



AGENDA
CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY
JOINT REGULAR MEETING
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
TUESDAY, FEBRUARY 13, 2018 - 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 place 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 www.ci.stanton.ca.us, 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 (6:00 PM)**
- 2. ROLL CALL**
 - Council Member Donahue
 - Council Member Ethans
 - Council Member Warren
 - Mayor Pro Tem Ramirez
 - Mayor Shawver
- 3. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Closed Session may convene to consider matters of purchase / sale of real property (G.C. §54956.8), pending litigation (G.C. §54956.9(a)), potential litigation (G.C. §54956.9(b)) or personnel items (G.C. §54957.6). Records not available for public inspection.

4. CLOSED SESSION

4A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9
(d) (2)

Number of Potential Cases: 4

4B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of cases: 1

City of Stanton vs. Green Tree Remedy et al, Orange County Superior Court Case
Number: 30-2015-00813225-CU-JR-CJC

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY
MEETING

6. ROLL CALL Agency/Authority Member Donahue
Agency/Authority Member Ethans
Agency/Authority Member Warren
Vice Chairman Ramirez
Chairman Shawver

7. PLEDGE OF ALLEGIANCE

8. SPECIAL PRESENTATIONS AND AWARDS

Recognition of the City of Stanton's dedicated volunteers.

9. 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

- 9A. 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.

- 9B. APPROVAL OF WARRANTS**

City Council approve demand warrants dated January 18, 2018, January 24, 2018, and January 25, 2018, in the amount of \$543,923.22.

- 9C. APPROVAL OF MINUTES**

City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting – January 23, 2018.

- 9D. APPROVAL FOR THE PURCHASE OF TRAFFIC SIGNAL CABINET AND EQUIPMENT FOR THE DALE AVENUE AND CHANTICLEER ROAD TRAFFIC SIGNAL PROJECT**

The Dale Avenue and Chanticleer Road Traffic Signal Project requires a traffic signal cabinet and internal equipment. This project is currently in the bidding process. Staff is planning to cut several months of delay time by procuring the necessary materials while the awarding process of the project is taking place.

RECOMMENDED ACTION:

1. City Council declare that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b) (2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Authorize the City Manager to execute a purchase with Econolite Group, Inc. to furnish a new TS2 cabinet and equipment for the Dale Avenue and Chanticleer Road Traffic Signal Project in the amount of \$35,478.74.

9E. ACCEPTANCE OF THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Western Avenue and Thunderbird Lane Traffic Signal Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$220,155.68. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Western Avenue and Thunderbird Lane Traffic Signal Project is for \$287,115.41. The remaining balance of \$66,959.73 is based on the contractor not being allowed to build the center median island. The center median island will be a separate project in the future once Union Pacific gives the City of Stanton a Right-Of-Entry agreement. Other than the design changes created by Union Pacific, this project had no change orders created by field conditions, contractor or staff.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. Accept the completion of improvements for the Western Avenue and Thunderbird Lane Traffic Signal Project, as certified by the City Engineer, and affix the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approve the final construction contract amount of \$287,115.41 with DBX, Inc.; and
4. Direct the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and
5. Direct City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to DBX, Inc. in the amount of \$11,007.78.

9F. ACCEPTANCE OF THE RUTLEDGE AVENUE AND PALAIS ROAD ALLEY IMPROVEMENT PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Rutledge Avenue and Palais Road Alley Improvement Project have been completed in accordance with the plans and specifications. The final construction cost for the project was \$900,172.92. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Rutledge Avenue and Palais Road Alley Improvement Project is for \$941,000.00. Staff was able to save \$40,827.08 during the construction phase and come in below the initial estimated cost due to field conditions. The existing base material of several streets throughout the Bradford Place was found to be in good condition even though the asphalt had failed. This allowed staff to modify the initial street section design. Staff was able to reduce the thickness of the base material required and in the end saving the City of Stanton construction cost.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. Accept the completion of improvements for the Rutledge Avenue and Palais Road Alley Improvement Project, as certified by the City Engineer, and affix the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approve the final construction contract amount of \$900,172.92 with Hardy and Harper, Inc.; and
4. Direct the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and
5. Direct City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to Hardy and Harper, Inc. in the amount of \$45,008.65.

9G. PROPOSED CHANGES TO PERSONNEL RULES AND REGULATIONS

The City Council has established Personnel Rules and Regulations as set forth in Title II, Chapter 2.44 of the Stanton Municipal Code. From time to time the provisions of the Personnel Rules are changed based on changes in federal or state law or the needs of the organization have changed.

RECOMMENDED ACTION:

1. City Council declare that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378 (b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Approve Resolution No. 2018-03 amending the City of Stanton Personnel Rules and Regulations, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING AND ADOPTING PERSONNEL RULES FOR THE ADMINISTRATION OF THE CITY'S PERSONNEL SYSTEM AND REPEALING ALL OTHER RESOLUTIONS AND MOTIONS INCONSISTENT HERewith."

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, IMPOSING A MORATORIUM TO TEMPORARILY PROHIBIT THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS

This ordinance proposes a new moratorium for the establishment of new permit parking areas so that staff may analyze alternative options to relieve parking issues in the City and to study and propose new regulatory standards. The City needs to evaluate permit parking due to immediate health, safety, and welfare issues. Requests for permit parking are often prompted by residents' complaints of overflow parking, which allegedly results in excessive litter, vehicle break-ins, thefts, and other crime. However, the City must balance those requests against a California Attorney General opinion related to permit parking.

Recently, the City has become aware of alternative options that could help relieve the City's parking issues, including opening certain public properties for overflow parking. These options could have a direct effect on the City's permit parking program, and therefore, staff recommends a one-year moratorium to analyze these new alternatives and to study and propose new regulatory standards.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and
3. Adopt Interim Urgency Ordinance No.1078, entitled:

"AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, ENACTING A TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND THE ADOPTION OF REGULATORY STANDARDS."

10B. PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-788, TENTATIVE TRACT MAP TM17-02, PLANNED DEVELOPMENT PERMIT PDP17-02 AND A DEVELOPMENT AGREEMENT TO SUBDIVIDE A 4.95 ACRE SITE FOR THE DEVELOPMENT OF A HOUSING SUBDIVISION CONSISTING OF THE CONSTRUCTION OF 35 SINGLE FAMILY DETACHED DWELLING UNITS, A PRIVATE STREET, AND PRIVATE PARK AREA FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE

A public hearing to consider subdivision of a 4.95 acre site for planned development purposes and to construct 35 single family detached dwelling units, community and private open space; a private street and associated improvements. Under consideration are Precise Plan of Development PPD-788, Tentative Tract Map TM17-02, Planned Development Permit PDP17-02 and a Development Agreement.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Declare that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15332, Class 32 (In-Fill Development Projects); and
3. Adopt Resolution No. 2018-04 approving Precise Plan of Development PPD-788, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PRECISE PLAN OF DEVELOPMENT PPD-788, A REQUEST TO SUBDIVIDE A 4.95 ACRE SITE AND CONTRUCT 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; AND

4. Adopt Resolution No. 2018-05 approving Tentative Tract Map TM17-02, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING TENTATIVE TRACT MAP 18122 (TM 17-02) TO SUBDIVIDE A LEGAL PARCEL (4.95 ACRES) FOR PLANNED DEVELOPMENT PURPOSES FOR THE DEVELOPMENT OF 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET

AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; AND

5. Adopt Resolution No. 2018-06 approving Planned Development Permit PDP17-02, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PLANNED DEVELOPMENT PERMIT PDP17-02 TO ALLOW CUSTOMIZED DEVELOPMENT STANDARDS FOR A 35-UNIT SINGLE-FAMILY DETACHED HOME DEVELOPMENT, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; AND

6. Introduce Ordinance No. 1077, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, MAKING FINDINGS THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF STANTON AND STANTONLAMPSON 2017, LLC FOR CERTAIN REAL PROPERTY LOCATED AT 8232 LAMPSON AVENUE, WITHIN THE CITY OF STANTON PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ”; and

7. Set said ordinance for adoption at the regular City Council meeting on February 27, 2018.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. APPEAL OF CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 TO ALLOW FOR CONTINUED OPERATION OF A MASSAGE ESTABLISHMENT FOR THE PROPERTY LOCATED AT 10356 BEACH BLVD. IN THE CG (COMMERCIAL GENERAL) ZONE; SUBMITTED BY TRINITY NGUYEN

This is an appeal of the City Manager's decision to deny Massage Establishment License MEL17-01 for the operation of a massage establishment by Trinity Nguyen.

RECOMMENDED ACTION:

1. City Council declare the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies); and
2. Consider Resolution No. 2018-01 upholding the City Manager's denial of Massage Establishment License MEL17-01 and deny the appeal, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 10356 BEACH BLVD. BY TRINITY NGUYEN AND DENYING APPLICANT'S APPEAL”; and

3. If the City Manager's denial is upheld, the City Council designate the business closure date to be thirty (30) days from the date the City notifies the appellant of the City Council's decision.

12B. APPEAL OF CITY MANAGER’S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN

This is an appeal of the City Manager’s decision to deny Massage Establishment License MEL17-03 for the operation of a massage establishment by Trinity Nguyen.

RECOMMENDED ACTION:

1. City Council declare the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies); and
2. Consider Resolution No. 2018-02 upholding the City Manager’s denial of Massage Establishment License MEL17-03 and deny the appeal, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER’S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN AND DENYING APPLICANT’S APPEAL”; and

3. If the City Manager’s denial is upheld, the City Council designate the business closure date to be thirty (30) days from the date the City notifies the appellant of the City Council’s decision.

12C. AN ORDINANCE AMENDING THE LOCAL VENDOR PREFERENCE SECTION OF THE STANTON MUNICIPAL CODE AND REVISING ADMINISTRATIVE POLICY IV-4-12

City Council recently held discussions relating to the local vendor preference listed in Stanton's Municipal Code. As a result of those discussions, adjustments are being made to double the local vendor preference and to clarify the situations in which the preference can apply through the adoption of Ordinance No. 1076. In addition, a corresponding revision is being made to Administrative Policy IV-4-12, "Purchasing Policy and Procedures".

RECOMMENDED ACTION:

1. City Council declare that the project is exempt from 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. Introduce Ordinance No. 1076, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES"; and
3. Set said ordinance for adoption at the February 13, 2018 regular City Council meeting; and
4. Approve Administrative Policy IV-4-12, "Purchasing Policy and Procedures," as revised, effective the later of March 15, 2018 or 30 days after adoption of Ordinance No. 1076.

13. 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.

14. WRITTEN COMMUNICATIONS None.

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

15A. 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.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE MEETING

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

15C. 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:

- February 20, 2018 (5:00 p.m.)
Marijuana Cultivation.
- February 27, 2018 (5:00 p.m.)
Mid-Year Budget Review.

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

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17A. ORANGE COUNTY FIRE AUTHORITY

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

18. 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 8th day of February, 2018.

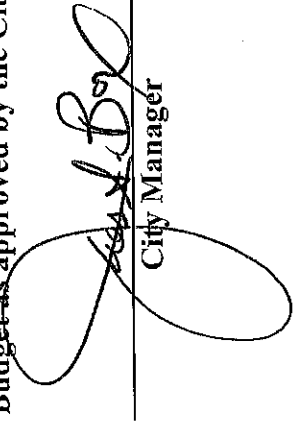
s/ Patricia A. Vazquez, City Clerk/Secretary

**CITY OF STANTON
ACCOUNTS PAYABLE REGISTER**

January 18, 2018	\$215,227.36
January 24, 2018	\$49,608.15
January 25, 2018	\$279,087.71

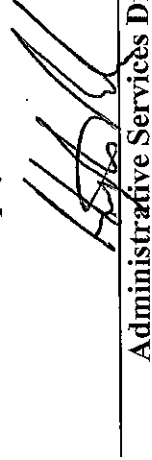
\$543,923.22

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



City Manager

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



Administrative Services Director

DRAFT

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING JANUARY 23, 2018

1. CALL TO ORDER / CLOSED SESSION

The City Council meeting was called to order at 6:00 p.m. by Mayor Shawver.

2. ROLL CALL

Present: Council Member Ethans, Council Member Warren, and Mayor Shawver.

Absent: None.

Excused: Council Member Donahue and Mayor Pro Tem Ramirez.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the Stanton City Council of the City of Stanton proceeded to closed session at 6:00 p.m. for discussion regarding:

4A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9 (d) (2)

Number of Potential Cases: 2

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING

The meetings were called to order at 6:30 p.m. by Chairman Shawver.

The City Attorney reported that the Stanton City Council met in closed session from 6:00 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

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6. ROLL CALL

Present: Agency/Authority Member Ethans, Agency/Authority Member Warren, and Chairman Shawver.

Absent: None.

Excused: Agency/Authority Member Donahue and Vice Chairman Ramirez.

7. PLEDGE OF ALLEGIANCE

Led by Mr. Clifford Ronnenberg.

8. SPECIAL PRESENTATIONS AND AWARDS

8A. Announcement of the 2018 Americana Award recipients:

Mayor Shawver recognized and announced that the Cypress College Foundation Americana Awards have selected Ms. Frances Daigle as the City's 2018 Citizen of the year and Mr. Clifford Ronnenberg as Man of the Year. Council Member Ethans and City Manager James A. Box spoke in honor of Ms. Frances Daigle.

8B. Monthly Spotlight – Community Enhancement Safety Team:

- Presentation and Introductions by Mr. James J. Wren, Public Safety Services Director (Keith Gifford, Code Enforcement Supervisor and the Code Enforcement Division), sharing their mission with the City Council and providing information on their current operations; and
- Presentation and Introductions by Sergeant Mike Dee, Orange County Sheriff's Department (Deputy Mike Devitt and Deputy Mike Garcia), sharing their mission with the City Council and providing information on their current operations; and
- Presentation by Dr. Brad Fieldhouse, City Net, sharing their mission with the City Council and providing information on their current operations (Stanton Homeless Census results and findings).

8C. Announcement of the Stanton Business Milestone Award recipients:

- Presentation by Ms. Kelly Hart, Community and Economic Development Director introducing twenty six milestone businesses within the City of Stanton.
- The City Council presented a certificate of recognition, congratulating the following businesses:

Community Contributors

- Share My Coach
- Origami Owl (Clara Martinez, Independent Designer)
- Bernardo Concrete, Inc.
- Napa Auto Parts
- Nhan Hoa Comprehensive Health Care Clinic
- Rowntree Gardens
- CR&R Environmental Services

DRAFT

- Assemblywoman Sharon Quirk-Silva
- Donna Marie Ramirez of Remax
- Youth Assistance Foundation
- OCTA Outreach
- Stanton Lion's Club
- Stanton Women's Division

5 Years

- ACR Concrete & Asphalt Construction, Inc.
- Bienestar Herbal
- Chicama Peruvian Restaurant
- El Dorado Tax Service
- K&G Concrete
- RB Contractors Company
- RV Help You Sell

10 Years

- Economy Tires
- Excellent Copier Services
- Juliana's Bakery
- Russell's Towing

15 Years

- Beach Loan Services Inc.
- Cerritos Nutrition
- Senior Care Pharmacy Service, Inc.
- Dr. Jeffrey Chu DDS (Stanton Dental Care)

20 Years

- Crossroads Pet Resort
- Diamond Water
- New Young's Auto Body & Paint
- Roman's Lock & Key Shoe Repair
- Taco Bell #2763/Sonar Inc.

25 Years

- Orange County Boat Repair
- Verlo Industries Inc.

30 Years

- Golden Touch Auto Center
- Signs & Services Company

35 Years

- Freedman Industrial Salvage
- Plaza Pines Estates
- Vista Paint Corporation

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9. CONSENT CALENDAR

Agenda related writings or documents provided to a majority of the subject body after the distribution of the City Council agenda: Consent Calendar item 9M copy of the "First Amendment to Agreement for Design Consultant Services Pertaining to the Inspection of Thunderbird Lane Sewer Project".

Motion/Second: Warren/Ethans

Motion unanimously carried by the following vote:

AYES: 3 (Ethans, Shawver, and Warren)

NOES: None

ABSTAIN: None

ABSENT: 2 (Donahue and Ramirez)

The City Council/Agency Board/Authority Board approved the following Consent Calendar items:

CONSENT CALENDAR

9A. 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

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

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated January 4, 2018 and January 11, 2018, in the amount of \$570,419.81.

9C. APPROVAL OF MINUTES

The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – January 9, 2018.

DRAFT

9D. DECEMBER 2017 INVESTMENT REPORT

The Investment Report as of December 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The City Council finds 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. Received and filed the Investment Report for the month of December 2017.

9E. DECEMBER 2017 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of December 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Successor Agency finds 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. Received and filed the Investment Report for the month of December 2017.

9F. DECEMBER 2017 INVESTMENT REPORT (HOUSING AUTHORITY)

The Investment Report as of December 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Stanton Housing Authority finds 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. Received and filed the Investment Report for the month of December 2017.

DRAFT

9G. PURCHASE OF VEHICLE FOR CITY FLEET

Staff is requesting to purchase one (1) 2018 Chevy Tahoe LT as an addition to the City's vehicle fleet.

1. The City Council declared that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Approved Budget Adjustment No. 2018-16 to appropriate \$50,000 from Fleet Maintenance Fund Balance to the Vehicle account 605-3800-703100.

9H. APPROVING AND ADOPTING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) 18-19 AND THE ADMINISTRATIVE BUDGET PURSUANT TO SECTIONS 34177 OF CALIFORNIA HEALTH & SAFETY CODE FOR THE PERIOD OF JULY 2018 THROUGH JUNE 2019 (SUCCESSOR AGENCY)

This report summarizes the obligations of the Successor Agency under AB X1 26, AB 1484 and SB 107 to draft Recognized Obligation Payment Schedules (ROPS) and corresponding administrative budgets. Staff recommends the Successor Agency adopt the attached resolution approving ROPS 18-19 and the Successor Agency's administrative budget for the period July 2018 through June 2019.

1. The Successor Agency declared that the project 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; and
2. Adopted Resolution No. SA 2018-01 approving the Recognized Obligation Payment Schedule (ROPS) No. 18-19 and the administrative budget for the period July 1, 2018 through June 30, 2019, entitled:

"A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE STANTON REDEVELOPMENT AGENCY, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") 18-19 FOR THE PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019 PURSUANT TO HEALTH AND SAFETY CODE, SECTIONS 34177(l) and 34177(o) AND THE ADMINISTRATIVE BUDGET, PURSUANT TO HEALTH AND SAFETY CODE, SECTION 34177(j)."

DRAFT

9I. REQUEST FROM AMERICAN LIFE SECURITY TO OPERATE AS PRIVATE PATROL OPERATOR LOCATED AT 886 W KEMP COURT, COMPTON, CA 90220-4569

American Life Security has submitted an application for Private Patrol Operator status. Chapter 5 of the Stanton Municipal Code requires that Detective agencies and merchant police activities require City Council approval.

1. The City Council declared that the project is exempt from 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. Approved the application of American Life Security for Private Patrol Operator status and authorized the issuance of a business license permit.

9J. REQUEST FROM BLACKHAWK PRIVATE SECURITY TO OPERATE AS PRIVATE PATROL OPERATOR LOCATED AT 1110 S RITA WAY, SANTA ANA, CA 92704

Blackhawk Private Security has submitted an application for Private Patrol Operator status. Chapter 5 of the Stanton Municipal Code requires that Detective agencies and merchant police activities require City Council approval.

