs allowed on residential and commercial properties would vary. Specifically, commercial and multi-family residentially-zoned properties would be allowed a greater number and larger sign opportunities because such properties are typically larger than low density residentially-zoned properties (e.g., the RL and RE zones). This proposal is detailed as follows:

Time Period	Where	Maximum Number	Maximum Size
Temporary	Private	For Residential	For Residential (RL and
noncommercial	property, with	(RL and RE)	<u>RE)</u> parcels:
signs may be	the property	parcels:	
displayed sixty (60)	owner's		Maximum size of each
days prior to a	consent, as a	Six (6) temporary	sign: 12 square feet;
federal, state, or	stake sign or	noncommercial	
local election and	a wall sign	signs (not	For Commercial and
ten (10) days after		including two	Multi-Family Parcels:
the corresponding		temporary	
election		noncommercial	Up to two (2) signs at a
		signs allowed	maximum size of 32
		year-round)	square feet; up to eight (8)
			signs at a maximum size of
		For Commercial	12 square feet.

	and Multi-Family Parcels: Ten (10) temporary noncommercial signs (not including two temporary noncommercial signs allowed year-round)	Maximum height of each sign <u>in all zones</u> : Stake signs: 5 feet Wall sign: No higher than the top of the eave or parapet wall
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------

<u>Election Period</u> – As provided in the table above, temporary noncommercial signs may be displayed during a local, state or federal election period. The City's current political sign regulations allow political signs to be displayed 88 days before an election and 15 days after an election.

A survey of surrounding cities identified a shorter period prior to an election when temporary noncommercial signs may be displayed. For example, the City of Lake Forest permits signs beginning 60 days prior to an election; Huntington Beach permits signs beginning 50 days prior; and Cypress 45 days prior to an election. On average, most surveyed cities required signs to be removed within 10 days after an election.

As such, to be more consistent with neighboring cities, the Ordinance proposes identifying the election period to be no more than 60 days prior to a federal, state or local election to 10 days after the election.

<u>Year Round Temporary Noncommercial Signs</u> – Moreover, the Ordinance proposes allowing a certain number of temporary noncommercial signs to be displayed year-round, in order to satisfy other U.S. Supreme Court cases. The proposed year-round temporary noncommercial signs are as follows:

Time Period	Where	Maximum Number	Maximum Size
Displayed year-	Private	One (1)	No larger than four (4)
round	property, with		square feet
	the property		
	owner's		
	consent		
Displayed year-	Private	One (1)	No larger than 8.5 inches
round	property		by 11 inches
	window, with		
	the property		
	owner's		
	consent		

<u>Enforcement</u> – In regards to enforcement of the proposed sign ordinance, the Code Enforcement Division would be charged with the enforcement of the code provisions. The City's Code Enforcement Division responds to complaints. If a complaint is received, Code staff would investigate the complaint. If a violation is noted, officers would contact the property owner regarding the complaint and take any necessary enforcement measures. Staff will also be looking at alternative enforcement options including having property owners file a letter with the city identifying how many signs, and which signs they have permitted to allow for quicker response from the Code Enforcement Division in responding to complaints.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3).

PUBLIC NOTIFICATION:

Notice of Public Hearing was posted at three public places and made available through the agenda-posting process.

STRATEGIC PLAN IMPLEMENTATION:

6 - Maintain and Promote a Responsive, High Quality and Transparent Government.

Prepared By:

Reviewed by:

City Attorney

Approved by:

Kelly Hart Community Development Director

Matthew E. Richardson

James A Box City Manager

Attachments:

Draft Ordinance No. 1050

ORDINANCE NO. 1050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 20.325 OF THE STANTON MUNICIPAL CODE RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS

WHEREAS, Government Code, Section 65800 *et seq.* authorizes the City of Stanton ("City") to adopt and administer zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City's Zoning Code includes comprehensive regulations on the display and placement of signs in the City, including the display and placement of political signs; and

WHEREAS, in 2015, the United States Supreme Court issued an opinion that directly addresses campaign sign regulations. The opinion concludes that local agencies may no longer treat political signs differently from other temporary signs (*Reed v. Town of Gilbert* (2015) 135 S. Ct. 2218); and

WHEREAS, following the *Reed* case, the City Council provided direction to City staff to bring back an ordinance repealing portions of the City's Sign Ordinance, particularly political sign regulations, that do not comply with the *Reed* case, and otherwise amending the City's Municipal Code so that it complies with the *Reed* case; and

WHEREAS, the Council wishes to provide private property owners with opportunities to display temporary noncommercial signage, year-round in recognition of individuals' free speech rights; and

WHEREAS, the Council also wishes to provide private property owners with additional opportunities to display temporary noncommercial signage during election periods in recognition of individuals' free speech rights; and

WHEREAS, while the Council wishes to provide private property owners with opportunities to display temporary noncommercial signage year-round and during election periods, the City wishes to regulate the number and size of signs allowed to be displayed in furtherance of the City's ability to place time, place, and manner restrictions on free speech; and

WHEREAS, regulations placed on the number and size of signs are to preserve the aesthetic quality of the City and to protect the public health and safety, since a high proliferation of signs may present a cluttered and visually distracting landscape in the City, and allowing overly large of signs may impede vehicular line-of-sight; and

WHEREAS, on May 9, 2016, the City gave public notice of a Planning Commission public hearing to be held to consider Zoning Code Amendment AZC16-02 by posting the public notice at three public places including Stanton City Hall, the Post Office, and the Stanton Community Services Center, and made the public notice available through the agenda posting process; and

WHEREAS, on May 18, 2016, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning amendments to Chapter 20.325 of the Stanton Municipal Code, provided comments on the amendments, and voted to forward the proposed ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on June 2, 2016, the City gave public notice of a City Council public hearing to be held to consider Zoning Code Amendment AZC16-02 by posting the public notice at three public places including Stanton City Hall, the Post Office, and the Stanton Community Services Center, and made the public notice available through the agenda posting process; and

WHEREAS, on June 14, 2016, the City Council considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding amendments to Title 20 of the Municipal Code, provided additional direction to staff, and continued the item to the June 28, 2016 Council meeting; and

WHEREAS, on June 28, 2016, the City Council considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding amendments to Title 20 of the Municipal Code, provided additional direction to staff, and continued the item to the July 12, 2016 Council meeting; and

WHEREAS, on July 12, 2016, the City Council pulled the public hearing from the agenda to allow staff to further revise the draft ordinance in light of new information; and

WHEREAS, on July 26, 2016, the City Council voted to table to discussion of the Ordinance for a period of one year; and

WHEREAS, on November 2, 2017, the City gave public notice of a City Council public hearing to be held to consider Zoning Code Amendment AZC16-02 by posting the public notice at three public places including Stanton City Hall, the

Post Office, and the Stanton Community Services Center, and made the public notice available through the agenda posting process; and

WHEREAS, on November 14, 2017, the City Council considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding amendments to Title 20 of the Municipal Code.

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

<u>SECTION 1</u>. <u>CEQA</u>. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

<u>SECTION 2</u>. <u>Findings</u>. The following findings are made in support of Zoning Code Amendment AZC16-02:

a. The proposed amendment is consistent with the General Plan, particularly:

Action CD-1.1.2(b): Amend the city's sign ordinance to encourage higher quality and more consistent signs throughout Stanton.

The purpose of the proposed Zoning Code Amendment is to comply with recent U.S. Supreme Court law regarding political sign regulations. As such, the proposed Zoning Code Amendment ensures that the City's Municipal Code is lawful and appropriate.

Goal CD-1.2 Promote an attractive streetscape and public right-of-way, especially along major primary and secondary corridors, that is consistent with the desired vision and image of Stanton.

Strategy CD-1.2.2: Remove visual clutter along the street to both enhance the street's attractiveness and promote pedestrian safety.

The proposed sign code amendments further Goal CD-1.2 and Strategy CD-1.2.2 because temporary noncommercial signs would only be allowed on private property and not the public right-of-way. The prohibition of temporary noncommercial signs on public property promotes a decluttered streetscape and

public right-of-way.

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because under the proposed sign code amendment, individuals will continue to be allowed to display temporary noncommercial signage on private property. This sign code amendment is in the public interest, because recent U.S. Supreme Court law provides that political, ideological, and religious signage may not be treated differently. The proposed sign code amendment does not differentiate between temporary noncommercial signs based on the signs' content.

c. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The proposed amendment is internally consistent with the City's Municipal Code, because temporary noncommercial signs will continue to be disallowed from the public right-of-way. Moreover, temporary noncommercial signage may continue to be displayed on private property. Finally, certain definitions that are unnecessary will be stricken from the Municipal Code.

<u>SECTION 3.</u> Section 20.325.050 of Title 20 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read as follows:

"20.325.050 – Signs Exempt from Sign Permit Requirements

This Section identifies signs and sign maintenance activities that are exempt from sign permit requirements.

A. Standards applicable to exempt signs. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or project. However, exempt signs shall comply with the development standards in this Chapter for the applicable sign type. Exempt signs installed or erected without complying with the applicable standards are considered illegal and may be removed in compliance with Section 20.325.170 (Removal of Certain Signs).

B. Nonstructural modifications and maintenance.

1. Changing the copy on conforming manual changeable copy signs.

2. The normal maintenance of conforming signs and nonconforming signs as provided in Subsection 20.325.160.E (Nonconforming Signs – Repair and Painting).

C. Temporary noncommercial signs.

D. On-site directional signs. A traffic control or directional sign that does not exceed four square feet.

E. On-site street address/unit identification signs.

1. **Apartment unit identification.** Apartment unit number identification sign, with a maximum sign area of one square foot.

2. **Site address or identification.** One name plate, street address, or identification sign, with a maximum sign area of one square foot may be placed at any door, loading dock or entrance facing a public street.

F. Incidental signs. Signs or notices that are incidental to an establishment (e.g., hours of operation, "Open" or "Closed" signs, credit card information, emergency contact information, etc.) not exceeding one-half square feet each, provided that the signs do not exceed four square feet in area for all the signs.

G. Government signs.

1. **Official signs.** Official notices of any court, public body, agency, or officer (e.g., legal notices; public transit signs and timetables; directional signs for pedestrian or vehicular traffic; warning signs erected by the City of other public entity, a public utility company, or contractor doing authorized permitted work on public property; public property identification signs; etc.). Public transit seating signs shall be allowed in all zones at the scheduled bus stops. Backlit signs shall be allowed on the ends of the bus shelters. The City reserves the right to review the copy of signs to be placed on bus benches and shelters. The objective is to ensure compatibility of the signs with adjacent development and to ensure public safety.

2. **Public service signs.** Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any

person giving due legal notice or information signs regarding a public utility's poles, lines, pipes, or facilities.

3. **Official Neighborhood Watch/Business Watch signs.** Official Neighborhood Watch/Business Watch signs subject to the following requirements:

Туре	Number	Sign Area	Sign Height	Illumination Allowed
Freestanding	Maximum	Maximum	Maximum 5 ft	No
Pole Sign	one per	4 sq ft		
	street			
	block			

A. Other on-premises, non-illuminated signs.

1. **Artwork.** A sculpture, statue, relief, mosaic or mural which is a work of art or otherwise decorative and does not contain a commercial message or symbol.

2. **Building markers.** Cornerstones, including names of buildings, dates of erection, and citations that are an integral part of the structure, and memorial signs and plaques not to exceed four square feet each and limited to four per building.

3. **Flags.** A flag of any nation, state, military institution, or City is displayed in a manner that conforms to the Flag Code (36 USCA, Section 173 et seq.).

4. **Interior signs.** Signs within a structure and not visible from the outside. See definition of window sign in Section 20.325.180 (Definitions)."

<u>SECTION 4</u>. Section 20.325.060, subsection "D" of Title 20 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read as follows:

"D. Unconstitutional Signs. Signs that are not protected by the First Amendment."

<u>SECTION 5</u>. Section 20.325.140, subsection "H" of Title 20 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read as follows:

"H. Temporary Noncommercial Signs. All zones. One temporary noncommercial sign with a sign face no larger than four (4) square feet may be displayed on a private property at any time with the property owner's consent, and one temporary noncommercial sign with a sign face no larger than 8.5 inches by 11 inches may be displayed in a window on private property at any time with the property owner's consent."

<u>SECTION 6</u>. Section 20.325.140, subsection "I" of Title 20 of the Stanton Municipal Code is hereby added to read as follows:

"I. Temporary Noncommercial Signs During Specified Periods.

- 1. Residential Low and Residential Estates Zones. Up to six (6) temporary noncommercial signs may be displayed on private property zoned RL (residential low) or RE (residential estate) with the property's owner's consent no earlier than sixty (60) days prior to a federal, state or local election. Such temporary noncommercial signs must be removed no later than 10 days after the corresponding election.
- 2. All Other Zones. Up to ten (10) temporary noncommercial signs may be displayed on all other residentially, commercially, and industrially-zoned private property with the property owner's consent no earlier than sixty (60) days prior to a federal, state or local election. Such temporary noncommercial signs must be removed no later than 10 days after the corresponding election.
- 3 The type of temporary noncommercial signs that may be displayed are wall and stake signs. The maximum size of each sign in the RL and RE zones is twelve (12) square feet. For signs in all other residentially, commercially, and industrially-zones private property, up to two (2) signs may be displayed at a maximum size of thirty-two (32) square feet, and up to eight (8) signs may be displayed at a maximum size of twelve (12) square feet. The maximum height of each sign in all zones is:

a. Stake Sign: 5feet;

b. Wall Sign: No higher than the top of the eave or parapet

wall.

3. The temporary noncommercial signs permitted under this Section 20.325.140(I) is in addition to the temporary noncommercial signs allowed to be displayed under Section 20.325.140(H)."

<u>SECTION 7</u>: The definition of "Civic Sign" provided in Section 20.325.180 is hereby deleted in its entirety.

<u>SECTION 8</u>. The definition of "Government Sign" provided in Section 20.325.180 is hereby deleted in its entirety and restated to read as follows:

"Government Sign. A sign that identifies or states the location of, describes the services available, the function of, the activities provided, or states the conditions of use of facilities or sites maintained, used or owned by any government entity or quasigovernment entity such as a public utility or a public educational institution."

<u>SECTION 9</u>. The definition of "Political Sign" provided in Section 20.325.180 is hereby deleted in its entirety.

<u>SECTION 10</u>. The definition of "Temporary Noncommercial Sign" is hereby added to Section 20.325.180 as follows:

"Temporary Noncommercial Sign. A sign, banner, pennant, valance, or display constructed of cloth, canvas, fabric, cardboard, wall board, or other light nondurable materials, with or without frames, designed to be displayed for a limited period of time that displays a sign message that is not commercial in nature."

<u>SECTION 11.</u> The City Council's actions are made upon review of the Planning Commission's recommendation, the Staff Report, all oral and written comments, and all documentary evidence presented on the Ordinance.

<u>SECTION 12.</u> If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective

of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

<u>SECTION 13.</u> The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

<u>SECTION 14.</u> This Ordinance is on file and has been available for public review for at least five days prior to the date of this Ordinance, in the City Clerk's office, at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680.

SECTION 15. This ordinance shall be effective thirty days after its adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of November, 2017.

CAROL WARREN, MAYOR

ATTEST:

PATRICIA VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON CITY ATTORNEY COUNTY OF ORANGE) SS CITY OF LAKE FOREST)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California do hereby certify that the foregoing Ordinance No. 1050 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 14th day of November, 2017, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 28th day of November, 2017, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	
NOES:	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	
ABSTAIN:	COUNCILMEMBERS:	

CITY CLERK, CITY OF STANTON

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 14, 2017

SUBJECT: AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN ART IN PUBLIC PLACES ORDINANCE

REPORT IN BRIEF:

Introduction of an Ordinance which would establish an Art in Public Places Program and Manual to further the goals of the General Plan and the Livable Beach Blvd. Mobility Plan.

RECOMMENDED ACTION:

- 1. Conduct a public hearing; and
- 2. Declare that the project is not a project subject to CEQA pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- 3. Introduce Ordinance No. 1072, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADDING CHAPTER 20.533 TO THE ZONING CODE PERTAINING TO THE IMPLEMENTATION OF AN ART IN PUBLIC PLACES PROGRAM"

4. Set Ordinance for adoption at the November 28, 2017 meeting; and

BACKGROUND:

The 2008 Stanton General Plan established goals and strategies to promote an enhanced community design for the City. Included is a strategy to promote the inclusion of public art as part of development projects. In addition, the City Council adopted the Livable Beach Blvd. Mobility which encourages the use of art in public places to develop a positive, walkable pedestrian atmosphere on the Boulevard.

Council Agenda Item #

4B

To accomplish these goals and strategies, an Art in Public Places Program has been drafted for consideration. Before Council is an Ordinance to establish the program within the municipal code, and a draft of the program manual. At the November 28, 2017 City Council meeting, a fee resolution and the final draft of the program manual will be presented for consideration. However, for an overall understanding of how the program would be established and managed, the following includes a discussion of the program as a whole, including information found in the manual.

ANALYSIS AND JUSTIFICATION:

The Art in Public Places Program would establish the procedures for the commissioning and installation of public art sculptures as part of a new development in the City. The guidelines for the program identify which development projects are subject to the program, the value of the artwork required based on the size of the development, establishes an Art In Lieu fund, and establishes the Art in Public Places Committee in charge of approving the proposed artwork to be installed by the developers.

As proposed, all developers of commercial projects, industrial projects, including attached and detached additions to existing commercial and industrial buildings, and residential projects of five (5) or more dwelling units, with a project valuation of over \$300,000 would be subject to participation in the Art in Public Places Program. For project valuations between \$300,000 and \$3,999,999, the developer may choose to either commission a sculpture to be placed on private property, or pay into the Art In Lieu fund. The Art In Lieu fund would collect the contributions from developers that do not wish to commission a sculpture, and may be utilized by the City to commission artwork to be placed on public property. For projects with a construction valuation of \$4,000,000 or more, the Program requires the developer to commission a sculpture to be placed on the development site, visible to the public.

The Program also establishes the minimum contribution of the project to the Art in Public Places component of the development. As proposed, the minimum contribution amount would be one percent (1%) of the valuation of the project. As an example, if value of the construction cost associated with the project is \$2,500,000, the minimum required contribution to the Art in Public Places Program would be \$25,000. In this example, as the valuation of the project is less than \$4 million, the developer would be able to choose to either pay into the Art In Lieu fund, or commission an artist to design a sculpture to be placed on the development site at the value of \$25,000 or more.

If a developer chooses to, or is required to commission a sculpture, the Program Manual establishes guidelines for the approval of the design by the Art in Public Places Committee. The Committee would consist of two council members, appointed by Council, the City Manager, and the Community Development Director. If the decision rendered by the Committee is appealed, the City Council would make the final determination.

The Program is drafted in two parts to allow for ease of modification based on trends and evaluation of the program. Before the City Council for consideration is an Ordinance to codify the establishment of the Art in Public Places Program in the Zoning Code and establish the Committee. The Manual is a separate document, not incorporated into the Zoning Code that establishes all the procedures for the Program. This Manual would be able to be amended in the future by a simple resolution of Council, rather than the full process of amending the Zoning Code. The final draft of the manual, along with a fee resolution will be presented to Council for consideration on November 28, 2017.

At the Planning Commission meeting on October 18, 2017, a public hearing was held to consider the proposed Ordinance. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend approval of the Ordinance to the City Council.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3).

PUBLIC NOTIFICATION:

Posted at three public places, and made public through the agenda-posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

5 - Provide a high quality of life.

Prepared by:

Kelly Hart Community & Economic Development Director

Approved by: James A. Box Citv/Manager

Attachments:

Ordinance No. 1072 Art in Public Places Manual (Draft – Final document to be presented to Council on November 28, 2017)

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADDING CHAPTER 20.533 TO THE ZONING CODE PERTAINING TO THE IMPLEMENTATION OF AN ART IN PUBLIC PLACES PROGRAM

WHEREAS, it is the City's desire to enhance the cultural and aesthetic environment of the City of Stanton, and to encourage creativity, education through the implementation of an Art in Public Places Program; and

WHEREAS, art located in public places throughout the City is an investment in the cultural vitality and economic development of a community, can increase in value, increase property values, and draw visitors and tenants; and

WHEREAS, an Art in Public Places Program will allow the City to implement a number of goals and policies from the Stanton General Plan Community Design Element, and the Livable Beach Blvd. Mobility Plan; and

WHEREAS, the goals of Stanton's Art in Public Places Program are to distinguish Stanton as a special place to live, work, play, and visit, strengthen cultural awareness, creativity, and innovative thinking in the community, integrate the vision of artists with the perspective of other design professionals into the planning and design of the urban landscape, ensure sculptures are visually accessible to every member of the community, provide a means to counterbalance what many consider to be the "negative" effects of development, build a diverse collection of permanent outdoor sculpture by qualified artists and ensure the collection is continually maintained, and create a vibrant walkable community along the City's Beach Blvd. corridor, civic areas, and community at large, and

WHEREAS, on October 18, 2017, the Planning Commission of the City of Stanton held a duly-noticed public hearing at which the Commission considered oral and written testimony and the entirety of the record, and recommended that the City Council adopt Ordinance No. 1072; and

WHEREAS, on November 14, 2017, the City Council of the City of Stanton held a duly-noticed public hearing at which the Council considered oral and written testimony and the entirety of the record.

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

SECTION 1: <u>CEQA</u>. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the

Ordinance No. 1072 Page 1 of 6 environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2: <u>Findings for Zoning Code Amendments</u>. The City Council of the City of Stanton hereby makes the following findings in support of the Zoning Code Amendments proposed herein:

- A. The proposed amendment is consistent with the General Plan and any applicable Specific Plan. The proposed Zoning Code Amendment is consistent with the goals, policies and general land uses and programs specified in the General Plan, specifically: Goal CD-1.1 to "promote quality development and design that preserves and enhances a positive and unique image of Stanton, and fosters a sense of community pride" and Strategy CD-2.1.2(b) to "develop an Art in Public Space Program to encourage the development of public art in public spaces." The implementation of an Art in Public Places Program will align with the City's goals of enhancing its community image and encouraging a variety of artwork in city public spaces.
- B. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Rather, the proposed amendments help to enhance the cultural and aesthetic environment and also provide standards and guidelines for artwork placement and design.
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code. The proposed amendments will establish procedures for selecting and locating public art within the City, in addition to the creation of an in-lieu fund. Moreover, this Ordinance is being processed in accordance with Stanton Municipal Code Chapter 20.610.

SECTION 3: <u>Adding Chapter 20.533 Art in Public Places Program</u>. Chapter 20.533 of Title 20 of the Stanton Municipal Code is hereby added as follows:

20.553.010 Purpose

The purpose of this Chapter is to enhance the cultural and aesthetic environment of the City of Stanton, and to encourage creativity, education through the implementation of an Art in Public Places Program. This Program will also implement a number of goals and policies in the Stanton General Plan Community Design Element, and the Livable Beach Blvd. Mobility Plan.

20.553.020 Applicability

A. Except as otherwise provided in this Title, all development projects are subject to the requirements contained in the most recently adopted or amended version of the Arts in Public Places Manual.

Ordinance No. 1072 Page 2 of 6 B. All developers of commercial projects, industrial projects, including attached and detached additions to existing commercial and industrial buildings, and residential projects of five (5) dwelling units or more with a total building valuation are required to select, purchase and install permanent outdoor sculpture accessible by the general public. The required minimum art allocation shall be as established in the Art in Public Places Manual. For any custom home development, the art requirement will be based on an estimate of the homes' market value, based on lot size and existing market. If development of a project is to proceed in phases, the phasing plan shall include information reflecting compliance with the Art in Public Places requirements and shall be subject to review and approval, all as specified in the Art in Public Places Manual. Additional requirements of the city's Art in Public Places Program are set forth in the Art in Public Places Manual.

20.553.030 Review Authority

A. Art in Public Places Committee. The Arts in Public Places Advisory Committee is a formal body responsible for reviewing and approving proposed sculptures and ensuring Art in Public Places proposals meet program requirements. The Arts in Public Places Advisory Committee shall include two members of the City Council as designated by Council, the City Manager, and Community Development Director.

20.553.040 Application Requirements

An application for Art in Public Places shall be filed and processed in compliance with the adopted Arts in Public Places Manual. The application shall include the information and materials specified in the Manual, together with payment of the required fee in compliance with the City's Planning Fee Schedule.

20.553.050 Findings and Decision

- A. Review Authority's Action. An application for Arts in Public Places may be approved subject to conditions, or disapproved by the review authority.
- B. Required Findings. The review authority may approve an Arts in Public Places application only if it first makes all of the following findings:
 - a. The design and location of the sculpture is placed in a location that is visible to the public and within an area that does not impact traffic visibility, circulation, or create a hazardous situation; and
 - b. The artwork is consistent with the goals and policies of the City's General Plan and Livable Beach Blvd. Mobility Plan; and
 - c. That the artwork is an enhancement to the site, surrounding neighborhood, and the City as a whole.