1. The City Council declared that the project is exempt from 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. Approved the application of Blackhawk Private Security for Private Patrol Operator status and authorized the issuance of a business license permit.

DRAFT

9K. REQUEST FROM ALLIED UNIVERSAL SECURITY SERVICES TO OPERATE AS PRIVATE PATROL OPERATOR LOCATED AT 1815 E WILSHIRE AVENUE, #910, SANTA ANA, CA 92705-4646

Allied Universal Security Services has submitted an application for Private Patrol Operator status. Chapter 5 of the Stanton Municipal Code requires that Detective agencies and merchant police activities require City Council approval.

1. The City Council declared that the project is exempt from 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. Approved the application of Allied Universal Security Services for Private Patrol Operator status and authorized the issuance of a business license permit.

9L. REQUEST FROM GUARDPOWER SECURITY SERVICES TO OPERATE AS PRIVATE PATROL OPERATOR LOCATED AT 15707 ROCKFIELD BOULEVARD, SUITE 131, IRVINE, CA 92618

GuardPower Security Services has submitted an application for Private Patrol Operator status. Chapter 5 of the Stanton Municipal Code requires that Detective agencies and merchant police activities require City Council approval.

1. The City Council declared that the project is exempt from 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. Approved the application of GuardPower Security Services for Private Patrol Operator status and authorized the issuance of a business license permit.

DRAFT

9M. BUDGET ADJUSTMENT FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE INSTALLATION OF THE THUNDERBIRD LANE SEWER BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

A contract was previously awarded to AKM Consulting Engineers for construction engineering services for the installation of the Thunderbird Sewer. The construction of the project is now complete. Due to certain circumstances additional budget is needed for their services.

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301 (c); and
2. Amended the contract for professional construction engineering services with AKM Consulting Engineers to provide additional budget in the amount of \$34,200; and
3. Approved Budget Adjustment No. 2018-15 to appropriate \$100,000 to the Sewer Improvements account in the Sewer Maintenance Fund for this project.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS None.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

At the request of Council Member Warren this item was tabled to the next regularly scheduled City Council meeting.

Motion/Second: Warren/Ethans
Motion unanimously carried by the following vote:

AYES: 3 (Ethans, Shawver, and Warren)
NOES: None
ABSTAIN: None
ABSENT: 2 (Donahue and Ramirez)

~~12A. AN ORDINANCE AMENDING THE LOCAL VENDOR PREFERENCE SECTION OF THE STANTON MUNICIPAL CODE AND REVISING ADMINISTRATIVE POLICY IV-4-12~~

~~City Council recently held discussions relating to the local vendor preference listed in Stanton's Municipal Code. As a result of those discussions, adjustments are being made to double the local vendor preference and to clarify the situations in which the preference can apply through the adoption of Ordinance No. 1076. In addition, a corresponding~~

DRAFT

revision is being made to Administrative Policy IV-4-12, "Purchasing Policy and Procedures".

RECOMMENDED ACTION:

1. City Council declare that the project is exempt from 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. Introduce Ordinance No. 1076, entitled:

~~"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES"; and~~

3. Set said ordinance for adoption at the February 13, 2018 regular City Council meeting; and
4. Approve Administrative Policy IV-4-12, "Purchasing Policy and Procedures," as revised, effective the later of March 15, 2018 or 30 days after adoption of Ordinance No. 1076.

13. ORAL COMMUNICATIONS – PUBLIC None.

14. WRITTEN COMMUNICATIONS None.

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

15A. COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

None.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

- Mayor Shawver requested to agendize discussion regarding the feasibility of establishing a Stanton Historical Society though public/private partnership, as well as with the support of the City. Mayor Shawver further reported that Bauman's Market would be an ideal site to house the Society and the City's collected historical artifacts.
- City Manager James A. Box reported that Community Services Director Julie S. Roman has already begun research for this requested item and will report to the City Council at a future meeting.

DRAFT

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

Currently Scheduled:

- February 20, 2018 (5:00 p.m.)
Marijuana Cultivation.
- February 27, 2018 (5:00 p.m.)
Mid-Year Budget Review.

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

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

At this time the Orange County Sheriff's Department will provide the City Council with an update on their current operations.

Sergeant Mike Dee provided the City Council with an update on their current operations.

- 18. ADJOURNMENT** Motion/Second: Shawver/
Motion carried at 7:17 p.m.

MAYOR/CHAIRMAN

ATTEST:

CITY CLERK/SECRETARY

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

**SUBJECT: APPROVAL FOR THE PURCHASE OF TRAFFIC SIGNAL CABINET
AND EQUIPMENT FOR THE DALE AVENUE AND CHANTICLEER
ROAD TRAFFIC SIGNAL PROJECT**

REPORT IN BRIEF:

The Dale Avenue and Chanticleer Road Traffic Signal Project requires a traffic signal cabinet and internal equipment. This project is currently in the bidding process. Staff is planning to cut several months of delay time by procuring the necessary materials while the awarding process of the project is taking place.

RECOMMENDED ACTION:

1. Authorize the City Manager to execute a purchase with Econolite Group, Inc. to furnish a new TS2 cabinet and equipment for the Dale Avenue and Chanticleer Road Traffic Signal Project in the amount of \$35,478.74; and
2. Declare that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b) (2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.

BACKGROUND:

The design of a new traffic signal at Chanticleer and Dale is currently out to bid. This signal will be designed to make the crossing of Dale Avenue and Chanticleer Road by pedestrians safer. This crossing is utilized by a great number of residents daily, especially for the children attending Pyle's Elementary School. Staff received a 100% completed traffic signal plans from our design engineer. The project is on schedule to be built this summer. The award of the project is scheduled for the February 27, 2018 council meeting.

ANALYSIS/JUSTIFICATION:

Traffic signal projects are typically delayed several months due to the set back time created when the contractors order traffic signal material. The City believes that by

purchasing the traffic signal cabinet and equipment directly from the sole source vendor, the delay time will be minimized.

The traffic signal cabinet is made by Econolite Group, Inc., which is a sole source. Econolite Group is the sole manufacturer and direct provider of Cobalt traffic signal controllers and traffic signal cabinets that are both compatible with the City of Stanton's Aries traffic signal management system and other controllers that are existing in the City's system. The neighboring cities of Anaheim, Cerritos, Cypress, Garden Grove, La Palma, and Los Alamitos all use the same types of Econolite traffic signal controllers in their traffic signal systems. The Econolite Cobalt traffic signal controller and cabinet assembly that is specified for the new traffic signal at Western/Thunderbird is considered to be a long-lead item (i.e., approximately 12-16 weeks).

If the City orders the long-lead items directly, the benefits include:

- Project schedule may be expedited since there is no need to wait upon the bid and award phase approval of an electrical construction contractor.
- There is better control of the specific items ordered (no middle-man).
- There is generally a 10-15% savings of the contractor's equipment markup costs.

Additionally, prior City traffic signal projects were completed similarly with the City of Stanton purchasing the long-lead items directly (i.e., 3 traffic signal modification projects: Cerritos/Dale, Cerritos/Magnolia, and Cerritos/Western).

Vendor Name	Total Cost
Econolite Group, Inc.	\$35,478.74

FISCAL IMPACT:

Funding for this project is available from account: 220-3510-710106.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15378(b) (2).

LEGAL REVIEW:

None.


PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.

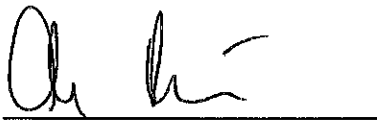
STRATEGIC PLAN OBJECTIVE ADDRESSED:

3 - Provide a quality infrastructure.


Prepared by:


Guillermo Perez
Associate Engineer

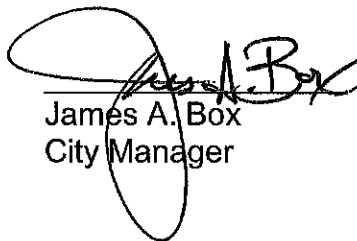
Reviewed


Allan Rigg, P.E. AICP
Director of Public Works/City Engineer

Concur:


Stephen Parker, CPA
Administrative Services Director

Approved by:


James A. Box
City Manager

ATTACHMENTS:

- 1) Econolite Group, Inc. Quote

**ECONOLITE**

MOVING TRAFFIC FORWARD
QUOTATION

Date: Feb 2, 2018

To:

Stanton, CA; City of
 7800 Katella Ave
 Stanton, CA 92680-3162
 Attn: Alan Rigg

Re: TS2-2 HW R77 BM 12 HORIZ CAB with
 Cobalt, Outside Test, Tech support
 Econolite Reference: Q-26047-F3Q9

Cabinet quoted per City provided plans and specifications. Issuance of Purchase Order to this quote constitutes acceptance of controller at most current software version. Controller software shall not impede shipment of any equipment.

Item #	Part #	Qty	Description	Price per	Extended
1	TBDTS2CAB	1	<p>1 CABTBD TS2-2 HW R77 BM 12 HORIZ CAB</p> <p>City of Stanton Dale Avenue & Chanticleer Road Includes the following:</p> <p>1 1084-003 POWER SUPPLY, EDI PS200-E, 89-135VAC, 57-63HZ, 1.25A 1 1133-141 MODULE, MMU2-16LEip-E, W/ETHERNET PORT 1 1133-284 ASSY, BEACON, FLASHING LED, RED, LENS, 17-60 VDC, RED DEEP BASE 1 160-1003-501 ASSY, BUS INTERFACE UNIT 1 170-1026-505-2 ASSY, CABINET, R77, UL TYPE 3R, AL HINGE, STANTON, CONT. WELD 1 171-1420-501 ASSY, GENERATOR, PANEL, EMERGENCY, RETRO FIT 1 32380G1 ASSY, TELEMETRY INTERFACE PNL, 25-PIN FSK 1 33570G3 ASSY, MAIN PNL, TS2-2, 12 POS, HARDWIRE, HORIZONTAL 1 34030G2 ASSY, DETECTOR RACK, TS2 16 CH, PCB, EVP 8 37006P3 LOAD SWITCH, I/P DISPLAY, LED IND. RENO A&E LS-200-E 2 40691P3 RELAY, FLASH TRANSFER, 120V, 50/60 HZ, RENO AE TR-200 1 44623P5 FLASHER, 2 CKT 15A SOLID STATE, W/INDICATORS, EDI 810 6 44665G68 DET, 2 CH, SS OUTPUT, RACK MTG, RENO A&E G-68-E 1 54571P2 CIRCUIT BRKR, 15A, 1P 120/240V 1 54571P5 CIRCUIT BRKR, 40A 1P 120/240V (1) 171-1342-501 HW Loop interface (2) 762 Phase Selectors - EVP Cards</p> <p><u>Includes line item #2,3 and outside test.</u></p>	\$26,615.00	\$26,615.00

1250 N. Tustin Ave. Anaheim, Ca. 92807



MOVING TRAFFIC FORWARD

QUOTATION

			BBS system shall be installed at factory and tested prior to shipping includes technical support at time of turn on		
2	1014-CAB-SVC	1	1014-Cab Turn-On/4 hrs Install ECPI supp parts, ensure terminated field wires, update ctrlr SW		
3	COB21120310000	1	Cobalt TS1/TS2-T2 controller, 110V, 8MB Datakey & Receptacle, FSK Card conf for 25 pin, Touch SW		
4	Alpha FXM	1	Alpha FXM 1100BBS Includes inverter, batteries and bypass switch and technical support at time of turn on	\$,5909.00	\$,5,909.00
				SubTotal	\$32,524.00
				Shipping & Handling*	
				Estimated Taxes**	\$2,954.64
				TOTAL	\$35,478.74

Note: Each product listed in this quotation is available for purchase separately at the itemized price listed.

Unless specifically requested or noted on this quotation, the product(s) quoted herein may or may not comply with any Buy America requirements.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or legally privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited except as required by law.

Quote Valid For: 60 Days
FOB: Econolite Factory
Terms: Net 30 days from date of shipment,
subject to credit approval
*Shipping: Not Included
**Taxes: Estimated

Gina Prohaska

Gina Prohaska-Account Manager
Mobile: 714-392-0321
gprohaska@econolite.com

Shipping Date: 10 weeks ARO, approved credit terms and submittal approval when applicable

1250 N. Tustin Ave. Anaheim, Ca. 92807

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: ACCEPTANCE OF THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

REPORT IN BRIEF:

The Western Avenue and Thunderbird Lane Traffic Signal Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$220,155.68. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Western Avenue and Thunderbird Lane Traffic Signal Project is for \$287,115.41. The remaining balance of \$66,959.73 is based on the contractor not being allowed to build the center median island. The center median island will be a separate project in the future once Union Pacific gives the City of Stanton a Right-Of-Entry agreement. Other than the design changes created by Union Pacific, this project had no change orders created by field conditions, contractor or staff.

RECOMMENDED ACTION:

1. That the City Council declares this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c.
2. City Council accepts the completion of improvements for the Western Avenue and Thunderbird Lane Traffic Signal Project, as certified by the City Engineer, and affix the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approves the final construction contract amount of \$220,155.68 with DBX, Inc.; and
4. Directs the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and

5. Directs City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to DBX, Inc. in the amount of \$11,007.78.

BACKGROUND:

In 2016, construction of the Stanton Central Park was completed. Due to safety concerns, a signal has been designed at the intersection of Thunderbird Lane and Western Avenue to serve the entrance to Stanton Central Park. After the design was completed, Union Pacific Railroad became aware of the proximity of the design to a railroad-crossing at Western Avenue and indicated that there would need to be significant revisions and additional costs to the intersection design. However, staff met with representatives of Union Pacific Railroad and the California PUC about the issue, and all concluded after a two-year delay due to the railroad that the crossing was minimally active and the additional design work was not warranted. The Union Pacific Railroad approved the plans.

During the final construction stages of the project, Union Pacific Rail Road put a hold on the construction of the median island on Western Avenue. Union Pacific mentioned the City of Stanton is required to have an additional Right-Of-Entry agreement in order to build the median island. Staff was given a time table of 6-9 months for the agreement process to take place and for their staff to come out to make the necessary changes in their railroad crossing. Staff will close the project for the Western Avenue and Thunderbird Lane Traffic Signal and bid the median island as a separate project in the future once we obtain the Right-Of-Entry agreement.

ANALYSIS/JUSTIFICATION:

The Western Avenue and Thunderbird Lane Traffic Signal Project has been completed in conformance with the project plans and specifications and has been accepted by the City Engineer. The payment to the contractor and the filing of the Notice of Completion is required under the terms of the Construction Agreement for this project.

FISCAL IMPACT:

Funding for this project is available from account: 220-3510-710106 in Fiscal Year 2017/18. This project did not have any impact on the General Fund.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c as replacement of existing facilities.

LEGAL REVIEW:

None.

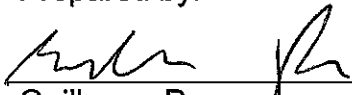
PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

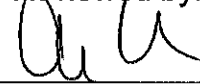
Provide a quality infrastructure.

Prepared by:



Guillermo Perez
Associate Engineer

Reviewed by:



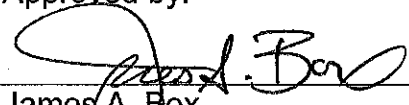
Allan Rigg, P.E. AICP
Director of Public Works

Concur:



Stephen Parker, CPA
Administrative Services Director

Approved by:



James A. Box
City Manager

ATTACHMENT:

(1) Notice of Completion

Recording requested by and
when recorded mail to:

CITY OF STANTON
7800 KATELLA AVE.
STANTON, CA 90680

(Space above this line for Recorder's use)

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE SECTION 6103

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is the City of Stanton.
3. The full address of owner is 7800 Katella Avenue, Stanton, CA 90680.
4. The nature of the interest or estate of the owner is: Public Right of Way.
5. A work of improvement on the property hereinafter described was completed on February 1, 2018. The work was the Western Avenue and Thunderbird Lane Traffic Signal Project.
6. The name of the contractor for such work of improvement was: DBX, Inc.
7. The property on which said work of improvement was completed is in the City of: Stanton, County of Orange, and State of California.

Dated: _____, City of Stanton
Verification for Individual Owner Allan Rigg, City Engineer

VERIFICATION

I, the undersigned, say: I am the City Engineer of the City of Stanton, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2018, at Stanton, California.

_____, City of Stanton
Allan Rigg, City Engineer

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: ACCEPTANCE OF THE RUTLEDGE AVENUE AND PALAIS ROAD ALLEY IMPROVEMENT PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

REPORT IN BRIEF:

The Rutledge Avenue and Palais Road Alley Improvement Project have been completed in accordance with the plans and specifications. The final construction cost for the project was \$900,172.92. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Rutledge Avenue and Palais Road Alley Improvement Project is for \$941,000.00. Staff was able to save \$40,827.08 during the construction phase and come in below the initial estimated cost due to field conditions. The existing base material of several streets throughout the Bradford Place was found to be in good condition even though the asphalt had failed. This allowed staff to modify the initial street section design. Staff was able to reduce the thickness of the base material required and in the end saving the City of Stanton construction cost.

RECOMMENDED ACTION:

1. That the City Council declares this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c.
2. City Council accepts the completion of improvements for the Rutledge Avenue and Palais Road Alley Improvement Project, as certified by the City Engineer, and affix the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approves the final construction contract amount of \$900,172.92 with Hardy and Harper, Inc.; and
4. Directs the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and

5. Directs City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to Hardy and Harper, Inc. in the amount of \$45,008.65.

BACKGROUND:

The area within the project limits has experienced numerous street failures in the past several years. The project was advertised for bids on June 29, 2017. On July 24, 2017, eleven (11) proposals were received. The lowest bid was for \$963,461.00. The lowest bidders made a significant error which increased the bid price. Staff consulted our City Attorney regarding their ability to lower their bid. Per Public Code Section 5100 et seq govern mistakes in bids. The City cannot allow the bidder to correct the mistake because doing so would permit after the fact negotiations. As such the City rebid the project on August 10, 2017. The bids were publicly opened on August 24th, 2017 at 2:00 p.m.

ANALYSIS/JUSTIFICATION:

The Rutledge Avenue and Palais Road Alley Improvement Project has been completed in conformance with the project plans and specifications and has been accepted by the City Engineer. The payment to the contractor and the filing of the Notice of Completion is required under the terms of the Construction Agreement for this project.

FISCAL IMPACT:

This project was budgeted for the FY 17/18 Capital Improvement Program. Funds for the project are available in the Measure M Fund account number 220-3500-710190 and the Gas Tax Fund account number 211-3500-710190. This project did not have any impact on the General Fund.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c as replacement of existing facilities.

LEGAL REVIEW:

None.

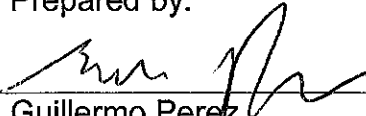
PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.


STRATEGIC PLAN OBJECTIVE ADDRESSED:

Provide a quality infrastructure.