C. Decision. A decision on the Art in Public Places application will be rendered within fourteen (14) days after the Review Authority meets to review the application.

20.553.060 Maintenance of Artwork

All property owners are responsible for maintaining the art work in clean, undamaged condition for the lifetime of the art work. The obligation to maintain the art work shall be evidenced by written instrument recorded with the County Recorder setting forth such obligation. A copy of the instrument shall be submitted to the city immediately following recordation.

SECTION 10: <u>Location and Custodian of Records</u>. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The City Clerk is the custodian of the record of proceedings.

SECTION 10: <u>Severability</u>. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

SECTION 11: <u>Effective Date</u>. This Ordinance No. 1072 shall be effective 30 days after its adoption.

SECTION 12: <u>Publication</u>. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, and ADOPTED this 28th day of November, 2017.

SIGNATURE PAGE FOR ORDINANCE NO. 1072

CAROL WARREN, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM

MATTHEW E. RICHARDSON, CITY ATTORNEY

Ordinance No. 1072 Page 5 of 6 ۱

STATE OF CALIFORNIA) COUNTY OF ORANGE) ss. CITY OF STANTON)

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1072 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 14th day of November, 2017 and was duly adopted at a regular meeting of the City Council held on the 28th day of November, 2017, by the following roll-call vote, to wit:

AYES:	COUNCILMEMBERS:	·
NOES:	COUNCILMEMBERS:	· · · · · · · · · · · · · · · · · · ·
ABSENT:	COUNCILMEMBERS:	
ABSTAIN:	COUNCILMEMBERS:	

CITY CLERK, CITY OF STANTON

Ordinance No. 1072 Page 6 of 6



City of Stanton Art in Public Places Policy Manual November 2017

Adopted by Stanton City Council November 28, 2017

Art in Public Places Program Community Development Department Planning Division 714-890-4210

Stanton Civic Center 7800 Katella Avenue Stanton, CA 90680 714-379-9222 www.ci.stanton.ca.us

DRAFT

This Page Intentionally Left Blank

TABLE OF CONTENTS

l.	INTRODUCTION	4
II.	CONTACTS	5
111. /	ART IN PUBLIC PLACES SCULPTURE REQUIREMENT OVERVIEW	6
IV. V	WHICH DEVELOPMENT PROJECTS ARE SUBJECT TO THE SCULPTURE REQUIREMENT?	6
V. ⊦	IOW MUCH IS THE SCULPTURE ALLOCATION?	8
VI. I	HOW DO SCULPTURE APPROVALS FACTOR INTO MY CONSTRUCTION SCHEDULE?	0.
VII.	WHAT EXPENSES ARE ALLOWED FROM THE SCULPTURE ALLOCATION? 1	.3
VIII.	WHAT ARE THE REQUIREMENTS FOR SELECTING AN ARTIST?	.4
X. V	VHAT DO I NEED TO CONSIDER WHEN SELECTING A SCULPTURE SITE?	.7
XI. V	WHAT ARE THE REQUIREMENTS FOR SCULPTURE? 1	9
XII.	WHAT ARE THE STEPS FOR THE SCULPTURE APPLICATION AND APPROVAL PROCESS? 2	25
XIII.	WHAT ARE THE STEPS FOR CONTRIBUTING SCULPTURE FUNDS IN LIEU OF INSTALLING	
~ ~ .		
SCL	JLPTURE?	31
	JLPTURE?	
XIV		32
XIV XV.	. WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	32 38
XIV XV. XVI	. WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	82 88 89
XIV XV. XVI XVI	. WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	32 38 39 39
XIV XV. XVI XVI Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	32 38 39 39
XIV XV. XVI XVI Apr Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	32 38 39 39 41
XIV XV. XVI XVI Apr Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?	32 38 39 39 41 44
XIV XV. XVI Apr Apr Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE? 3 MODIFICATIONS OF PROPERTIES WITH EXISTING APP SCULPTURE 3 . DONATIONS OF ARTWORK TO THE CITY 3 I. STANTON'S ART IN PUBLIC PLACES COMMITTEE 3 Dendix A: Visual Arts Laws for Artists and Sculpture Owners 4 Dendix B: Developer Acknowledgment of APP Requirement 4 Dendix C: ART IN PUBLIC PLACES APPLICATION COVERSHEET 4	32 38 39 39 41 44 45 46
XIV XV. XVI Apr Apr Apr Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE? 3 MODIFICATIONS OF PROPERTIES WITH EXISTING APP SCULPTURE 3 DONATIONS OF ARTWORK TO THE CITY 3 I. STANTON'S ART IN PUBLIC PLACES COMMITTEE 3 Dendix A: Visual Arts Laws for Artists and Sculpture Owners 4 Dendix B: Developer Acknowledgment of APP Requirement 4 Dendix C: ART IN PUBLIC PLACES APPLICATION COVERSHEET 4 Dendix D: ARTIST'S HISTORY OF PUBLIC SCULPTURE COMMISSIONS 4	32 38 39 39 41 44 45 46 47
XIV XV. XVI XVI Apr Apr Apr Apr Apr	WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE? 3 MODIFICATIONS OF PROPERTIES WITH EXISTING APP SCULPTURE 3 DONATIONS OF ARTWORK TO THE CITY 3 I. STANTON'S ART IN PUBLIC PLACES COMMITTEE 3 Dendix A: Visual Arts Laws for Artists and Sculpture Owners 4 Dendix B: Developer Acknowledgment of APP Requirement 4 Dendix C: ART IN PUBLIC PLACES APPLICATION COVERSHEET 4 Dendix D: ARTIST'S HISTORY OF PUBLIC SCULPTURE COMMISSIONS 4 Dendix E: Artist Warranties of Title and Originality 4	32 38 39 41 44 45 46 47

I. INTRODUCTION

\$

The Creation of the Stanton Art in Public Places Program has been developed to implement certain goals and policies of the City's adopted General Plan and the Livable Beach Blvd. Mobility Plan. The Program is designed to work with private developers to integrate three dimensional sculptures and artwork throughout the community. The current the Art in Public Places Policy Manual was adopted by Stanton City Council on November 28, 2017 by Resolution No. 2017-43.

Goals of Stanton's Art in Public Places (APP) Program are:

- A. Distinguish Stanton as a special place to live, work, play, and visit.
- B. Strengthen cultural awareness, creativity, and innovative thinking in the community.
- C. Integrate the vision of artists with the perspective of other design professionals into the planning and design of the urban landscape.
- D. Ensure sculptures are visually accessible to every member of the community.
- E. Provide a means to counterbalance what many consider to be the "negative" effects of development (e.g. construction noise, traffic, congestion, and pollution).
- F. Build a diverse collection of permanent outdoor sculpture by qualified artists and ensure the collection is continually maintained.
- G. Create a vibrant walkable community along the City's Beach Blvd. corridor, civic areas, and community at large.

Public art is an investment in the cultural vitality and economic development of a community. Sculptures can become place-makers, landmarks, and foster culturally dynamic, economically vibrant communities. Sculptures and artwork can increase in value, increase property values, and draw visitors and tenants. Stanton's Art in Public Places Program provides developers a way to make a lasting and visible contribution to the community and mitigate negative impacts of development. Successful projects involve collaborations between developers, artists, public art professionals, property owners, property tenants, and the City.

We hope your experience with Stanton's Art in Public Places Program is positive and the result of our collaboration is a memorable work of art. Together, we make Stanton an exceptional place to live, work, and visit.

II. CONTACTS

The sculpture requirement is overseen by the City's Community Development Department. Certain questions may be better addressed by the City's Planning or Building Division. Below is a short list of topics and contact information for your convenience:

Art in Public Places Program:

Sculpture requirement; site selection; artist qualifications; APP Committee; sculpture approval process and deadlines; deposit of sculpture funds; sculpture maintenance, conservation, and replacement; APP Sculpture Collection; APP Policy clarification Phone: 714-890-4210

Planning Division, Community Development Department:

Non-sculpture related development requirements; new development project lists Phone: 714-890-4210

Building & Safety Division, Community Development Department:

Building permits for sculpture installation; questions about estimating and calculating the total project building valuation (to calculate the required sculpture allocation) Phone: 714-890-4286

Code Enforcement Division, Community Development Department:

Notices about compliance with sculpture maintenance or replacement Phone: 714-890-4231

III. ART IN PUBLIC PLACES SCULPTURE REQUIREMENT OVERVIEW

Developers subject to the Art in Public Places (APP) requirement must select and install permanent outdoor sculpture at their project site. Development projects with a total project valuation of between \$300,000 and \$3,999,999 have the option of contributing sculpture allocation funds to Stanton's Art Fund in lieu of installing sculpture at the project site. Development projects with a total project building valuation of \$4,000,000 or more must install sculpture at the project site.

Sculpture applications must be approved by the City. Sculpture ownership is bound by covenant to the property in perpetuity and must be maintained by successive property owners. Alteration or removal of sculpture must be approved by the City. Modifications to properties that may impact approved sculptures may require review and approval by the City.

This Manual provides detailed policy guidelines for sculpture requirements; describes the sculpture approval process; establishes requirements for sculpture ownership, maintenance, and replacement; and outlines the process for sculpture related approvals for modifications to properties with existing APP sculpture.

IV. WHICH DEVELOPMENT PROJECTS ARE SUBJECT TO THE SCULPTURE REQUIREMENT?

All development projects (exemptions below) with a total project building valuation of \$300,000 or more are subject to Stanton's Art in Public Places sculpture requirement. The total project building valuation (for superstructures) is calculated by Stanton's Building and Safety Division using the International Code Council (ICC) Building Valuation Data table in effect at the time of building permit(s) issuance. Current ICC Building Valuation Data information can be found ICC's website.

A "development project" consists of:

- All Commercial or Industrial structures subject to approval of a Minor or Major Site Plan and Design Review as indicated in Chapter 20.530 of the Stanton Municipal Code.
- All commercial or industrial structures expanding square footage, with a project valuation of \$300,000 or more.
- All residential developments with five (5) or more residential units included in the development proposal.
- Additional plans submitted to the City within one year of issuance of the Certificate of Occupancy for previously approved projects that result in additional square footage.

ą.

Projects are subject to the edition of the APP Policy Manual in effect at the time the first building permit is issued.

Exemptions:

- Residential development projects of four or fewer dwelling units
- Places of worship
- Public facilities constructed by nonprofit organizations [(501(c)(3)] or affordable housing projects are issued an exemption on a case by case basis. Contact the City for more information.

Options for meeting the APP requirement are outlined below. For Phased and Master Planned Development Projects, please see page 8 for special requirements. See page 10 for requirements for Combining Sculpture Funds for Multi-Parcel and Multi-Year Projects.

A. <u>Development Projects with a Total Project Building Valuation between</u> \$3,000 and \$3,999,999

All development projects with a total project building valuation of between \$300,000 and \$3,999,999 are required to:

• Select, purchase, and install a permanent outdoor sculpture at the project site that is visible and accessible from public streets

----OR----

• Contribute an amount almost equivalent to the minimum required sculpture allocation (see *How Much is the Sculpture Allocation?* on pages 8-9) to Stanton's Art Fund in lieu of installing on-site sculpture

1. Contribution to Art Fund in Lieu of On-Site Sculpture

The option to contribute to Stanton's Art Fund in lieu of installing sculpture at the project site is available only to projects with a total project building valuation of between \$300,000 and \$3,999,999. Contributions to Stanton's Art Fund will fund future public art projects on public lands. For details about how to exercise this option, please see *What are the Steps for Contributing Sculpture Funds in Lieu of Sculpture?* on pages 31-32. For submittal deadlines that may impact your construction schedule, see *How do Sculpture Approvals Factor into my Construction Schedule?* on pages 10-13.

B. <u>Development Projects with a Total Project Building Valuation of</u> \$4,000,000 or More

All development projects with a total project building valuation of \$4,000,000 or more are required to select, purchase, and install a permanent outdoor sculpture at the project site that is visible and accessible from public streets.

Acknowledgement of Sculpture Requirement

Developers subject to the sculpture requirement are required to sign and submit the Acknowledgement of Sculpture Requirement (page 44) with Part 1 of the Sculpture Application

C. Phased and Master Planned Development Projects

Any development project that will proceed in phases or with multiple developers or legal partners will require appointment of a lead developer to collaborate with the City to develop a plan to meet the sculpture requirement. Developers of these projects are urged to meet with staff as early in the development process as possible. The plan shall be submitted for review and approval prior to submittal of Part 1 of the Sculpture Application. The plan shall include:

- Identification of a single contact for the sculpture requirement
- Project description (e.g. location(s), uses, future owners/tenants, architectural style, etc.)
- Timeline for phases of construction, including a timeframe for sculpture installation
- Plans indicating the location(s) and number of sculptures

V. HOW MUCH IS THE SCULPTURE ALLOCATION?

The required sculpture allocation is calculated as **one percent (1%)** of the total project building valuation based upon the International Code Council (ICC) Building Valuation Data table in effect at the time the building permit for each superstructure is issued. Any additional plans submitted to the City within one year of issuance of the Certificate of Occupancy that result in additional square footage for a previously approved project will increase the sculpture allocation for a project subject to the APP requirement or may trigger the APP requirement if the total project building valuation reaches \$300,000.

For custom home developments, the project's total building valuation will be based on an estimate of the total of the homes' market values, based on lot size and the existing housing

market. The sculpture allocation will be one percent of the market value as calculated by Stanton's Building and Safety Division.

For Allowable Expenses from the Sculpture Allocation, see pages 13-14. For Verification of Expenses, see page 14.

A. <u>Confirmation of the Sculpture Allocation</u>

Developers shall submit an estimate of the total project building valuation, including a breakdown of square footage by type of construction and occupancy, with Part 1 of the Sculpture Application or with the contribution to the Art Fund (option available to projects with a total project building valuation of between \$300,000 and \$3,999,999 only—see *Contribution to Art Fund in Lieu of On-site Sculpture* on page 7), whichever is applicable. Developers may request confirmation of the total project building valuation from the Building and Safety Division following issuance of all building permits for structures for a project. The sculpture allocation can only be confirmed by the City following confirmation of the total project building valuation

B. <u>Exemptions</u>

For some projects, the following two exemptions may apply when calculating the sculpture allocation:

1. First Floor of Parking Structures

For projects that include parking structures, the square footage of the first floor of the structure will not be included in the calculation of total building valuation used to determine the required sculpture allocation. This is intended to provide a credit for the ground level parking that would otherwise be a parking lot. Any floors with non-parking mixed use will be part of the calculation of the sculpture allocation. No exemptions shall be granted for underground parking or buildings that are combinations of office or retail and parking.

2. Development of Properties with Existing APP Sculpture

For development projects valued at \$300,000 or more on properties with an existing sculpture in which existing buildings will be demolished and new buildings constructed, an artwork credit will be given for previously permitted square footage to account for prior installation of sculpture created under the Art in Public Places Program. Credit will only be given for existing sculpture in good condition that was approved by the APP Committee. Existing sculpture must be in the condition originally intended by the artist and must meet current APP requirements. Credit will not be given for sculpture on the property that does not meet these criteria.

A new sculpture obligation is required for construction of additional square footage with a total building valuation of \$300,000 or more.

C. Combining Sculpture Funds for Multi-Parcel and Multi-Year Projects

Should a developer whose project is on multiple parcels or which will proceed in phases wish to combine or "pool" sculpture allocation funds for a single sculpture, the developer shall collaborate with the City to develop an plan that includes all items listed under Phased and Master Planned Development Projects (page 8), as well as the following:

- A statement that addresses how reducing the number of sculptures throughout the development project will benefit future property owners as well as the community at large
- A description of how the maintenance of the sculpture will be funded, whether multiple property owners associations will be involved, and a plan for how the sculpture maintenance financial obligation will be fairly shared if sculpture is on a partner's property

The plan shall be submitted by the developer(s) and approved by the City prior to submittal of Part 1 of the Sculpture Application. The pooled sculpture allocation for these projects will be an estimate until the building valuations for structures included are confirmed following issuance of all building permits.

VI. HOW DO SCULPTURE APPROVALS FACTOR INTO MY CONSTRUCTION SCHEDULE?

Described below are required sculpture approvals that should be considered when determining construction schedules for projects subject to the APP requirement. Developers are encouraged to meet with staff early in the development process to discuss options relevant to their project for satisfying the APP requirement to ensure the sculpture component proceeds in a timely manner.

For developers who will install sculpture, be aware that the sculpture application is a multi-step process (for details see *What are the Steps for the Sculpture Application and Approval Process?* on pages 25-31). Each part of the application requires review and approval, which can take up to 30 working days following submittal. Incomplete submittals will delay the process.

For projects with a total project building valuation of between \$300,000 and \$3,999,999 who opt to contribute the sculpture allocation to Stanton's Art Fund in lieu of installing sculpture at the project site, deadlines also apply that should be considered when determining the construction schedule for a project. Please see below for details.

A. <u>Sculpture Approvals Required Prior to Issuance of Building Permits</u>

No building permit shall be issued for a structure of a development project subject to the Art in Public Places requirement without satisfaction of the requirements listed below.

1. For Projects Installing Sculpture at the Project Site

- Meeting with staff (see pages 25 for details)
- Submittal of all required materials for Part 1: Project Overview and Artist Qualifications of the sculpture application (pages 26-27)
- Approval of Part 1: Project Overview and Artist Qualifications by the City and, in some cases, the Art In Public Places Committee
- 2. For Projects Contributing Sculpture Allocation Funds in Lieu of Installing Sculpture
 - Submittal of Developers Acknowledgement of APP Requirement
 - Submittal Notification to Contribute Sculpture Funds in Lieu of On-Site Sculpture Installation (see page 31 for details)

B. <u>Sculpture Approvals Required within Six Months of Issuance of</u> <u>Building Permits</u>

For development projects subject to the Art in Public Places requirement, the requirements below must be satisfied within six months of issuance of building permits. Noncompliance will result in the issuance of a stop work notice and the project will be subject to administrative penalties and civil remedies per Stanton Municipal Code, unless otherwise agreed to by the City.

1. For Projects Installing Sculpture at the Project Site

- Submittal of all required materials for Part 2: Sculpture Plan (pages 27-28) of the Sculpture Application
- Scheduling of a meeting date for review and approval of Part 2: Sculpture Plan by Art in Public Places Committee (Committee review meeting dates are set within 30 working days of submittal of a complete application).
- 2. For Projects Contributing Sculpture Allocation Funds in Lieu of Installing Sculpture
 - Site Plan
 - Breakdown of square footage by type of construction and occupancy

• Contribution of the confirmed sculpture allocation amount to Stanton's Art Fund (see *Confirmation of the Sculpture Allocation* on page 9)

C. <u>Sculpture Approvals Required Prior to Issuance of Certificates of</u> <u>Occupancy</u>

No Certificate of Occupancy shall be issued for a development project subject to the Art in Public Places requirement without satisfaction of the requirements listed below.

1. For Projects Installing Sculpture at the Project Site:

- Securing a building permit for approved sculpture and related components
- Installation of approved sculpture and fulfillment of all related APP requirements
- Submittal of all required materials for Part 3: Sculpture Inspection and Final Report (pages 28-29) of the Sculpture Application
- Sculpture inspection by the City
- City approval of Part 3: Sculpture Inspection and Final Report by the City and, in some cases, the Art in Public Places Committee

If the items above have not been satisfied, developers have the option of depositing sculpture funds in trust with the City to release a Temporary Certificate of Occupancy. Please see below for details.

a. Issuance of Temporary Certificate of Occupancy and Depositing Sculpture Funds in Trust

In the event all APP requirements have not been satisfied prior to application for a Certificate of Occupancy, a developer may submit a written request to deposit their sculpture allocation in trust with the City for the completion of approved sculpture. Deposit of sculpture funds by a developer shall allow the release of a Temporary Certificate of Occupancy for the project. Please be aware that requests to deposit sculpture funds to be held in trust with the City may take up to 30 working days to process prior to release of the Temporary Certificate of Occupancy.

Requests to deposit sculpture funds shall include a timeframe for satisfaction of all sculpture requirements and documentation of payments made to date. Following the deposit of sculpture funds, the developer shall submit invoices/requests for payments to artists and related contractors to the City for disbursement from sculpture funds held in trust. Requests for disbursement require approval by the developer; therefore, artists and contractors may not submit invoices directly to the City. Disbursements from funds held in trust will take 10 to 14 working days from receipt of a written request. No interest will be paid on funds held in trust.

If this option is selected, all sculpture requirements must be satisfied within one year of the date of deposit. If all requirements have not been satisfied within one year, the City shall then control the decision-making regarding the funds in trust and completion of the public art project.

- 2. For Projects Contributing Sculpture Allocation Funds In Lieu of Installing Sculpture
 - Contribution of any outstanding amount (if applicable) of the confirmed sculpture allocation amount to Stanton's Art Fund

VII. WHAT EXPENSES ARE ALLOWED FROM THE SCULPTURE ALLOCATION?

Only expenses directly related to the design, fabrication, and installation of sculpture are permitted to be paid from the sculpture allocation. No credit will be given for the value of the sculpture should it be appraised at more than the amount paid by the owner. The appraised value of sculpture cannot be used in lieu of the contract amount paid to the artist for the commission or sale of a sculpture to meet the minimum required sculpture allocation.

A. <u>Allowable Expenses from the Sculpture Allocation</u>

- Artist fees
- Sculpture materials
- Fabrication of the sculpture
- Transportation of the sculpture
- Base, mounting, or pedestal for the sculpture
- Structural engineering for the sculpture
- Building permits for installation of the sculpture
- Identification plaque for the sculpture
- Lighting instruments specifically lighting the sculpture
- Installation of the sculpture
- Motors of subterranean equipment directly necessary for installation of the sculpture
- Water related costs for sculpture that includes artist designed water features (restrictions apply, see page 23) not to exceed 30 percent of the sculpture allocation

- Art consultant fees (if applicable) not to exceed a maximum of 20 percent of sculpture allocation (developers may negotiate an hourly rate for an art consultant's services)
- Any fees paid to public art experts (e.g. art conservators, a qualified appraisers, etc.) required by the City or Committee (if applicable)

B. Expenses Not Allowed from the Sculpture Allocation

- Expenses to locate the artist (e.g. airfare for artist interviews, etc.) Architect, landscape architect, or other design professional fees
- Sculpture site preparation (e.g. grading, demolition or removal of other items/structures, running electrical to sculpture site, etc.)
- Landscaping around a sculpture
- Items around the sculpture not conceptualized, designed, and fabricated by a qualified artist, including, but not limited to:
 - o Prefabricated water features
 - o Ornamental or decorative items in the area around the sculpture
 - Hardscape and seating
- Utility fees associated with activating electronic or water generated sculpture
- Lighting elements not integral to the illumination of the sculpture
- Publicity, public relations, photographs, educational materials, business letterhead or logos bearing the sculpture's image
- Dedication ceremonies, including sculpture unveiling or grand openings.

C. <u>Verification of Expenses</u>

Developers shall submit a final budget with Part 3 of the Sculpture Application. Sculpture expenses must meet or exceed the required minimum sculpture allocation. The City may request submittal of copies of financial records in a form acceptable to the City's Financial Services Director that document allowable sculpture expenses paid from the sculpture allocation.

VIII. WHAT ARE THE REQUIREMENTS FOR SELECTING AN ARTIST?

Developers select artists for their projects, which they may do independently or with the assistance of an art consultant. The City does not maintain a list of approved artists. Selected artists must meet the City's qualification requirements described below. Artists' past public sculpture commissions, including the contract amount paid to the artist, will be verified by the City as part of the artist approval process.

A. Artist Qualifications

An artist must be recognized by critics and peers as a professional practitioner of the visual arts. To assess the qualifications of an artist the Committee will consider the following:

- Artist's body of work
- Educational background
- Formal sculpture training
- Past and current large scale (5 feet or larger) outdoor public sculpture commissions
- Sales of work
- Exhibition records
- Publications

Artists must also have experience in the following areas:

- Successfully collaborating with design teams, architects, art consultants, developers, engineers, fabricators, and landscape architects
- Meeting schedules deadlines
- Negotiating and contracting their work responsible
- Conceptualizing, designing, fabricating, and installing large-scale outdoor sculpture similar in scope to the proposed sculpture
- The ability to demonstrate long-term outdoor durability of selected materials

Artists shall have the experience and expertise to create site specific sculpture after consideration of contextual issues related to the development project site, including:

- Architectural style
- Future use and users of the development project
- The community
- The proposed sculpture in terms of its placement within APP Collection

1. Verification of Artist's Past Public Sculpture Commissions

Artists must be able to verify the value of the proposed sculpture based on previous and current public sculpture commissions. A list of past comparable commissions or sculptures sold (e.g. similar in scope, materials, size, etc. to the proposed sculpture) shall be submitted with Part 1 of the Sculpture Application. The list of past commissions shall document amounts paid for similar sculptures by the artist that progressively increase toward or exceed the commission amount for the proposed sculpture.

Current contact information for past commissions is required for value verification. Incomplete or inaccurate information may cause delays in the approval process. The City may request additional records documenting past commission amounts paid, including but not limited to, sales contracts, invoices, and cancelled checks. Gallery' list prices or asking prices of works are not necessarily comparable. Therefore, gallery list prices and asking prices are not acceptable for value verification of the proposed sculpture.

If the value of the proposed sculpture cannot be verified based on the information submitted, the City may choose, at its sole discretion, to have the artist's proposal and/or other completed works appraised by a qualified art appraiser. This expenditure shall be counted toward the total sculpture allocation and shall be borne by the developer. The appraised value of sculpture cannot be used in lieu of the contract amount paid to the artist for the commission or sale of a sculpture to meet the minimum required sculpture allocation. Please see *What Expenses are Allowed from the Sculpture Allocation?* on page 13-14 for more information.

2. Contracts

Developers shall submit an unsigned copy of the contract with the artist with Part 1 of the Sculpture Application. Developers and artists may choose to modify their contracts following feedback received after review by the City. The final contract with the artist shall include the *Comprehensive Maintenance Plan* (pages 21-22). Following approval by the City, the developer shall submit a copy of the final signed contract with Part 2 of the Sculpture Application.

IX. WHAT ARE THE REQUIREMENTS FOR SELECTING AN ART CONSULTANT?

Developers have the option of hiring a qualified, experienced public art consultant to facilitate artist selection, manage the sculpture application process, manage sculpture installation, and ensure all APP requirements have been satisfied. Submittal of an art consultant's current résumé is required with Part 1 of the Sculpture Application. Only fees paid to qualified art consultants will be allowed. Developers may negotiate an hourly rate with art consultants. Art consultant fees are not to exceed 20 percent of the sculpture allocation.

Selected art consultants must meet the following qualification requirements:

- Recognition as a professional in the field of public art by peers and other design professionals
- Educational background and training in public art
- Paid experience consulting for public art projects similar in scope to the proposed sculpture

- Expertise about public artists, installation requirements, public art approval processes, and management of the sculpture installation process
- Experience responsibly negotiating their work, the work of artists, and artist's contractors

X. WHAT DO I NEED TO CONSIDER WHEN SELECTING A SCULPTURE SITE?

Every development site is different, so selecting a location for sculpture will vary based on the design, use, and other features of the project site. Developers shall determine the location for sculpture that is most appropriate for their project. There are, however, several requirements that must be satisfied when selecting the sculpture location.

A. Visibility

One of the goals of the program is to ensure sculptures are visually accessible to every member of the community. Therefore, visibility to the general public is a key criterion in approval of sculpture location. The location of the sculpture is to be indicated on the project's site plan.

Sculpture is to be:

- Located outdoors at the project site
- Easily visible to both motorists and pedestrians
- Not greater than 50 feet from a public street
- Sculpture may not be placed near: signage (temporary or permanent—see details below), sign walls, bus benches, utility boxes, electrical/telephone poles, mail boxes, or items (either on or off the property) that may impede the public's view or diminish the aesthetic value of the sculpture

Exceptions will be considered by the City for large open or enclosed high-traffic public areas, such as shopping malls, which may request to place their sculpture(s) in an interior public location. Submittal of a written request for an exception to the requirement is required. The request shall be submitted with Part 1 of the Sculpture Application and include a description of how an interior placement of a sculpture meets the spirit and intent of the program.

B. Signage

Lettering, symbols, and/or signage are not permitted upon the sculpture or its foundation except as intended by the artist. Permanent or temporary signage of any type is not permissible on or within proximity of the sculpture. This includes the foreground, background, or adjacent areas of the sculpture. Signage should not

distract or diminish the aesthetics of the sculpture when the public views the work from the most accessible vantage points (e.g. intersections, entryways). The Committee will review signage plans with Part 1 of the Sculpture Application and may ask the applicant to provide alternative locations should the signage interrupt the public's view.

Exceptions for signage within proximity of sculpture for certain development projects, such as in-fill and mixed use, will be considered by the City on a case by case basis. If such an exemption is needed for the project, please contact staff as early as possible in the development process to discuss the specifics of the project. Submittal of a written request for an exception to the requirement is required. The request shall be submitted with Part 1 of the Sculpture Application.

C. Landscaping

The sculpture and base shall be well integrated with the surrounding softscape and hardscape. The artist shall collaborate with the landscape architect to develop a landscape plan suitable for the area surrounding the sculpture, as well as areas approaching the sculpture to ensure a clear view of the sculpture. Long term maintenance (e.g. avoiding trees/shrubs that attract birds that leave guano, dripping sap, present/future height impacting view of sculpture, etc.) should be considered when selecting plant material. Native and drought resistant plants are encouraged. Please contact the City's Planning Division (page 5) for additional landscaping requirements.

The Committee will review all landscape and irrigation plans and ask the applicant to provide alternatives should the landscaping interrupt the public's view or negatively impact the long term maintenance of the sculpture. A landscape plan shall be included with Part 2 of the Sculpture Application.

D. Irrigation

All sprinklers and irrigation devices shall be directed away from the sculpture to prevent damage. An irrigation plan shall be included with Part 2 of the Sculpture Application.

E. Easements/Encroachments

The developer is responsible for ensuring the proposed sculpture site is available and appropriate for permanent installation of large scale sculpture. Any permission needed due to Orange County Transit Authority (OCTA), County, or City easements or encroachments must be arranged prior to submittal of the proposed sculpture site with Part 1 of the Sculpture Application.

XI. WHAT ARE THE REQUIREMENTS FOR SCULPTURE?

Sculptures are conceptualized and designed by qualified artists. The following requirements and related art application submittals were developed to help ensure proposed sculpture meets the goals of the program.

A. Artistic Expression and Innovation

Artists shall demonstrate how proposed sculpture will effectively engage the public, and invite a "second look." Works engaging to the public are often described as thought provoking, inspiring, entertaining, clever, whimsical, powerful, reflective or symbolic. Innovation and originality are encouraged and expected. The proposed sculpture should contribute to the diversity of the existing APP Collection. Information about Stanton's APP Collection and photos of sculptures in the Collection can be found on the City's website.

Sculptures shall be well integrated with the architecture or style of the development project. Future use and users of the project shall also be considered. Sculptures should be appropriate in scale, material, form, and content to the social and physical environments.

The Committee takes interest in the artist's creative thought process in relationship to the specific development project. Therefore, existing works are not encouraged. The following will be considered by the Committee:

- Expressive properties (mood, feeling, message, symbolism)
- Formal properties (balance, emphasis/dominance, repetition/rhythm, unity, form/shape, texture, color)
- Relation of the proposed sculpture to the artist's body of work
- Context (response to site, architectural style, use of project, community, APP Collection)
- Artist's collaboration (when applicable) with other design professionals, the art consultant(s), the developer(s), and any resulting impact on the conceptualization and design of the proposed sculpture

B. Scale and Content

Sculpture must be three-dimensional and monumental in scale (excluding base). Monumental is defined as 5 feet or larger in one dimension. Sculpture not traditionally classified as singular, discrete objects and "three-dimensional sculpture" (such as environmental artwork), are not acceptable. Below are examples of types of sculpture that would not be approved by the Committee. This list is not comprehensive, but is provided for illustrative purposes.

- **1.** Examples of Unacceptable Sculpture:
 - Decorative or ornamental pieces that are not conceptualized, designed, and fabricated by a qualified artists, such as: "off the shelf" decorative items, like garden sculpture; historical markers or bells; bell towers; obelisks; architectural ornamentation or enhancements; art as advertisements or commercial signage mixed with imager; and busts or statuary memorials are generally not encouraged and will be subject to additional review criteria (see page 39, Donations of Artwork to the City).
 - Mass produced reproductions or replicas of original works of art. Exceptions are signed sculptures by the original artist for reproduction (edition limit: five).
 - Functional equipment, which may be considered part of an amenities package such as benches, chairs, fountains (for water feature requirements, see page 23), etc. except as conceptualized, designed, and fabricated by a qualified artist

C. Materials

Sculptures are to be constructed of durable, long-lasting materials that are able to withstand permanent outdoor display and require <u>low</u> levels of maintenance.

1. Recommended Materials

- Bronze
- Stainless Steel
- High-Grade Aluminum
- Hard stone

2. Materials Not Recommended

- Cor-ten steel
- Wood
- Soft stone (e.g. alabaster)
- Resins/Composites
- Fiberglass
- Rebar will not be acceptable for internal support of sculpture.

If applicants opt to submit a proposal for a sculpture made from materials listed as "not recommended," the applicant must demonstrate the long-term durability and suitability for permanent outdoor display with a low level of maintenance. Other materials not listed may be considered if use in permanent outdoor sculpture can be documented and durability for permanent outdoor display can be demonstrated.

D. Permanence and Durability

Artists must be able to clearly demonstrate the quality, craftsmanship, and durability of their sculpture. Substantial consideration shall be given to:

- Permanence and weathering
- Structural and surface integrity and stability
- Resistance against theft and vandalism
- The probability of excessive maintenance and repair costs.

Rust proof materials must be used. Artists will be asked to provide a breakdown by percentage of metal alloys for bronzes. Thickness and grade/quality of steel works will be reviewed for rust proof durability. Artists shall ensure materials, armature, and connection points (including nuts, bolts, and other metal fixtures) that will be in contact with each other do not produce oxidation and rust. Additional documentation verifying the durability of materials may be requested as part of the approval process.

E. Maintenance

Artists should consider the cost and feasibility of long-term maintenance for their sculpture and are urged to use the lowest maintenance options available. Sculpture that includes materials that require frequent upkeep or replacement will not be approved.

1. Comprehensive Maintenance Plan

A Comprehensive Maintenance Plan shall be included in the Covenants, Conditions, and Restrictions (CC&R) or other legally binding covenant (see Recordation of Sculpture Ownership and Maintenance Obligation on page 22) for the project and submitted with Part 2 of the Sculpture Application. The artist's contract shall specify the timeframe during which the artist will perform maintenance or repairs (typically one year).

The Comprehensive Maintenance Plan shall include:

 Methods of cleaning, including the type of cleaning agent(s) and tools to be used (be specific); how to apply cleaning agents, wax, or other materials; number of coats and drying time; whether the work can be performed by a general maintenance service or must be performed by a professional art conservation service

- Frequency and cost estimates (current) for short term and long term maintenance, including labor, parts, and refinishing / repainting / repatinization, etc.
- Materials, finishes, sealants, manufacturers' parts cut sheets, brands and mixes of pigment, color samples, bolts and other materials.
- Lighting plan, lighting instrument cut sheets, wattage and type of bulb, timer cut sheets (if applicable)
- Fabricator, foundry, manufacturer, and subcontractor (as applicable) contact information, websites/email addresses, and addresses
- Sculpture designs/plans (if applicable)
- Availability and sources for molds, replacement parts, motors, etc. (if applicable) and current costs
- Instructions for removal, crating, and transportation, if necessary, for short term or long term maintenance (note: removal must be approved by the City)
- Description of vandal and theft resistance measures

Sculpture shall be cleaned on the property where the sculpture is permanently installed unless otherwise agreed upon by the City. The City prohibits removing sculpture from the site for any reason without explicit authorization (see *Temporary Removal of Sculpture*, page 35, and *Relocation or Permanent Removal of Sculpture*, pages 35-37).

Artists are urged to consider the environmental impact of the fabrication of their sculpture and the materials used and seek options with the least impact available.

F. Recordation of Sculpture Ownership and Maintenance Obligation

Developers are required to file a covenant, CC&R, or other form reasonably approved by the City Attorney (as applicable to the project) binding on successors to title to the subject property. The document shall include:

- Sculpture Ownership Responsibilities (pages 33-38)
- The Comprehensive Maintenance Plan (pages 21-22)
- The source of funding for ongoing maintenance or replacement of the sculpture.

A draft of the document shall be submitted with Part 2 of the Sculpture Application. A copy of the recorded covenant or CC&R shall be submitted with Part 3 of the Sculpture Application.

G. Public Liability and Safety

Sculpture will be displayed along major public streets. Sculpture must not disrupt traffic or create unsafe conditions or distractions to motorists and pedestrians that may expose the City or property owner to liability. Consideration should be given to sharp or protruding edges that may pose a danger to pedestrians. Attention should also be given to durability and ability to withstand weight, as property owners are held responsible for repairs resulting from persons climbing, sitting, or otherwise damaging the sculpture.

H. Artist Warranties of Title and Originality

The artist shall sign the Artist Warranties of Title and Originality (page 47) attesting to authorship of the sculpture, which shall be submitted with Part 3 of the Sculpture Application.

I. Multiple Editions

Sculpture that is not unique must be an edition of five or fewer. If the proposed sculpture is one of multiple editions, the applicant shall include the edition number of the piece and provide the location of all other editions. To maintain the value of the proposed work, similar editions may not be publicly displayed within a 50 mile radius of the Stanton project site without approval of the Art in Public Places Committee.

J. Water Features and Fountains

Water feature sculpture or sculpture requiring water, must be conceptualized and designed by an approved, qualified artist in order to be considered. The sculpture must stand on its own should the water cease to function properly. There must be a demonstrated collaboration between the artist and the water feature design company.

Water related costs, such as pump and pool construction, will be evaluated by the Committee for consideration as part of the overall sculpture allocation. Developers are welcome to exceed the minimum required sculpture allocation to construct a water feature. However, water features will not be accepted in lieu of the Art in Public Places sculpture requirement. No more than 30 percent of the total sculpture allocation may be utilized for artist designed water-related costs.

K. Kinetic Sculpture

Artists must demonstrate that kinetic sculpture will move as intended. Artists shall clearly define the type, degree, and frequency of movement, as well as what to expect under a variety of conditions (e.g. the amount of wind needed for a wind

sculpture, what to expect under average wind conditions in Stanton, etc.). Should the sculpture cease to move, the artist must demonstrate that the sculpture will stand on its own. Input from related experts may be requested by the City and/or Committee to confirm the artist's design and selected materials will move as the artist intends.

L. Lighting and Electrical

Artists are to provide a lighting plan indicating the location of lighting instruments, the type of instrument (manufacturer cut sheets), and wattage and type of bulb with Part 2 of the Sculpture Application.

Sculpture shall be lit from dusk to dawn. Lighting and electronic elements not integral to the sculpture will not be included as part of the sculpture allocation. Review of lighting instruments and other electrical components may be required as part of the building permit process for installation of the sculpture.

Artists are urged to select energy efficient lighting instruments, bulbs, and timers.

M. Sculpture Base, Structural Engineering, and Building Permits

Sculpture is to be permanently secured to the base. A licensed professional engineer must approve and certify the installation plans as structurally sound, safe, and durable. Installation plans approved by a licensed professional engineer shall be submitted with Part 2 of the Sculpture Application. The base shall house only the sculpture, identification plaque, and lighting instruments for the sculpture. A building permit is required for the installation of all sculptures and related lighting components.

N. Identification Plaque

Sculpture shall be identified by a cast bronze plaque approximately 8 inches x 8 inches. The artist shall designate the plaque location, which shall be permanently installed, using theft-resistant techniques, in a ground location near the sculpture or on the base and list only the following:

- Sculpture title
- Artist's name
- Installation date

The Committee must approve any additional plaques that may be requested.

O. Public Art Expert and Community Input

For some proposed sculpture, input by third party experts (e.g. engineers, art conservators, etc.) may be requested by the City or the Committee. The Committee may also request input from the community at large. The expense for these services is to be borne by the developer and is an allowable expense from the sculpture allocation.

P. Unveiling Plans

The developer shall contact the City of Stanton's Community Development Department regarding any unveiling or dedication ceremonies for the sculpture. An unveiling or dedication is optional. In the event the developer chooses to conduct an unveiling or dedication, City staff shall, upon request, provide the developer with an invitation list of City Council Members, Commissioners, Art in Public Places Committee members, and other appropriate guests. City staff shall work with the developer to promote press opportunities and public interest in the sculpture.

XII. WHAT ARE THE STEPS FOR THE SCULPTURE APPLICATION AND APPROVAL PROCESS?

Below are descriptions of submittals and approvals required for each step of the sculpture approval process. For the required submittals for developers of projects with a total project valuation of between \$300,000 and \$3,999,999 who opt to contribute sculpture allocation funds in lieu of installing sculpture at the project site, see *What are the Steps to Contribute Sculpture Funds in Lieu of Sculpture*? on pages 31-32.

A. Meeting with APP Staff

Developers shall contact Art in Public Places staff as early as possible in the development process to schedule a meeting to discuss Art in Public Places requirements, the Sculpture Application process, the Committee approval process, and their development project. This meeting is required prior to submittal of Part 1 of the Sculpture Application and prior to issuance of building permits.

B. Submittal of Sculpture Application Materials

The Sculpture Application process includes submittal of a three part application. Developers are encouraged to meet with staff to review application materials prior to formal submittal to ensure all requirements have been met. City staff reviews all materials submitted and advises the developer of any incomplete items. Review and approval of each part of the Sculpture Application will take up to 30 working days. If any items are found incomplete, the review period will not begin until all outstanding items are received.

1. Sculpture Application Part 1: Project Overview and Artist Qualifications

Part 1 of the Application requires administrative review and approval by the City upon receipt of all required materials. Committee review and approval may be necessary for some development projects, such as phased and master planned projects or for projects with special circumstances (e.g. *Requests for Exceptions to Sculpture Requirements*, page 30). Approval is required prior to issuance of building permits for the project, unless otherwise agreed to by the City.

Submittal of two hardcopies of application materials is required. In the event Committee review and approval are required, six hardcopies of the application materials will be required. The Committee review meeting will be scheduled within 30 working days of receipt of a complete application packet. For ease of use, please include a table of contents, page numbers, and titles for each section of the application materials.

a. <u>Required Submittals for Part 1 of the Sculpture Application</u>

- 1. Art in Public Places Application Coversheet (appendix C, page 45)
- 2. Developer signed copy of Developer Acknowledgement of APP Requirement (Appendix B, page 44)
- 3. Description of the development project, including architectural style, use, location, architectural renderings, location indicated on a map (e.g. Google maps)
- 4. Site plan (to scale) indicating the proposed location of the sculpture
- 5. Photographs of proposed sculpture site taken from different perspectives (e.g. approaching site from major streets, ingress/egress of proposed sculpture site)
- 6. Signage plan for area around proposed sculpture site
- 7. Breakdown of square footage by type of construction and occupancy and developer's estimate of the sculpture allocation
- 8. Artist's current résumé
- 9. Completed Artist's History of Public Sculpture Commissions (page 46) (if contact information is incomplete or erroneous, the application will be returned as incomplete)
- 10. Photos, descriptions, and locations of past works (corresponding to

Completed Artist's History of Public Sculpture Commissions; additional works of similar scope and materials may also be included)

- 11. Other collateral (reviews, critiques, articles) of artist's past works
- 12. Unsigned copy of the contract with the artist
- 13. Art consultant's current résumé (if applicable)

2. Sculpture Application Part 2: Sculpture Plan

Developers must submit all required items for Part 2 of the Sculpture Application and schedule the Committee review meeting within six months of issuance of building permits. Noncompliance will result in the issuance of a stop work notice and the project will be subject to administrative penalties and civil remedies per Stanton Municipal Code, unless otherwise agreed to by the City.

Developers are encouraged to meet with staff to review application materials prior to submittal. Submittal of six hard copies of the application materials is required. For ease of use, please include a table of contents, page numbers, and titles for each section of the application materials. Approval of Part 2 of the Sculpture Application is required prior to issuance of the building permit for the sculpture.

a. Required Submittals for Part 2 of the Sculpture Application

- 1. A copy of the Part 1: Project Overview & Artist Qualifications (above), as approved
- 2. Artist Warranties of Title and Originality (page 47), signed by the artist
- 3. Artist's rendering of proposed sculpture
- 4. Maquette of proposed sculpture (if available-may be brought to presentation)
- 5. Rendering of proposed sculpture in situ clearly showing the sculpture in relation to the site/building, as the public at ground level would see it (additional perspectives approaching from major streets, ingresses/egresses are also helpful)
- 6. Distance between sculpture and public street
- 7. Physical description of the proposed sculpture, including dimensions, materials, finishes, and percentage breakdown of metal alloys
- 8. Samples of materials and finishes
- 9. Edition number and locations of other sculptures in the series (if applicable)
- 10. Artist statements addressing:
 - a. Concept/vision of the sculpture

- b. How the proposed sculpture fits within the body of the artist's work
- c. The context of the proposed sculpture relative to the development project site, including architectural style, future use and users of the development project; the community; and the overall APP Collection
- 11. Landscape plan and irrigation plan (including placement, direction, and type of sprinklers)
- 12. Lighting plan indicating the placement and direction of lighting
- 13. Lighting instrument cut sheets and type and wattage of bulbs
- 14. Sculpture installation plan, including armature description/materials; base description, design, materials, finishes, dimensions; and description of connection points and materials to be used for all connectors (e.g. bolts)
- 15. Licensed professional engineer's approval of installation plans
- **16. Projected Sculpture Allocation Budget**
- 17. Signed copy of artist's contract
- 18. Comprehensive Maintenance Plan (pages 21-22)
- 19. Draft of the CC&R or other covenant (whichever is applicable) to be filed with the county describing sculpture ownership responsibilities and the maintenance funding source (see *Recordation of Sculpture Ownership and Maintenance Obligation* on page 22)
- 20. Target date for installation
- 21. Unveiling or dedication plans (if applicable)

3. Part 3: Sculpture Inspection and Final Report

Administrative review and approval by the City of Part 3 of the Application is required prior to issuance of Certificates of Occupancy for projects subject to the APP requirement, unless otherwise agreed to by the City. Submittal of two hard copies of the application materials is required. Documentation of allowable sculpture allocation expenses may be requested by the City as part of the verification of expenses process (see *Verification of Expenses*, page 14). For some development projects, Committee review and approval may necessary. In those cases, submittal of six hard copies of the application materials is required.

If the sculpture has not been installed and Part 3 of the Sculpture Application has not been submitted and approved prior to the need for the project's Certificate of Occupancy, the developer has the option of depositing their sculpture allocation in trust with the City in order to obtain a temporary Certificate of Occupancy pending satisfaction of all APP requirements (for *Issuance of Temporary Certificate of Occupancy and Depositing Sculpture Funds in Trust*, page 12-13). It may take up to 30 working days for approval of the request to deposit sculpture funds in trust to obtain a temporary Certificate of Occupancy.

a. <u>Required Submittals for Part 3 of the Sculpture Application</u>

1. Request for Sculpture Inspection

2. Finalized Sculpture Allocation Budget

3. Final executed copy of the CC&R or covenant (whichever is applicable) as recorded with County Recorder describing the sculpture ownership obligation, maintenance funding source, and approved Comprehensive Maintenance Plan

C. Art in Public Places Committee Review

The Art in Public Places Committee is the formal body responsible for reviewing and approving proposed sculpture and ensuring Art in Public Places proposals meet program requirements. The Committee Sculpture Application review check-list can be found on pages 52-54. Please see pages 39-40 for a full description of the Committee and its responsibilities.

Developers, along with their art consultants (if applicable) and artists, shall present application materials and be prepared to answer questions at the Committee Sculpture Application review meeting. It is important for the developer to be present at the meeting to receive the Committee's comments and suggestions should the application not be approved in full. The Committee retains the right to ask the developer, artist and/or art consultant to provide further information or demonstrate how the Sculpture Application meets the review criteria prior to giving their final decision. It may be necessary to reconvene the meeting at a later date to review a revised application.

1. Scheduling the Committee Review

Following submittal of required application materials (see *What Are the Steps for the Sculpture Application and Approval Process?* pages 25-31), staff will notify the developer of the date, time, and location of the Art in Public Places Committee review meeting. Committee review and approval is required for Part 2 of the Sculpture Application and may be required for Parts 1 and 3 of the Sculpture Application in some circumstances, such as requests for exceptions to any APP requirements. Developers will be advised by staff of whether Parts 1 and 3 will require review and approval by the Committee. The Committee shall meet within 30 working days of the date all application materials are submitted in their complete form.

2. Requests for Exceptions to Sculpture Requirements

Exceptions to Art in Public Places Program requirements are rarely granted and when given, are granted for only highly compelling reasons. Developers wishing to request an exception to an APP requirement are advised to discuss this with staff as early in the project planning process as possible, as delays in the sculpture approval process may affect a project's construction timeframe (see *How Do Sculpture Approvals Factor into My Construction Schedule?* on pages 10-13). All such requests must be made in writing, must include documentation describing the reason for the request, and must address how the proposal still meets the spirit and intent of the Art in Public Places Program. Requests for exceptions to APP requirements shall be reviewed and approved by the City and/or Art in Public Places Committee, which can take up to 30 working days.