Prepared by:


Guillermo Perez
Associate Engineer

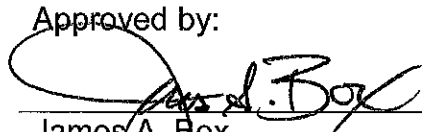
Reviewed by:


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

Concur:


Stephen Parker, CPA
Administrative Services Director

Approved by:


James A. Box
City Manager

ATTACHMENT:

(1) Notice of Completion

Recording requested by and
when recorded mail to:

CITY OF STANTON
7800 KATELLA AVE.
STANTON, CA 90680

(Space above this line for Recorder's use)

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE SECTION 6103

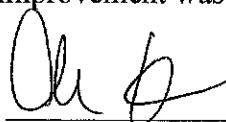
NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is the City of Stanton.
3. The full address of owner is 7800 Katella Avenue, Stanton, CA 90680.
4. The nature of the interest or estate of the owner is: Public Right of Way.
5. A work of improvement on the property hereinafter described was completed on February 1, 2018. The work was the Rutledge Avenue and Palais Road Alley Improvement Project.
6. The name of the contractor for such work of improvement was: Hardy and Harper, Inc.
7. The property on which said work of improvement was completed is in the City of: Stanton, County of Orange, and State of California.

Dated: 2/6/18
Verification for Individual Owner


_____, City of Stanton
Allan Rigg, City Engineer

VERIFICATION

I, the undersigned, say: I am the City Engineer of the City of Stanton, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2018, at Stanton, California.

_____, City of Stanton
Allan Rigg, City Engineer

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: PROPOSED CHANGES TO PERSONNEL RULES AND REGULATIONS

REPORT IN BRIEF:

The City Council has established Personnel Rules and Regulations as set forth in Title II, Chapter 2.44 of the Stanton Municipal Code. From time to time the provisions of the Personnel Rules are changed based on changes in federal or state law or the needs of the organization have changed.

RECOMMENDED ACTION:

1. City Council declare that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378 (b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Approve Resolution No. 2018-03 amending the City of Stanton Personnel Rules and Regulations.

BACKGROUND:

The general purpose of the personnel rules is to establish a system of personnel administration that meets the social, economic and program needs of the people of the city. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, pay administration, fringe benefits, discipline, discharge and other related activities.

The Personnel Rules and Regulations were last amended in October of 2017.

ANALYSIS/JUSTIFICATION:

In order to keep the Personnel Rules and Regulations up to date and to meet the changing needs of the organization, updates are required on a periodic basis.

The City proposes to amend the Personnel Rules and Regulations as set forth below. The reasons for these proposed changes are:

- To make minor corrections and updates for accuracy, clarification and consistency.
- To revise Article XXXIII. Drug Free Workplace policy to address Proposition 64 and emphasize that the City prohibits and will test for marijuana/THC.
- To revise Section 8. Reasons for Drug Testing to indicate that pre-employment drug testing is limited to safety sensitive employees.
- To revise Section 9. Rehabilitation by removing the last chance agreement section given that a last chance agreement cannot be forced on an employee because they use the Employee Assistance Program unless there is a policy violation.

These changes are recommended to ensure clarity for employees and bring the rules into conformity with new laws. The proposed changes will be distributed to all city employees and each employee will have the opportunity to discuss the changes and ask questions of the Personnel Officer.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

Not applicable.

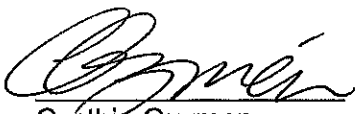
PUBLIC NOTIFICATION:

Through the normal agenda process.

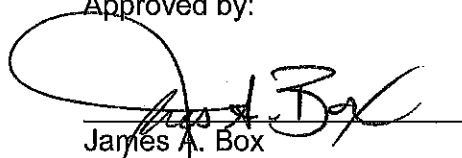
STRATEGIC PLAN OBJECTIVE ADDRESSED:

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

Prepared by:


Cynthia Guzman
Human Resources Specialist

Approved by:


James A. Box
City Manager

Attachments:

1. Resolution No. 2018-03
2. Exhibit A: Proposed Changes

RESOLUTION NO. 2018-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING AND ADOPTING PERSONNEL RULES FOR THE ADMINISTRATION OF THE CITY'S PERSONNEL SYSTEM AND REPEALING ALL OTHER RESOLUTIONS AND MOTIONS INCONSISTENT HEREWITH

WHEREAS, the City Council is authorized and directed under the provisions of Ordinance No. 523 to adopt rules and regulations of the personnel system created in said ordinance; and

WHEREAS, the current Personnel Rules were adopted by the City on October 14, 2003 by Resolution No. 2003-38 and last amended in October of 2017 by Resolution 2017-41; and

WHEREAS, changes in the needs of the City and in applicable laws have occurred which necessitate changes in certain of the existing Personnel Rules; and

WHEREAS, the City desires to make the changes to the Personnel Rules adopted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AS FOLLOWS:

1. The City Council finds that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchase for supplies, personnel-related actions, general policy and procedure making.
2. The Amended Personnel Rules and Regulations attached hereto as Exhibit A and incorporated herein by this reference are hereby adopted in accordance with the City's Ordinance No. 523.
3. The City Manager is directed to implement this policy.

ADOPTED, SIGNED AND APPROVED this 13th day of February, 2018.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2018-03 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 February 13, 2018, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT A: PROPOSED CHANGES

ARTICLE XXXIII. DRUG FREE WORKPLACE

Section 1. Purpose. The City is committed to providing its employees and the public with a safe, healthful, and productive work environment. In recognition of the fact that drugs and alcohol hinder a person's ability to perform duties safely and effectively, and in compliance with state and federal laws, the City has established this Article regarding drug and alcohol use.

Section 2. Applicability. This Article applies to all employees of the City of Stanton. In addition, certain City employees are subject to the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952), which requires alcohol and drug testing of safety-sensitive transportation employees who are required to have a commercial driver's license (49 CFR Parts 40, 382, 391, 392, and 395, as amended). In order to comply with the Department of Transportation regulations, the City of Stanton has developed specific guidelines regarding when and how drug-alcohol testing will occur, as well as provisions on rehabilitative services available to all covered employees. The requirements for employees who are required to have a commercial driver's license are set forth in a separate Administrative Policy.

This City has contemplated the impact of state laws adopting medical marijuana usage and recreational marijuana use pursuant to Proposition 64 (also referred to as the *Adult Use of Marijuana Act*). Employees are advised that because marijuana and its derivatives are still regulated as Schedule I drugs under federal law, this Article still provides zero tolerance for possession or use. Possession, use, or a positive test for marijuana or tetrahydrocannabinol (THC) is grounds for discipline, most likely termination of employment.

Section 3. Definitions. The following definitions will be applicable for purposes of this Article only:

- A. Alcohol. Any liquid containing ethyl alcohol (ethanol).
- B. Applicant. Any person applying for employment with the City who has been extended a conditional offer of employment.
- C. Controlled Substance. Any drug that is classified by the Drug Enforcement Administration into the five schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision.
- D. Drugs. Legal and/or illegal drugs, as defined herein.
- E. Employee. Any person hired into a regular, probationary, or other at-will position to perform a service for the City.
- F. Illegal Drug(s). Any controlled substance; a legal drug which has not been legally obtained; or a legal drug which was legally obtained, but that is being sold or distributed unlawfully. Despite legalization of usage pursuant to state law, marijuana, marijuana derivatives, and THC are still Schedule I regulated substances under federal law and shall be consider "illegal drugs" under the policy.

- G. Legal Drug(s). Any drug, including any prescription drug or over the counter drug, that has legally obtained and not unlawfully sold or distributed, and is used for the specific purpose and in the manner for which it was prescribed. Marijuana, marijuana derivatives, and THC shall not be considered "legal drugs" under this policy, regardless of the method obtained.
- H. Reasonable Suspicion. A belief, based on objective and articulable facts, sufficient to lead a reasonable and prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of his/her job is impaired or so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:
- (1) Slurred speech
 - (2) Alcohol odor on breath
 - (3) Unsteady walking or movement
 - (4) Physical impairment (e.g., eye dilation, shaking or erratic movement)
 - (5) An accident involving City property
 - (6) Physical altercation
 - (7) Verbal altercation
 - (8) Possession of a controlled substance and/or alcohol
 - (9) Information from a reliable person with personal knowledge of an employee's recent controlled substance and/or alcohol use
 - (10) Excitement or confusion
 - (11) Mood swings
 - (12) Disorientation or job impairment (inability to perform the job in a routine manner)
 - (13) Glassy eyes
 - (14) Drowsiness
 - (15) Euphoria
 - (16) Irritability
 - (17) Aggressiveness
- I. Under the Influence of Drugs or Alcohol. The use of (1) any alcoholic beverage; (2) any illegal drug or substance; or (3) the misuse of any prescribed drug, in a manner and to a degree that impairs the employee's work performance or ability to use City property or equipment safely.

Section 4. Management Responsibilities.

- A. The Personnel Officer, Department Heads, and Supervisors will fairly and equitably administer and enforce this Article without unlawful prejudice or discrimination, in an effort to maintain a workplace free from the effects of substance abuse.
- B. The Personnel Officer, Department Heads, and Supervisors will receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances use. The training will be used by the Personnel Officer, Department Heads, and Supervisors to determine whether reasonable suspicion exists to request a drug and/or alcohol test. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

- C. The Personnel Officer, Department Heads, or Supervisors shall not physically search an employee nor shall they search the personal possessions of an employee without the freely given consent of the employee in the presence of the Personnel Officer and another employee.
- D. The Personnel Officer, a Department Head, or a Supervisor may request that an employee submit to a drug and/or alcohol test in accordance with the guidelines set forth herein.
- E. Whenever an employee refuses to complete and sign either a medical consent form or an authorization to release results form, or refuses to immediately submit to a drug and/or alcohol test upon request to do so, the employee shall be reminded of the requirements of this Article and the disciplinary consequences for his/her refusal. Such refusal may be considered insubordination and grounds for disciplinary action, up to and including termination.
- F. Where there is a reasonable suspicion that there is a prohibited presence of a controlled substance and/or alcohol in the employee's system, the Department Head or Supervisor shall, after the employee's submission to a drug and/or alcohol test, arrange to have the employee safely transported home.
- G. Department Heads and Supervisors shall immediately notify the Personnel Officer when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area jointly or fully controlled by the City. If the Personnel Officer concurs that there is reasonable suspicion of illegal drug possession, the appropriate law enforcement agency may be contacted.

Section 5. Employee Responsibilities.

- A. It is the responsibility of all employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and the public. Employees shall, therefore, take all reasonable steps to abide by and cooperate in the implementation, administration, and enforcement of this Article.
- B. No employee shall possess, consume or ingest alcohol or illegal drugs during work hours or while subject to duty, on breaks or at any time while on or in City property or in a personal vehicle being used for City business.
- C. No employee shall report for duty or be subject to duty under the influence of illegal drugs or alcohol at any level. Notably, a positive test for marijuana, marijuana derivatives, and THC at any level shall be ground for discipline, most likely termination of employment.
- D. No employee shall report for duty or be subject to duty under the influence of a legal drug whenever the use of the legal drug might:
 - (1) Endanger the safety of the employee or other person;
 - (2) Pose a risk of significant damage to City property or equipment; and/or

(3) Substantially interfere with the employee's job performance and/or the safe or efficient operation of the City's business or equipment.

- E. Prior to beginning work, an employee is responsible for notifying his/her Supervisor if the employee has ingested any alcohol or marijuana or is taking any medication or drug, legal or illegal, prescription or nonprescription, which may interfere with the safe and effective performance of the employee's duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely perform assigned duties while using such items, a signed statement from a physician may be required.
- F. An employee must not manufacture, possess, use trade, offer to sell, sell, or buy illegal drugs, including but not limited to marijuana, or alcohol during working hours or while subject to duty, on breaks, during meal periods, or anytime while on City property.
- G. An employee will immediately complete and sign both (a) a medical consent form consenting to the drug and/or alcohol test and (b) an authorization to release results form which provides for the release of the test results to the City and will submit to an alcohol and/or drug test when the employee is requested to do so by the Personnel Officer, a Department Head, or a Supervisor. Refusal to submit immediately to such a test and/or sign such a medical consent form and an authorization to release results form, when requested to do so, may be considered insubordination and grounds for disciplinary action, up to and including termination. Failure to submit an adequate sample as part of a drug and/or alcohol test shall be considered a refusal to submit to a drug and/or alcohol test.
- H. No employee shall store in a locker, desk, automobile, or other repository on City property, any illegal drug, including but not limited to marijuana, or alcohol. This Article is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Further, this Article is not intended to preclude the presentation of alcohol as a gift.
- I. An employee must notify the Personnel Officer within five (5) days of any conviction (including pleas of "no contest" or "nolo contendere") for violation of any state or federal criminal drug law that occurs in the workplace.

Employees should be aware that the City must comply with state and federal Drug Free Workplace requirements as a condition of receiving any state or federal grant funds. Under the Drug Free Workplace requirements, the City must notify the appropriate agency providing grant funds of any employee's conviction of violating a criminal drug statute in the workplace, within ten (10) days after receiving notice of conviction from the employee. This notification must include the employee's name and job title. In compliance with the Drug Free Workplace requirements, the City must, within thirty (30) days of receiving notice from the employee, take appropriate personnel action, up to and including termination, consistent with the Rehabilitation Act of 1973, and/or refer the employee for participation in a substance abuse treatment or rehabilitation program.

- J. An employee shall provide, within forty-eight (48) hours of a request, a bona fide verification of a current, valid prescription for any controlled substance, or potentially impairing drug or medication identified in a drug test. The prescription must be in the employee's name.

- K. An employee must not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee is on duty, subject to duty, on or in City property, or in a City uniform. This Article is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Further, this Article is not intended to preclude the presentation of alcohol as a gift.
- L. An employee shall comply with all provisions of this Article.
- M. An employee shall comply with all city, county, state, and federal laws regarding controlled substances and/or alcohol while on duty, subject to duty, on or in City property, or in a City uniform.

Section 6. Possession of Illegal Drugs or Alcohol On or In City Property. If the Personnel Officer, a Department Head, or a Supervisor has a reasonable suspicion that an employee may have an illegal drug and/or alcohol in his/her possession, or in an area jointly or fully controlled by the City, the Department Head or Supervisor shall notify the Personnel Officer. If the Personnel Officer concurs that this is a reasonable suspicion of possession, the Personnel Officer shall request the employee's consent for a search of the employee, the employee's possessions, any property jointly controlled by the City and the employee (*i.e.*, desks and lockers), and any property fully controlled by the City; and in appropriate circumstances shall notify the applicable law enforcement agency. If an employee fails to consent to a search of the employee's person or possessions, the City shall not search those areas. However, the applicable law enforcement agency may have probable cause to search those subject areas. All areas jointly controlled by the City and the employee or fully controlled by the City will be subject to a search by the City and/or the applicable law enforcement agency, despite the failure of an employee to consent.

Section 7. Types of Testing.

- A. Drug Testing. Employees subjected to a drug test shall be tested by submitting to a urinalysis test. The following classifications of drugs will be tested for:
 - (1) Amphetamine/Methamphetamine
 - (2) Barbiturates
 - (3) Benzodiazepines
 - (4) Cocaine
 - (5) Methadone
 - (6) Methaqualone
 - (7) Opiates
 - (8) Phencyclidine (PCP)
 - (9) Propoxyphene

(10) Marijuana / THC

(11) LSD

- B. Alcohol Testing. Employees subjected to an alcohol test shall be tested by submitting to a breathalyzer test.
- C. Testing Location. All drug and alcohol tests will be conducted by Healthpointe (First Care Industrial Medicine Center), 7052 Orangewood, Suite 6, Garden Grove, California, 92841.

Section 8. Reasons for Drug Testing.

A. Pre-Employment Drug Testing.

(1) Required. After a conditional offer of employment has been made, safety sensitive applicants may be required to submit to drug and alcohol testing before beginning employment.

(2) Results. A positive result from the drug and/or alcohol test will most likely result in withdrawal of the conditional offer of employment. If the drug and/or alcohol test is positive, the applicant may be requested to provide, within forty-eight (48) hours of the request, a valid, current prescription for any drug identified in the drug test or any other relevant medical factors necessary to determine whether there is a legitimate medical explanation. Note that a positive test for marijuana, marijuana derivatives, or THC will not be excused even with medical explanation, prescription, or advisement. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the conditional offer of employment may be withdrawn.

B. Reasonable Suspicion Drug Testing.

(1) Basis for Reasonable Suspicion. Employees shall be required to submit to drug and/or alcohol testing in the following circumstances:

(a) When the Personnel Officer, a Department Head, and/or a Supervisor has reasonable suspicion that the employee is under the influence of drugs or alcohol while on the job or subject to being called to the job.

(b) When the Personnel Officer, a Department Head, and/or a Supervisor has a reasonable suspicion that the employee is in possession of drugs and/or alcohol in a manner which is in violation of this Article.

(2) Corroboration of Employee's Behavior. The Personnel Officer, a Department Head, and/or a Supervisor should, if possible, ask another Department Head or Personnel Department employee to corroborate the employee's behavior before the employee is escorted to the designated medical facility for testing.

(3) Concurrence to Drug and/or Alcohol Test. The concurrence of the Personnel Officer or appropriate Department Head must be obtained prior to testing being conducted.

(4) Medical Consent Form. Prior to the administration of any drug and/or alcohol test, the employee to be tested shall complete and sign a medical consent form. Said medical consent form shall provide the employee's consent in writing to a physical examination and testing. Refusal to provide consent and/or to sign the medical consent form, when requested to do so, may be considered insubordination that may result in disciplinary action up to and including termination.

(5) Authorization to Release Results Form. Prior to the administration of any drug and/or alcohol test, the employee to be tested shall complete and sign an authorization to release results. Said authorization shall provide the employee's consent in writing that the testing facility shall release the results of the employee's drug and/or alcohol test to the Personnel Officer. Refusal to provide consent and/or to sign the authorization may be considered insubordination that may result in disciplinary action up to and including termination.

(6) Transportation. Upon determination that drug and/or alcohol testing is necessary, the employee will be escorted to the designated medical facility as promptly as possible for testing.

(7) Presence of Co-Worker. An employee may request that another employee accompany him/her through the testing process. An employee must be able to secure a co-worker within thirty (30) minutes of the request to submit to a drug and/or alcohol test. The presence of a co-worker may be requested only in instances of reasonable suspicion testing.

(8) Documentation. When the Personnel Officer, Department Head, or Supervisor requests an employee to submit to a drug and/or alcohol test, he/she shall document, in writing, the facts constituting reasonable suspicion that the employee has a prohibited presence of a controlled substance and/or alcohol in his/her system. This information will be kept in the employee's confidential medical file, but may also be used in conjunction with, and as part of, disciplinary action.

C. Return-To-Duty Testing. Employees who are permitted to take leave for the purpose of rehabilitation and/or treatment, shall not return to work without first submitting to a drug and/or alcohol test. The employee shall only be permitted to return to duty if the tests are negative. In some circumstances, the employee may be required to submit to a fitness for duty evaluation.

D. Follow-Up Testing. An employee entering a rehabilitation or treatment program may be required to submit to random drug and/or alcohol testing for up to one (1) year after completion of the program. If the employee fails to comply or if further drug and/or alcohol use is detected, the employee may be subject to disciplinary action, up to and including termination.

Section 9. Rehabilitation.

A. Generally. The City encourages those employees who think they may have a problem with drugs and/or alcohol to seek assistance and rehabilitation at an early date prior to notification of alcohol or drug testing and/or prior to discovery by the City of the employee's drug or alcohol problem. However, the City shall discipline, mostly likely including termination of employment, employees who are discovered to have a problem

with drugs and/or alcohol, and do not come forward for help prior to the City's discovery or the City's demand that an employee submit to a drug and/or alcohol test.

- B. Employee Assistance. The Employee Assistance Program ("EAP") is available to assist employees in their efforts to overcome problems with drugs and/or alcohol. Information pertaining to such programs may be obtained by direct contact with the EAP or by contacting the Personnel Officer. Information about the City's EAP, including direct contact information for the EAP, is posted on each of the City's employee bulletin boards.
- C. Voluntary Referral. A decision by an employee to voluntarily seek treatment or rehabilitation for the first time will not be used as the basis for disciplinary action, provided that the employee seeks help prior to the City's discovery of the employee's drug and/or alcohol problem and/or prior to the City's demand that the employee submit to a drug and/or alcohol test. However, when an employee is qualified under this Section, the City will require the employee to comply with the provisions set forth herein pertaining to a Last Chance Agreement, Return to Duty Testing, and Follow-up Testing.
- D. An employee who tests positive for drugs and/or alcohol under the provisions of this Article and then desires to enroll in a treatment or rehabilitation program does not qualify under this Section. Likewise, an employee is not qualified under this Section if the City discovers his/her alcohol and/or drug problem prior to the employee's admission and request for treatment or rehabilitation.
- E. Leave. If necessary, and at the Personnel Officer's discretion, an employee may be granted a leave of absence without pay in order to accommodate treatment and/or rehabilitation. The City reserves the right to deny such leave if granting the leave would impose an undue hardship on the City.
- F. Return to Duty and Follow-Up Testing. An employee entering a treatment and/or rehabilitation program will be required to comply with the Sections of this Article pertaining to Return to Duty and Follow Up Testing.

Section 10. Confidentiality. Laboratory reports, test results, and rehabilitation reports shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential medical folder that will be kept under the control of the Personnel Officer. The reports or test results may be disclosed to Department Heads and Supervisors on a strict need-to-know basis, and such Department Heads and Supervisors shall be advised of the confidentiality of these records. The results or reports are also available to the tested employee upon his/her request.

- A. Disclosures, without the tested employee's consent, may also occur when:
 - (1) The information is compelled by law, or by judicial or administrative process.
 - (2) The information has been placed at issue in a formal dispute between the City and the employee.
 - (3) The information is needed for the purpose of administering and/or maintaining employee benefit plans.

- (4) The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

Section 11. Disciplinary Action. The City maintains zero tolerance for violation of its Drug Free Workplace policy. Disciplinary action, most likely termination of employment, may be taken against an employee for any violation of this Article, including, but not limited to the following reasons:

- A. Failure to comply with any of the employee responsibilities set forth in this Article;
- B. Positive result(s) from a drug and/or alcohol test;
- C. Refusal to be tested in accordance with this Article; and
- D. Refusal to enter into a last chance agreement.

Section 12. Amendment. The City reserves the right to amend this Article at any time to conform with any City, county, state, or federal requirements.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, IMPOSING A MORATORIUM TO TEMPORARILY PROHIBIT THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS

REPORT IN BRIEF:

This ordinance proposes a new moratorium for the establishment of new permit parking areas so that staff may analyze alternative options to relieve parking issues in the City and to study and propose new regulatory standards. The City needs to evaluate permit parking due to immediate health, safety, and welfare issues. Requests for permit parking are often prompted by residents' complaints of overflow parking, which allegedly results in excessive litter, vehicle break-ins, thefts, and other crime. However, the City must balance those requests against a California Attorney General opinion related to permit parking.

Recently, the City has become aware of alternative options that could help relieve the City's parking issues, including opening certain public properties for overflow parking. These options could have a direct effect on the City's permit parking program, and therefore, staff recommends a one-year moratorium to analyze these new alternatives and to study and propose new regulatory standards.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and

3. Adopt Interim Urgency Ordinance No.1078, entitled:

"AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, ENACTING A TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND THE ADOPTION OF REGULATORY STANDARDS."

BACKGROUND:

Stanton Municipal Code Section 10.08.060 allows the City Council to designate, by resolution, that certain streets be restricted to permit parking. City residents often initiate the request for permit parking. Permit parking proponents have asserted that overflow parking in their neighborhoods have led to increased crime including excessive litter, vehicle break-ins, and theft.

In April of 2016, the California Attorney General issued an opinion that local authorities may not institute preferential parking regulations. According to the Attorney General, parking permits must be made available to all residents, not just residents of a particular dwelling type. Under this opinion, a city could not grant permits to residents of single family dwelling while denying permits to residents a high-density unit.

In June of 2016, the City Council adopted an urgency ordinance to place a moratorium on the City's permit parking program. The moratorium expired, and the City enacted a new moratorium in February 2017, because, among other things, stakeholders requested that the City delay on adopting new permit parking guidelines. That moratorium expires this month. During the most recent moratorium, City staff met with the Apartment Association, property owners, residents and other stakeholders on multiple occasions to discuss parameters of a new program. Additionally, the City contracted with Stantec, an engineering services company, to analyze the various ways of crafting permit parking guidelines for neighborhoods in Stanton. A report describing the City's efforts to address permit parking during the previous moratorium is attached as Attachment B.

In November 2017, staff presented the Council with proposed revisions to the Stanton Municipal Code Section 10.08.060. After considering staff's report and hearing from community stakeholders, the City Council did not adopt changes to the ordinance and directed staff to reevaluate the permit parking program.

ANALYSIS/JUSTIFICATION:

Recently, City staff identified public properties that potentially could be opened for public parking. One of those properties includes a site on Bell and Cerritos that could include up to 130 new parking spots. Another site that staff is reviewing includes a property at Beach and Cerritos, where staff is studying the possibility of adding up to 40 parking spots. In addition to analyzing how many spaces could be created at those sites, City

staff will research whether those spaces would alleviate the difficult parking conditions in the City. If additional public parking is provided in the City, the impact from those additional spaces could directly impact the City's permit parking program. As such, staff suggests that the City Council adopt a one-year moratorium on permit parking so that staff may study alternative options to permit parking as well as study and propose new regulatory standards.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of CEQA, the adoption of this Ordinance has been determined to not be 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies).

LEGAL REVIEW:

Through the City Attorney's Office.

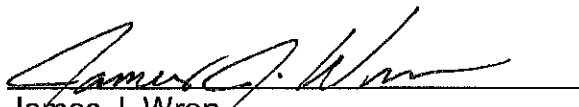
PUBLIC NOTIFICATION:

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

STRATEGIC PLAN OBJECTIVE ADDRESSED:

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

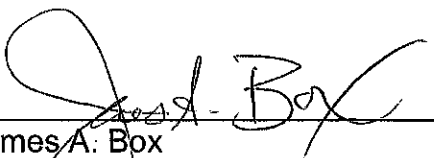
Prepared By:


James J. Wren
Public Safety Services Director

Reviewed By:

Matthew E. Richardson
City Attorney

Approved By:



James A. Box
City Manager

Attachments:

- A. Proposed Urgency Ordinance No. 1078
- B. Report regarding previous moratorium

URGENCY ORDINANCE NO. 1078

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, TEMPORARILY PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of Stanton ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, the SMC includes regulations on permit parking that allow the City Council to designate, by resolution, that certain streets be restricted to permit parking under a preferential parking system for residents adjacent to such streets (SMC § 10.08.060); and

WHEREAS, the City Council is aware that requests for permit parking have been prompted by residents because of overflow parking from one neighborhood to another; and

WHEREAS, the City Council is also aware that some residents assert that the overflow parking issues have led to, among other things, increased litter, broken car windows, vehicle break-ins and theft, as well as other crime in neighborhoods where overflow parking occurs; and

WHEREAS, the City is also aware that the California Attorney opined that local authorities may not institute preferential parking regulations that discriminate among residents based on the residents' dwelling type (see AG Opinion No. 14-304 (2016)); and

WHEREAS, in light of the immediate public health and safety issues that relate to overflow parking in the City's neighborhoods, the City desires to study permit parking laws, regulations, and guidelines to effectively combat those public safety issues in all neighborhoods; and

WHEREAS, the City Council also desires to study permit parking laws, regulations, and guidelines to ensure that the City's regulations comport with the law and the Attorney General's opinion; and

WHEREAS, Section 36937 of the Government Code authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths (4/5) vote of the City Council; and

WHEREAS, the City desires to adopt an interim urgency ordinance temporarily prohibiting the establishment of additional area(s) of permit parking in the City, pending study and adoption of regulatory standards to protect the public health, safety, and welfare; and

WHEREAS, the City previously adopted an interim urgency ordinance relating to permit parking in June 2016, which ends in February 2018; and

WHEREAS, this interim urgency ordinance and moratorium is based on a set of circumstances different from the set of circumstances that led to the adoption of the prior interim ordinance. Specifically, the City has recently identified various public properties within the City that could be used for public parking. City staff is analyzing whether these properties may be used for parking, if so, how many spaces could be created, and whether those spaces would alleviate the difficult parking conditions in certain areas of the City. If additional public parking is provided in the City, the impact from those additional spaces could directly impact the City's permit parking program and its regulatory standards; and

WHEREAS, all legal prerequisites prior to the adoption of this Interim Urgency Ordinance have occurred.

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

SECTION 1: CEQA. The City Council finds that this Ordinance 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies) because this Ordinance authorizes the City to study potential regulatory standards regarding permit parking.

SECTION 2: Urgency Findings. The City Council hereby incorporates by reference the recitals of this urgency ordinance and the accompanying staff report. The City Council finds that this interim urgency ordinance temporarily prohibiting the establishment of area(s) of permit parking in the City is necessary to promote the immediate preservation of the public health, safety, and welfare due to reports that overflow parking results in increased litter, vehicle break-ins and theft, and other crime. Moreover, this interim urgency ordinance is necessary to ensure that the City's permit parking laws, ordinances, and guidelines comport with the law. This is a matter of importance to the entire City of Stanton, and is not directed at any particular property.

SECTION 3: Moratorium. Pursuant to the authority granted to the City Council by Government Code Sections 36937, the City Council hereby adopts, as an interim urgency ordinance, a moratorium on the establishment of area(s) of permit parking in the City.

(a) The City shall not issue or approve any areas for permit parking, any general plan amendment, zone change, building permit, conditional use permit, minor use permit, variance, architectural and site plan review, business occupancy permit, business license, tenant improvement permit, subdivision map or other land use entitlement, license, or permit required to comply with the provisions of the SMC for the establishment of area(s) of permit parking during the time that this Interim Urgency Ordinance is in effect, and continuing for the time set forth in subdivision (b) below. The prohibitions contained in this Ordinance shall not apply to any existing lawful uses and buildings that have already received all discretionary and vested land use entitlements from the City prior to the date of this Ordinance, and which do not seek to expand or intensify said existing use or building beyond what was already approved.

(b) This Interim Urgency Ordinance shall take effect immediately and shall remain in effect for a period of one year after the date of adoption, unless repealed earlier or extended.

(c) At least 10 days before this Interim Urgency Ordinance or any extension expires, the City shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Interim Urgency Ordinance.

SECTION 4: Location and Custodian of Records. The documents and materials associated with this Resolution 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 5: Severability. 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 6: Effective Date. This Interim Urgency Ordinance shall be effective immediately. This Interim Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to the authority granted to it by Article XI, Section 7 of the California Constitution, Government Code Section 36937, which authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety. The City Council hereby directs the Public Safety Services Department to consider and study possible means of regulating permit parking and alternatives thereto.

SECTION 7: Publication. The City Clerk shall certify to the passage of the Interim Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation published and circulated in the City.

PASSED, APPROVED, and ADOPTED this 13th day of February, 2018.

DAVID J. SHAWVER, 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 Urgency Ordinance No. 1078 was introduced and adopted at a regular meeting of the City Council of the City of Stanton, California, held on the 13th day of February, 2018 by the following roll-call vote, to wit:

AYES:	COUNCILMEMBERS:	_____

NOES:	COUNCILMEMBERS:	_____
ABSENT:	COUNCILMEMBERS:	_____
ABSTAIN:	COUNCILMEMBERS:	_____

CITY CLERK, CITY OF STANTON



City of Stanton
Public Safety

To: City Council

From: James J. Wren, Public Safety Services Director

Re: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF ORDINANCE NO. 1058 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF NEW PERMIT PARKING AREAS

On February 14, 2017, the City Council adopted Urgency Ordinance No. 1062, enacting a twelve-month moratorium on the establishment of new permit parking areas.

The Ordinance required the City to issue a report at least ten (10) days prior to the expiration of the Ordinance or any extension, describing the measures taken to alleviate the condition(s) which led to the adoption of the initial moratorium in the Ordinance. The conditions that led to the adoption of the Ordinance were listed in the Ordinance and still exist as of the date of this report.

Since the enactment of the Ordinance, the following actions have been taken:

- (1) The City's Public Safety Department has researched municipal codes of surrounding cities relating to permit parking programs.
- (2) The City's Public Safety Department has researched the best practices utilized by local jurisdictions throughout the State relating to application of permit parking and how to best manage the program.
- (3) The City's Public Safety Department has reviewed the City's permit parking guidelines to determine how to amend the guidelines and procedures.
- (4) The City's Public Safety Department has held meetings with some residential communities to discuss how different stakeholders would like to see the program be modified. These meetings included representation by the Apartment Association, property owners, property managers and residents.
- (5) The City Attorney's Office has researched relevant case law regarding the regulation of permit parking, and how the Attorney General opinion affects the City's permit parking ordinance and policy, as well as surrounding cities.
- (6) The City's Public Safety Department has contracted with Stantec Engineering Services to analyze potential solutions to the parking issue. The results of the study showed that there was no solution that would effectively address the issue while remaining compliant with the Attorney General's opinion.
- (7) Stantec Engineering has also evaluated other opportunities to open up parking opportunities throughout the City.
- (8) The City's Public Safety and Community Development Departments are pursuing further opportunities to address the parking issues by alternative means, other than the institution of a permit parking area. This includes the development of publicly accessible parking lots in impacted areas.

- (9) The City's Public Safety Department will continue to monitor the affects of opening additional public parking spaces in impacted areas.
- (10) The City's Public Safety Department has prepared a proposed twelve-month moratorium relating to permit parking to further analyze the issues, continue working with stakeholder groups, and with Stantec to identify further alternatives.

In light of the complexity of this matter, the City requires additional time to study in-depth the issue of permit parking regulations in the City to determine the best way to serve all interests while protecting the public health, safety, and welfare. While this study is being conducted and potential new ordinances are being prepared, City staff believes that it is critical for the Council to establish a twelve-month moratorium.

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-788, TENTATIVE TRACT MAP TM17-02, PLANNED DEVELOPMENT PERMIT PDP17-02 AND A DEVELOPMENT AGREEMENT TO SUBDIVIDE A 4.95 ACRE SITE FOR THE DEVELOPMENT OF A HOUSING SUBDIVISION CONSISTING OF THE CONSTRUCTION OF 35 SINGLE FAMILY DETACHED DWELLING UNITS, A PRIVATE STREET, AND PRIVATE PARK AREA FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE.

REPORT IN BRIEF:

A public hearing to consider subdivision of a 4.95 acre site for planned development purposes and to construct 35 single family detached dwelling units, community and private open space; a private street and associated improvements. Under consideration are Precise Plan of Development PPD-788, Tentative Tract Map TM17-02, Planned Development Permit PDP17-02 and a Development Agreement.

RECOMMENDED ACTION:

1. Conduct a public hearing;
2. Declare that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15332, Class 32 (In-Fill Development Projects);
3. Adopt Resolution No. 2018-04 approving Precise Plan of Development PPD-788;
4. Adopt Resolution No. 2018-05 approving Tentative Tract Map TM17-02;
5. Adopt Resolution No. 2018-06 approving Planned Development Permit PDP17-02;
6. City Council introduce Ordinance No. 1077, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, MAKING FINDINGS THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF STANTON AND STANTONLAMPSON 2017, LLC FOR CERTAIN REAL PROPERTY LOCATED AT 8232 LAMPSON AVENUE,

**WITHIN THE CITY OF STANTON PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 65864 ET SEQ"; and**

7. Set Ordinance No. 1077 for adoption at the regular City Council meeting on February 27, 2018.

BACKGROUND

In 2017, interviews were conducted with three developers to identify the best development company to purchase and develop the property located at 8232 Lampson Avenue, a Stanton Housing Authority property. After consideration of the development proposals, the City Council selected StantonLampson 2017, LLC, a subsidiary of Melia Homes (Applicant), was chosen as the preferred developer. The Applicant is now proposing to construct 35 single family detached homes on a 4.95 acre parcel located at 8232 Lampson Avenue.

At a regular public hearing held on January 17, 2018, the Planning Commission unanimously voted to recommend approval of the proposed project to the City Council. To accommodate this proposed project, the Applicant has requested the following Planning entitlements:

- Precise Plan of Development (PPD-788) - Section 20.530.030 of the Stanton Municipal Code (SMC) requires a development permit for the construction of two or more new dwelling units on a lot or in conjunction with the submittal of a subdivision;
- Tentative Tract Map No. 18122 (TM17-02) – The California Subdivision Map Act requires a Tentative Tract Map for planned development purposes to develop 35 single-family, detached residences for individual ownership;
- Planned Development Permit (PDP17-02) – Section 20.520 of the SMC requires a Planned Development Permit to allow modifications to applicable development standards; and
- Development Agreement – In exchange for the development of the property, the developer is agreeing to provide a public benefit, specifically the improvement of a vacant lot in the City and financial assistance for the improvement of public facilities throughout the City. Section 20.510.050 of the Stanton Municipal Code (SMC) requires the Planning Commission hold a public hearing to consider the Development Agreement and render a recommendation to the City Council.

ANALYSIS/JUSTIFICATION:

PROJECT LOCATION – The project site is located on the south side of Lampson Avenue, between Beach Boulevard and Monroe Street (in the City of Garden Grove). The property is in the RH (High Density Residential) zone and carries a General Plan designation of South Gateway Mixed Use District. Surrounding zoning and uses include a single-family residence in the RH zone and a school district maintenance office in the City of Garden Grove to the north; Lawrence Elementary School located within the City of Garden Grove to the east; Villa Capri Mobile Home Estates in the RM (Medium Density Residential) zone to the south; and the Beach & Lampson Square shopping center in the CG (Commercial General) zone to the west.

PROJECT DESCRIPTION – The Applicant is proposing to construct a new residential subdivision on a 4.95 acre lot (Assessor's Parcel Number 131-491-18). The project would consist of the demolition of an abandoned well and shed, and construction of 35 new single family residential units, a private street and a private park area. All 35 units would be oriented towards the private street which is accessed off of Lampson Avenue via a single point of entry. The applicant is proposing three different home plans which would range in size from 3,041 to 3,379 square feet in living area. The lots for these homes would range in size from 3,900 to 6,203 square feet. There would also be eight common (lettered) lots, which would consist of a private street, landscape areas and private park areas.

In terms of density, the proposed project would be constructed at seven dwelling unit per acre ratio. This density is consistent with the General Plan, which allows for up to 60 dwelling units per acre. The RH (High Density Residential) zone allows a density range between 11.1 to 18 dwelling units to the acre (du/ac). Per Section 20.520.010 of the SMC, a Planned Development Permit may be requested in order to modify the standards set forth by the SMC, provided that the development meets high quality standards and incorporates enhanced amenities. The applicant is requesting approval of a Planned Development Permit to allow for a lower density than the zoning code target range, and modify setbacks in certain portions of the project in order to design a high quality, large family housing subdivision.