D. Notification and Follow-Up

The developer shall be notified in writing of the Committee's decision within 14 working days of the review meeting. If the sculpture is approved, any outstanding items must be submitted prior to installation of the sculpture. If the Sculpture Application is not approved, the reason(s) for denial will be noted, including possible modifications or additions that could lead to approval. Should the developer and/or artist modify their Sculpture Application, it may be resubmitted to the Committee for reconsideration, and the Committee will reconvene to review modified Sculpture Application materials within 30 working days of submittal. Staff will notify the developer of the date, time, and location of the Committee review meeting.

1. If the Sculpture Application Is Not Approved

If one part or all of the Sculpture Application is not approved, developers have the following options:

- Accept the Committee's recommendations and make the requested modifications.
- Select a different artist to create a new design and begin the sculpture application process again.
- Appeal the Committee's decision to the City Council (See Appeal Process below).

2. The Appeal Process

The developer must file a written appeal with the City Council within 14 working days of notification of the Art in Public Places Committee's decision. The City does not grant an unlimited number of appeals. All items being appealed should be addressed in the written appeal. Upon filing an appeal, the Director of Community

Services shall set the hearing date and time and notify the applicant. The Council will receive the original application, written reports, and the appeal request. The Council may affirm, reverse, or modify in whole or in part any Committee decision or requirement. Stanton City Council shall only review appeals which are denied by the Committee. Stanton City Council's decision shall be final and conclusive.

XIII. WHAT ARE THE STEPS FOR CONTRIBUTING SCULPTURE FUNDS IN LIEU OF INSTALLING SCULPTURE?

The option to contribute to Stanton's Art Fund in lieu of installing sculpture at the project site is available to projects with a total project building valuation of between \$300,000 and \$3,999,999. Funds contributed to Stanton's Art Fund will be used for future public art projects on public lands. This option is voluntary and no interest will be paid on sculpture allocation funds contributed that are returned to developers for any reason. Following contribution of the total sculpture allocation amount, the APP requirement will be deemed satisfied by the City unless additional plans increasing the square footage of the project are submitted within one year of issuance of the Certificate of Occupancy (see *Which Development Projects are Subject to the Sculpture Requirement* on pages 6-8).

For developers of eligible development projects who wish to exercise this option, steps and relevant deadlines are described below.

A. Step 1: Notification to Contribute Sculpture Allocation Funds

For eligible development projects who wish to contribute sculpture allocation funds in lieu of installing sculpture, the following items must be submitted prior to issuance of building permits, unless otherwise agreed to by the City:

- 1. Developer Acknowledgment of APP Requirement (page 44)
- 2. Notification to Contribute Sculpture Funds in Lieu of On-Site Sculpture Installation

Eligible developers must submit a written notification, signed and dated by the developer(s) of the project, signifying their wish to contribute the full amount of the required sculpture allocation for the project in lieu of installing sculpture at the project site. The notification must include a statement acknowledging that the sculpture allocation amount contributed to meet the Art in Public Places requirement for the project is subject to change should any additional plans be submitted to the City within one year of issuance of the Certificate of Occupancy that result in additional square footage for the previously approved project. The notification must also include a statement acknowledging that no interest will be paid on sculpture allocation funds returned for any reason.

B. Step 2: Confirmation of Sculpture Allocation Amount

Prior to contributing the total sculpture allocation amount for a project to Stanton's Art Fund, developers must confirm the total project building valuation. Requests for confirmation of the total project building valuation may be submitted following issuance of building permits for all structures of a project (see *Confirmation of the Sculpture Allocation* on page 9). Submittal of following items is required:

- 1. Site plan for the project
- 2. Breakdown of square footage by type of construction and occupancy for the project
- 3. Request to confirm the total project building valuation

C. <u>Step 3: Contribution of Sculpture Funds</u>

The items below must be submitted within six months of issuance of building permits, unless otherwise agreed to by the City. Noncompliance will result in the issuance of a stop work notice and the project will be subject to administrative penalties and civil remedies per the Stanton Municipal Code.

1. Contribution in an amount equivalent to the total sculpture allocation for the project

D. <u>Step 4: Contribution of Outstanding Sculpture Allocation Funds (if</u> <u>applicable</u>)

If, for any reason, the total sculpture allocation amount has not been contributed to Stanton's Art Fund within six months of issuance of building permits, any outstanding amount must be contributed prior to issuance of the Certificate of Occupancy.

XIV. WHO IS RESPONSIBLE FOR SCULPTURE MAINTENANCE?

Sculpture is installed by developers and is to remain on the property in perpetuity. Property owners and their successors in interest are legally responsible for maintaining their sculpture in the condition intended by the artist as approved by the City and are responsible for replacing the sculpture should it be damaged beyond repair, destroyed, or stolen.

The Art in Public Places Committee or its designee shall inspect each sculpture for damage or maintenance concerns. Property owners will be informed of the results of inspections, including needed maintenance or repair. Property owners will be subject to Code Enforcement action for failure to comply with the maintenance requirements of this program.

A. Sculpture Ownership Responsibilities

Property owners shall complete needed maintenance, restoration, repairs, etc. within 30 days of notification by the City, unless otherwise agreed to by the City. Property owners shall notify the City when needed maintenance has been completed. Staff will inspect the sculpture to ensure all APP maintenance requirements have been satisfied. Maintenance not completed within this timeframe is subject to Code Enforcement action and may delay future issuance of building permits or Certificates of Occupancy, unless otherwise agreed to by the City.

1. Ongoing Maintenance

Sculpture shall be maintained according to the artist's instructions provided in the Comprehensive Maintenance Plan, including, but not limited to recommended frequencies for:

- Cleaning
- Waxing
- Repainting (if applicable)
- Replacement of parts

The following conditions must be maintained at all times:

- Sculpture and base are clean and damage free
- Landscape, hardscape, signage (permanent or temporary), etc. do not interfere with or detract from the view of the sculpture
- Sprinkler spray is directed away from sculpture
- Water, electronic, and kinetic sculptures are in good working order Sculpture is lit according to the approved lighting plan during evening and nighttime hours
- Lighting fixtures used to illuminate sculpture are in good working condition and meet all current safety standards
- Sculpture identification plaques remain in the location designated by the artist or are replaced according to City requirements if damaged or stolen Sculpture shall be cleaned on the property where the sculpture is permanently installed, unless agreed upon by the City. The City prohibits removing sculpture from the site for any reason without explicit, written authorization.

a. Funding of Maintenance

Developers and/or property owners are required to establish and maintain a source of funding to maintain the sculpture on a routine and permanent basis. The sculpture maintenance funding source is to be described in the Covenants, Conditions, and Restrictions (CC&R) or covenant filed with the County (see *Recordation of Sculpture Ownership and Maintenance Obligation*, page 22).

b. Sculpture Insurance

Public sculpture must remain permanently installed at the site as a condition of project approval, as stated in the CC&R, or in a recordable agreement, binding on successors to title to the subject property. In the event a sculpture is damaged, destroyed, or stolen, the property owner is legally responsible for repairing or replacing the sculpture (see *Replacement of Sculpture* page 37). The City urges sculpture owners to insure their sculpture for the replacement value, not for the purchase price, as sculpture often increases in value over time.

2. Repairing or Restoring Damaged Sculpture

The property owner is responsible for repairing sculpture in the event of damage and/or vandalism. Damaged sculpture shall be repaired as closely as possible to the original approved sculpture. If repair or restoration is needed, the original artist must be given first refusal on repairs for a reasonable fee. If the original artist is not available or is unwilling to perform the required repairs for a reasonable fee, the owner shall make arrangements for repairs with a reputable art conservator or other qualified professional. Property owners are encouraged to obtain several bids from qualified professionals.

The owner shall submit, in writing, the plan to repair or restore a sculpture, which shall include a description of repairs, timeframe for repairs, and a target date for completion. Property owners shall notify the City once repairs and/or restoration are complete. Sculpture will be inspected by staff to ensure all APP requirements have been satisfied. If temporary removal of a sculpture is necessary to complete repairs or restoration, please see *Temporary Removal of Sculpture*, page 35, for additional requirements.

Repairs shall be completed within 60 days unless otherwise agreed to by the City. Repairs not completed within this timeframe shall be subject to Code Enforcement action and may delay issuance of future building permits, Certificates of Occupancy, or other City related approvals.

3. Modification of Sculpture

Alteration of a sculpture affects the artist's rights and has serious legal consequences for property owners (see *Appendix A, Visual Arts Laws for Artists and Sculpture Owners*, pages 41-43). Sculpture owners wishing to modify or alter a sculpture may not do so without legal written consent from the original artist describing specific changes to which the artist has agreed, who will perform the modification, and any related changes to the maintenance plan.

Any changes agreed to by the artist must be submitted for consideration and approval by the Art in Public Places Committee. Requests for modification of sculpture must be made in writing and include an explanation for the changes, the artist's consent, and a timeframe for completion. If a sculpture owner is unable to locate the artist or the artist's estate (if the artist is deceased), owners should submit an explanation of steps taken to locate the artist and/or the artist's estate, and submit this with the request for modification of the sculpture.

The City may request submittal of additional items depending upon the nature of the modification. Alteration of sculpture is only approved for the most compelling reasons. Requests for the modification of sculpture may take up to 30 working days for review and approval by the Committee.

Property owners shall notify the City once approved modifications are complete. Sculpture will be inspected by staff to ensure all APP requirements have been satisfied. Approved sculpture modifications must be complete within 60 days of approval unless otherwise agreed to by the City. Approved modifications not completed within this timeframe shall be subject to Code Enforcement action and may delay issuance of future building permits, Certificates of Occupancy, or other City related approvals.

4. Temporary Removal of Sculpture

The temporary removal of a sculpture requires City approval and is only granted for compelling reasons, such as sculpture restoration or risk of damage to a sculpture due to construction on the property. Requests for temporary removal of sculpture must be made in writing and submitted for review and approval by the City, which may take up to 30 working days. The request shall include the following:

- An explanation for the request
- Plan for restoration/repairs (see *Repairing or Restoring Damaged Sculpture*, page 34)
- A timeframe for reinstallation, including date of removal and date for reinstallation
- A plan for safe removal and secure storage of the sculpture

If approved, sculpture must be reinstalled by the date indicated for reinstallation in the request. Sculpture owners shall notify the City when the sculpture has been reinstalled. Sculpture will then be inspected by the City to ensure all APP requirements have been met. Sculpture owners who do not reinstall their sculpture within the approved time frame will be subject to Code Enforcement action and may also delay issuance of future building permits, Certificates of Occupancy, or other City related approvals, unless otherwise agreed to by the City.

5. Relocation or Permanent Removal of Sculpture

The indefinite removal of a sculpture from permanent display affects the artist's rights and has serious legal consequences for the property owner (see Appendix A,

Visual Arts Rights Laws for Artists and Sculpture Owners, pages 41-43). Sculpture owners wishing to relocate or permanently remove a sculpture may not do so without legal written consent from the original artist and approval by the City. The City will not authorize permanent removal of public sculpture except under the most extenuating circumstances.

Requests must be made in writing, include the artist's written consent, and a plan with a timeframe for relocation or replacement (see Replacement of Sculpture, page 37). If a sculpture owner is unable to locate the artist or the artist's estate (if the artist is deceased), owners should submit an explanation of steps taken to locate the artist and/or the artist's estate, and submit this with the request for relocation or removal of the sculpture.

Requests for relocation or removal of sculpture must be submitted to the Art in Public Places Committee for their consideration and approval, which may take up to 30 working days. Incomplete submittals may delay the approval process.

Below is a list of items to be submitted for Committee consideration of plans for relocation or permanent removal of sculpture. As circumstances vary, the City may request submittal of additional items.

- An explanation for the request
- The artist's written consent, including the artist's approval for permanent removal or relocation to a new site and any related modifications to the sculpture or sculpture site as originally approved by the City, such as a new base, new lighting plan, landscaping, etc.
- If unable to locate the artist or the artist's estate (if deceased), an explanation of the steps taken to locate the artist and/or estate
- Plans for how the sculpture will be removed without damage and plans for secure storage of the sculpture
- Current maintenance costs, source of ongoing funding, and future maintenance costs and funding source (if applicable)
- Draft of amended CC&R or covenant to be filed with the County reflecting sculpture ownership and maintenance (see Recordation of Sculpture Ownership and Maintenance Obligation, pages 22) should the relocation of the sculpture result in a change in sculpture ownership and ongoing maintenance funding (if approved, final executed copy must be submitted to the City prior to reinstallation)
- Plan and time line for reinstallation
- Budget for reinstallation and unsigned copies of any relevant contracts (signed copies must be submitted to the City if approved)
- Any Sculpture Application items relevant to reinstallation of the sculpture in the new location (e.g. site plan, installation plans approved by a

licensed professional engineer, lighting plans, landscape/irrigation plans, etc.)

If approved, relocated sculpture must be reinstalled by the date for reinstallation indicated in the request or shall be subject to Code Enforcement action. Sculpture owners shall notify the City when the sculpture has been reinstalled. Sculpture will be inspected to ensure all APP requirements have been satisfied. Sculpture owners who do not reinstall their sculpture within the approved time frame will be subject to Code Enforcement action and may delay issuance of future building permits, Certificates of Occupancy, or other City related approvals, unless otherwise agreed to by the City. If approval is given for permanent removal of sculpture, a new sculpture that meets all current APP requirements must be installed as a replacement (see Replacement of Sculpture below).

6. Replacement of Sculpture

In the event the sculpture is destroyed, damaged beyond repair, stolen, or otherwise removed from the site, the property owner shall notify the City in writing as soon after the event as possible. Property owners shall replace the sculpture with a sculpture that complies with all Art in Public Places requirements in effect at the time of replacement. The property owner shall submit Sculpture Application materials (see *What Are the Steps for the Sculpture Application and Approval Process?* on pages 25-31 for more information), along with documentation that the artist or, if deceased, his or her estate, has been notified about the destruction/theft of his or her sculpture, for review and approval by the Art in Public Places Committee. Review and approval may take up to 30 working days. Incomplete application packets will delay the approval process.

The multi-step Sculpture Application, approval, and replacement process shall be completed within one year of sculpture removal/theft unless otherwise agreed to by the City. Property owners who do not replace approved sculpture within the 12 month timeframe will be subject to Code Enforcement action and may delay future issuance of Building Permits, Certificates of Occupancy, or other City approvals for the property.

The minimum required allocation for the replacement sculpture can be calculated in two ways: the fair market appraisal value of the sculpture when it was in good condition prior to damage or destruction as determined by a qualified fine art appraiser or the sculpture allocation calculated when the sculpture was commissioned adjusted for inflation, as calculated by Stanton's Finance Director. Art insurance is highly recommended for sculpture.

XV. MODIFICATIONS OF PROPERTIES WITH EXISTING APP SCULPTURE

A. Construction on Properties with Existing Sculpture

Because of the variety of types of construction and possible ways it may impact existing sculpture, the City urges property owners with existing sculpture on their properties to meet with staff early in the planning process. Art in Public Places staff is available to discuss sculpture requirements as they relate to your proposed project. Even smaller construction projects such as the addition of permanent signage within proximity of a sculpture may require City and/or APP Committee review and approval to ensure changes to the property meet APP requirements.

Property owners should review requirements described in this manual prior to initiating construction on their property. Depending on the nature of the changes to your property and potential impact on the sculpture, approvals by the City may be required prior to issuance of building permits or Certificates of Occupancy.

For development of properties with existing APP sculpture in which existing sculpture will be demolished and new construction adds square footage, see *Development of Properties with Existing APP Sculpture*, page 9.

B. Subdivisions of Properties with an Existing Sculpture

Property owners who wish to subdivide a parcel in which an existing Art in Public Places sculpture is located must submit a plan for the sculpture ownership and maintenance to the City for review and approval prior to subdivision. The City may request additional items depending on the nature of the proposed subdivision and possible impact on the sculpture. Some requests may require review and approval by the Art in Public Places Committee. Review and approval may take up to 30 working days.

The subdivision plan shall include the following:

- The location of the sculpture, current ownership contact information, and current sculpture maintenance funding source
- A map showing the current parcel and a map showing the proposed subdivision Documentation that the current sculpture owners and new proposed owners (if applicable) have approved any changes in sculpture ownership that may result from the subdivision and any changes in the sculpture maintenance funding source
- A draft of new covenant or CC&R (whichever is applicable) reflecting sculpture ownership, maintenance obligation, and funding source (see *Recordation of Sculpture Ownership and Maintenance Obligation*, page 22)

 Following approval, the property owner shall submit a copy of the recorded covenant or CC&R reflecting the addition of requirements for sculpture ownership and the artist's maintenance instructions

XVI. DONATIONS OF ARTWORK TO THE CITY

Individuals, businesses, and/or groups wishing to donate artwork of any style, size, or medium, with an estimated value over \$5,000 shall provide a written request setting forth their offer to the Art in Public Places Committee. The Committee shall use established review criteria to evaluate the proposed work of art, artist, and proposed location. Other considerations may include costs to the City (e.g. transportation, installation, insurance, routine maintenance, and long-term conservation) and the impact of the donation on existing art programs (e.g. number of existing donations by the same artist).

In addition to the established review criteria, donations of memorials shall be reviewed based on the following:

- Does the memorial represent broad community values?
- Does the significance of the person(s) or event being memorialized have a timeless quality and make a statement to future generations?
- Is there some specific geographic justification for the memorial being placed at the proposed location?

If the donation is an outdoor sculpture or is a proposal to create an outdoor sculpture for display on public property (e.g. Stanton Civic & Cultural Center, Stanton Community Center, City parks), the proposal shall be referred to the Art in Public Places Committee. Proposals which are denied by the Art in Public Places Committee may be appealed to City Council. Formal gifts presented to the City Council by government contacts and sister cities shall only be reviewed according to this procedure at the sole discretion of City Council.

XVII. STANTON'S ART IN PUBLIC PLACES COMMITTEE

A. <u>Responsibilities</u>

The Art in Public Places Committee is the formal body responsible for reviewing all Sculpture Applications in order to ensure compliance with the Art in Public Places program criteria, as established by City Ordinance. Responsibilities include attending all public sculpture review meetings, exercising judgment that is fair and consistent with policy guidelines, advising City Council on all public art related issues, and upholding the reputation and integrity of the Art in Public Places Program and the City of Stanton. The Committee meets on an as needed basis. The Committee consists of:

- Two Council Members of the Stanton City Council appointed by the Mayor
- City Manager
- Community & Economic Development Director

B. Length of Term

Each member is appointed for a term of two years, commencing with appointment at the first Council meeting of the calendar year. Upon term expiration, the Mayor will appoint members to the Art in Public Places Committee. There are no limits to the number of terms, or number of consecutive terms, a member may serve on the Art in Public Places Committee.

Appendix A: Visual Arts Laws for Artists and Sculpture Owners

Several federal and state laws protect the rights of visual artists and art owners. The following is only a partial listing. For more details, the City recommends that the artist and/or owner consult a lawyer specializing in visual art and copyright laws. NOTE: The laws and codes cited in this Appendix are subject to change without prior notice.

I. 1980 California Art Preservation Act

California Civil Code Section 987 et seq. applies to artwork sold or created after 1980. The Civil Code states that no person except the artist can deface, mutilate, alter or destroy a piece of art. "...The physical alteration, or destruction of fine art, which is an expression of the artist's personality, is detrimental to the artist's reputation and therefore have an interest in protecting their works of fine art against any alteration or destruction."

II. Visual Artists Rights Act of 1990

The Visual Artists Rights Act of 1990 (VARA) 17 USC Sections 101, 106A, 107, 113, 301, 411, 412, 501, 506, amends copyright law providing new rights for visual artists for artworks sold or created after June 1, 1991. The rights contained in the law extend for the life of the artist. The legislation creates a uniform, national standard for protecting visual artists' rights. It provides a mechanism for the visual artist to claim authorship of a work he or she created, as well as to prevent the use of his or her name on a work he or she did not create. The bill makes clear that this right includes the right to publish a work anonymously or under a pseudonym. The artist also has a right to demand that his or her name be removed from a work in the event of a distortion, mutilation, or other modification of the work to which the artist has not consented, and is prejudicial to his or her honor or reputation. In addition, the Act provides for a legal course of action to allow an artist under specified circumstances to prevent the destruction, distortion, mutilation, or modification of a work of visual art. In any such action, the artist has the burden of establishing that the alteration of the work is harmful to his or her professional honor or reputation.

A. Works Covered

The Visual Artists Rights Act of 1990 is limited only to "work of visual art," defined as a painting, drawing, print, or sculpture existing in a single copy or in a limited edition of 200 copies or less. The copies of a limited edition must be signed and consecutively numbered by the artist. In the case of multiple casts, carved or fabricated sculpture, the work must be a limited edition of 200 or less, be consecutively numbered by the artist, and bear the signature or "other identifying mark" of the artist.

The destruction of a work of recognized stature by an intentional act or an act of gross negligence is a violation of the artist's right and would subject the person destroying the work to suit for damages by the artist.

This law states several exceptions to the artist's rights. First, a modification of a work that is a result of the passage of time or the inherent nature of the materials is not actionable. Second, the modification of a work that is the result of conservation or the public presentation of the work including lighting and placement is not actionable unless the modification of the work is caused by gross negligence.

If a work was created prior to the effective date, the rights under the statute apply if title to the work has not been transferred prior to the effective date.

B. Transfer and Waiver

Only the artist has the rights created by VARA 1990. No rights may be transferred under this Act. Rights may be waived if the artist agrees to waive his/her rights in writing. In the case of a joint work, a waiver made by one artist waives the rights for all artists of the joint work. The transfer of ownership of a copy of a work of visual art does not constitute a waiver of rights.

C. State Law Preemption

The Visual Artists Rights Act attempts to create a uniform national standard with respect to the rights of integrity and attribution. Therefore, the Act preempts or extinguishes all legal or equitable rights that are equivalent to the rights conferred by the Visual Artists Rights Act. This general rule of preemption is subject to three important exceptions. First, the Act does not preempt rights, which are not equivalent to the rights contained in the bill; for example, California's resale royalty statute would not be preempted by this Act. Second, the statutes, which extend rights beyond the life of the artist, are not preempted by this Act. Finally, this Act does not preempt a cause of action arising from undertakings commenced before the effective date of the statute.

D. Remedy

Like copyright infringement, an artist who seeks to assert his or her rights under the statute may do so by filing a lawsuit in federal court. An artist may seek an injunction to claim authorship or disclaim false authorship of a work or to prevent distortion, mutilation or destruction of a work as outlined above. If the distortion, mutilation or destruction has already occurred, the artist can sue for damages. The artist can either establish the actual damage to his or her honor or reputation or claim the statutory damages of up to \$10,000. If the artist prevails in court, the judge may also order the defendant to pay the artist's attorney fees.

E. Removal of Visual Art from Buildings

- 1. If a work of visual art has been incorporated or made part of a building in such a manner that removal of the work would cause the destruction, distortion, mutilation or other modification of that work, the rights shall not apply if the artist consented to the installation of the work in the building before the effective date of the law. In addition, these rights shall not apply if the artist and the building owner have executed a written statement that installation of work may subject the work to destruction, distortion, mutilation, or other modification, by reason of its removal.
- 2. If the owner of building wishes to remove a work from a building and the work can be removed without its destruction, distortion, etc., the artist's rights will apply but there are exceptions. The right will not apply if the owner has notified the artist, in writing, that he or she intends to remove the work, and the artist has failed to respond to the owner's notice that the artist must either remove the work or pay for its removal within ninety days after receiving the owner's written notice. The written notice must be sent by registered mail to the artist at his or her most recent address. If the work is removed at the artist's expense, title to that copy of the work belongs to the artist.
- 3. In order to give the artist the practical opportunity to remove works which have been incorporated into buildings, the Register of Copyrights has established a system or records whereby the artist of work that has been incorporated in or made part of a building can record his or her identity and current address. This system provides the artist with the opportunity to update his/her personal information. In addition, the system provides the owners of buildings with the opportunity to record evidence of their efforts to comply with the law.

F. Relevant Codes

A copy of the law can be found: Federal Code; Visual Rights Act of 1990, 17 USC Sections 101, 106A, 107, 113, 301, 411, 412, 501, 506. Materials written above were excerpted from "Congress Passes Visual Artists Rights Act," National Artists Equity, autumn 1990.

APPENDIX B

City of Stanton Art in Public Places Program

Appendix B: Developer Acknowledgment of APP Requirement

The Art in Public Places (APP) program provides developers a way to make a lasting and visible contribution to the community to mitigate impacts of development. The current APP Ordinance No. 1072 was adopted by Stanton City Council in 2017. The current APP Manual was adopted by City Council Resolution No. 2017-43 on November 14, 2017. The APP requirement is also found in City of Stanton Zoning Code section 20.408.040 subsection C.4.