The 35 homes would be located around the private drive, and within the center of the property. In terms of setbacks, the front setback, nearest to Lampson Ave. is ten feet; a minimum 15-foot setback is provided along the western property line; a varying setback of between five to 15 feet is provided along the southern property line; and a ten foot setback is provided along the eastern property line. The distance between habitable structures is a minimum of ten feet, with the separation being provided to each housing unit as a five foot side yard, separated by a vinyl fence. The perimeter wall for the project would consist of a precision block wall six feet in height. The portion of the wall located in the front yard setback would consist of a masonry wall with stucco pilasters and would be limited to a maximum height of 42".

CIRCULATION/PARKING – Access for the proposed development would be provided from Lampson Ave. by a single driveway which connects to the private street. As the development is proposed to be gated, the driveway is designed to accommodate two lanes of entry traffic, for one vehicle lane to provide access to the call box, and a second vehicle lane to pull onto the property without stacking onto Lampson Ave. If access through the gate is not authorized, there is sufficient area within the entry driveway for a vehicle to be able turn around and exit back on to Lampson Ave. in a forward motion.

Beyond the main entry gate, the private street curves around a large private park for the development, before straightening out and looping in a general rectangular pattern around the property, with homes on either side of the street. A smaller private road would cut through the middle block of the homes to provide garage access to the homes

located in the central portion of the property. The site would also be improved with sidewalks along the front of the property and a portion of the private street to provide access to the common open space area and communal mail boxes.

In regards to parking, Table 3-6 in Section 20.320.030 of the SMC requires a four bedroom house to provide two enclosed and two open parking spaces per dwelling unit. In addition, one guest parking space is required for every three dwelling units. Since the applicant is proposing a 5th bedroom option for one of the floor plans, an additional 0.5 parking spaces is added to the requirement for 14 of the units with that floor plan. To meet this requirement, each unit would be provided with a fully-enclosed, two-car garage, a two-car driveway directly adjacent to the garage, and the proposed site plan includes 25 unassigned, open parking spaces. A total of 12 guest parking spaces would also be provided along the private street. The project would require a total of 159 parking spaces and the Applicant is proposing a total of 165 parking spaces which is approximately 4.7 parking spaces provided per unit.

To ensure the parking spaces are available and utilized appropriately, staff is recommending conditions of approval in Resolution No. 2018-04 (PPD-788). The conditions of approval include: Planning Condition No. 19, which would require language to be included in the CC&R's to specifically prohibit garage conversions and require the garage to be utilized for the required parking.

FLOOR PLANS – The proposed project includes three floor plan options (Plan 1, Plan 2 and Plan 3). All three plans would be two stories with an entry, great room, kitchen, loft, laundry, four bedrooms, three baths and two-car garage. Plan 3 is the largest of the plans and offers a den which has the option to convert to a 5th bedroom. Plan 1 would make up ten of the total lots and the total square footage for each unit would be 3,461 square feet. Plan 2 would make up 11 of the lots and the total square footage for the unit would be 3,491 square feet. Plan 3 would consist of 14 of the lots and the total square footage for each unit would be 3,778 square feet. Each plan also provides for a large covered patio area to extend the living area to the outdoor space and provide an enhanced living experience.

DESIGN AND ARCHITECTURE – The project includes a number of different elevations, with the overall development based on the French Chateau theme. Within each elevation, there are similar architectural features including stucco and veneers with trims and treatments around the windows. The homes will have varying articulation along the front elevation including the use of shutters, rock or brick veneers and ornate metal balconies to create aesthetically appealing homes. A high level of detail is proposed on all elevations of each structure, ensuring that the homes provide a lasting, attractive visual presence both outward to the surrounding community and inward to the proposed development.

The overall design of the project is oriented to provide an emphasis on the architectural design. The building lots provide for a wide street frontage, with a more shallow depth to allow for grand building facades with elongated patios and entries, and minimizing the visual presence of the garage doors by utilizing upper story pop-outs, ornate metal

work, and trellises. This differs from recent developments that have been approved in the City that provide for a narrow, garage door dominated elevation, with deeper lots to maximize the number of units that could fit within the subdivision.

PRIVATE AND COMMON OPEN SPACE – Both private and common open space areas are provided for each unit. Section 20.420.050 (Development Standard for Multi-family Development) requires 150 square feet of private open space for each residence. Private open space, which is provided through the outdoor patio area ranges from 156 square feet to 173 square feet per unit.

The Zoning Code also requires usable active and passive open space equal in area to five percent of the total lot area, or 10,799 square feet for the proposed development. To meet this requirement the applicant is proposing a 15,600 square foot park located near the entrance to the development. This area would include turf, shrubs, trees, decomposed granite paving, picnic table, shade structure, built-in barbecue, seat wall and dry creek bed feature. The common open space area would be equivalent to 7.6 percent of the total area, which exceeds the total common open space required.

A Conceptual Landscape Plan also indicates extensive landscape with turf, shrubs and trees along the Lampson Avenue frontage and throughout the interior of the project. To ensure the open space is designed to be consistent with the conceptual plan, and the water efficiency requirements, staff is proposing Planning Condition Nos. 5, 6, and 7 in Resolution 2018-04 (PPD-788) requiring that final landscape plans consistent with the landscaping depicted on the Conceptual Site Plan be submitted for review and approval prior to issuance of a grading permit.

PLANNED DEVELOPMENT PERMIT – The applicant is requesting a Planned Development Permit (PDP) which will allow for greater flexibility from the strict application of the Stanton Municipal Code. The intent of the PDP is to encourage a high quality development which incorporates enhanced amenities while still meeting the goals and intent of the General Plan.

The applicant is requesting approval of a Planned Development Permit to allow for a lower density than the zoning code target range, and modify setbacks in certain portions of the project in order to design a high quality, large family housing subdivision. The project meets the purpose of the Planned Development Permit by providing a development that exceeds site and design standards of normal developments that are created using strict application of the development standards found in the Stanton Municipal Code. The development utilizes high quality architectural designs and materials, and incorporates varying architectural treatments including stucco and veneers with trims and treatments around the windows, shutters, rock or brick veneers and ornate metal balconies on the elevations of the homes.

The development provides private outdoor living areas for each home, in addition to a large private park. The park incorporates a built-in barbecue, a shade structure, picnic table and additional seating areas, extensive landscaping enhanced paving and landscaped edges that provide a sense of place within the development.

To further enhance the quality of the development, the Applicant is proposing to provide an entry monument at the gated entry along with accent paving and extensive landscaping treatments in the front of the development along Lampson Ave. The project is of a superior quality than would otherwise be possible through strict application of the development standards.

DEVELOPMENT AGREEMENT – As part of the entitlement process, the City Council authorized staff to enter into negotiations for a development agreement for this project. The Development Agreement would vest the Applicant with the authority to develop the residential subdivision in accordance with the existing land use laws, regulations, and ordinances. In other words, if the land use laws, regulations, and ordinances change during the life of the Development Agreement, the applicant would still be able to develop the project according the Agreement. In exchange, the developer has agreed to provide substantial improvements to the site and neighborhood by offering a high quality subdivision consisting of larger single family homes as a public benefit, along with a financial contribution for the improvement of public facilities throughout the City.

PLANNING COMMISSION – On January 17, 2018, the Planning Commission held a duly noticed public hearing to consider the project. At the hearing, two residents from adjacent neighborhoods of the proposed project spoke about their concerns regarding the traffic impact that the new development may have. One of the residents presented a letter at the meeting in regards to this project, and has been attached for the City Council's consideration. In the letter and as reiterated by the other resident who spoke at the hearing, the points of concern included traffic and parking conditions on Lampson Avenue. The concerns discussed included:

- Traffic on Lampson Ave. is already too congested and the additional project would exacerbate the issue.
- With a new tenant in the Sam's Club location, there will be an increase in traffic on Lampson Ave. as well.
- Parking on the south side of Lampson Ave. creates a traffic visibility hazard for the residential property directly adjacent to the subject site, and the resident has concerns that with the additional traffic created by the project, it will be more difficult to exit their property.

In response to the traffic concerns, as part of the environmental analysis, a traffic impact study was conducted by a traffic engineering consultant. A project in the City of Stanton requires a traffic impact analysis if it generates more than 200 daily trips. The findings of the study concluded that the proposed development is projected to generate approximately 333 daily vehicle trips. According to the current traffic map for the City of Stanton, the average daily traffic (ADT) volume on Lampson Avenue east of Beach Boulevard is 13,900. The additional trips per day would account for a 2.3% increase in the total existing traffic volume on the street. As part of the General Plan and the associated Environmental Impact Report, traffic volumes were evaluated for Lampson Ave., and determined the anticipated capacity as 25,000 trips per day. With the additional trips associated with the project, the street would be operating at 56%

capacity. As the street is operating at mid capacity inclusive of the new development, the added trips would not create an impact on the street capacity or decrease the level of service beyond existing levels.

In regards to the new tenant for the Sam's Club location, there is no identified new user at this time. However, the Sam's Club use generated a high volume of vehicular trips to the site and use of Lampson Ave. Any new user is anticipated to operate at a similar capacity. When the new user is identified, the traffic impacts may be reevaluated and if necessary, additional mitigation measures would be provided at that time.

In regards to the parking concerns, the letter stated that the parking along Lampson Avenue is already overcrowded and that the proposed development would further exacerbate the problem. For the overall parking demand, the applicant has exceeded parking required per the Stanton Municipal Code, and the parking is fully contained within the development. In addition, the City's Engineering department has reviewed the parking and visibility issues in question, and has determined it to be appropriate to provide red curbing to restrict parking adjacent to the driveways to provide a more appropriate visibility for the residential property adjacent to the project site, as well as the entry to the project site.

The Engineering Department also evaluated the request to synchronize the light at Beach Blvd. and Lampson Ave. with the light adjacent to the school to the east on Lampson Ave. Harbog Crabill, the City's Traffic Engineer consultants evaluated the proposal, and determined the synchronization to be unfeasible and could cause other traffic hazards associated with larger pedestrian groups queued at the light.

The Engineering Department also evaluated the possibility of restricting left turns onto Lampson Ave. during peak hours. Based on the number of trips generated by the proposed project, this was not determined to be an appropriate restriction to place on the project, or other feeder streets.

The Planning Commission considered all public comments, the merits of the project, and staff's report. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend approval of the project to the City Council.

FISCAL IMPACT:

None. The applicant will reimburse City staff and the City's consultants' review of this project. Moreover, if the project is approved, the applicant will provide financial assistance for public facilities throughout the City.

ENVIRONMENTAL IMPACT:

Based upon the Initial Study and Traffic Analysis, the proposed project, as conditioned, is categorically exempt per State CEQA Guidelines Section 15332, Class 32 (In-fill Development Projects). The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following

conditions. First, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with the general plan including Strategy LU 3.1.2, and Community Development Goal CD 1.2, and with approval of the Planned Development Permit, the project is consistent with the Zoning Code. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. The site is 4.95 acres in size and located in an urbanized area, surrounded by fully developed parcels, including a school, mobile home park, commercial shopping center, and condominiums. Third, the Project site must have no value has habitat for endangered, rare, or threatened species. There are no known endangered, rare or threatened species in the City, and the site in its current condition has not been identified as a designated site for any endangered, threatened or rare species. Fourth, approval of the Project must not result in any significant effects relating to traffic, noise, air quality, or water quality. The traffic analysis provided by the applicant, and reviewed and confirmed by the City Engineer, identifies that the number of trips added as a result of this project are significantly less than what was planned for as part of the general plan, and can be accommodated on the street without creating any significant impact on the traffic or level of service of Lampson Ave. The noise and air quality will have no significant impact as a result of this project beyond the temporary standard construction operations, and with the completion of a Water Quality Management Plan, the project will not create any significant impact to the water quality on the site and in the vicinity. Finally, the Project site must be adequately served by all required utilities and public services. The site is also able to be adequately served by all required utilities and public services. As the site is located within an urbanized area, water, electrical, cable and phone, and sewer services are all established within the area, and the site will be able to connect to all services. All emergency public services are also available and able to service the site. The Fire Department has reviewed the plans and deemed that there is appropriate access to the site to accommodate their equipment. All required documentation has been completed for the project in compliance with CEQA and the Project qualifies for the Class 32 exemption.

Furthermore, none of the exceptions to the use of the Class 32 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The Project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the Project that result in a reasonably possibility of a significant effect on the environment. The Project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The Project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 32 exemption applies, and no further environmental review is required.

PUBLIC NOTIFICATION:

Notice of Public Hearing was mailed to all property owners within a five hundred-foot radius of the subject property and made public through the agenda-posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

5 – Provide a High Quality of Life

Prepared by:



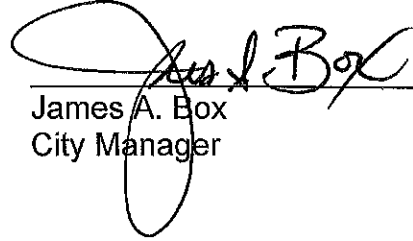
Rose Rivera
Associate Planner

Reviewed by:



Kelly Hart
Community Development
Director

Approved by:



James A. Box
City Manager

ATTACHMENTS

- A. CC Resolution No. 2018-04 (PPD-788)
- B. CC Resolution No. 2018-05 (TM17-02)
- C. CC Resolution No. 2018-06 (PDP17-02, with the Planned Development Standards provided as Exhibit A of the Resolution)
- D. CC Ordinance No. 1077
- E. Letter from Public
- F. Vicinity Map
- G. Project Narrative
- H. Traffic Study
- I. Tentative Tract Map No. 18122
- J. Site Plan
- K. Floor Plans and Elevations
- L. Landscape Plan

RESOLUTION NO. 2018-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PRECISE PLAN OF DEVELOPMENT PPD-788, A REQUEST TO SUBDIVIDE A 4.95 ACRE SITE AND CONTRUCT 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY

WHEREAS, on January 17, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Precise Plan of Development PPD-788 to develop 35 single-family detached homes, including a private street, and private and common open space for the property located at 8232 Lampson Avenue; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council approve Precise Plan of Development PPD-788; and

WHEREAS, on February 13, 2018, the City Council of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Precise Plan of Development PPD-788 to develop 35 single-family detached homes, including a private street, and private and common open space for the property located at 8232 Lampson Avenue; and

WHEREAS, the City Council has carefully considered all pertinent testimony and information contained in the Staff report prepared for this application as presented at the public hearing; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.), the City is the lead agency for the proposed Project; and

WHEREAS, the State CEQA Guidelines state that there exist categories of projects that are exempt from CEQA; and

WHEREAS, Staff has reviewed the environmental form, Traffic Study and Analysis submitted by the Applicant, in accordance with the City's procedures. Based upon the information received and Staff's assessment of the information, the Project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332, Class 32 (In-fill Development Projects); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Resolution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY FIND:

ATTACHMENT A

SECTION 1: That in accordance with the requirements as set forth in Section 20.530.050 of the Stanton Municipal Code:

- A. The project is allowed within the subject zone. The proposed development is for a 35-unit single-family detached dwelling unit subdivision within the RH (High Density Residential) zone. Section 20.210.020 of the Stanton Municipal Code states that single-family dwellings in the RH zone are permitted by right, subject to approval of a development permit. The applicant is requesting approval of a planned development permit to modify a number of development standards to accommodate the project. With approval of the associated applications, the project would be in full conformance with the zoning code.
- B. The project is designed so that:
 - i. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property. The project includes the demolition of an existing shed and abandoned well and construction of a 35-unit single-family detached dwelling subdivision. Conditions of approval have been included to ensure that during the construction phase, appropriate measures are taken to minimize the impacts of the construction activities in the residential neighborhood. In addition, the project has been designed to ensure appropriate parking has been provided on the property, and no additional drive-cuts would be required on the streets so on-street parking would not be impacted for the neighboring properties;
 - ii. Architectural design and functional plan of the structures and related improvements are of high aesthetic quality and compatible with adjacent developments. The project will use high quality architectural designs and materials, and incorporate varying architectural treatments including stucco and veneers with trims and treatments around the windows, shutters, rock or brick veneers and ornate metal balconies on the elevations of the homes. The private park will include enhanced amenities such as a built-in barbecue, a shade structure, picnic table and seating areas, extensive landscaping, enhanced paving. The entrance to the proposed subdivision is a single driveway off of Lampson Ave., which is a similar configuration as other residential properties;
 - iii. Structures and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site. The proposed structures are single-family detached dwelling units and the proposed use of the structures are residential uses. The exterior of the structures are designed to be consistent with the existing residential neighborhood, and the residential use of the property is consistent with the existing and future use of the neighborhood; and
 - iv. The project's site plan and design is consistent with the City's Design Standards and Guidelines, if any. The City does not currently have any adopted design

guidelines. However, the project is designed to be compatible with the existing and recent residential developments within the neighborhood and the city.

- C. Compliant with the Zoning Code, Municipal Code Title 16 (Buildings and Construction), and all other applicable City regulations and policies. The project is for the demolition of an existing shed and abandoned well and development of 35 single-family residential dwelling units on a property within the RH (High Density Residential) zone. A planned development permit is proposed to allow for modifications of some of the development standards. With approval of the precise plan of development, planned development permit, tentative map, and development agreement, the development would be in full compliance with the municipal code and all other city regulations and policies.
- D. Efficient site layout and design; adequate yards, spaces, walls, and fences, parking, loading, and landscaping that fit within neighboring properties and developments. The development consists of 35 single-family dwelling units. This requires a total of 70 covered parking spaces and 77 uncovered parking spaces on-site. The required parking is provided by a two-car garage and two-car driveway in the front setback of every lot and additional parking spaces along the private street. In addition, guest parking is required at a rate of one space per every three units which the development provides with an excess of six spaces along the private street. Perimeter fencing would also be provided along the development. The development provides landscaping throughout the project area with tree lined streets and a large landscaping area along the perimeter of the property, and providing sufficient parking on the site.
- E. Compatible and appropriate scale to neighboring properties and development; appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land. The development is for the construction of 35-unit single-family detached homes, a private street, private park, and associated site improvements. As proposed, the development meets the minimum required 20 foot front setback, is less than the maximum height permitted, and is less than the maximum building lot coverage permitted. The topography of the land and adjacent areas is generally flat, and the new development would not create a significant topographical difference in property heights.
- F. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and ensure compatibility in design where designed; compatible in color, material, and composition of the exterior elevations to neighboring visible structures; harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition. The project is consistent in design features as the newer developments within the neighborhood and city. The project would utilize stucco as the main façade material and include architectural accents such as the use of window shutters, rock or brick veneer and wrought iron treatments. The project also provides architectural features to avoid design repetition, including the use of façade pop-outs to create articulation along the longer elevation and differing elevation heights to provide an expressive rooflines.
- G. Compatible with the General Plan and any applicable specific plan. The development would be consistent with the general plan. Specifically, Action H-4.1.3(a) Development

of housing for large families. The development would consist of larger single-family residential dwellings consisting of 4-5 bedrooms, three bathrooms, and great rooms within the residence. The proposed development offers a larger housing product which is different from the more recent housing developments that have come into the City.

SECTION 2: Based upon its review of the entire record before it, including the Initial Study and Traffic Analysis, the City Council finds that the Project, as conditioned herein, is categorically exempt from environmental review under the CEQA pursuant to State CEQA Guidelines Section 15332, Class 32 (In-fill Development Projects). The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following conditions. First, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with the general plan including Strategy LU 3.1.2, and Community Development Goal CD 1.2, Action H-4.1.3(a) and with approval of the Planned Development Permit, the project is consistent with the Zoning Code. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. The site is 4.95 acres in size and located in an urbanized area, surrounded by fully developed parcels, including a school, mobile home park, commercial shopping center, and condominiums. Third, the Project site must have no value has habitat for endangered, rare, or threatened species. There are no known endangered, rare or threatened species in the City, and the site in its current condition has not been identified as a designated site for any endangered, threatened or rare species. Fourth, approval of the Project must not result in any significant effects relating to traffic, noise, air quality, or water quality. The traffic analysis provided by the applicant, and reviewed and confirmed by the City Engineer, identifies that the number of trips added as a result of this project are significantly less than what was planned for as part of the general plan, and can be accommodated on the street without creating any significant impact on the traffic or level of service of Lampson Ave. The noise and air quality will have no significant impact as a result of this project beyond the temporary standard construction operations, and with the completion of a Water Quality Management Plan, the project will not create any significant impact to the water quality on the site and in the vicinity. Finally, the Project site must be adequately served by all required utilities and public services. The site is also able to be adequately served by all required utilities and public services. As the site is located within an urbanized area, water, electrical, cable and phone, and sewer services are all established within the area, and the site will be able to connect to all services. All emergency public services are also available and able to service the site. The Fire Department has reviewed the plans and deemed that there is appropriate access to the site to accommodate their equipment. All required documentation has been completed for the project in compliance with CEQA and the Project qualifies for the Class 32 exemption.

Furthermore, none of the exceptions to the use of the Class 32 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The Project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the Project that result in a reasonably possibility of a significant effect on the environment. The Project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The

Project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 32 exemption applies, and no further environmental review is required.

SECTION 3: The City Council hereby finds that all of the facts, findings and conclusions set forth above in this Resolution are true and correct.

SECTION 4: That based upon the above findings, the City Council approves Precise Plan of Development PPD-788 for the construction of 35 single-family detached dwelling units along with a private street, common landscape areas, common and private open space areas and guest parking, subject to the following Conditions:

A. That all conditions of the Planning Division be met, including, but not limited to, the following:

1. Precise Plan of Development PPD-788 shall terminate if Planned Development Permit PDP17-02 and Tentative Tract Map 18122 (TM17-02) is allowed to expire or the Final Tract Map is not filed in a timely manner.
2. The project/use will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plan drawings submitted, and conditions imposed in this Resolution of Approval, the Resolution of Approval for Tentative Tract Map 18122 (TM17-02), and the Resolution of Approval for Planned Development Permit PDP17-02.
3. The development and/or use shall be in conformity with all applicable provisions of the Stanton Municipal Code and Planned Development Permit PDP17-02 and shall conform to the requirements of the Subdivision Map Act, as applicable.
4. Low-water use landscaping shall be installed and permanently maintained in a neat and orderly manner in the area indicated in the approved Site Plan and Preliminary Landscape Plan. Each planter area shall be enclosed with raised minimum 6-inch concrete curbing and shall be provided with an automatic sprinkler system that shall guarantee an adequate supply of water to fulfill the intent of continual plant maintenance.
5. All common area and HOA maintained landscaping areas as depicted in the approved Landscape Plan must be installed and planted prior to the issuance of a certificate of occupancy.
6. Trees to be located along Lampson Avenue, and with the private park area shall be a minimum of 36-inch box in size, while shrubs must be 5 gallons in size. For the interior of the subdivision, trees must be a minimum of 24-inch box in the common areas and on the remainder of the interior while shrubs must be 5 gallons in size.
7. The applicant shall submit a final landscape, irrigation and lighting plan indicating the common area improvements, and to include the furniture and light standards in the private streets and in the common open space area. The landscape plan shall include all calculations and certifications as required by the Section 20.315.050 of the Stanton Municipal Code and the adopted Water Efficient Ordinance Guidelines.

8. The private street shall be constructed to the satisfaction of the City Engineer.
9. Decorative paving and stamped concrete shall be provided as indicated on the approved Site Plan to the satisfaction of the Community Development Director.
10. 12 guest parking spaces shall be permanently provided and accessible at all times, and a total of 25 open parking spaces shall be continually maintained along the private street.
11. All exterior lighting shall be kept at a reasonable level of intensity and directed away from adjacent properties and public streets to minimize glare.
12. A minimum of eight light standards must be provided along the internal private street and within the common open space areas as indicated on the approved site plan and landscape plan to the satisfaction of the Community Development Director.
13. Prior to installation, the proposed design of the light standards to be placed on the private streets must be approved by the Community Development Director.
14. Walls and fences visible from Lampson Avenue, along the interior open space area and property lines shall be constructed of a decorative split-face block, or other decorative masonry to the satisfaction of the Community Development Director, and improved with anti-graffiti coating.
15. Solid fencing within the front setback area shall be a maximum of 42 inches in height, unless within a traffic visibility area, at which point the maximum height shall be 30 inches.
16. All interior fences between private open spaces may consist of any fencing material as permitted in the Zoning Code.
17. All utilities located on the site that are unable to be placed underground shall be screened with decorative paneling, fencing, and landscaping to the satisfaction of the Community Development Director.
18. CC&R's, Articles of Incorporation and By-Laws for the homeowner's association shall be reviewed and approved by City Staff, the City Attorney and the Department of Real Estate (DRE) prior to recordation and issuance of Certificate of Occupancy.
19. CC&R's shall include a restriction which prohibits garage conversions and also requires that all garages be maintained for the parking of vehicles.
20. The Applicant shall provide the Planning Division proof of review and approval of the CC&R's by the DRE prior to recordation. A copy of the recorded CC&R's shall be submitted to the Planning Division prior to the release of utilities.
21. The CC&R's shall specifically dictate responsibilities between the homeowners association and private property owners for the maintenance, both interior and exterior, of all buildings, plumbing and electrical facilities.
22. The CC&R's shall specifically dictate responsibilities between the homeowners association and private property owners for the maintenance of the common and private open space areas.

23. The CC&R's shall prohibit the removal of the common open space areas, as approved on the Site Plan.
24. The CC&R's shall specifically identify any and all exclusive use easement areas and dictate the responsibilities between private property owners and the homeowners association.
25. CC&R's shall include a provision as to the use and maintenance of guest parking spaces, driveways, common open space and restrictive open space. Guest parking spaces are to be used by guests only and are not for use by residents. Long term parking of more than 72 hours is also prohibited in guest parking spaces. Movement of a vehicle directly from one guest parking space to another shall not constitute a break in the 72 hour regulation.
26. The CC&R's shall contain provisions prohibiting over night vehicular parking and/or storage of recreational vehicles on the site.
27. CC&R's shall prohibit parking and any type of obstruction of the required fire access lanes.
28. CC&R's shall prohibit the construction of additional entries/exits into individuals residences.
29. No person on vehicle machinery related to the construction of the project shall be on the property prior to 7:00 a.m. No construction shall occur until 7:30 a.m. The Public Works Director or the Community Development Director may further restrict the hours and days of construction based on substantiated complaints received from surrounding neighbors and/or require an onsite inspector to be paid for by the Applicant/Developer (1-4 hour minimum charge per day).
30. The Applicant/Owner shall acknowledge the conditions of approval as adopted by the City Council. Such acknowledgment shall be in writing and received by the City within 30 days of approval by the City Council. In addition, the Applicant shall record the Conditions of Approval in the Office of the County Recorder. Proof of recordation shall be provided to the Planning Division prior to Certificate of Occupancy.
31. All utilities within the development including electrical and/or cable TV service, shall be placed in an underground facility to the satisfaction of the City Engineer.
32. All required school impact fees shall be paid prior to issuance of building permits.
33. All required park In-lieu fees shall be paid prior to the issuance of building permits. The required fees for single-family dwelling units (attached and detached) are \$11,173.00 per unit.
34. All required residential impact fees shall be paid prior to issuance of building permits. The required fee for high density dwelling units is \$1,049.
35. All required sewer connection fees shall be paid prior to the issuance of building permits.
36. THERE SHALL BE NO RELEASE OF UTILITIES IN CONNECTION WITH THIS PERMIT UNTIL ALL STANDARD AND/OR SPECIAL PLANNING, ENGINEERING,

BUILDING, AND FIRE CONDITIONS HAVE BEEN COMPLETED TO THE SATISFACTION OF THE CITY OF STANTON.

37. Any color scheme or materials alterations from those approved by the Planning Commission must be approved through the Community Development Director.
38. Any changes to the approved plans which occur through the Building plan check must also be approved by authorized Planning Staff.
39. Any deviations to the approved Tract Map, Planned Development Permit, Site Plan, Floor Plans, Elevations and Landscape Plan must also be approved by the Planning Division. Any approval by the Building Division does not constitute approval by the Planning Division.
40. Prior to initiation of any work in the public right-of-way, an encroachment permit must be obtained from the Engineering Division.
41. A Sign Application for all entry monument signage must be submitted to and approved by the Community Development Director prior to issuance of building permits.
- B. That all requirements of the Building Division be met, including but not limited to the following:**
 1. Applicant shall furnish, three (3) complete sets of plans (Structural, Mechanical, Electrical, and Plumbing) designed and signed in ink by the required licensed professionals. Said plans submitted shall contain structural calculations. Mechanical plans shall include duct and equipment data. Plumbing plans shall include isometric drawing of drain vents and water system.
 2. All plans shall meet the 2016 Title 24 Energy Code.
 3. All plans shall be designed in conformance with the 2016 California Building Code, 2016 California Plumbing Code, 2016 California Mechanical Code, the 2016 California Electrical, the 2016 Green Building Standards, 2016 Title 24 Energy Code and Code as amended by City Ordinance.
 4. Electrical plans shall include service, panel schedules and feeder size. Panel schedules and motors shall comply with requirements of the 2016 edition of the California Electrical Codes.
 5. Provide approval by the Orange County Fire Authority.
 6. The conditions of approval will be required to be copied on the approved set of plans prior to issuance of building permits. All the conditions must be completed prior to final approval and issuance of the Certificate of Occupancy.
 7. Applicant will be required to have all the contractors and sub-contractors recycle construction materials to the maximum feasible extent. All recyclable construction materials are to be taken to an approved Transfer Station.
 8. Applicant will be required to submit a Waste Management plan (WMP) for the demolition and new construction phases of the project. All recyclable construction materials are to be taken to an approved Transfer Station.

9. A stamped soil investigation report shall be submitted with the plans for plan check. Report shall include soil bearing capacity, seismic study, in compliance with the Seismic Hazard Mapping Act of the State of California, grading, paving, sulfate test and other pertinent information under good engineering practice.

Building conditions for approval will include the following OCFA conditions:

1. Plans need to show compliance with the 2016 California Building Code (CBC), 2016 California Fire Code (CFC), NFPA standards, and local amendments
- C. That all requirements of the Engineering Division be met, including but not limited to the following:**

General

1. Applicant shall submit Improvement Plans prepared by a Registered Civil Engineering for public works (off-site) improvements. Plan check fees shall be paid in advance.
2. City public works encroachment permit shall be taken out for all work in the public right-of-way prior to start of work. All work shall be done in accordance with Orange County RDMD or APWA and City standards and to the satisfaction of the City Inspector and completed before issuance of Certificate of Occupancy.
3. All existing off-site improvements (sidewalk, curb & gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer. When reconstructing full width sidewalk, curb & gutter, and driveways shall be fully improved. Structural sections of the street pavement shall be reconstructed per the requirements of an approved pavement rehabilitation report prepared by a Registered Civil Engineer.
4. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.
5. No construction materials or construction equipment shall be stored on public streets.
6. All trucks hauling materials in and out of the project site shall be subject to restricted time and days of operation and truck route as determined by the City Engineer.
7. Hours of work, including demolition and construction, shall be Monday through Friday 7:30 am to 4:30 pm with no work performed on weekends or holidays unless otherwise approved by the City Engineer.
8. Applicant shall pay sewer connection fees to the City for connection to the City/County sewer system, if applicable.

Site Specific

1. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" X 36", ink on mylar, with elevations to nearest 0.01 foot, scale 1"=10'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.
 2. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the issuance of building permit.
 3. Soils Report, Hydrologic and Hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
 4. Applicant is required to complete the "WQMP Priority Determination Form for New Development and Significant Redevelopment."
 5. Applicant shall properly maintain all BMPs installed on the site, as listed in the approved Water Quality Management Plan (WQMP), including requirements for vector control.
 6. Applicants shall identify parties responsible for the long-term maintenance and operation of the structural treatment control BMPs for the life of the project and a funding mechanism for operation and maintenance. This shall be identified prior to approval of the WQMP.
 7. Applicant shall submit a Water Quality Management Plan incorporating Best Management Practices (BMP) in conformance with the requirements of NPDES. Requirements of the WQMP will include construction of onsite water treatment, and maximization of infiltration.
 8. Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMP) in conformance with the requirements of NPDES.
- D. That all requirements of the Orange County Fire Authority be met, including but not limited to the following:**
1. The applicant or responsible party shall submit the plans listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit, if a grading permit is not required:

- Fire master plan (service code PR 145)

Prior to issuance of a building permit:

- Fire sprinkler system (service codes PR 400-465)

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on February 13, 2018 by the following vote, to wit:

DAVID J. SHAWVER, 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 Resolution, being Resolution No. 2018-04 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 February 13, 2018 and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

RESOLUTION NO. 2018-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING TENTATIVE TRACT MAP 18122 (TM 17-02) TO SUBDIVIDE A LEGAL PARCEL (4.95 ACRES) FOR PLANNED DEVELOPMENT PURPOSES FOR THE DEVELOPMENT OF 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY

WHEREAS, on January 17, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Tentative Tract Map 18122 (TM17-02), a subdivision a 4.95 acre legal parcel located at 8232 Lampson Avenue for the development of 35 single-family detached homes for planned development purposes; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council approve Tentative Tract Map 18122 (TM17-02); and

WHEREAS, on February 13, 2018, the City Council of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Tentative Tract Map 18122 (TM17-02), a subdivision a 4.95 acre legal parcel located at 8232 Lampson Avenue for the development of 35 single-family detached homes for planned development purposes; and

WHEREAS, the City Council has carefully considered all pertinent testimony and information contained in the Staff report prepared for this application as presented at the public hearing; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.), the City is the lead agency for the proposed Project; and

WHEREAS, the State CEQA Guidelines state that there exist categories of projects that are exempt from CEQA; and

WHEREAS, Staff has reviewed the environmental form, Traffic Study and Analysis submitted by the Applicant, in accordance with the City's procedures. Based upon the information received and Staff's assessment of the information, the Project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332, Class 32 (In-fill Development Projects); and

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

SECTION 1: That in accordance with the requirements as set forth in Section 19.10.100 and 19.10.110 of the Stanton Municipal Code:

- A. The proposed map is consistent with the City's General Plan designation of High Density Residential for the subject property. The project is developed at 7 dwelling units to the acre, and the maximum density for the High Density Residential designation is 18 dwelling units per acre, and the South Gateway Mixed-Use General Plan Designation is 60 dwelling units to the acre. The development would also implement Strategy LU-3.1.2 to encourage infill and mixed use development within feasible development sites. The project would be developed on a large, underutilized infill property that has been vacant for many years. The development is also consistent with Goal CD-1.2 which is to 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. The architectural details, complementary building materials and and color scheme are appropriate for the project's location on Lampson Avenue, which is identified in the General Plan as a secondary corridor. In addition, the project provides street trees, extensive landscape treatment and decorative masonry walls in the front yard setback area to enhance the visual corridor along Lampson Avenue. Lastly, the project would implement Action H-4.1.3(a) for the development of housing for large families. The development would consist of larger single-family residential dwellings which consist of 4-5 bedrooms, three bathrooms, and great rooms within the residence. The homes are also designed to provide a bedroom on the first floor, providing opportunities for multi-generational living arrangements.
- B. The proposed map and project design, with the approval of a Planned Development Permit and associated applications, would comply with the RH (High Density Residential) zone, the base zoning on the property.
- C. The site is physically suitable for the proposed type and density of development. The site is large enough to accommodate the proposed residential units, parking is sufficient to meet the needs of the proposal, street access, turn around radius, private and common open space areas, and emergency vehicle access. The development is a permitted use in the RH (High Density Residential) zone and the South Gateway Mixed Used Overlay.
- D. The requirements of the California Environmental Quality Act have been satisfied. Based upon its review of the entire record before it, including the Initial Study and Traffic Analysis, the City Council finds that the Project, as conditioned herein, is categorically exempt from environmental review under the CEQA pursuant to State CEQA Guidelines Section 15332, Class 32 (In-fill Development Projects). The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following conditions. First, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with the general plan including Strategy LU 3.1.2, and Community Development Goal CD 1.2, and with approval of the Planned Development Permit, the

project is consistent with the Zoning Code. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. The site is 4.95 acres in size and located in an urbanized area, surrounded by fully developed parcels, including a school, mobile home park, commercial shopping center, and condominiums. Third, the Project site must have no value has habitat for endangered, rare, or threatened species. There are no known endangered, rare or threatened species in the City, and the site in its current condition has not been identified as a designated site for any endangered, threatened or rare species. Fourth, approval of the Project must not result in any significant effects relating to traffic, noise, air quality, or water quality. The traffic analysis provided by the applicant, and reviewed and confirmed by the City Engineer, identifies that the number of trips added as a result of this project are significantly less than what was planned for as part of the general plan, and can be accommodated on the street without creating any significant impact on the traffic or level of service of Lampson Ave. The noise and air quality will have no significant impact as a result of this project beyond the temporary standard construction operations, and with the completion of a Water Quality Management Plan, the project will not create any significant impact to the water quality on the site and in the vicinity. Finally, the Project site must be adequately served by all required utilities and public services. The site is also able to be adequately served by all required utilities and public services. As the site is located within an urbanized area, water, electrical, cable and phone, and sewer services are all established within the area, and the site will be able to connect to all services. All emergency public services are also available and able to service the site. The Fire Department has reviewed the plans and deemed that there is appropriate access to the site to accommodate their equipment. All required documentation has been completed for the project in compliance with CEQA and the Project qualifies for the Class 32 exemption.

Furthermore, none of the exceptions to the use of the Class 32 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The Project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the Project that result in a reasonably possibility of a significant effect on the environment. The Project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The Project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 32 exemption applies, and no further environmental review is required.

- E. The design of the proposed subdivision will not conflict with easements of record or established by court judgment, acquired by the public at-large, for access through or use of the property. Upon review of the project by the Engineering Department, there is no known conflict with any easements, or rights-of-way as there are no known easements on the property.
- F. Design and improvement of the proposed subdivision will not cause substantial environmental damage, serious public health problems, or substantial and avoidable

injury to fish and game. Based on the initial study completed for this development, the project would not cause substantial damage, serious public health problems, or substantial unavoidable injury to fish and wildlife. There is no recorded habitat or endangered species in the City, there are no waterways, canals, or streams in or within the surrounding area of the project that would affect fish and wildlife, there are no known hazardous materials located within the project site, and the site is not registered as a Superfund Site with the EPA.