APP requirements are described in Stanton's APP Policy Manual. Projects valued at \$300,000 or more must allocate 1 percent of the total project building valuation (based on ICC Building Valuation Data tables in effect at the time building permits are issued) to install permanent outdoor sculpture by a qualified artist at the project site. Sculpture is to remain on the property in perpetuity, with a covenant approved by the City, executed and filed with the County of Orange Recorder binding on successors to title of the subject property, which describes sculpture ownership responsibilities, the sculpture maintenance funding source, and includes a copy of the Comprehensive Maintenance Plan provided by the artist. Projects with a total project building valuation of between \$300,000 and \$3,999,999 have the option of contributing to the sculpture allocation to Stanton's Art Fund. Projects with a total building valuation of \$4,000,000 million or more must install permanent on-site outdoor sculpture designed and fabricated by a qualified artist selected by the developer and approved by the City.

All requirements are described in Stanton's current APP Manual. Satisfaction of the APP requirement is a multi-step process with deadlines that should be considered when developing a construction schedule. As part of the process, developers are required to:

- A. Meet with Community Development staff to discuss their project and the sculpture requirement and satisfy Part 1 of the Sculpture Application or, for projects with a total building valuation between \$1.5 and \$3.99 million who opt to contribute sculpture allocation funds, submit a Notification to Contribute Sculpture Funds, prior to issuance of Building Permits for their project.
- B. Submit Part 2 of the Sculpture Application with all required materials and schedule a Committee review date or, for projects with a total building valuation between \$1.5 and \$3.99 million who opt to contribute sculpture allocation funds, contribute the confirmed sculpture allocation amount to Stanton's Art Fund, within 6 months of issuance of building permits. Noncompliance will result in the issuance of a stop work notice.
- C. Install approved sculpture and related components, satisfy Part 3 of the Sculpture Application, and complete the sculpture inspection requirement or, for projects with a total building valuation between \$300,000 and \$3.99 million who opt to contribute sculpture allocation funds, contribute any outstanding sculpture allocation amount to Stanton's Art Fund, prior to issuance of Certificates of Occupancy for the project.

Project Name:	Project Location:	
Developer:	Phone:	
Address:	Email:	
Estimated Art Allocation:		
I attest to the fact that I have rea Public Places Program as a condit	d and understand, and agree to be bound by, the requirements of Stanton's A ion of approval of my Project.	۲t in
Signature	Date	

City of Stanton Art in Public Places Program

Appendix C: ART IN PUBLIC PLACES APPLICATION COVERSHEET

Date Submitted:	
Estimated Minimum Sculpture Allocation:	Total Building Valuation:
Project Name:	м
Project Location/Address:	
Developer:	Contact Person:
Address:	
Phone:	Email:
Property Owner:	
Address:	
Phone: •	Email:
Art Consultant:	
Address:	
Phone:	Email:
Artist:	
Address:	
Phone:	Email:

APPENDIX D

City of Stanton Art in Public Places Program

Appendix D: ARTIST'S HISTORY OF PUBLIC SCULPTURE COMMISSIONS

See Verification of Artist's Past Public Sculpture Commissions on page 15 for details. Use additional sheets if needed. Please list works similar to the proposed sculpture in order from most recent to older commissions.

Artist Name

Project

Commission Amount		-		
Date of Commission	To be determined		•	
Location				
Purchaser, Phone Number, and Email				
Dimensions				
Medium				
Title	Proposed work for Stanton:			

46 | Page

Appendix E

City of Stanton Art in Public Places Program

Appendix E: Artist Warranties of Title and Originality

The City of Stanton's Art in Public Places (APP) Program provides opportunities for artists to integrate their unique perspectives permanently into the cityscape. Sculpture is to be conceptualized, designed, fabricated, and installed by qualified artists (see *Artists Qualifications*, pages 14-15 of Stanton's APP Policy Manual), their staff, and/or contractors. Sculpture is to be original or an edition of 5 or fewer; similar editions may not be displayed within a 50 mile radius of the project site without prior approval by the City. Sculpture requirements are described in Stanton's Art in Public Places Policy Manual, City of Stanton Ordinance No. 1072, and City of Stanton Zoning Code section 20.408.040 subsection C.4.

A. The Artist represents and warrants that:

The Sculpture is solely the result of the artistic effort of the Artist; and

The Artist has full and complete legal authority to create and transfer complete ownership of the Sculpture to the Developer; and

Except as otherwise disclosed in writing to the City and the Developer, the Sculpture is unique and original, or an edition of ____ of five or less, and does not infringe upon any copyright or other intellectual property right; and

No similar edition is on display within a 50 mile radius of the project site.

Artist Name:			
Title of Sculpture:			
Project Location:			
Developer:			
Artist Phone:			
Artist Address:	-,,		

I declare under penalty of perjury under the laws of the State of California that all of the above information is true and accurate, and that if found to be other than true and accurate, I may be eliminated from current and future consideration for participation in this program.

Signature

Date

SAMPLE

City of Stanton Art in Public Places

Appendix F: Sculpture Allocation Breakdown

Artist Design	\$
Sculpture Materials	\$
Sculpture Fabrication	\$
Art Consultant (If applicable)	\$
Transportation of Sculpture	\$
Sculpture Base	\$
Structural Engineering	\$
Lighting/Electrical (for sculpture only)	\$
Water Related Expenses (if applicable)	\$
Art Appraisal (if applicable)	\$
Other Expenses (please list)	
*TOTAL	\$

*The total should equal or exceed the minimum sculpture allocation for the project.

SAMPLE

City of Stanton Art in Public Places

Appendix G: CONTRACT OF SALE FOR A WORK OF ART

[NOTE: ARTIST AND COLLECTOR MUST OBTAIN THEIR OWN LEGAL ADVICE BEFORE RELYING ON OR USING THIS FORM OF AGREEMENT]

AGREEMENT made as of the ___day of _____ in the year ____between ____-_____(herein referred to as the Collector) located in ______and ______(herein referred to as the Artist) located in ______, with respect to the sale of a sculpture (herein referred to as the Work).

WHEREAS the Artist has created the Work and has full right, title, and interest therein; and

WHEREAS, the Artist wishes to sell the Work; and

WHEREAS, the Collector has viewed the Work and wishes to purchase it.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual obligations, covenants, and conditions hereinafter set forth, and other valuable considerations, the parties hereto agree as follows:

A. DESCRIPTION OF THE ARTWORK AND WARRANTY:

[Include title, style, medium, dimensions, weight, year of creation, and any other description.]

The Artist represents and warrants that:

The Work is solely the result of the artistic effort of the Artist; and

The Artist has full and complete legal authority to create, sell and transfer complete ownership of the Work to the Collector; and

Except as otherwise disclosed in writing to the City and the Collector, the Work is unique and original, or an edition of _____ of five or less, and does not infringe upon any copyright or other intellectual property right; and

No similar edition is on display within a 50 mile radius of the project site.

B. SALE AND PAYMENT

The Artist hereby agrees to sell the Work and Collector agrees to purchase the Work for a purchase price of ______. Payment shall be made in _____ installments:

- a. A deposit of \$______%) upon the signing of this Agreement.
 b. A payment of \$______%) upon ______
 c. A final payment of \$______(__%) upon delivery of the completed Work.

C. DELIVERY AND INSTALLATION

[Specify location of delivery and who is responsible for shipping and installation charges.]

D. RISK OF LOSS AND INSURANCE

The risk of loss or damage to the Work shall pass to Collector upon completion of installation. The provision of any insurance to cover such loss or damage shall be the responsibility of the Collector upon completion of installation.

E. MAINTENANCE

The Collector agrees to abide by the Maintenance Instructions of the Artist listed below, as a condition of sale of the Work.

[Artist instructions, including methods, materials, frequency of routine cleaning, and suggested practices for occasional preservation treatments or conservation.]

F. NON-DESTRUCTION

Collector will not undertake or permit any intentional destruction, damage, or modification to the Work.

G. RESTORATION

Artist agrees to be responsible for repairs, not arising from intentional damage or neglect, for up to _____ year(s) (typically one year), without charge to the Collector. Collector agrees to notify Artist before any restoration is undertaken and the Artist shall have first opportunity to restore the Work, for a reasonable fee, if beyond the aforementioned time limit.

H. FUNDING SOURCE

Collector agrees to establish a funding source for necessary on-going maintenance. A homeowner's association has been designated (if applicable) to fund and care for the Work on the Collector's behalf, as specified by the Artist in this Agreement.

I. COPYRIGHT AND REPRODUCTION

The Artist reserves all reproduction rights, including the right to claim statutory copyright, in the Work. All approved reproduction shall bear copyright notice with the Artist's name and date. Artist agrees that he or she shall not permit more than five (5) editions of the Work to exist.

J. MISCELLANEOUS

The Agreement shall be binding upon the parties hereto, their heirs, successors, assigns and personal representatives. The Agreement constitutes the entire understanding between the parties; only an instrument in writing assigned by all parties can modify its terms. A waiver of any breach of any of the provisions of this Agreement shall not be construed as a continuing waiver of other breeches of the same or other provisions hereof. The laws of the State of California shall govern this Agreement.

IN WITNESS WHEREOF the parties hereto have signed this Agreement as the date first set forth above.

ARTIST	DATE
COLLECTOR	DATE
-	ARE NOT PARTIES TO THIS AGREEMENT] City will contact this person for future needs)
Person Name, Title:	
Company:	
Mailing Address:	
Phone/Fax:	
E-mail:	· · · · · · · · · · · · · · · · · · ·

Appendix H: COMMITTEE CHECKLIST

Date:	Developer:	
Project Name:	Project Location:	
Artist:	Sculpture Title:	
Committee Members:		

Criteria	Meets Criteria	Does not Meet Criteria	Comments
I. Art Consultant Qualifications	an a		
Experience with public art projects of Similar scope			
II. Artist Qualifications			en egy in 1993 and a general community of the
Education/Training in sculpture			
Exhibit records & collections			,
Commissions/experience with large scale permanent outdoor artwork of similar scope/materials			
Verification of past commission amounts			
Copy of contract			
III. Artwork Site		neetaan kanala sa kasa Kasala sa Kasala na ka	
Clearly visible to motorists & pedestrians from a public street			
No more than 50 feet from public street			
No signage, utility boxes, landscaping, or other items limiting public view.			

Criteria	Meets Criteria	Does not Meet Criteria	Comments
IV. Artwork Concept/Design Conceptualized and designed by approved artist			
Original and does not infringe upon any copyright (editions limited to 5)			
Artwork is site specific or site appropriate			
Scale: 5' or larger (excluding base)			
Considered place in the APP Collection			
Proposal demonstrates how work will engage public interest (e.g. provokes discussion, intrigues, entertains, etc.)			
Is community input/survey requested?			
Artistic Content (for discussion only):			
 Expressive properties (mood, feeling, message, symbolism) Formal properties (balance, emphasis, color, repetition/rhythm, unity, form/shape, texture) 			
V/ Artwork Materials/Maintenance		n e Standardski	
Comprehensive maintenance plan			
List/samples of materials, finishes, manufacturer information, fabricator information, fabrication plans			
Permanent, weather and rust resistant media, armature, and base; foundry materials breakdown by percentage			
Is art conservator or public art expert input requested?			
Resistant to vandalism and graffiti			
Landscape will not pose future visibility or conservation problems			

•

Criteria	Meets Criteria	Does not Meet Criteria	Comments
Irrigation plan indicates water spray is directed away from sculpture			
Maintenance plan demonstrates the work is low maintenance			
Is art conservator or public art expert input requested?			
Maintenance fund established?			
VI. Installation	医含磷酸磷酸	n see als constances in	an a
Base well integrated to landscape			
Lighting plan and lighting instruments			
Sculpture identification plaque location indicated			
Installation plans approved by Licensed Professional Engineer			
Poses no liability or safety problems			
VII. Forms/Contracts/Documentation Signed Developer Acknowledgment of APP Requirement			
Signed copy of contract with artist			
Signed Artist Warranties of Title & Originality			
Signed copy of contract with art consultant (if applicable)			
Copy of recorded covenant			

Committee requests for input, conditions of approval, etc.:

l

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 14, 2017

SUBJECT: PUBLIC HEARING NO. 4 AND 5 - TRANSITION TO DISTRICT BASED CITY COUNCIL ELECTIONS

REPORT IN BRIEF:

The City Council adopted a Resolution of Intention on July 11, 2017, initiating the process to transition to district-based elections. Subsequently, the City entered into a contract with National Demographics Corporation ("NDC") to provide demography and district map preparation services. After two Public Hearings, the public was invited to submit potential district maps based upon adopted criteria. The deadline for public map submission was October 12, 2017, after which NDC collated and prepared draft district maps, which were presented to the City Council and community to receive public comments at the third public hearing. At the third Public Hearing, held on October 23, 2017, the City Council selected one focus map (Tan) and directed NDC to prepare modified (Tan) maps using specific geographic criteria. Two modified (Tan) maps were published on November 2, 2017.

RECOMMENDED ACTION:

- City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
- 2. Conduct the fourth and fifth of five (5) required public hearings related to the creation of geographic voting districts and the drawing of district boundaries; and
- 3. Select a final district boundary map; and
- 4. Determine the sequence of district based elections; and
- 5. Introduce Ordinance No. 1073, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ESTABLISHING FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM AND CERTAIN RELATED MATTERS"; and

> Council Agenda Item #



- 6. Set Ordinance for adoption at the November 28, 2017, regular City Council meeting; and
- 7. Approve Resolution No. 2017-47, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADOPTING A MAP OF FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM".

BACKGROUND:

The City of Stanton currently utilizes an "at-large" election system in which electors from the entire City choose each of the five (5) Council Members. In a "by-district", or districtbased election system, in which the City is divided into separate geographic districts, each with one Council Member who resides in the district and is chosen by the electors in that district.

At its meeting of July 11, 2017, the City Council adopted a Resolution of Intention to transition to district-based elections and authorized the City Manager to engage the services of a demographer to assist with these efforts. While the Resolution of Intention references five Council Members (i.e., five Districts with Mayor selected annually from among the Council Members), the Council is free to determine the ultimate configuration of the City Council.

On September 29, 2017, the City Council held the first of five required public hearings related to the creation of geographic voting districts and the drawing of district boundaries. NDC provide information on the districting process and answered questions related to district based elections. At that time, the Council adopted the transition timeline.

On October 11, 2017, the City Council held the second of five required public hearings related to the creation of geographic voting districts and the drawing of district boundaries. NDC provide information on the districting process and answered questions related to district based elections. At that time, the Council further determined the number of voting districts at four with a directly elected Mayor.

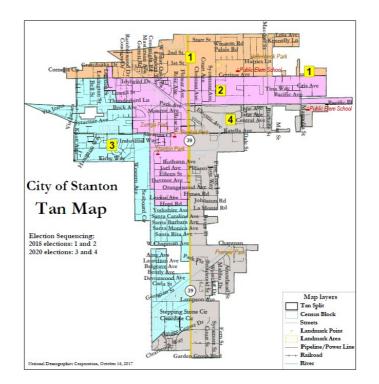
On October 23, 2017, the City Council held the third of five required public hearings related to the creation of geographic voting districts and the drawing of district boundaries. NDC collated and prepared draft district maps, which were presented to the City Council and community to receive public comments. The City Council selected one focus map (Tan) and directed NDC to prepare modified (Tan) maps using specific geographic criteria. Two modified (Tan) maps were published on November 2, 2017.

ANALYSIS/JUSTIFICATION:

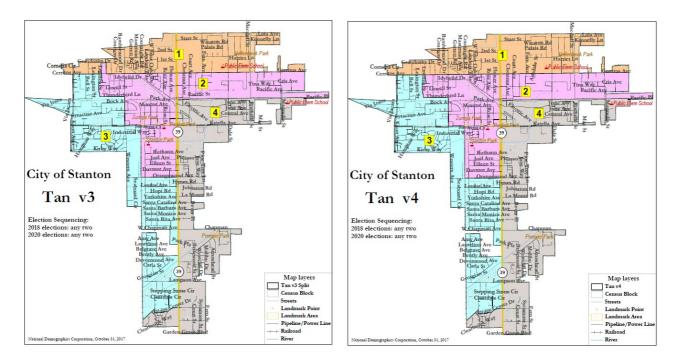
Over the last several years, cities, school districts, and community college districts throughout the State of California have been changing from at-large to district-based elections to comply with the California Voting Rights Act of 2001 (Elections Code §14025 et seq.). The California Voting Rights Act ("CVRA"), in conjunction with Government Code §34886, set forth the transition process, which includes: two public hearings; the drawing of draft maps; two additional public hearings; and finally, adoption of an ordinance selecting a district map and establishing the sequencing process by which staggered election districts will be implemented.

Discussion of the sequencing process, where the Council determines which geographic districts will be elected in 2018 and which districts will be elected in 2020, can occur during any stage of the Public Hearing process. Ultimately, the final sequence of district elections is reflected in the adopted Ordinance. If approved, a district-based election system would be phased in over two election cycles starting in November 2018, with full implementation in 2020. Each district would elect one Council Member to a four-year term.

As discussed at previous Public Hearings, maps must be population-balanced to be considered for potential adoption. Small population deviations are permitted if they are necessary to achieve what the U.S. Supreme Court has labeled "traditional redistricting principles." These principles include: maintaining communities of interest; creating compact, contiguous districts; and using visible natural or manmade boundaries. A community of interest is a neighborhood or community that would benefit from being maintained in a single district because of shared interests, views or characteristics. The following submitted map selected by the City Council for continued focus is:



In addition, the Council directed NDC to prepare a modified Tan map for continued focus, using specific geographic criteria. That map is represented as Tan Map V3 and Tan Map V4, below:



Following the Public Hearing, the City Council will determine which map best represents the community's interest with the transition to by-district elections.

Discussion of the sequencing process, where the Council determines which geographic districts will be elected in 2018 and which districts will be elected in 2020, can occur during any stage of the Public Hearing process. Ultimately, the final sequence of district elections is reflected in the adopted Ordinance. If approved, a district-based election system would be phased in over two election cycles starting in November 2018, with full implementation in 2020. Each district would elect one Council Member to a four-year term.

Following City Council selection of the desired district boundary map and the preferred sequence of district based elections, staff will present an Ordinance for introduction. This Ordinance will establish the district boundaries and the sequence of district elections. Upon second reading, the Ordinance will be effective in time for the November 2018 general municipal election.

The remaining items on the adopted schedule for the transition are as follows:

4 th & 5 th Public Hearing Combined / one meeting	Tuesday, November 14 th 6:30 p.m.	Second consideration of draft maps narrowed down from maps proposed at Public Hearing #3. Introduction of Ordinance approving proposed districts, the final map, and sequencing of districts and/or directly elected Mayor if applicable (i.e., which districts are up for election in 2018 and 2020).
2 nd Reading Approval of Ordinance	Tuesday, November 28 [™] 6:30 p.m.	Final adoption of Ordinance approving Districts, maps, and sequencing.

Election Transition Schedule

FISCAL IMPACT:

Fiscal impact associated with the recommended action includes the cost of translations of the public hearing notices and related staff time.

ENVIRONMENTAL IMPACT:

This item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

LEGAL REVIEW

The City Attorney has reviewed and approved the accompanying resolution as to form.

PUBLIC NOTIFICATION:

Public notice for this item was publically posted and made through the regular agenda process.

STRATEGIC PLAN COMPONENT ADDRESSED:

Objective 5: Provide a High Quality of Life

Objective 6: Maintain and Promote a Responsive, High Quality and Transparent Government.

{Signature page to the following staff report} "PUBLIC HEARING NO. 4 & 5 TRANSITION TO DISTRICT BASED CITY COUNCIL ELECTIONS"

Prepared by: Patricia A. Và **City Clerk**

Concurred by:

Stephen/M. Parker Administrative Services Director

Reviewed by:

Approved by:

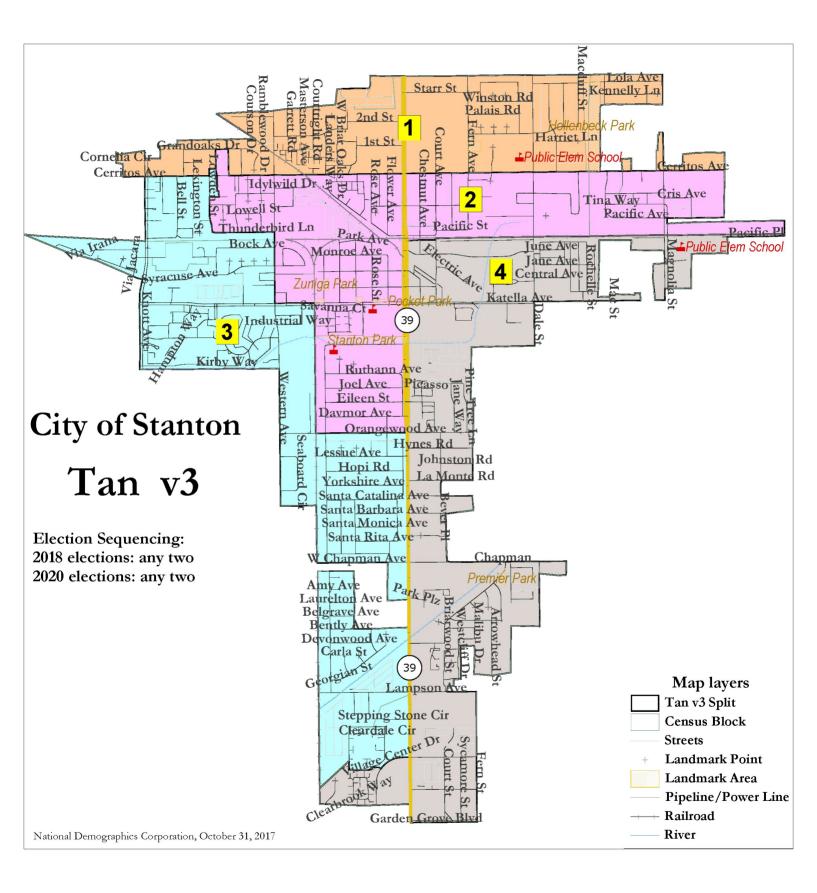
James A. Box

City Manager

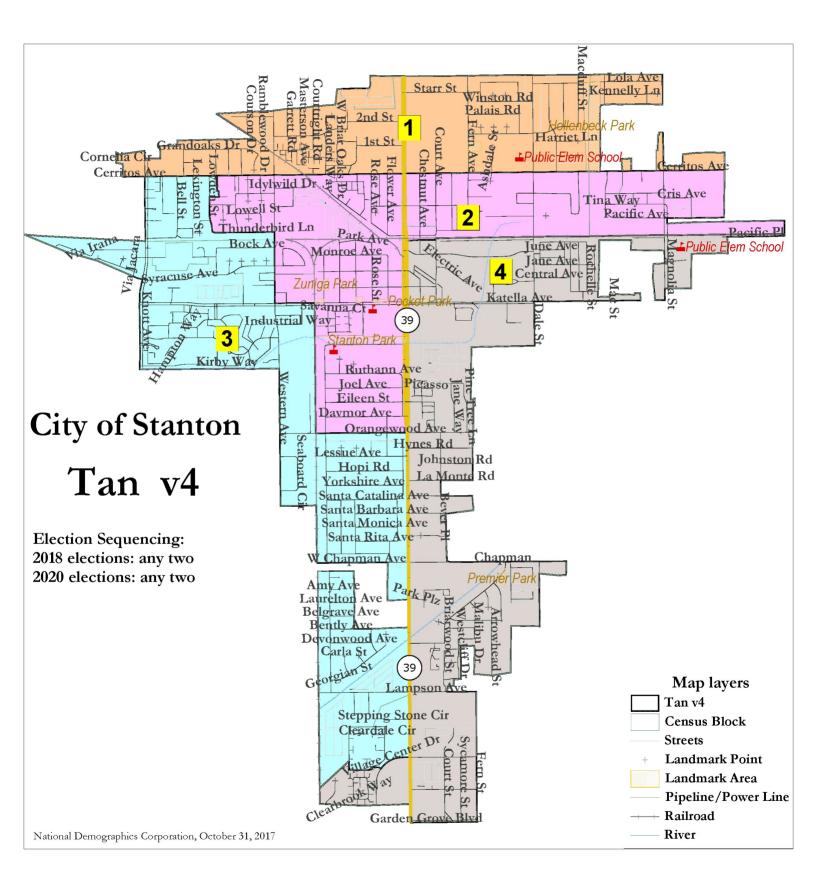
Attachment:

- A. Focus Draft Maps
- B. Proposed Ordinance No. 1073
- C. Resolution No. 2017-47