- G. The proposed project will not result in the discharge of waste into an existing community sewer system that would result in or add to a violation of existing requirements of the Santa Ana Regional Water Quality Control Board. A Preliminary Water Quality Management Plan was drafted for the project. As part of the WQMP, filtration devices and bioswales would be utilized to ensure all water within the project remains on-site and there would be no expected discharge into the sewer system or storm drain.

SECTION 2: Based upon the Initial Study and supporting technical study, the City Council exercises its independent judgment and finds that the Project, as conditioned hereby, is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), Section 15332, Class 32 (In-fill Development Projects).

SECTION 3: The City Council hereby finds that all of the facts, findings and conclusions set forth above in this Resolution are true and correct.

SECTION 4: That based upon the above findings, the City Council approves Tentative Tract Map 18122 (TM17-02) to subdivide a 4.95-acre legal parcel for planned development purposes for the development of 35 single-family detached homes, with common and private open space, subject to the conditions of approval for PPD-788 for the property located at 8232 Lampson Avenue in the RH (High Density Residential) zone and the South Gateway Mixed Use Overlay subject to the following conditions:

- A. That all conditions of the Planning Division be met, including, but not limited to, the following:**
1. All applicable conditions of approval for PPD-788 and PDP17-02 shall be required for Tentative Tract 18122 (TM17-02).
 2. The development and/or use shall be in conformity with all applicable provisions of the Stanton Municipal Code and shall conform to the requirements of the Subdivision Map Act, as applicable.
 3. The applicant shall submit CC&R's and/or maintenance agreement for approval by the Planning Division prior to issuance of Certificate of Occupancy.
- B. That all requirements of the Engineering Division be met , including but not limited to the following:**

General

1. Applicant shall submit Improvement Plans prepared by a Registered Civil Engineering for public works (off-site) improvements. Plan check fees shall be paid in advance.
2. City public works encroachment permit shall be taken out for all work in the public right-of-way prior to start of work. All work shall be done in accordance with Orange County RDMD or APWA and City standards and to the satisfaction of the City Inspector and completed before issuance of Certificate of Occupancy.
3. All existing off-site improvements (sidewalk, curb & gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer. When reconstructing full width sidewalk, curb & gutter, and driveways shall be fully improved. Structural sections of the street pavement shall be reconstructed per the requirements of an approved pavement rehabilitation report prepared by a Registered Civil Engineer.
4. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.
5. No construction materials or construction equipment shall be stored on public streets.
6. All trucks hauling materials in and out of the project site shall be subject to restricted time and days of operation and truck route as determined by the City Engineer.
7. Hours of work, including demolition and construction, shall be Monday through Friday 7:30 am to 4:30 pm with no work performed on weekends or holidays unless otherwise approved by the City Engineer.
8. Applicant shall pay sewer connection fees to the City for connection to the City/County sewer system, if applicable.

Site Specific

1. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" X 36", ink on mylar, with elevations to nearest 0.01 foot, scale 1"=10'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.
2. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the issuance of building permit.

3. Soils Report, Hydrologic and Hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
4. Applicant is required to complete the "WQMP Priority Determination Form for New Development and Significant Redevelopment."
5. Applicant shall properly maintain all BMPs installed on the site, as listed in the approved Water Quality Management Plan (WQMP), including requirements for vector control.
6. Applicants shall identify parties responsible for the long-term maintenance and operation of the structural treatment control BMPs for the life of the project and a funding mechanism for operation and maintenance. This shall be identified prior to approval of the WQMP.
7. Applicant shall submit a Water Quality Management Plan incorporating Best Management Practices (BMP) in conformance with the requirements of NPDES. Requirements of the WQMP will include construction of onsite water treatment, and maximization of infiltration.
8. Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMP) in conformance with the requirements of NPDES.

Tract Subdivision Improvements

1. All survey monuments destroyed shall be replaced and tied out in conformance with the County of Orange Surveyor's requirements.
2. The private drive entrance, private drives, and end of private drive turn-around areas of the Property shall be approved by the Orange County Fire Authority.
3. All grading, drainage, storm drain construction, private street or drive improvements, utility installation, landscaping, irrigation, and all other Subdivision improvements shall meet the City of Stanton standards.
4. The Final Map, when submitted to the City for approval, shall be prepared by, or under the direction of, a California registered civil engineer licensed to survey or a licensed land surveyor.
5. At the time of filing of the Final Map with the City for approval the Subdivider shall provide a Preliminary Title Report dated not more than 30 days prior to the filing date. In addition to other items the Preliminary Title Report shall show in what name the ownership of the property is held, show all trust deeds including the name of the trustees, show all easements and names of easement holders, show all fee interest holders, and show all interest holders whose interest could result in a fee ownership.

The title company account for this title report shall remain open until the Final Map is recorder.

6. All right-of-way, easements, abandonments, and vacations shall be shown on the Final Map. Public right-of-way shall be dedicated to the City in fee simple absolute. The purpose, use, and holder of the easement rights for all easements shall clearly be stated on the final map.
7. At the time of filing the Final Map to the City for approval the Subdivider shall also submit for approval of the City a Subdivision Agreement between the Subdivider and the City properly executed by the Subdivider, including appropriate bonds and insurance, which sets forth the requirements and responsibilities of both the City and the Subdivider relative the subdivision being created.
8. Pursuant to the regulations of the Subdivision Map Act all required off-site and public improvements shall be completed prior to the recordation of the final map, or in lieu thereof, be financially secured by surety bonds, to be held by the City, issued to ensure that all the improvements will be completed in a timely manner. Bond amounts shall be determined by the City. Subdivider shall provide a 100% Performance Bond, a 50% Labor and Materials Bond, a 50% Warranty Bond, and insurance coverage per City requirements.
9. At the time of filing of the Final Map with the City for approval the Subdivider shall submit to the City plans and specifications and cost estimates for all improvements including, but not limited to, public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage channels, water lines, sewer lines, utility lines, and other required and necessary improvements. All improvement plans, specifications, and cost estimates shall be approved by the City Engineer prior to submitting the Final Map to the City for approval.
10. Improvement plans shall include plans for all improvements related to the Subdivision including landscape plans, irrigation plans, and street lighting plans for all public right-of-way areas and all private areas.
11. Subdivider shall provide easements for public and private utilities as needed and as approved by the City.
12. At the time of filing of the Final Map with the City for approval the Subdivider shall also provide to the City the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the subdivision.
13. Prior to final acceptance of the Subdivision improvements all subdivision survey monuments shall be set, and Corner Records and center line ties shall be filed with the Orange County Surveyor, and if required by law, the filing and recording of Record of Survey with the Orange County Recorder.

14. Prior to final acceptance of the Subdivision improvements the Subdivider shall provide the City with As-Built mylar and electronic copies of the all subdivision plans and improvements, in a format acceptable to the City.
15. Subdivider shall place a County Surveyor Statement certificate on the final map for the signature of the Orange County Surveyor stating that " I have examined this map and have found that all mapping provisions of the Subdivision Map Act have been complied with and I am satisfied said map is technically correct."
16. At the time of filing of the Final Map with the City for approval the Subdivider shall also provide to the Orange County Surveyor for boundary and technical plan check all Final Map documents required by the Orange County Surveyor. Subdivider shall notify the City in writing that the required Final Map documents have been submitted to the Orange County Surveyor for boundary and technical plan check.
17. All streets or drives shown on the Final Map shall show proposed street names which will be subject to approval of the City.
18. At the time of filing of the Final Map with the City for approval the Subdivider shall provide to the City evidence that all utility providers with recorded title interest in the property have been informed of the of the pending filing of the Final Map with the City for approval, and also provide all utility provider's responses received.
19. At the time of filing of the Final Map with the City for approval the Subdivider shall provide to the City with a preliminary soils report covering the Subdivision related area.
20. All improvements shall meet the City Flood Management requirements.
21. At the time of filing of the Final Map with the City for approval the Subdivider shall provide to the City with a Hydrology Report, and a Hydraulics Report, including all necessary and required calculation, maps, exhibits, and reference material.
22. The subdivider and subdivision construction shall meet all of the City's Stormwater/NPDES Requirements, City Local Implementation Plan (LIP), California's General Permit for Stormwater Discharges Associated with Construction Activity, Notice of Intent (NOI) requirements of the State Water Resources Control Board and notification of the issuance of a Waste Discharge Identification (WDID) Number for Projects subject to this requirement, and shall provide a Water Quality Management Plan (WQMP), and a Stormwater Pollution Prevention Plan (SWPPP), and shall use Best Management Practices (BMP).
23. All required residential development impact fees (which include traffic impact fees, community center fees, and police facilities fees) shall be paid prior to the issuance of certificate of occupancy. **The required fees for high density development (11.1 to 60 du/ac) are \$1,049.00 per unit.**

24. The applicant must provide the City with access rights to the property at least once per year to perform State mandated environmental inspections.

25. The applicant must incorporate the WQMP conditions into the covenants, conditions, and restrictions (CC&R) for the project.

C. That all requirements of the Building Division be met, including but not limited to the following:

1. All applicable conditions of approval for PPD-788 also shall be required for Tentative Tract Map 18122 (TM17-02).
2. Applicant shall obtain approval of Final Tract Map prior to issuance of building permits.

D. That all requirements of the Orange County Fire Authority be met, including but not limited to the following:

1. All applicable conditions of approval for PPD-788 also shall be required for Tentative Tract Map 18122 (TM17-02) and Planned Development Permit PDP17-02.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on February 13, 2018 by the following vote, to wit:

DAVID J. SHAWVER, 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 Resolution, being Resolution No. 2018-05 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 February 13, 2018 and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

RESOLUTION NO. 2018-06

A RESOLUTION OF THE CITY COUNCIL OF CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PLANNED DEVELOPMENT PERMIT PDP17-02 TO ALLOW CUSTOMIZED DEVELOPMENT STANDARDS FOR A 35-UNIT SINGLE-FAMILY DETACHED HOME DEVELOPMENT, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY

WHEREAS, the applicant, StantonLampson 2017, LLC is requesting approval of a Planned Development Permit to allow flexibility in development standards related to setbacks, density, lot dimensions, and driveway widths for development of 35 single-family detached homes, including a private street, and private and common open space for the property located at 8232 Lampson Avenue; and

WHEREAS, on January 17, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing for the consideration of Planned Development Permit PDP17-02 to develop 35 single-family detached homes, including a private street, and private and common open space for the property located at 8232 Lampson Avenue, with modified zoning standards; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council approve Planned Development Permit PDP17-02; and

WHEREAS, on February 13, 2018, the City Council of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Planned Development Permit PDP17-02 to allow flexibility in development standards related to setbacks, density, lot dimensions, and driveway widths for development of 35 single-family detached homes, including a private street, and private and common open space for the property located at 8232 Lampson Avenue; and

WHEREAS, the City Council has carefully considered all pertinent testimony and information contained in the Staff report prepared for this application as presented at the public hearing; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.), the City is the lead agency for the proposed Project; and

WHEREAS, the State CEQA Guidelines state that there exist categories of projects that are exempt from CEQA; and

WHEREAS, Staff has reviewed the environmental form, Traffic Study and Analysis submitted by the Applicant, in accordance with the City's procedures. Based upon the information received and Staff's assessment of the information, the Project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332, Class 32 (In-fill Development Projects); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Resolution.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES HEREBY FIND:

SECTION 1: That in accordance with the requirements as set forth in Section 20.520.060 of the Stanton Municipal Code:

- A. The Planned Development Permit will be allowed within the subject base zone, be consistent with the General Plan and any applicable specific plan, be generally in compliance with all of the applicable provisions of this Development Code, and ensure compatibility of property uses within the surrounding neighborhood of the proposed development.

The 35-unit, single-family dwelling development and is consistent with the General Plan. Specifically, Strategy LU-3.1.2: to encourage infill and mixed use development within feasible development sites. The project would be developed on an underutilized property that is blighted with overgrown vegetation and dilapidated structures; Goal CD-1.2: to 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. The architectural details, complementary building materials and color scheme are appropriate for the project's location on Lampson Avenue which is identified in the General Plan as a secondary corridor. In addition, the project provides street trees, extensive landscape treatment and decorative masonry walls in the front yard setback area to enhance the visual corridor along Lampson Avenue; and, Action H-4.1.3(a): to develop housing for large families. The development would consist of larger single-family residential dwellings which consist of 4-5 bedrooms, three bathrooms, and great rooms within the residence. The homes are also designed to provide a bedroom on the first floor, providing opportunities for multi-generational living arrangements.

The development complies with all the applicable provisions of the development code, apart from the proposed modifications as part of the Planned Development Permit. The proposed use is compatible with the surrounding neighborhood. The project site is surrounded by a mix of commercial and residential uses - a single-family residence in the RH zone and a school district maintenance office in the City of Garden Grove to the north, Lawrence Elementary School located within the City of Garden Grove to the east, Villa Capri Mobile Home Estates in the RM (Medium Density Residential) zone to the south, and the Beach & Lampson Square (Sam's Club) shopping center in the CG (Commercial General) zone to the west.

- B. The proposed project will produce a comprehensive development of superior quality and excellence of design than might otherwise occur from more typical development applications.

The project will use high quality architectural designs and materials, and incorporate varying architectural treatments including stucco and veneers with trims and treatments around the windows, shutters, rock or brick veneers and ornate metal balconies on the elevations of the homes. The development as a whole is designed in a French chateau theme with all structures maintaining similar design aesthetic in order to provide a clear sense of place. The homes are also designed to provide a stately street presence with elongated elevations, and treatments to reduce the visibility of the garage doors. With the addition of the park area, which includes a built-in barbecue, a shade structure, picnic table and seating areas, extensive landscaping, enhanced paving and landscaped edges that provide a sense of place within the development, the project is of a superior quality than is otherwise possible through strict application of the development standards.

- C. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare.

Associated CC Resolution No. 2018-04 for PPD-788, CC Resolution No. 2018-05 for TM17-02, and Ordinance No. 1077 for the Development Agreement include multiple conditions of approval that have been imposed on the project to ensure the protection of the public health, safety, and welfare.

- D. Proper on-site traffic circulation (e.g., pedestrian and vehicular) and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Article 2 (Zone-Specific Standards).

The circulation on the property is suitable for the proposed residential use and has been reviewed by the Orange County Fire Authority (OCFA) to ensure adequate circulation is provided for public and emergency vehicle access. The property is accessible from a single entry off Lampson Ave. With the allowance for a large drive entrance on Lampson Ave., the project has been designed to enhance the traffic circulation by providing two entry lanes into the development, one to provide access to the call box, and a second to allow vehicles to pull onto the property around the waiting vehicle to ensure there is no vehicular stacking on the street. The private street is a wide street to provide for on-street parking along with a sidewalk on one side to allow for safe pedestrian circulation, and emergency vehicle access. To ensure the emergency vehicles have proper circulation, along with providing safe pedestrian access, modified setbacks have been allowed through the Planned Development Permit. In addition, street lighting is provided throughout the development to provide enhanced police surveillance opportunities.

- E. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.

The property is a rectangular, relatively flat parcel measuring approximately 4.95 acres of land area. The topography of the land and adjacent areas is generally flat, and the new development would not create a significant topographical difference in property heights. The proposed topographical adjustments would be approximately three foot height addition in the rear of the property, to provide a slope towards Lampson Ave. to comply with the requirements of the Water Quality Management Plan. The property has adequate depth and width to accommodate the proposed development. The Planned Development Permit (PDP) allows for flexibility in the efficient use of land and to allow effective design responses to site features.

- F. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare.

The General Plan identifies the property as South Gateway Mixed Use District allows for a density of up to 60 dwelling units to the acre. At the time of the General Plan adoption, through the EIR process, it was determined that there are adequate public services to accommodate the added population growth anticipated for General Plan build out. The proposed project would develop at a significantly lower density, is located within an urbanized area, is accessible by existing streets, and is located within the service areas of all existing utilities and public services for the area.

- G. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding properties or their allowed use.

The project will not have substantial adverse effect on surrounding properties. The project includes the demolition of an existing shed and abandoned well and construction of a 35-unit single-family detached dwelling subdivision. Conditions of approval have been included to ensure that during the construction phase, appropriate measures are taken to minimize the impacts of the construction activities in the residential neighborhood. In addition, the project has been designed to ensure appropriate parking has been provided on the property, and no additional drive-cuts would be required on the streets so on-street parking would not be impacted for the neighboring properties. Perimeter walls will be constructed, and enhanced landscaping along the street frontage will be provided to enhance the aesthetic quality of the streetscape. Surrounding uses include a school, residential units, and a commercial center. The development of the residential enclave as proposed will not limit the ability for the surrounding properties to maintain their allowed uses.

- H. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The enhanced amenities may include additional landscaping, additional private open space, private or separated entrances, etc.

The proposed development is not a mixed-use project as it is strictly single-family residential homes.

- I. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

The project is consistent in design features as the newer developments within the neighborhood and city. The project would utilize stucco as the main façade material and include architectural accents such as the use of window shutters, rock or brick veneer and wrought iron treatments. The project also provides architectural features to avoid design repetition, including the use of façade pop-outs to create articulation along the longer elevation and differing elevation heights to provide an expressive roofline. The dwelling units are designed in the same general functional plan as surrounding structures, however, enhanced design techniques have been employed to provide for a better living environment, create a sense of place, and a landmark development in the community. The surrounding neighborhood is a mixture of commercial and residential structures and the proposed development is designed to enhance the existing neighborhood. The entrance to the proposed subdivision is a single driveway off of Lampson Ave., which is a similar configuration as other residential properties.

SECTION 2: Based upon its review of the entire record before it, including the Initial Study and Traffic Analysis, the City Council finds that the Project, as conditioned herein, is categorically exempt from environmental review under the CEQA pursuant to State CEQA Guidelines Section 15332, Class 32 (In-fill Development Projects). The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following conditions. First, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with the general plan including Strategy LU 3.1.2, and Community Development Goal CD 1.2, and with approval of the Planned Development Permit, the project is consistent with the Zoning Code. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. The site is 4.95 acres in size and located in an urbanized area, surrounded by fully developed parcels, including a school, mobile home park, commercial shopping center, and condominiums. Third, the Project site must have no value as habitat for endangered, rare, or threatened species. There are no known endangered, rare or threatened species in the City, and the site in its current condition has not been identified as a designated site for any endangered, threatened or rare species. Fourth, approval of the Project must not result in any significant effects relating to traffic, noise, air quality, or water quality. The traffic analysis provided by the applicant, and reviewed and confirmed by the City Engineer, identifies that the number of trips added as a result of this project are significantly less than what was planned for as part of the general plan, and can be accommodated on the street without creating any significant impact on the traffic or level of service of Lampson Ave. The noise and air quality will have no significant impact as a result of this project beyond the temporary standard construction operations, and with the completion of a Water Quality Management Plan, the project will not create any significant impact to the

water quality on the site and in the vicinity. Finally, the Project site must be adequately served by all required utilities and public services. The site is also able to be adequately served by all required utilities and public services. As the site is located within an urbanized area, water, electrical, cable and phone, and sewer services are all established within the area, and the site will be able to connect to all services. All emergency public services are also available and able to service the site. The Fire Department has reviewed the plans and deemed that there is appropriate access to the site to accommodate their equipment. All required documentation has been completed for the project in compliance with CEQA and the Project qualifies for the Class 32 exemption.