Matthew E. Richardson City Attorney



istrict	City of Stant	1	2	3	4	Total
Ideal	Total Pop	9,677	9,199	10,043	4 9,327	38,246
	Deviation from ideal	115	-363	481	-235	844
9,562	% Deviation	1.20%	-3.80%	5.03%	-2.46%	8.83%
	% Hisp	54%	60%	44%	46%	51%
-	% NH White	18%	17%	29%	23%	22%
Total Pop	% NH Black	2%	2%	2%	1%	2%
	% Asian-American	24%	19%	23%	28%	23%
	Total	6,789	6,489	7,538	6,857	27,673
	% Hisp	48%	54%	39%	39%	45%
Voting Age Pop	% NH White	22%	21%	34%	28%	26%
881	% NH Black	2%	2%	2%	1%	2%
	% Asian-American	26%	20%	23%	30%	25%
	Total	4,366	4,815	5,974	5,039	20,194
	% Hisp	28%	41%	26%	27%	31%
Citizen Voting Age	% NH White	29%	24%	38%	31%	31%
Pop	% NH Black	3%	5%	3%	2%	3%
	% Asian/Pac.Isl.	38%	29%	30%	40%	34%
	Total	2,730	2,975	3,817	2,979	12,501
	% Latino est.	33%	43%	33%	30%	35%
	% Asian-Sumamed	28%	19%	18%	25%	22%
Voter Registration	% Filipino-Surnamed	1%	2%	2%	2370	22 /0
(Nov 2014)	% Spanish-Surnamed	30%	39%	30%	27%	31%
	% NH White est.	35%	28%	43%	41%	37%
	% NH Black	3%	4%	4%	2%	3%
	Total	1.019	1,107	1,556	1,112	4,794
	% Latino	23%	31%	26%	18%	25%
	% Asian-Sumamed	34%	22%	18%	28%	25%
Voter Turnout	% Filipino-Surnamed	1%	2%	2%	2%	2%
(Nov 2014)	% Spanish-Surnamed	20%	28%	23%	17%	22%
	% NH White est.	39%	34%	49%	48%	43%
	% NH Black	4%	5%	4%	2%	4%
	Total	1,910	1,854	2,768	1,917	8,449
	% Latino	29%	37%	30%	26%	31%
	% Asian-Sumamed	27%	17%	15%	23%	20%
Voter Turnout	% Filipino-Surnamed	1%	2%	1970	2%	1%
(Nov 2012)	% Spanish-Surnamed	26%	33%	27%	23%	27%
	% NH White est.	39%	33%	48%	47%	43%
	% NH Black est.	3%	5%	4%	3%	4%
ACS Pop. Est.	Total	9,770	9,216	10,366	9,500	38,853
1160109.100	age0-19	33%	29%	28%	26%	29%
Age	age20-60	55%	56%	56%	56%	56%
8-	age60plus	12%	15%	16%	18%	15%
	immigrants	45%	45%	39%	46%	44%
Immigration	naturalized	39%	46%	51%	53%	47%
	english	28%	31%	40%	31%	33%
anguage spoken at	spanish	50%	42%	35%	38%	41%
home	asian-lang	19%	22%	24%	29%	23%
	other lang	3%	4%	24%	29%	3%
	Speaks Eng. "Less	570	-T /U	70 کے	∠/0	J /0
Language Fluency	speaks Eng. "Less than Very Well"	36%	34%	31%	37%	34%
1000 (N 1000)		AT707	5107	570/	55%	520/
Education (among	hs-grad	47% 11%	51% 13%	57% 13%	55% 13%	53% 12%
those age 25+)	bachelor	4%	4%	13% 6%	13% 5%	12% 5%
Thild in TT 1 11	graduatedegree					
Child in Household	child-under18	42%	36%	38% 59%	35%	38%
Work (percent of	employed Commute on Public	58%	58%	JY%	58%	58%
pop age 16+)	Commute on Public Transit	4%	5%	3%	3%	4%
		0007	0.207	1.007	0.407	0007
	income 0-25k	22%	23%	19%	24%	22%
Taurah (14)T	income 25-50k	33%	28%	26%	27%	28%
Household Income	income 50-75k	16%	18%	20%	20%	19%
	income 75-200k	28%	28%	32%	28%	29%
	income 200k-plus	2%	2%	3%	1%	2%
Housing Stats	single family	51%	57%	68%	57%	59%
	multi-family	49%	43%	32%	43%	41%
	vacant	6%	7%	4%	5%	5%
	occupied	94%	93%	96%	95%	95%
	rented	58%	51%	44%	53%	51%
	owned	42%	49%	56%	47%	49%
	lation data from the 2010 Dece	27				
	tration and Turnout data from					
tino noter registration an	d turnout data are Spanish-sum	ame counts adj	usted using Cens	us Population I	Department	
	White and NH Black registratio	n and have	ounto estimate *	by NIDO ON	Totine A-	<u> </u>



Ideal Total Pop 9,719 9,157 10,043 9,227 9,562 Deviation 1.57 405 4431 -235 70 VD Evation 1.57 405 4431 -235 70 Portation 1.57 405 5.039 -24656 70 Portation 1.57 405 4234 4350 70 Portation 1.57 4256 2236 4456 4256 70 Portation 2.476 276 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 2376 <th>District</th> <th>City of Stant</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>Tota</th>	District	City of Stant	1	2	3	4	Tota
9,562 Deriation from ideal 157 405 481 -235 Total Pop % Deriation 1.64% 424% 5.03% -2.46% % NT4 White 13% 17% 2.9% 23% 23% % NT4 White 13% 5.03% 2.24% 23% 23% 23% 23% 23% 23% 23% 23% 23% 23% 23% 23% 23% 23% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33% 33%		Total Pop	9 71 0	-	÷		38,240
9,562 % Deviation 1.64% 4.24% 5.03% -2.46% Total Pop % Hip 54% 60% 44% 44% % NPI Black 2% 2% 2% 2% 1% % Namemerian 24% 19% 23% 2% 2% 1% % Namemerian 2% 2% 2% 2% 2% 2% 2% 3% 3% % NPI Black 2% 2% 2% 2% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3% 3%<					<i>,</i>		886
Total Pop 96 Hip 54% 60% 44% 45% Wolf, NH: Black 29% 29% 23% 19% Voting Age Pop Total 6,817 6,461 7,338 6,837 % NH: Black 29% 21% 23% 23% 39% % NH: White 22% 21% 34% 39% 39% % NH: White 22% 23% 30% 39% 39% % NH: White 22% 23% 30% 30% 30% % NH: White 22% 23% 30% 30% 30% % NH: White 23% 31% 25% 30% 40% 27% 2,3% 33% 33% 30% 30% 40% 30% 5% 3% 40% 30% 5% 3% 43% 30% 30% 27% 3% 44% 44% 44% 44% 44% 44% 44% 44% 44% 44% 44% 44% 44%	9,562						9.27%
Total Pop % NH-Black 17% 29% 23% 23% Voting Age Pop Total 6,817 6,461 7,538 6,857 % hik-Atercican 22% 21% 34% 39% 39% Voting Age Pop % hik-High 48% 54% 39% 39% 39% State Noting Age Pop % hik-High 48% 54% 37% 25% 38% 39% 39% State Noting Age Pop % hik-High 48% 54% 37% 25% 38% 39% 31% State Noting Age Pop % hik-High 48% 54% 37% 25% 38% 25% 38% 25% 38% 25% 38% 25% 38% 25% 35% 33% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30%	Total Pop						51%
Total Pop % NH Black 2% 2% 2% 2% 1% Voting Age Pop ************************************		1					22%
% Asian-American 24% 19% 23% 28% Yoting Age Pop Total 6,817 6,461 7,538 6,857 % NH White 22% 21% 34% 23% 39% % NH White 22% 21% 23% 30% 39% % Asian-American 27% 23% 30% 30% 30% Total 4,300 4,771 5,974 5,033 5% 33% 22% 30% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 40% 20% 40% 40% 20% 40% 40% 20% 40% 40% 20% 40% 40% 20% 40% 40% 20% 40% 40% 20%		,	N/34 1.34				22/0
Total 6,817 6,461 7,538 6,857 % Hisp 48% 54% 39% 39% 39% % NH Hisp 48% 54% 29% 29% 29% 39% % Ahr-American 27% 20% 23% 39% 30% % Asian-American 27% 20% 23% 38% 30% % Asian-American 27% 20% 23% 38% 31% % Asian-Facilal 38% 29% 30% 30% 20% % Asian-Sumamed 28% 19% 18% 29% 23% 38% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 20% 28% 43% 41% 9% 1110 1256 1,112 % 9% 18% 18% 28% 43% 41% 28% 18% 1122 % 23% 1122 % 28% <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>23%</td>							23%
Voting Åge Pop % Hap 48% 54% 39% 39% % NH-White 22% 21% 34% 28% % NH-White 22% 22% 23% 30% % Asian-American 27% 20% 23% 30% Total 4,300 4,791 5,074 5,039 % Hap 28% 41% 26% 27% 30% % Del Hap 28% 41% 26% 27% 30% 30% % Del Inito 29% 23% 30% 20% 40% 27% 25% 3817 2,979 9% 44% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 20% 11% 10% 10% 10% 10%							27,67
Voting Age Pop % b.H-IWhite 22% 21% 34% 22% % b.H-Black 2% 2% 2% 1% 34% 30% Citizen Voting Age Pop Total 4,390 4.791 5.974 5.033 % b.H-H Black 3% 41% 2.05% 2.3% 33% 2.0% % b.H-H White 2.9% 2.3% 3.3% 2.0% 3.3% 2.0% % b.H-White 2.9% 2.3% 3.3% 2.0% 3.0% 2.0% % b.H-White 2.3% 1.0% 1.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% 2.0% <t< td=""><td></td><td></td><td></td><td>1</td><td>,</td><td></td><td>45%</td></t<>				1	,		45%
Voter Turnout (Now 2014) % NH Black % Asian-American 27% 29% 29% 19% Total Pop 4,390 4,791 5,974 5,039 % Hisp 28% 41% 26% 27% % NH White 29% 41% 26% 27% % NH White 29% 30% 28% 31% % NH Black 3% 29% 30% 40% % Asian/Pac.Isl. 38% 29% 30% 40% % Asian-Sumamed 28% 19% 18% 25% % Asian-Sumamed 39% 30% 20% 22% % NH White est. 35% 22% 43% 41% % NATH Black 39% 30% 22% 22% % Net White est. 39% 30% 22% 23% % Spanish-Surnamed 19% 22% 23% 19% % Net White est. 39% 33% 23% 23% % Spanish-Surnamed 29% 21% 19% 23%	Voting Age Pop						26%
% Asian-American 27% 20% 23% 30% Total 4,300 4,791 5,974 5,039 Pop % NH White 29% 23% 38% 31% % NH Black 3% 5% 38% 21% 38% % Naian-Sumared 28% 19% 18% 29% 30% % Naian-Sumared 28% 19% 18% 25% 38 30% 30% 30% 30% 30% 30% 40% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 30% 3	Voting Age Pop				2012/02/04/2012	A. C. MORT # 2011	20%
Total 4,390 4,791 5,974 5,039 % Hisp 28% 41% 26% 27% % Network 29% 23% 38% 31% % Network 38% 23% 38% 23% % Network 38% 23% 38% 23% % Asian/Pac.Isl. 38% 29% 30% 40% % Asian/Pac.Isl. 38% 43% 33% 30% % Asian-Sumamed 28% 19% 18% 25% % Filipino-Sumamed 30% 39% 30% 27% % NH White est. 39% 28% 44% 44% % Spanish-Sumamed 34% 22% 18% 28% % NH Black 34% 23% 23% 17% % Spanish-Sumamed 20% 23% 18% 28% % NH Black 44% 5% 4% 23% % NH White est. 39% 34% 48% 23% % Asian-Sumamed							
Stitzen Voting Age Pop % Hip % NH White 28% 41% 26% 27% Worker Registration (Now 2014) % NH White 39% 23% 38% 31% Voter Registration (Now 2014) % Laino est. 33% 30% 40% % Laino est. 33% 30% 40% % Spanish-Surnamed 28% 19% 18% 25% % NH White est. 35% 28% 43% 41% % NH Black 39% 40% 41% 25% % NH Black 39% 40% 41% 25% % NH Black 39% 43% 41% 28% % NH Black 39% 31% 26% 18% % Asian-Surnamed 19% 29% 28% 23% 17% % NH White est. 39% 34% 49% 49% 28% % NH White est. 39% 37% 30% 26% 23% % NH White est. 39% 44% 47% 28% 23%					5 m / m / m / m		25%
Theory % NH White 29% 23% 38% 31% Yo MH Black 3%6 5% 3% 2% % NAT Black 3%6 5% 3% 2% % NAT Plack 38% 29% 30% 40% % NAT Plack 38% 29% 30% 40% % NAT Plack 38% 29% 30% 40% % NAT Sans-Sumamed 28% 19% 22% 2% % NHT White est. 35% 22% 18% 22% % NHT Black 3% 4% 4% 2% 18% 22% % NHT White est. 39% 34% 49% 28% 23% 18% 23% % NHT White est. 39% 34% 49% 28% 23% 17% 23% 17% 23% 17% 23% 17% 23% 17% 17% 17% 17% 17% 17% 17% 17% 17% 17% 17% 17% 12%		/ 6/12/2010/04/12		/	/		20,19
Pop 19/14'i Write 29% 23% 38% 31% 31% % NH Black 3% 29% 30% 40% Yoter Registration (Nov 2014) Total 2,749 2,956 3,817 2,979 % Latino est. 33% 43% 33% 30% 40% % Famini-Sumamed 28% 19% 18% 25% % Famini-Sumamed 30% 24% 24% 25% % NH White est. 35% 22% 43% 41% % NH Black 3% 40% 44% 25% % NH Black 3% 40% 42% 18% % NH Black 3% 40% 42% 18% % NH Black 3% 40% 26% 18% % NH White est. 39% 34% 49% 44% % NH White est. 39% 34% 44% 25% % NH White est. 39% 33% 27% 35% 23% % NH White est.	Citizen Voting Age	1					31%
% Asian/Pac.Isl. 38% 29% 30% 40% Voter Registration (Nov 2014) Total 2,749 2,956 3,817 2,979 % Asian-Sumamed 28% 19% 18% 25% % Filipino-Sumamed 30% 30% 30% 27% % Filipino-Sumamed 30% 43% 43% 44% 27% % NH White est. 35% 22% 43% 44% 27% % NH Elack 3% 40% 44% 27% 18% 22% % Asian-Sumamed 34% 42% 43% 41% 28% % Asian-Sumamed 1% 2% 28% 23% 17% % NH White est. 39% 34% 49% 48% 30% 26% % NH Black 4% 5% 44% 28% 23% 17% 10% 23% 30% 26% 33% 27% 23% 30% 26% 33% 27% 23% 36% 36% 36% </td <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>31%</td>							31%
Total 2,749 2,956 3,817 2,979 % Latino est. 33% 43% 33% 30% % Asian-Sumaned 28% 19% 18% 25% % Filipino-Sumamed 30% 30% 30% 22% % NH White est. 35% 28% 43% 41% % NH White est. 35% 28% 43% 41% % NH White est. 35% 28% 43% 41% % NH White est. 39% 31% 26% 18% % Sparish-Sumamed 10% 24% 28% 23% 17% % Sparish-Sumamed 10% 24% 28% 23% 17% % Sparish-Sumamed 10% 24% 28% 23% 17% % Sparish-Sumamed 20% 23% 23% 17% 28% 23% 17% 28% 23% 17% 28% 23% 17% 28% 23% 16% 1917 % 18% 1917 15%<				100000		1000	3%
Voter Registration (Nov 2014) % Latino est. 33% 43% 33% 30% % Asian-Sumamed 28% 19% 2% 2% 2% 2% % Spanish-Surnamed 30% 2% 2% 2% 2% 2% % NH White est. 35% 28% 43% 41% 4% 2% % NH White est. 35% 28% 43% 41% 2% % Asian-Surnamed 34% 22% 18% 28% % Asian-Surnamed 24% 2% 2% 2% % Asian-Surnamed 20% 28% 23% 17% % Spanish-Surnamed 20% 28% 23% 17% % NH White est. 39% 34% 49% 48% Voter Turnout (Nov 2012) % Eatino 29% 37% 30% 28% 23% % Asian-Surnamed 26% 33% 48% 47% 28% 33% 48% 47% % Spanish-Surnamed 26% 33% <td></td> <td>,</td> <td></td> <td></td> <td></td> <td></td> <td>34%</td>		,					34%
Voter Registration (Nov 2014) % Asian-Sumamed 28% 19% 18% 25% % Spanish-Sumamed 30% 30% 30% 27% % Spanish-Sumamed 30% 30% 30% 27% % Spanish-Sumamed 30% 28% 43% 44% % NH White est 35% 28% 43% 44% % NH Shark 33% 4% 4% 28% % Asian-Sumamed 34% 22% 18% 28% % Filipino-Sumamed 14% 28% 23% 17% % Exian-Sumamed 20% 28% 23% 17% % Spanish-Sumamed 19% 28% 23% 197 % Latino 29% 33% 48% 49% % NH Black 4% 5% 4% 23% % NH Black est 3% 5% 4% 3% % Spanish-Sumamed 27% 175 10.366 9,500 age019 33% 28% 37%			,	/	,		12,50
Voter Registration (Nov 2014) % Filipino-Surnamed % Spanish-Surnamed 1% 2% 2% 2% Work Spanish-Surnamed 30% 30% 30% 30% 27% % NH White est. 35% 28% 43% 41% % NH Black 3% 4% 4% 4% 2% Woter Turnout (Nov 2014) % Latino 23% 31% 26% 18% % Spanish-Surnamed 19% 2% 2% 2% 2% % Spanish-Surnamed 19% 2% 2% 2% 2% % Spanish-Surnamed 20% 28% 43% 2% % NH Black 4% 5% 4% 2% % Spanish-Surnamed 20% 33% 27% 23% % Spanish-Surnamed 20% 33%			2010-000-00-00				35%
(Nov 2014) % Figuro-sumaned 1% 2% 2% 2% 2% 2% % Spanish-Sumamed 30% 30% 28% 43% 41% % NH White est. 35% 28% 43% 41% % NH Black 3% 4% 4% 2% % Latino 23% 31% 26% 18% % Asian-Sumamed 34% 22% 18% 28% % Filipino-Sumamed 1% 2% 2% 2% % Filipino-Sumamed 1% 2% 2% 2% % NH White est. 39% 34% 49% 2% % NH White est. 39% 34% 49% 2% % Asian-Sumamed 27% 17% 15% 23% % Filipino-Sumamed 27% 33% 48% 47% % NH Black 4% 5% 4% 3% 28% Age 360-17 17% 15% 23% 3% 48% 47% 3%	Voter Registration			personal and a second	0.00000000	10.000	22%
% Spanish-Surnamed 30% 39% 30% 21% % NH-White est. 35% 28% 44% 41% % NH-Black 3% 4% 4% 4% 2% Voter Turnout (Nov 2014) % Latino 23% 31% 26% 18% % Spanish-Surnamed 24% 2% 2% 2% 2% % Spanish-Surnamed 1% 2% 23% 17% % NH-Black 4% 5% 44% 2% % NH-Black 4% 5% 44% 2% % NH-Black 4% 5% 44% 2% % Spanish-Surnamed 27% 17% 15% 23% % NH-White est. 40% 33% 48% 47% % Spanish-Surnamed 26% 33% 27% 23% % NH-Black est. 30% 5% 4% 3% Age age0-19 33% 29% 26% 26% Age age0-19 33%	•	*	-				2%
No.NH. Black 3% 4% 4% 2% Voter Turnout (Nov 2014) Total 1,026 1,100 1,556 1,112 % Latino 23% 31% 26% 18% % Spanish-Surnamed 24% 22% 2% 2% % Spanish-Surnamed 1% 2% 23% 17% % NH- Black 4% 5% 44% 2% % Asian-Sumamed 27% 17% 15% 23% % Asian-Sumamed 26% 33% 27% 23% % Asian-Sumamed 26% 33% 44% 47% % Spanish-Surnamed 26% 33% 44% 47% % Spanish-Surnamed 26% 33% 44% 47% Age age0-19 33% 29% 26% 26%<							31%
Total 1,026 1,100 1,556 1,112 % Latino 23% 31% 26% 18% 28% % Asian-Surnamed 34% 22% 18% 28% 28% % Spanish-Surnamed 20% 28% 23% 17% 2% 2% 2% 2% 2% 2% 18% 2% 2% 18% 2% 2% 2% 2% 2% 2% 2% 2% 2% 2% 2% 2% 2% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 2% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% <td< td=""><td></td><td>,</td><td></td><td>100 10200</td><td></td><td></td><td>37%</td></td<>		,		100 10200			37%
Voter Turnout (Nov 2014) % Latino 23% 31% 26% 18% % Filipino-Surnamed 1% 22% 18% 28% % Filipino-Surnamed 1% 2% 2% 2% % NH White est. 39% 34% 49% 48% % NH White est. 39% 34% 49% 48% % NH Black 4% 5% 4% 2% % Spainsh-Surnamed 1,925 1,839 2,768 1,917 % Latino 29% 37% 30% 26% % Asian-Surnamed 1% 2% 1% 2% % Spainsh-Surnamed 26% 33% 27% 23% % Spainsh-Surnamed 26% 33% 48% 47% AcCS Pop. Est. Total 9,812 9,175 10,366 9,500 age0-19 33% 29% 28% 26% 36% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% </td <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>3%</td>							3%
Voter Turnout (Nov 2014) % Asian-Sumamed 34% 22% 18% 28% $\%$ Spanish-Surnamed 1% 2% 2% 2% 2% $\%$ Spanish-Surnamed 20% 28% 23% 17% $\%$ NH White est. 39% 34% 49% 48% $\%$ NH White est. 39% 34% 49% 48% $\%$ NH White est. 39% 34% 49% 42% $\%$ Stain-Surnamed 27% 37% 30% 26% $\%$ Shain-Surnamed 27% 17% 15% 23% $\%$ Filipino-Surnamed 1% 2% 1% 2% $\%$ NH Black est. 39% 5% 4% 3% Age age0-19 33% 27% 23% $\%$ NH Black est. 9% 5% 4% 3% Age age0-19 33% 29% 28% 26% Age age0-19 33% 29% 26% 36% Immigration				/			4,794
Voter Turnout (Nov 2014) % Filipino-Surnamed 1% 2% 2% 2% % NH White est. 39% 34% 49% 48% % NH White est. 39% 34% 49% 48% % NH Black 4% 5% 4% 2% % NH Black 4% 5% 4% 2% % NH Surnamed 1,925 1,839 2,768 1,917 % Latino 29% 37% 30% 26% % Filipino-Surnamed 26% 33% 27% 23% % NH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 44% 3% ACS Pop. Est. Total 9,812 9,175 10,366 9,500 age0-19 33% 28% 26% 38% 26% 36% Age age0-19 33% 42% 35% 38% 31% Immigration inmigratis 45% 45% 31% 40%							25%
(Nov 2014) % Filipino-Surnamed 1% 2% 2% 2% 2% 2% 2% 1% Wold NH White est. 39% 34% 49% 48% 48% 48% 49% 48% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 48% 49% 49% 48% 49% 49% 48% 49% 49% 48% 49% 49% 49% 48% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 49% 40% 39% 46% 51% 53% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56%	Voter Turnout					1000000 Pacet	25%
We Spanish-Surnamed 20% 22% 23% 17% % NH White est. 39% 34% 49% 48% % NH Elack 4% 5% 4% 2% % Int Black 1,925 1,839 2,768 1,917 % Latino 29% 37% 30% 26% % Asian-Surnamed 17% 15% 23% % Spanish-Surnamed 20% 17% 15% 23% % Spanish-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 48% 47% % Spanish-Surnamed 26% 33% 48% 47% % NH Black est. 3% 5% 4% 3% ACS Pop. Est. Total 9,812 9,175 10,366 9,50% Age age0-19 33% 29% 26% 26% 26% Immigration naturalized 39% 45% 56% 56% 56% anguage spoken at home		*	-		2%		2%
% NH Black 4% 5% 4% 2% Voter Turnout (Nov 2012) Total 1,925 1,839 2,768 1,917 % Latino 29% 37% 30% 26% % Asian-Surnamed 27% 17% 15% 23% % Spanish-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 48% 47% % NH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 4% 3% ACS Pop. Est. Total 9,812 9,175 10,366 9,500 Age age0-19 33% 29% 28% 26% age0-19 33% 29% 28% 26% 3% Immigrants 45% 45% 39% 46% 16% 18% Immigrants 28% 31% 40% 31% 38% 38% 36% 38% 36% 36% 36% 36%	(2.00.202.)	% Spanish-Surnamed	6668 1026	28%	Succession and	17%	22%
Voter Turnout (Nov 2012) Total 1,925 1,839 2,768 1,917 % Latino 29% 37% 30% 26% % Kaian-Sumamed 27% 17% 15% 23% % Spanish-Sumamed 26% 33% 27% 23% % NH-White est. 40% 33% 48% 47% % NH-Black est. 3% 5% 4% 3% Age age0-19 33% 29% 28% 26% age01us 12% 15% 16% 18% Immigration immigrants 45% 39% 46% naturalized 39% 46% 51% 53% 38% asian-lang 19% 22% 2% 2% <td></td> <td></td> <td>39%</td> <td>34%</td> <td>49%</td> <td>48%</td> <td>43%</td>			39%	34%	49%	48%	43%
Voter Turnout (Nov 2012) % Latino 29% 37% 30% 26% % Asian-Sumamed 27% 17% 15% 23% % Filipino-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 27% 23% % NH White est. 40% 33% 48% 47% % NH Black est. 39% 5% 4% 3% Acs Pop. Est. Total 9,812 9,175 10,366 9,500 Age age0-19 33% 29% 28% 26% age0-19 33% 29% 28% 26% age0-19 33% 29% 28% 26% immigration inatralized 39% 46% 18% inaguage spoken at home english 28% 31% 40% 31% aspanish 50% 42% 35% 38% 38% 35%		% NH Black	4%	5%	4%	2%	4%
Voter Turnout (Nov 2012) % Asian-Sumamed 27% 17% 15% 23% % Filipino-Surnamed 1% 2% 1% 2% % Spanish-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 27% 23% % MH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 4% 3% Age age0-19 33% 29% 28% 26% age10-19 33% 29% 28% 26% age20-60 55% 56% 56% 56% age20-60 55% 56% 39% 46% Immigration naturalized 39% 46% 51% 53% anguage spoken at home english 28% 31% 40% 31% Language Fluency Speaks Eng. "Less thos zeg 25+) 36% 34% 31% 37% Education (among those zeg 25+) hs-grad 47% 5% <		Total	1,925	1,839	2,768	1,917	8,449
Voter Turnout (Nov 2012) % Filipino-Surnamed 1% 2% 1% 2% % Spanish-Surnamed 26% 33% 27% 23% % Spanish-Surnamed 26% 33% 27% 23% % NH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 4% 3% Age age0-19 33% 29% 28% 26% Age age20-60 55% 56% 56% 56% age0-19 33% 29% 28% 26% age0-10 33% 29% 28% 26% age0-10 33% 29% 28% 26% age0-11 33% 45% 45% 39% 46% Immigration inturalized 39% 46% 51% 53% aaguage spoken at home spanish 50% 42% 29% 26% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31%		% Latino	29%	37%	30%	26%	31%
(Nov 2012) % Hipmo-Surnamed 1% 2% 1% 2% % Spanish-Surnamed 26% 33% 27% 23% % NH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 44% 3% Acs Pop. Est. Total 9,812 9,175 10,366 9,500 Age age0-19 33% 29% 28% 26% Age age20-60 55% 56% 56% 56% age0plus 12% 15% 16% 18% Immigration intrunigrants 45% 45% 39% 46% anguage spoken at home english 28% 31% 40% 31% spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% Language Fluency Speaks Eng. "Less 36% 34% 31% 37% 55% Education (among those age 25+) bachelor 11%	Voter Turpout	% Asian-Sumamed	27%	17%	15%	23%	20%
% Spanish-Surnamed 26% 33% 27% 23% % NH White est. 40% 33% 48% 47% % NH Black est. 3% 5% 4% 3% ACS Pop. Est. Total 9,812 9,775 10,366 9,500 Age age0-19 33% 29% 28% 26% age0-19 33% 29% 28% 26% age0-19 33% 29% 28% 26% age0plus 12% 15% 16% 18% Immigration intralized 39% 46% 51% 53% anguage spoken at home spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) bachelor 11% 13% 13% 13% graduatedegree 4% 4% 5% <td< td=""><td></td><td></td><td>1%</td><td>2%</td><td>1%</td><td>2%</td><td>1%</td></td<>			1%	2%	1%	2%	1%
$\begin{array}{ c c c c c c c c c c c c c c c c c c c$	(Nov 2012)	% Spanish-Surnamed	26%	33%	27%	23%	27%
ACS Pop. Est. Total 9,812 9,175 10,366 9,500 Age age0-19 33% 29% 28% 26% Age age20-60 55% 56% 56% 56% age60plus 12% 15% 16% 18% Immigration immigrants 45% 45% 39% 46% anguage spoken at home spanish 50% 42% 31% 40% 31% Anne spanish 50% 42% 35% 38% 38% asian-lang 19% 22% 24% 29% 24% 29% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 55% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56% 56%		% NH White est.	40%	33%	48%	47%	43%
Age age0-19 33% 29% 28% 26% Age age0-19 33% 29% 28% 26% Age age0plus 12% 15% 16% 18% Immigration immigrants 45% 45% 39% 46% anguage spoken at home english 28% 31% 40% 31% asian-lang 19% 22% 24% 29% Conter lang 3% 4% 2% 2% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) ba-grad 47% 50% 57% 55% Commute on Public Transit 43% 36% 38% 35% 36% 38% 35% Household Income income 0-25k 22% 23% 19% 24% 20% 20% 20% 20% 20% 20% 20% 20% 20% 20% 20% 20% 20%		% NH Black est.	3%	5%	4%	3%	4%
Age age20-60 55% 56% 56% 56% Immigration immigrants 45% 45% 39% 46% Immigration naturalized 39% 46% 51% 53% anguage spoken at home english 28% 31% 40% 31% anguage spoken at home spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) ba-grad 47% 50% 57% 55% Child in Household child-under18 43% 36% 38% 35% Commute on Public pop age 16+) income 0-25k 22% 23% 19% 24% Household Income income 205k 28% 38% 32% 28% 28% 28% 20% 28% Household Income income 20k-plus 2% 2% 3%	ACS Pop. Est.	Total	9,812	9,175	10,366	9,500	38,85
$\begin{array}{ c c c c c c c c c c c c c c c c c c c$	1	age0-19	33%	29%	28%	26%	29%
$\begin{array}{r rrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrr$	Age	age20-60	55%	56%	56%	56%	56%
$\begin{array}{r rrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrr$		age60plus	12%	15%	16%	18%	15%
naturalized 39% 46% 51% 53% anguage spoken at home english 28% 31% 40% 31% anguage spoken at home spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% asian-lang 19% 22% 24% 29% Language Fluency Speaks Eng. "Less 36% 34% 31% 37% Education (among those age 25+) bachelor 11% 13% 13% 13% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Household Income income 0-25k 22% 23% 19% 24% income 205-50k 33% 28% 26% 27% income 20-50k 28% 28% 20% 28% income 20-50k 28% 28% 20% 28% income 20-50k	т		45%	45%	39%	46%	44%
anguage spoken at home spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% other lang 3% 4% 2% 29% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 57% 55% Didld in Household child-under18 43% 36% 38% 35% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Transit 4% 5% 3% 3% 3% Household Income income 25-50k 28% 28% 26% 27% Household Income single family 51% 57% 3% 1% Household Income single family 51% 57% 68% 57% Multi-family 49% 43% <	Immigration	naturalized	39%		51%	53%	47%
anguage spoken at home spanish 50% 42% 35% 38% asian-lang 19% 22% 24% 29% other lang 3% 4% 2% 29% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 57% 55% Didld in Household child-under18 43% 36% 38% 35% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Transit 4% 5% 3% 3% 3% Household Income income 25-50k 28% 28% 26% 27% Household Income single family 51% 57% 3% 1% Household Income single family 51% 57% 68% 57% Multi-family 49% 43% <		english	28%	31%	40%	31%	33%
homeasian-lang19%22%24%29%other lang3%4%2%2%Language FluencySpeaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+)hs-grad 47% 50% 57% 55% Dild in Householdchild-under18 43% 36% 38% 35% Work (percent of pop age 16+)employed 58% 58% 59% 58% Household Income 11% 28% 28% 26% 27% Household Income 50% 57% 52% 22% 23% 19% Household Income $50.75k$ 16% 18% 20% 20% Household Income $5.50k$ 28% 32% 28% 22% Household Income $5.50k$ 28% 32% 28% 32% Household Income $5.50k$ 28% 32% 28% 32% Household Income $5.50k$ 2% 2% 3% 3% <					35%		41%
other lang 3% 4% 2% 2% Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 57% 55% Did in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Commute on Public Transit 4% 5% 3% 3% 3% Household Income income 0-25k 22% 23% 19% 24% income 25-50k 33% 28% 26% 27% 20% income 25-50k 16% 18% 20% 20% 20% income 75-200k 28% 28% 32% 28% 28% 28% 28% 28% 28% 26% 27% 3% 1% 3% 1% 3% 1% 3% 1% 3% 32% 28% 26% 27% 2% 2	home			22%			23%
Language Fluency Speaks Eng. "Less than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 57% 55% Dild in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Household Income income 0-25k 22% 23% 19% 24% Household Income income 25-50k 33% 28% 26% 27% Household Income single family 51% 57% 68% 57% Household Income coccupied 94% 28% 22% 23% 19% 24% income 0-75k 16% 18% 20% 20% 20% 10% 10% 20% 20% 20% 10% 10% 10% 13% 10% 10% 10% 10% 10% 10% 10% 10% 10% 10% 10% 10% 10% 10% <td></td> <td></td> <td></td> <td>(T) (T) (T)</td> <td></td> <td></td> <td>3%</td>				(T) (T) (T)			3%
Language Fluency than Very Well" 36% 34% 31% 37% Education (among those age 25+) hs-grad 47% 50% 57% 55% Database graduatedegree 4% 4% 6% 5% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Transit 4% 5% 3% 3% 3% Household Income income 0-25k 22% 23% 19% 24% income 25-50k 33% 28% 26% 27% income 75-200k 28% 28% 20% 20% income 75-200k 28% 28% 32% 28% 28% 28% 28% 28% 28% 28% 28% 19% 36% 37% 1% 36% 36% 36% 36% 36% 36% 36% 36% 36% 36% 36% 36% 36%		0					
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Language Fluency		36%	34%	31%	37%	34%
Boundary (among those age 25+) bachelor 11% 13% 13% 13% Child in Household child-under18 43% 36% 38% 35% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Income 0-25k 22% 23% 19% 24% income 0-25k 22% 23% 19% 24% income 0-25k 22% 23% 20% 20% Household Income income 25-50k 33% 28% 26% 27% income 75-20k 28% 28% 32% 28% 20% 20% income 200k-plus 2% 2% 3% 1% 1% income 200k-plus 2% 2% 3% 1% Housing Stats single family 51% 57% 68% 57% Occupied 94% 93% 96% 95% 95% <tr< td=""><td>-</td><td></td><td>47%</td><td>50%</td><td>57%</td><td>55%</td><td>53%</td></tr<>	-		47%	50%	57%	55%	53%
those age 25+) graduatedegree 4% 4% 6% 5% Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Household Income income 0-25k 22% 23% 19% 24% Household Income income 0-25k 22% 23% 20% 20% Household Income income 75-20k 33% 28% 20% 20% income 75-20k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% Housing Stats single family 51% 57% 68% 57% Occupied 94% 93% 96% 95% 7% rented 58% 51% 44% 53%		0		1.000			12%
Child in Household child-under18 43% 36% 38% 35% Work (percent of pop age 16+) employed 58% 58% 59% 58% Household Income income 0-25k 22% 23% 19% 24% Household Income income 025k 22% 23% 20% 20% Household Income income 75-200k 28% 22% 28% 32% 28% Household Income income 75-200k 28% 28% 32% 28% 32% 28% Household Income 100k-plus 2% 2% 3% 1% 1% Household Income 50-75k 16% 18% 20% 28% 28% 32% 28% 32% 28% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1% 1%	those age 25+)						5%
employed 58% 58% 59% 58% Work (percent of pop age 16+) Commute on Public Transit 4% 5% 3% 3% Household Income income 0-25k 22% 23% 19% 24% Household Income income 25-50k 33% 28% 26% 27% Household Income income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% 1% income 200k-plus 2% 2% 3% 1% single family 51% 57% 68% 57% Multi-family 49% 43% 32% 43% vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53%	hild in Household	0 0					38%
Work (percent of pop age 16+) Transit 4% 5% 3% 3% Income 0-25k 22% 23% 19% 24% income 0-25k 22% 23% 19% 24% income 0-25k 22% 23% 26% 27% Household Income income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% Housing Stats single family 51% 57% 68% 57% Multi-family 49% 43% 32% 43% vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53%	29513 S. 1673 - 1675						58%
pop age 16+) Transit 4% 5% 3% 3% Income 0-25k 22% 23% 19% 24% Income 0-25k 22% 23% 19% 24% Income 25-50k 33% 28% 26% 27% Household Income income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% multi-family 51% 57% 68% 57% Mousing Stats vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%			5570			3070	- 3070
income 0-25k 22% 23% 19% 24% income 25-50k 33% 28% 26% 27% income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% Housing Stats single family 51% 57% 68% 57% Mousing Stats occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%	pop age 16+)	carding-constable for the second s	4%	5%	3%	3%	4%
income 25-50k 33% 28% 26% 27% Household Income income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% single family 51% 57% 68% 57% multi-family 49% 43% 32% 43% vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%	en sense det tra det		2207	9304	1004	9 <u>4</u> 07	22%
Household Income income 50-75k 16% 18% 20% 20% income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% single family 51% 57% 68% 57% multi-family 49% 43% 32% 43% vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%							
income 75-200k 28% 28% 32% 28% income 200k-plus 2% 2% 3% 1% single family 51% 57% 68% 57% multi-family 49% 43% 32% 43% Vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%	Joursehold Trans-						28%
income 200k-plus 2% 2% 3% 1% single family 51% 57% 68% 57% multi-family 49% 43% 32% 43% Vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%	iousenoia income						19%
single family 51% 57% 68% 57% multi-family 49% 43% 32% 43% Vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%							29%
multi-family 49% 43% 32% 43% Housing Stats vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%							2%
vacant 6% 7% 4% 5% occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%	Housing Stats						59%
Housing Stats occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%			0.016 - 30004	25622350	10.00000000	01001001	41%
occupied 94% 93% 96% 95% rented 58% 51% 44% 53% owned 42% 49% 56% 47%							5%
owned 42% 49% 56% 47%	0	1		12			95%
		rented			200 WORLDON		51%
otal and Voting Age population data from the 2010 Decennial Census.		owned	42%	49%	56%	47%	49%
	otal and Voting Age popu	lation data from the 2010 Dec	ennial Census.				
rname-based Voter Registration and Turnout data from the California Statewide Database.							
tino voter registration and turnout data are Spanish-sum ame counts adjusted using Census Population Department dercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age							

ORDINANCE NO. 1073

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ESTABLISHING FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM AND CERTAIN RELATED MATTERS

WHEREAS, the City Council of the City of Stanton ("the City") has historically been elected under an "at-large" election system where City Council Members are elected by voters of the entire city; and

WHEREAS, the City Council desires to change to "by-district" elections where each City Council Member must reside within the designated district boundary and is elected only by the voters in that district and the office of Mayor shall be directly elected; and

WHEREAS, the City Council previously adopted Resolution No. 2017-34 to guide the process of establishing the City Council districts; and

WHEREAS, the City Council solicited, received, and took under consideration input from the community and identified a Preferred District Map that fully complies with all legal requirements and the adopted criteria referenced in Resolution No. 2017-34; and

WHEREAS, the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001; and

WHEREAS, the City Council has taken all legal prerequisites to the enactment of this Ordinance.

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

SECTION 1. The facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2. Sections 2.04.080, 2.04.090, 2.04.100, and 2.04.110 are added to Chapter 2.04 of Title 2 of the Stanton Municipal Code to read as follows:

Section 2.04.080 Single-Member Voting Districts for City Council

2.04.080 Voting districts established.

At the expiration of the current terms of office of members of the City Council, City Council Members shall be elected by four City Council districts, the boundaries of which shall be adopted by resolution and the office of Mayor shall be directly elected.

2.04.090 Eligibility to hold office.

A. A person is not eligible to hold office as a City Council Member unless he or she resides within the designated district boundary.

B. Persons signing nomination petitions or voting for a City Council Member shall be registered to vote in the district from which the Council Member is to be elected.

2.04.100 Adjusting council district boundaries.

A. The City Council shall adjust district boundaries when required by law and at such other times as deemed appropriate by the City Council. Such proceedings shall be conducted and the district boundaries adjusted in compliance with all legal criteria and such other standards as might be adopted by the City Council.

B. Before adjusting the boundaries of a district, the Council shall hold at least one public hearing on the proposal to adjust the boundaries of the district.

2.04.110 Effect of establishment or change in district boundaries.

The term of office of any member of the City Council shall not be affected by the establishment of or change in boundaries of any district.

SECTION 3. Severability. The City Council declares that, should any provision, section; paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

<u>SECTION 4</u>. This Ordinance shall take effect immediately after its adoption, pursuant to Government Code Section 25123.

<u>SECTION 5</u>. The City Clerk of the City of Stanton shall certify to the passage of the Ordinance and shall cause the same to be posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 28th day of November, 2017.

CAROL WARREN, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA) COUNTY OF ORANGE) ss. CITY OF STANTON)

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1073 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 14th day of November, 2017, and was duly adopted at a regular meeting of the City Council held on the 28th day of November, 2017, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

PATRICIA A. VAZQUEZ, CITY CLERK

RESOLUTION NO. 2017-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADOPTING A MAP OF FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM

WHEREAS, the City Council of the City of Stanton ("the City") adopted its Ordinance No. 1073 adding Sections 2.04.080, 2.04.090, 2.04.100, and 2.04.110 to Chapter 2.04 of Title 2 of the Stanton Municipal Code establishing four City Council districts for a bydistrict electoral system, where each City Council Member must reside within the designated district boundary and be elected only by the voters in that district and the office of Mayor shall be directly elected; and

WHEREAS, Stanton Municipal Code §2.04.080 provides that the boundary map by which City Council Members shall be elected shall be adopted by resolution; and

WHEREAS, the City Council solicited, received, and evaluated a total of 7 proposed boundary maps submitted by the community and the City's demographics consultant, and each map and its demographic data was made available in a link to the City's website; and

WHEREAS, the City Council evaluated each proposed boundary map in consideration of public testimony and the following established guidelines:

- 1. Each Council district shall contain a nearly equal number of inhabitants; and
- 2. Council district borders shall be drawn in a manner that complies with the Federal Voting Rights Act; and
- 3. No Council district shall be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in Shaw v. Reno, 509 U.S. 630 (1993), and its progeny; and
- 4. Council districts shall consist of contiguous territory in as compact form as possible; and
- 5. Council districts shall respect communities of interest as much as possible; and
- 6. Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible; and
- 7. Council districts known to be areas of higher-than-average population growth in the two to five years following this boundary line adjustment may be under populated within the population deviation amounts allowed by law.

WHEREAS, public hearings were held on September 29, 2017, October 11, 2017, October 23, 2017, and November 14, 2017, at which the City Council selected a preferred map for four City Council districts (the "Preferred Map").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1: The facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2: Pursuant to Stanton Municipal §2.04.080, the Preferred Map attached as Exhibit "A" to this resolution is adopted.

SECTION 3: The City Clerk is directed to transmit the map to the County of Orange.

SECTION 4: The City Manager and City Attorney are directed to take such actions as they deem necessary or appropriate to implement this Resolution, including technical adjustments to the adopted map to ensure its proper implementation, provided that such technical amendments are minor and consistent with the intent of the map and the Stanton Municipal Code.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on November 14, 2017 by the following vote, to wit:

CAROL WARREN; MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

RESOLUTION NO. 2017-47 Page 2 of 3 ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2017-47 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 14, 2017, and that the same was adopted, signed and approved by the following vote to wit:

NOES:ABSENT:ABSTAIN:	AYES:	,	 	 _
	NOES:	 	 	 _
ABSTAIN:	ABSENT:			 -
	ABSTAIN:	 	 	 _

PATRICIA A. VAZQUEZ, CITY CLERK

ORDINANCE NO. 1071

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 20.205.040, SECTION 20.210.010, TABLE 2-2 OF SECTION 20.210.020, TABLE 3-6 OF SECTION 20.320.030, SECTION 20.400.330, SECTION 20.410.020, SECTION 20.410.030, SECTION 20.410.050, AND SECTION 20.700.900 OF TITLE 20 OF THE STANTON MUNICIPAL CODE REGULATING ACCESSORY DWELLING UNITS

WHEREAS, on September 27, 2016, the Governor approved Assembly Bill No. 2299, which amended Government Code Section 65852.2; and Senate Bill No. 1069, which also amended Government Code Sections 65582.1, 65583.1, 65589.4, 65852.150, and 66412.2, to facilitate the provision of affordable housing throughout California; and

WHEREAS, Assembly Bill No. 2299 provides that any existing accessory dwelling unit ordinance that does not meet the requirements of Assembly Bill No. 2299 is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance; and

WHEREAS, Section 20.210.020 of the Stanton Municipal Code presently allows second (accessory) dwelling units within all residential zones subject to certain development standards; and

WHEREAS, California Government Code Section 65852.2(a)(1) allows local agencies to impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit; and

WHEREAS, California Government Code Section 65852.2(a)(1) also allows local agencies to prohibit tandem parking if specific findings are made that tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions; and

WHEREAS, the City desires to prohibit tandem parking for ADUs except for driveways directly adjacent to a garage because allowing tandem parking would create a situation in the City's residential zones where the vehicle(s) belonging to the owner of a principle dwelling unit on a property may impede the vehicle(s) belonging to the owner or occupant of an ADU on the same property from being able to safely evacuate the property in an emergency, or vice versa; and

WHEREAS, the City wishes to amend the Stanton Municipal Code to ensure that the City regulates accessory dwelling units in compliance with the provisions of AB 2299; and



WHEREAS, on October 4, 2017, the Planning Commission of the City of Stanton held a duly-noticed public hearing at which the Commission considered oral and written testimony and the entirety of the record, and recommended that the City Council adopt Ordinance No. 1071; and

WHEREAS, on October 24, 2017, the City Council of the City of Stanton held a duly-noticed public hearing at which the Council considered oral and written testimony and the entirety of the record.

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

SECTION 1: <u>CEQA</u>. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15282(h) as the actions of this Ordinance are taken to implement the provisions of State Government Code 65852.2 as set forth in Section 21080.17 of the Public Resources Code.

SECTION 2: <u>Findings for Zoning Code Amendments</u>. The City Council of the City of Stanton hereby makes the following findings in support of the Zoning Code Amendments proposed herein:

- A. The proposed amendment is consistent with the General Plan and any applicable Specific Plan. The proposed Zoning Code Amendments are consistent with the goals, policies and general land uses and programs specified in the General Plan, specifically: Goal H-1.1 to "provide for a housing stock of sufficient quantity composed of a variety and range of types and costs" and Strategy H-1.1.1 to "expedite project review, processing and building plan check of affordable residential projects to ensure project reviews are not constraints to development of affordable housing." The proposed amendments include technical changes to the Zoning Code in order to align the City's existing Second Dwelling Unit Ordinance with the State Law, which designates accessory dwelling units as an essential component of the affordable housing supply.
- B. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Rather, the proposed amendments prescribe standards to minimize adverse impacts that may occur from the establishment of accessory dwelling units.
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code. The proposed Ordinance updates the City's existing Second Dwelling Unit ordinance to comply with revisions of California Government Section 65852.2 and clarify development standards for accessory dwelling units. Moreover, this Ordinance is being processed in accordance with Stanton Municipal Code Chapter 20.610.

Ordinance No. 1071 Page 2 of 19 **SECTION 3:** <u>Amendment to Section 20.205.040 Allowable Land Use and</u> <u>Permit Requirements.</u> Section 20.205.040 of Title 20 of the Stanton Municipal Code is hereby amended as follows:

C. Site Plan and Design Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan and Design Review approval in compliance with Chapter 20.530 (Site Plan and Design Review). Residential room additions or expansions, or construction of accessory dwelling units are excluded from this requirement.

SECTION 4: <u>Amendment to Section 20.210.010 Purposes of Residential</u> <u>Zones</u>. Section 20.210.010.B of Title 20 of the Stanton Municipal Code is hereby amended as follows:

B. Single-Family Residential (RL) Zone. The RL zone is applied to areas appropriate for a range of detached single-family residential dwellings on standard suburban lots, together with appropriate accessory structures and uses. The RL zone preserves and protects a single-family residential character while allowing mobile and modular homes, accessory dwelling units, condominiums, townhomes, public facilities, and other uses that are compatible with low density single-family neighborhoods.

SECTION 5: <u>Amendments to Table 2-2 of Section 20.210.020 Residential</u> <u>Zone Land Uses and Permit Requirements</u>. Table 2-2 of Section 20.210.020 of Title 20 of the Stanton Municipal Code is hereby amended as follows:

Table 2-2 Allowed Land Uses and Permit Requirements Residential Zones	Permit (20.550) MUP = Minor Use Permit (20.550)		Perm —= F	empora it (20.54 Prohibite 05:040)	0)	
	See Chapter	20.205	(Gen	eral Pe	rmit Re	quirements)
Land Use						Cross of the
See Article 7 (Definition	ns)	RE	RL	RM	RH (3)	Specific Use
See Section 20.205.040 for unlisted uses & exempt uses						Regulations
Agricultural and Ope	n Space Uses	n de Maria (Maria) An The Maria (Maria)	il a l'Escal de Coloise Melois		ant an sine Store with some	n en Benen K. O. F. Gange Steven (K. S. J.
Plant Nurseries		P				

Residential Uses			stand sing sing Sing sing sing sing sing sing sing sing s		an <u>Constan</u> Constant Standard Science
Single-Family Dwellings, Attached		—	Ρ	P(1)	20.235-PD; 20.420
Single-Family Dwellings, Detached	Р	Р	Ρ	Р	
Two-Family Dwellings		—	Р	Р	
Multi-Family Dwellings			Р	Р	20.420
Multi-Family Development (e.g., Small Cluster Subdivisions, etc.)		_	Ρ	Р	20.420
Accessory Dwelling Units	Р	Р	P (1)	P (1)	20.400.330
Group Home		—	CUP	CUP	
Manufactured Housing	Р	Р	Ρ	Р	20.400.210
Mobile Home Park/Subdivision	CUP	CUP	CUP	CUP	20.400.220
Single-Room Occupancy (SRO) Facility			CUP	CUP	20.400.350
Care Uses	a na spane a craininna	1997 - 1997 1997 - 1998 1997 - 1998	ne verete te 14. servete te	n ang kang sa Ng kang sa ka	a el sena antara de la seconomia de la seconomi Seconomía de la seconomía de la
Adult Day Care Home - Small (up to 6)	Р	Р	Р	Р	20.400.120
Adult Day Care Home - Large (7 to 14)	MUP	MUP	MUP	MUP	20.400.120
Child Day Care Home - Small (up to 8)	Р	Р	Р	Р	20.400.120
Child Day Care Home - Large (9 to 14)	MUP	MUP	MUP	MUP	20.400.120
Day Care, General (15 or more)	—	—	CUP	CUP	20.400.120
Residential Care Home - 6 or fewer	Р	Р	Р	Р	20.400.310
Residential Care Home - 7 or more			CUP	CUP	20.400.310
Residential Care Facility for Elderly - 6 or fewer	Р	Р	Р	Р	20.400.310
Residential Care Facility for Elderly - 7 or more			CUP	CUP	20.400.310
Senior Residential Projects		-		CUP	20.400.340
Supportive Housing	<u> </u>	-	Р	Р	
Transitional Housing			Р	Ρ	

Ordinance No. 1071 Page 4 of 19

Assembly/Meeting Facilities	[<u> </u>	CUP	20.400.060
Schools	CUP	CUP	CUP	CUP	
Service Uses - Business and Professional	I Alis (Alis) Seller (Alis) Seller (Seller)				Sofunda Soford Maria
Offices - Professional (Fronting Katella Avenue only)		Р			
Service Uses - General		169 JF 3	an shirib a		
Kennels/Aviaries (2)					
Schools, Specialty - Less than 2,500 sq ft			MUP	MUP	
Public and Semi-Public Use - Busin and Professional	ess	19. April 19. Stand 19. Stan Acres 19. Stan			
Parks and Playgrounds	P	Р	Р	Ρ	
Paths and Trails	P	Р	P	Р	
Transportation, Communication, an Infrastructure Uses	d	of Marka Jong Politika Jong Politika Jong			
Satellite/Dish Antennae	Р	Р	Р	Р	20.400.320
Utilities - Minor	P	Р	Р	Ρ	
Table 2-2 Allowed Land Uses and Permit Requirements Residential Zones (cont'd)	RE	RL	RM	RH(3)	Specific Use Regulations
Utilities - Major	CUP	CUP	CUP	CUP	
Wireless Communication Facilities - Minor	CUP	CUP	CUP	CUP	20.450
Wireless Communication Facilities - Major	CUP	CUP	CUP	CUP	20.450
Other Uses	en en la la com La companya			an an ann an An Conseilte	
Accessory Residential Structures/Uses	Р	Р	Р	Р	20.410
Animal Keeping	See Section 20.400.040 (Animal Keeping)				
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	
Filming Activities	Р	Р	Р	Р	MC 5.52
Garage Sales	Р	P	Р	Р	MC 5.48

Page 5 of 19

Home Occupation	P	Р	P	P	20.515
Temporary Uses	Т	Т	Т	Т	20.540

Notes:

- 1) Accessory dwelling units are only allowed in the RM and RH zones on a lot where a single-family dwelling unit exists as of the date of adoption of this Zoning Code.
- 2) Properties with legal Kermore Lane addresses operating existing, legally approved kennels and/or aviaries as of the date of adoption of this Zoning Code are permitted. If the existing, legally approved kennels and/or aviaries as of the date of adoption of this Zoning Code cease operations for longer than 180 days, the property which the kennel was previously operated would no longer be permitted to operate a kennel and/or aviary.
- 3) Affordable housing projects for lower income (very low and low income) households as defined in Section 50079.5 of the Health and Safety Code, that meet the provisions of Section 65583.2 of the Government Code and the Residential Land Resources Appendix of the General Plan Housing Element, are permitted by right in the RH (High Density Residential) zone, and may be developed at a density of 30 du/ac or greater. High Density Residential housing projects that do not meet the provisions stated above are subject to a conditional use permit and the density standards identified in Section 20.10.040 of the Stanton Municipal Code.

SECTION 6: <u>Amendments to Section 20.320.030 Number of Off-Street</u> <u>Parking Spaces Required</u>. Table 3-6 of Section 20.320.030 of Title 20 of the Stanton Municipal Code is hereby amended as follows:

Table 3-6 Off-Street Parking Space Requirements		
	Required Number of Spaces (1)	
Description of Use	See Section 20.320.030.B (Calculation Metrics).	
Agricultural and Open Space Uses	and a standard of the second standard of the second standard of the second standard of the second standard of t The second standard of the	
Community Garden	1 space/5,000 sq ft of lot area	
Market Farm	Per Temporary Use Permit (Chapter 20.540)	
Produce Stand	3 spaces/1,000 sq ft	
Residential Uses	Covered space = Carport; Enclosed space = Garage	
Boarding House	1 covered space per rooming unit	
Caretaker Housing	1 covered space/unit	

Ordinance No. 1071 Page 6 of 19

Home Occupation	Space(s) required for dwelling unit only
Live-Work Units (Residential Component)	2 covered spaces/unit
Mixed-Use Development (Residential Component)	2 covered spaces/dwelling unit
	1 bedroom: 2 enclosed spaces
Single-Family Dwelling	2 bedroom: 3 spaces (at least 2 enclosed)
	3-4 bedrooms: 4 spaces (at least 2 enclosed)
	5+ bedrooms: 4 spaces (at least 2 enclosed) + 0.5 spaces per additional bedroom
Single-Family Dwelling - Cluster, Subdivisions and Condominiums	In addition to required parking spaces per bedroom in a single family dwelling, one parking space for every three dwelling units must also be provided for guest parking purposes.
	Studio: 1 space
	1-bedroom: 2 spaces
	2-bedroom: 2.75 spaces
Multi-Family Dwellings	3-bedroom: 3.5 spaces
, ,	4 or more bedrooms: 4 spaces + 0.5 per additional bedroom
	Guest Parking: 1 space for every 3 dwelling units
	2 spaces/trailer site;
Mobile Home Park	1 guest space/5 trailer sites
	1 space per unit or 1 space per bedroom, whichever is less.
	Parking is not required if the accessory dwelling unit:
ı	a. is within a half-mile of public transit, as designated by a public agency, or
Accessory Dwelling Units	b. that is in an architecturally or historically significant district, or
	c. that is in an existing primary residence or an existing accessory structure, or
	d. when an on-street parking permit is required but not offered to the occupant of the accessory dwelling unit, or

e. when there is a car share vehicle, as designated by a public agency, located within one block of the accessory dwelling unit.

Table 3-6 Off-Street Pa	arking Space Requirements (cont'd)
	Required Number of Spaces (1)
Description of Use	See Section 20.320.030.B (Calculation Metrics).
Senior Residential Projects	1 covered space/unit; and
Senior Residential Projecta	1 uncovered space/5 units for guest parking
Single-Room Occupancy (SRO) Facilities	1 space/2 rooms
Care Uses	
Convalescent hospital, rest home, sanitarium	1.5 spaces/150 sq ft of sleeping area
Day Care Home - Small Child (Up to 8)	Spaces required for dwelling unit only
Day Care Home - Large Child (9- 14)	2 spaces/site for drop-off and pick-up purposes (in addition to spaces required for dwelling unit)
Day Care Home - Small Adult (Up to 6)	Spaces required for dwelling unit only.
Day Care Home - Large Adult (7- 14)	2 spaces/site for drop-off and pick-up purposes (in addition to spaces required for dwelling unit)
Day Care Center (15 + children/adults)	1 space/2 employees with a minimum of 3 spaces; and 1 space/10 children/adults based on facility capacity
Emergency Shelters	1 uncovered space/5 beds; and 1 space/employee
Residential Care Home (up to 6)	Spaces required for dwelling unit only
Residential Care Facility for the Elderly	1 covered space/unit; and 1 uncovered space/5 every units for guest parking
Supportive Housing	Same as for single-family housing if 6 or fewer persons; same as for multi-family housing if 7 or more persons
Transitional Housing	Same as for single-family housing if 6 or fewer persons; same as for multi-family housing if 7 or more persons

Education, Recreation, and Public Assembly Uses

All uses listed under "Education, Recreation, and Public Assembly Uses" in use tables in Article 2, except for the following:	1 space/50 sq ft; or 1 space/4 fixed seats (18" lineal bench = 1 seat)
Adult-Oriented Business	1 space/2 occupants per allowable occupant load as established by the Fire Chief; and 1 space/employee or independent contractor on maximum shift
Assembly/Meeting Facilities	1 space/4 fixed seats (18" lineal bench = 1 seat); 1 space/50 sq ft of assembly area where there are no fixed seats; and 1 space/employee
Clubs and Lodges (Union halls, lodges, clubs)	1 space/50 sq ft of gross assembly floor area
Bingo Game Operations	1 space/250 sq ft
Commercial Recreation Facility - Indoor, except for the following:	Determined by Conditional Use Permit based on cumulative uses (Chapter 20.550)
Arcades	1 space/250 sq ft
Billiards/pool halls	2 spaces/table; and 1 space/employee with bar/restaurant uses calculated separately.
Bowling alley	3 spaces/lane, with restaurant uses calculated separately
Dance halls	1 space/7 sq ft gross dance floor area; and 1 space/100 sq ft
Family	As required by Minor Use Permit (Chapter 20.550)
Commercial Recreation Facility - Outdoor, except for the following:	Determined by Conditional Use Permit based on cumulative uses (Chapter 20.550)
Driving range	1 space/tee, with other uses calculated separately
Golf course - Regulation & pitch/putt	6 spaces/hole, with other uses calculated separately; 1 space/200 sq ft gross recreation floor area
Miniature golf	1.5 spaces/hole, with other uses calculated separately
Swimming pool - commercial	1 space per 3 persons based on maximum capacity with other uses calculated separately

Table 3-6 Off-Street Pa	arking Space Requirements (cont'd).
pulaukuinen ja johta oli anta son mendeset, eset toronta ar antaria datu (B toronta a construction)	Required Number of Spaces (1)
Description of Use	See Section 20.320.030.B (Calculation Metrics).
Tennis courts	3 spaces/court, with other uses calculated separately
Historic Landmark	Determined by Conditional Use Permit (Chapter 20.550)
Recreational Vehicle Park	1 space/employee; 1 RV space/lot; 1 space/RV lot, not including RV space; 1 guest space/10 RV lots
Schools - Academic	
Elementary school	2 spaces/classroom
Junior high school and high school	1.5 spaces/classroom; and 1 space/10 students
College or university	1 space/employee; and 4 spaces/10 students based on maximum classroom capacity
Schools - Specialty	1 space/classroom; and 1 space/5 students, based on maximum classroom capacity
Studios for Art, Dance, Martial Arts, Music	1 space/1.5 students at maximum enrollment
Theater - Cinema/Motion Picture	1 space/4 seats; 1 space/employee, with a minimum 5 employee spaces
Theater - Performance	1 space/4 fixed seats; 1 space/50 sq ft of assembly area where there are no fixed seats; and 1 space/employee
Industrial, Manufacturing, and Warehousing Uses	
All uses listed under "Industrial, Manufacturing and Warehousing Uses" in use tables in Article 2, except for the following:	1 space/500 sq ft of gross floor area; and 1 space/vehicle operated or kept in connection with the use
Construction Contractor Base	2 spaces per facility; and 1 space/300 sq ft of office space
Personal Storage Facilities	2 covered spaces for manager/caretaker; 1 space for each 20 rentable cubicles for customer parking; parking lanes per 20.400.270
Or	dinance No. 1071

Recycling Facilities

No separate dedicated space required
1 customer unloading space
3 customer unloading spaces
Determined by Conditional Use Permit
1 space/1,000 sq ft gross outdoor sales area; and 1 space/250 sq ft of indoor sales area
1 space for each 500 sq ft
1 space/employee on the largest shift; 1 space/vehicle operated or kept in connection with the use; 1 space/300 sq ft office space; and with other uses calculated separately
1 space/2,000 sq ft; and 1 space/vehicle operated or kept in connection with the use. If office/sales space exceeds 10% of the building area, then 1 space/250 sq ft of office/sales space.
1 space/300 sq ft
1 space/1,000 sq ft gross outdoor sales area; and 1 space/250 sq ft of indoor sales area
1 space/600 sq ft
1 space/250 sq ft of sales area; and 1 space/each separately rented sales space
<u></u>
1 space/200 sq ft
1 space/250 sq ft
arking Space Requirements (cont'd)
Required Number of Spaces (1)
See Section 20.320.030.B (Calculation Metrics).
1 space/1,000 sq ft of outdoor display area
1 space/1,000 sq ft

ł

Plant Nurseries	1 space/500 sq ft indoor; and 1 space/1,000 sq ft gross outdoor retail area
Retail Sales	
General Retail - Not in Shopping Center (2)	1 space/250 sq ft
General Retail - In Shopping Center (2)	1 space/300 sq ft
Bulk Merchandise	1 space/500 sq ft of indoor; 1 space/250 sq ft office
Shopping Center	· · ·
Neighborhood Shopping Center (2)	1 space/300 sq ft
Community Shopping Center (2)	1 space/300 sq ft
Swap Meets	1 space/250 sq ft of sales area; and 1 space/each separately rented sales space
Service Uses - Business and Professional	
All uses listed under "Service Uses - Business and Professional" in use tables in Article 2, except for the following:	1 space/300 sq ft or 1 space for every employee on the largest shift, whichever is greater; and 1 space/each vehicle operated or kept in connection with use
Automated Teller Machines (ATMs)	1 space/each exterior ATM
Medical Services	· · · · · · · · · · · · · · · · · · ·
Clinic, Laboratory, Urgent Care	1 space/200 sq ft
Hospitals	1.5 spaces/bed; 1 space/300 sq ft for office and research
Offices - Medical and Dental	1 space/250 sq ft, unless part of shopping center
Offices - Government	1 space/200 sq ft; and 1 space/government- owned vehicle
Service Uses - General	Nga ang pangang pangan Nga pangang pan
All uses listed under "Service Uses - General" in use tables in Article 2, except for the following:	1 space/300 sq ft

Animal Sales and Services	
Veterinary Office	1 space/250 sq ft, unless part of shopping center
Catering Service	1 space/400 sq ft
Eating and Drinking Establishments	ι
Accessory Food Service (Open to Public)	1 space/3 seats or 1/75 sq ft of net public area, whichever is greater
Bars and Nightclubs	1 space/30 sq ft
Fast Food	1 space/150 sq ft; queuing lanes for drive-up windows count toward off-street parking requirement at rate of 1 space/20 ft of length
Food Carts	Spaces required for commercial service use only
Full-Service (Dine-In)	1 space/100 sq ft of dining area, and 1 space/300 sq ft for employee areas
Outdoor Dining, Accessory	First 25% or 250 sq ft of outdoor dining area, whichever is less, does not require additional parking space(s); areas in excess of those standards require parking at rate of primary use
Equipment Rental, Repairs, and Sales	2 spaces/1,000 sq ft; and 1 space/2,500 sq ft of outdoor display area
Funeral Home, Mortuary	1 space/4 fixed seats (18" lineal bench = 1 seat); 1 space/50 sq ft of assembly area where there are no fixed seats; 1 space/employee
Health/Fitness Facilities	••••••••••••••••••••••••••••••••••••••
Small - 2,500 sq ft or less	1 space/250 sq ft
Large - Over 2,500 sq ft	1 space/200 sq ft
Lodging	1 space/guest room; and 2 spaces for resident manager
Table 3-6 Off-Street P	arking Space Requirements (cont'd)
Description of Use	Required Number of Spaces (1) See Section 20.320.030.B (Calculation Metrics).

٨

Massage Establishments	1 space/200 sq ft
Personal Services	
All Personal Service uses, except for the following:	1 space/250 sq ft
Laundromat	1 space/3 washing machines
Postal Services	1 space/250 sq ft
Printing and Duplicating Services	1 space/250 sq ft
Smoking Lounges (Hookah)	1 space/100 sq ft
Public and Semi-Public Uses	
Cemetery	1 space/4 fixed seats (18" lineal bench = 1 seat); 1 space/50 sq ft of assembly area where no fixed seats; 1 space/employee
Cultural Institutions (Libraries, Museums, Art Galleries)	1 space/300 sq ft
Government Facilities	Determined by Government Agency
Parks and Playgrounds	Determined by Director
Paths and Trails	Determined by Director
Public Safety Facilities	Determined by Government Agency
Transportation, Communication	n, and Infrastructure Uses
Broadcasting and Recording Studios	1 space/200 sq ft indoor space
Emergency Helicopter Landing Facility	1 space/landing facility
Transportation Service Dispatch	1 space/250 sq ft; and 1 space/service vehicle
Truck and Freight Terminals	1 space/250 sq ft indoor space
Utilities - Minor	None
Utilities - Major	Determined by Conditional Use Permit (Chapter 20.550)
Utility Infrastructure	None
Utility Service Facilities	None
Utility Service Yard	1 space/1,000 sq ft of yard area; and 1 space/each vehicle operated or kept in connection with use
Wireless Communication Facilities - Minor	Determined by Minor Use Permit (Chapter 20.550)

Ordinance No. 1071 Page 14 of 19

Wireless Communication Facilities - Major	Determined by Conditional Use Permit (Chapter 20.550)
Vehicle Rentals, Sales, and Services	
Motor Vehicle/RV/Boat Rentals	
Office Only	1 space/300 sq ft
General	1 space/1,000 sq ft gross outdoor rental area; and 1 space/300 sq ft of indoor office area
Motor Vehicle/RV/Boat Sales	
Office Only	1 space/300 sq ft
New	1 space/1,000 sq ft gross outdoor sales area; and 1 space/300 sq ft of indoor sales area
Used/Wholesale	1 space/1,000 sq ft gross outdoor sales area; and 1 space/300 sq ft of indoor sales area
Motor Vehicle/RV/Boat Services	
Car Wash - Automated	Equivalent of 5 spaces/20 ft of internal washing capacity; spaces may be provided in open paved area for drying cars
Car Wash - Self-Service	Equivalent of 2.5 spaces/wash bay; spaces may be provided in open paved area for drying
Table 3-6 Off-Street Pa	arking Space Requirements (cont'd)
	Required Number of Spaces (1)
Description of Use	See Section 20.320.030.B (Calculation Metrics).
Car Wash - Full Service	Determined by Minor Use Permit (Chapter 20.550)
Minor Maintenance/Repair/Installation	4 spaces/service bay; or 1 space per 200 sq ft,
Major Repair/Body Work	whichever is greater
Service Station	· · ·
With Service Bays	1 space/pump; and 1 space/service bay
With Convenience Store	1 space/pump; and 1 space/200 sq ft (excluding pump island and canopy area)
Towing and Storage	1 space/300 sq ft for office; and 1 space for each vehicle used in operations

Ordinance No. 1071 Page 15 of 19

.

Vehicle Storage (Motor Vehicle	Determined by Conditional Use Permit (Chapter
and RV)	20.550)

Notes:

- 1. All uses that require the presence of an owner, employee, manager, operator, caretaker, keeper, etc., on the premises shall provide one parking space per owner, employee, manager, operator, caretaker, keeper, etc. For purposes of determining the number of spaces needed to meet this requirement, the number of spaces shall be determined by counting the number of such persons on the largest shift.
- 2. Shopping center refers to a site with three or more commercial uses in which businesses and structures are designed in an integrated and interrelated development.

SECTION 7: <u>Amendments to Section 20.400.330 Second Dwelling Units</u>. Section 20.400.330 of Title 20 of the Stanton Municipal Code is hereby amended as provided in Attachment "A" to this Ordinance, which is incorporated herein by reference.

SECTION 8: <u>Amendments to Section 20.410.020, 20.410.30 and 20.410.50</u> found in <u>Chapter 20.410 Accessory Structures and Uses</u>. Sections 20.410.020, 20410.030 and 20.410.050 of the Stanton Municipal Code is hereby amended as follows:

20.410.020 Applicability

A. The standards in this Chapter shall apply to accessory structures in all zones, including structures that are exempt from land use permit requirements under Section 20.205.050 (Exemptions from Permit Requirements) (i.e., structures that do not exceed 120 square feet in total area; structures that do not contain more than 2,000 gallons of water; or structures that do not exceed three feet in height).

B. The standards in this Chapter shall not apply to the following:

1. Accessory structures used for animal-keeping purposes that comply with Section 20.400.040 (Animal Keeping);

2. Detached accessory dwelling units used for living purposes that comply with Section 20.400.340 (Accessory Dwelling Units);

3. Satellite/dish and amateur radio antennas that comply with Section 20.400.330 (Satellite Dish Antenna); and

4. Covered parking for multi-family development that complies with the requirements in Chapter 20.415 (Multi-Family Development) and Chapter 20.325 (Off-Street Parking and Loading Standards). (Ord. 1017, 2013)

20.410.030 General Standards for All Accessory Structures

A. Relationship to primary use. An accessory structure shall be:

1. Incidental to the primary structure or use and shall not alter the character of the site or use;

2. Designed and intended to serve occupants or patrons of the primary structure or use; and

3. Constructed concurrently with, or after, the construction of the primary structure on the same site.

B. Construction, design, and location criteria.

1. The design and features of accessory structures (e.g., colors, materials, roof form, windows, etc.) shall complement or match the appearance of the primary structure.

2. Accessory structures shall be constructed using conventional construction methods and materials for accessory structures, including pre-manufactured or pre-fabricated accessory structures. In the General Industrial Zones (IG Zones) only, detached accessory structures may be constructed of metal (e.g., flashing, sheet-metal, vent-stacks, mechanical equipment, etc.) provided that the metallic surfaces are painted or covered to match adjacent surfaces.

3. Accessory structures shall not be structurally attached to a fence or wall located on a lot line.

4. Accessory structures shall be located so no water runs off onto other property.

5. Accessory structures shall not obstruct access to any primary structures or accessory dwelling units. (Ord. 1017, 2013)

20.410.050 Accessory Structures in Residential Zones

This Section provides standards for accessory structures located in residential zones.

A. Attached accessory structures. Attached accessory structures shall comply with the standards in Table 2-3 (Development Standards for Residential Zones).

B. Detached accessory structures.

1. The use of an accessory structure as a dwelling unit, sleeping quarters, or a housekeeping unit is prohibited, except for a accessory dwelling unit approved in compliance with Section 20.400.340 (Accessory Dwelling Units).

2. A cargo container is prohibited as a detached accessory structure in any residential zone.

3. The enclosure of a patio shall require processing as a room addition in compliance with Section 20.305.060 (Residential Zone Room Additions and Design Guidelines) and shall meet the setback requirements applicable to a primary structure.

4. Detached accessory structures shall not be located in a primary dwelling front yard area or in any street-side setback area. They may be

located only in rear and interior side setback areas. See Figure 4-1 (Location Criteria for Detached Accessory Structures).

SECTION 9: <u>Amendment to Section 20.700.090 Definitions Residential</u> <u>Uses.</u> Section 20.700.090.4.C of Title 20 of the Stanton Municipal Code is hereby amended as follows:

> Accessory Dwelling Unit. A detached or attached permanent residential dwelling unit that is accessory to a principal dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking.

SECTION 10: <u>Location and Custodian of Records</u>. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The City Clerk is the custodian of the record of proceedings.

SECTION 11: <u>Severability</u>. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

SECTION 12: <u>Effective Date</u>. This Ordinance No. 1071 shall be effective 30 days after its adoption.

SECTION 13: <u>Publication</u>. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, and **ADOPTED** this 14th day of November, 2017.

CAROL WARREN, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA) COUNTY OF ORANGE) ss. CITY OF STANTON)

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1071 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 24th day of October, 2017 and was duly adopted at a regular meeting of the City Council held on the 14th day of November, 2017, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

CITY CLERK, CITY OF STANTON

Ordinance No. 1071 Page 19 of 19