Furthermore, none of the exceptions to the use of the Class 32 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The Project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the Project that result in a reasonably possibility of a significant effect on the environment. The Project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The Project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 32 exemption applies, and no further environmental review is required.

SECTION 3: The City Council hereby finds that all of the facts, findings and conclusions set forth above in this Resolution are true and correct.

SECTION 4: That based upon the above findings, the City Council approves Planned Development Permit PDP17-02 based on the findings listed in Section 1 and the conditions of approval in accordance with Exhibit "A" attached hereto and made a part of this Resolution.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on February 13, 2018 by the following vote, to wit:

DAVID J. SHAWVER, 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 Resolution, being Resolution No. 2018-06 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 February 13, 2018 and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

Exhibit "A"

Planned Development Permit PDP17-02 8232 Lampson Avenue

1. Complete project approval is contingent upon City Council approval of: Precise Plan of Development PPD-788, Tentative Tract Map TM17-02, and Planned Development Permit PDP2017-02. Any associated conditions, related to the approval of the aforementioned entitlements, shall be integrated into the project plans or development.
2. Development standards for this Planned Development shall comply with all regulations of Title 20 of the Stanton Municipal Code (SMC) and all other relevant regulations in the SMC unless otherwise stipulated herein and/or in an applicable development agreement.
3. Setbacks:
 - Development setback along Lampson Ave:
 - a. Minimum 20 feet
 - Development front setback along northern property line:
 - a. Minimum 10 feet
 - Development side yard setback:
 - b. Minimum 10 feet along the eastern property line (Lots 14-21)
 - c. Minimum 15 feet along the western property line (Lots 1-10)
 - Development rear yard setback:
 - a. Lots 3 and 14 – minimum five (5) feet
 - b. Lots 11, 12 and 13 – minimum 15 feet
 - Lot Setbacks:
 - a. Front: Minimum eight (8) feet
 - b. Side: Minimum five (5) feet
4. Density
 - The minimum density for this development shall be seven (7) dwelling units per acre (du/ac)
 - The maximum density shall be 18 du/ac.
5. Lot Area and Dimensions
 - The minimum area for individual lots shall be 3,900 square feet.
 - The minimum width for individual lots shall be 60 feet.
 - The minimum length for individual lots shall be 61 feet.
6. Sidewalks
 - Sidewalks shall be provided along one side of the private street.
 - Sidewalks throughout the development shall be a minimum of five feet in width.

7. Driveway

- Entry Driveway from Lampson Avenue:
 - a. The maximum width of the entry driveway apron shall be 60 feet.
 - b. The entry drive approach shall be delineated with interlocking pavers, rough-textured concrete, stamped concrete or similar enhanced paving.
 - c. Landscaped medians shall be incorporated into the entry driveway.
- Private Driveways:
 - a. The minimum width of a private driveway shall be 16 feet.
 - b. The minimum length of a private driveway shall be 18 feet.

8. Parking

- Parking along the private street shall be maintained in order to provide guest parking.

9. Accessory Structures

- The following permanent structures and features are permitted to project into yards of individual lots in the amount stated for each structure or feature:
 - (a) Architectural Elements – Functional (e.g., brackets, cornices, eaves, roof overhangs, extensions, and similar functional projecting-type features, etc.) may project not more than: Four (4) feet into front and rear yards; and two (2) feet into side yard.
 - (b) Architectural Elements – Decorative (e.g., brackets, cornices, eaves, roof overhangs, extensions, and similar functional projecting-type features, etc.) may project not more than: Six (6) inches into front, side, and rear yards.
 - (c) Balconies– Balconies may project not more than three (3) feet into front, side, and rear yards.
 - (d) Canopies – Canopies with or without vertical supports may encroach not more than: Four (4) feet into front and rear yards; and two (2) feet into side yards.
 - (e) Chimneys and Fireplaces – Chimneys and fireplaces not more than eight (8) feet in width may project not more than three (3) feet into a front and rear yard; and two (2) feet into side yard.
 - (f) All other accessory structures - stationary compost pit, fire pit/barbecue, gazebo, greenhouse, landscape pond, outdoor play equipment, recreational court, spa (up to 42 inches in height), solar collector, storage shed (less than 120 sq ft), workshop, etc. – All other accessory structures may project not more than three (3) feet into a rear yard; two (2) feet into side yard; and shall not project into the front yard.

ORDINANCE NO. 1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, MAKING FINDINGS THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF STANTON AND STANTONLAMPSON 2017, LLC FOR CERTAIN REAL PROPERTY LOCATED AT 8232 LAMPSON AVENUE, WITHIN THE CITY OF STANTON PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

WHEREAS, on August 21, 2017, StantonLampson 2017, LLC ("Applicant") filed applications for approval of a Precise Plan of Development PPD-788, Tentative Map TM17-02, Planned Development Permit PDP17-02, and a Development Agreement for the development of a 4.95 acre site ("Project Site"), located at 8232 Lampson Avenue which will include the demolition of an existing shed and abandoned well, and construction of 35 single-family detached homes and associated site improvements ("Project"); and

WHEREAS, the City of Stanton ("City") has found that development agreements strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduces the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensures that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, pursuant to California Government Code section 65864 *et seq.*, the City is authorized to enter into development agreements providing for the development of land under terms and conditions set forth therein; and

WHEREAS, StantonLampson 2017, LLC proposes to develop the Project Site located in the City of Stanton, more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference ("Property") for the Project; and

WHEREAS, because of the logistics, magnitude of the expenditure and considerable lead time prerequisite to planning and developing the Project, Developer has proposed to enter into a development agreement concerning the Project ("Development Agreement") to provide assurances that the Project can proceed without disruption caused by a change in the City's planning policies and requirements except as provided in the Development Agreement, which assurance will thereby reduce the actual or perceived risk of planning for and proceeding with development of the Project; and

WHEREAS, the City desires the timely, efficient, orderly and proper development of the Project in furtherance of the goals of the General Plan; and

WHEREAS, the City Council has found that this Development Agreement is consistent with the City's General Plan; and

WHEREAS, the City Council has determined that by entering into the Development Agreement: (i) the City will promote orderly growth and quality development on the Property in accordance with the goals and policies set forth in the General Plan; (ii) significant benefits will be created for City residents and the public generally from increased housing opportunities created by the Project; and

WHEREAS, it is the intent of the City and Developer to establish certain conditions and requirements related to review and development of the Project which are or will be the subject of subsequent development applications and land use entitlements for the Project as well as the Development Agreement; and

WHEREAS, the City and Developer have reached mutual agreement and desire to voluntarily enter into the Development Agreement to facilitate development of the Project subject to the conditions and requirements set forth therein; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.), the City is the lead agency for the proposed Project; and

WHEREAS, the State CEQA Guidelines state that there exist categories of projects that are exempt from CEQA; and

WHEREAS, in accordance with CEQA and the State CEQA Guidelines, the City has determined approval of the Project is exempt from the requirements of CEQA and the State CEQA Guidelines pursuant to State CEQA Guidelines section 15332, Class 32 (In-fill Development Projects); and

WHEREAS, on January 17, 2018, the Planning Commission conducted a duly-noticed public hearing to consider Precise Plan of Development PPD-788, Tentative Map TM17-02, Planned Development Permit PDP17-02, and the Development Agreement for the Project, at which hearing members of the public were afforded an opportunity to comment upon the Development Agreement; and

WHEREAS, the Planning Commission adopted a resolution recommending that the City Council approve the Development Agreement; and

WHEREAS, on February 13, 2018, the City Council conducted a duly noticed public hearing and considered evidence concerning the Development Agreement; and

WHEREAS, the terms and conditions of the Development Agreement have undergone review by the City Council at a publicly noticed hearing and have been found to be fair, just, and reasonable, and consistent with the General Plan; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated herein as substantive findings of the Ordinance.

SECTION 2. Based upon its review of the entire record before it, including the Initial Study and Traffic Analysis, the City Council exercises its independent judgment and finds that the Project, as conditioned herein, is categorically exempt from environmental review under the CEQA pursuant to State CEQA Guidelines Section 15332, Class 32 (In-fill Development Projects). The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following conditions. First, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with the general plan including Strategy LU 3.1.2, and Community Development Goal CD 1.2, and with approval of the Planned Development Permit, the project is consistent with the Zoning Code. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. The site is 4.95 acres in size and located in an urbanized area, surrounded by fully developed parcels, including a school, mobile home park, commercial shopping center, and condominiums. Third, the Project site must have no value has habitat for endangered, rare, or threatened species. There are no known endangered, rare or threatened species in the City, and the site in its current condition has not been identified as a designated site for any endangered, threatened or rare species. Fourth, approval of the Project must not result in any significant effects relating to traffic, noise, air quality, or water quality. The traffic analysis provided by the applicant, and reviewed and confirmed by the City Engineer, identifies that the number of trips added as a result of this project are significantly less than what was planned for as part of the general plan, and can be accommodated on the street without creating any significant impact on the traffic or level of service of Lampson Ave. The noise and air quality will have no significant impact as a result of this project beyond the temporary standard construction operations, and with the completion of a Water Quality Management Plan, the project will not create any significant impact to the water quality on the site and in the vicinity. Finally, the Project site must be adequately served by all required utilities and public services. The site is also able to be adequately served by all required utilities and public services. As the site is located within an urbanized area, water, electrical, cable and phone, and sewer services are all established within the area, and the site will be able to connect to all services. All emergency public services are also available and able to service the site. The Fire Department has reviewed the plans and deemed that there is appropriate access to the site to accommodate their equipment. All required documentation has been completed for the project in compliance with CEQA and the Project qualifies for the Class 32 exemption.

Furthermore, none of the exceptions to the use of the Class 32 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The Project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the Project that result in a reasonably possibility of a significant effect on the environment. The Project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The Project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 32 exemption applies, and no further environmental review is required.

SECTION 3. Pursuant to Government Code Section 65867.5(b) and Stanton Municipal Code Section 20.510.050(D), and based on the entire record before the City Council including all written and oral evidence presented to the City Council, hereby makes the following findings:

1. Public Benefit: The Development Agreement provides benefit to the City because the Project contemplated in the Development Agreement includes improvement of a vacant lot to provide housing opportunities for City residents. Moreover, the Development Agreement requires the Applicant to provide substantial improvements to the site including an enhanced open space area and extensive landscaping throughout the Project, and provide a financial benefit for the improvement of public facilities throughout the City.

2. General Plan, Specific Plan, and Zoning Code Consistency: The Development Agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan and any applicable Specific Plan, and this Zoning Code because the Project Site is in the High Density Residential (RH) Zoning District with a South Gateway Mixed-Use District Overlay, which allows for single-family detached dwelling units. The Project meets those General Plan and Zoning Code standards, with exception of the rear setback, minimum density, and driveway apron width requirements. However, with approval of a Planned Development Permit in conjunction with the development proposal, and the making of the required findings, the project would be permitted within the High Density Residential (RH) zone. There is no Specific Plan applicable to the Project Site. The proposed Project meets the following General Plan Goals and Strategies:

Strategy LU-3.1.2: To encourage infill and mixed use development within feasible development sites. The project would be developed on an underutilized property that is blighted with overgrown vegetation and dilapidated structures. As such, the project would remove the blighted conditions with an infill development, and is therefore consistent with the stated strategy.

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. The architectural details, complementary building materials and colors of the homes are appropriate for the project's location on Lampson Avenue which is identified in the General Plan as a secondary corridor. In addition, the

project provides street trees, extensive landscape treatment and decorative masonry walls in the front yard setback area to enhance the visual corridor along Lampson Avenue.

Action H-4.1.3(a): to develop housing for large families. The development would consist of larger single-family residential dwellings consisting of 4-5 bedrooms, three bathrooms, and great rooms within the residence. The homes are also designed to provide a bedroom on the first floor, providing opportunities for multi-generational living arrangements.

3. Compliance with Development Agreement Statute. The Development Agreement complies with the requirements of Government Code Sections 65864 through 65869.5 because the Agreement provides assurance to the applicant for the development of the Project, which consists of a 35-unit single-family detached dwelling. The Development Agreement specifies the duration of the agreement, permitted uses of the property, density and intensity of use, and provision of public benefits to the City. Specifically, the Development Agreement provides a three-year term in which the Applicant has a vested right to develop the residential subdivision on the Project Site in accordance to existing City regulations and Planned Development Permit PDP17-02. In exchange, the Project will provide housing opportunities for Stanton residents, and opportunities for improvements to public facilities throughout the City. Moreover, the Applicant will provide a high quality, aesthetically appealing homes with substantial improvements to the site including a park area with amenities including a BBQ, a shade structure and enhanced landscaping.

SECTION 4. As provided in section 8.5 of the Development Agreement and pursuant to Stanton Municipal Code Section 20.500.030, the City Council shall be the approving body for the precise plan of development, tentative tract map, and planned development permit for the project addressed by the Development Agreement.

SECTION 5. The City Council hereby approves and adopts the Development Agreement attached hereto as Exhibit "B", entitled, "Development Agreement between the City of Stanton, a California municipal corporation and StantonLampson 2017, LLC, a California limited liability company". The Development Agreement shall not take effect unless and until Precise Plan of Development PPD-788, Tentative Tract Map TM17-02, and Planned Development Permit PDP17-02 are each approved by the City Council.

SECTION 6. The documents related to this Ordinance are on file and available for public review at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The City Clerk is the custodian of these documents.

SECTION 7. 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.

SECTION 8. This Ordinance shall be effective thirty days after its adoption. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law. Pursuant to Government Code Section 65868.5, within 10 days following the entering into of the Development Agreement, as evidenced by full execution thereof, the City Clerk shall record with the Orange County Recorder a copy of the Development Agreement.

SECTION 9. The City Council hereby directs staff to prepare and file a Notice of Exemption with the Orange County Clerk within five (5) working days of the approval of the proposed Project.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2018.

DAVID J. SHAWVER, 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, do hereby certify that the foregoing Ordinance No. 1077 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 13th day of February 2018, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 27th day of February 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

CITY CLERK, CITY OF STANTON

CERTIFICATION STATEMENT

I, Patricia A. Vazquez, City Clerk of the City of Stanton, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 1077, passed by the people of the City of Stanton, as declared by the City Council on the day and year set forth above, and published pursuant to law.

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Stanton, County of Orange, State of California, described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 11 WEST, SAN BERNARDINO BASE AND MERIDIAN IN THE RANCHO LOS ALAMITOS IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 1 OF LOT LINE ADJUSTMENT (LLA) LL86-1 IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS RECORDED IN INSTRUMENT 86-571438 OF RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF SAID LOT LINE ADJUSTMENT (LLA) LL86-1;
THENCE NORTH 89°59'36" EAST ALONG THE MOST NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 156.66 FEET;
THENCE SOUTH 00°09'31" EAST 110.00 FEET;
THENCE SOUTH 45°04'50" EAST 21.24 FEET;
THENCE NORTH 89°59'36" EAST 220.15 FEET TO THE MOST EASTERLY LINE OF SAID PARCEL 1;
THENCE SOUTH 00°13'32" EAST ALONG SAID MOST EASTERLY LINE 500.14 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1;
THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 SOUTH 89°57'43" WEST 392.39 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1;
THENCE NORTH 00°09'31" WEST ALONG THE WESTERLY LINE OF SAID PARCEL 1 A DISTANCE OF 623.33 FEET TO THE POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN GRANT DEED, AND CONVEYED TO THE STANTON HOUSING AUTHORITY, RECORDED JUNE 29, 2011, AS INSTRUMENT NO. 11-317720 OF OFFICIAL RECORDS.

APN: 131-491-18

EXHIBIT "B"

**CITY OF STANTON AND STANTONLAMPSON 2017, LLC
DEVELOPMENT AGREEMENT**

Recorded at request of:)
City Clerk)
City of Stanton)
)
When recorded return to:)
City of Stanton)
)

Stanton, CA)
Attention: City Clerk)
)

Exempt from filing fees pursuant to Government Code §6103

DEVELOPMENT AGREEMENT NO. DA17-01

A DEVELOPMENT AGREEMENT BETWEEN

CITY OF STANTON

and

**STANTONLAMPSON 2017, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY**

DEVELOPMENT AGREEMENT NO. DA17-01

This Development Agreement (hereinafter "Agreement") is entered into as of this 13th day of February, 2018 by and between the City of Stanton, California (hereinafter "CITY"), and **StantonLampson 2017, LLC, a California limited liability company** (hereinafter "OWNER");

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, This Agreement constitutes a current exercise of City's police powers to provide predictability to Owner in the development approval process by vesting the permitted uses, density, intensity of use, and timing and phasing of development consistent with the Development Plan in exchange for Owner's commitment to provide significant public benefits to City as set forth in Section __, below.

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, the best interests of the citizens of the City of Stanton and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, the City Council hereby finds and determines that this development agreement is of major significance because it will enable the City to fund much needed capital improvements and provide much needed public services and will therefore also have a major, beneficial economic impact on the City; and

WHEREAS, the provision by Owner of the public benefits allows the City to realize significant economic, recreational, park, open space, educational, social and public facilities benefits. The public benefits will advance the interests and meet the needs of Stanton residents and visitors to a significantly greater extent than would development of the Property without this Agreement.

WHEREAS, the physical effects, if any, of the Project and this Agreement have been analyzed pursuant to CEQA and the project has been determined to be categorically exempt from CEQA pursuant to Section 15332, Class 32 (Infill Development Projects); and

WHEREAS, this Agreement and the Project are consistent with the Stanton General Plan and any specific plan applicable thereto; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Section 65864, et seq. of the Government Code are intended;

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Stanton, a California municipal corporation.

1.1.3 "City Council" means the duly elected city council of the City of Stanton.

1.1.4 "Commencement Date" means the date the Term of this Agreement commences.

1.1.5 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.6 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) conditional use permits, public use permits and plot plans;

- (d) zoning;
- (e) grading and building permits.

1.1.7 "Development Exaction" means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.8 "Development Impact Fee" a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include park "in lieu" fees specified in Government Code Section 66477, fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4.

1.1.9 "Development Plan" means the plan for development of the Property as set forth in Exhibit "C".

1.1.10 "Effective Date" means the date the ordinance approving and authorizing this Agreement becomes effective.

1.1.11 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes (special or general) and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.12 "OWNER" means the persons and entities listed as OWNER on page 1 of this Agreement and their successors in interest to all or any part of the Property.

1.1.13 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.14 "Project" means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.15 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.16 "Public Benefit" refers to those benefits provided to the City and the community by Owner pursuant to Section 4 below.

1.1.17 "Reservation of Rights" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.3 of this Agreement.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A" – Legal Description of the Property.

Exhibit "B" – Map showing Property and its location.

Exhibit "C" – Development Plan.

Exhibit "D" – Development Impact Fees.

Exhibit "E" – Development Impact Fee Credits

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out in accordance with the terms of the Development Plan and this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to, or has an equitable interest in, the Property or a portion thereof.

2.3 City Council Findings. The City Council finds that:

2.3.1 This Agreement is consistent with the City's General Plan.

2.3.2 This Agreement ensures a desirable and functional community environment, provides effective and efficient development of public facilities, infrastructure, and services appropriate for the development of the Project, enhances effective utilization of resources within the City.

2.3.3 This Agreement provides public benefits beyond those which are necessary to mitigate the development of the Project.

2.3.4 This Agreement strengthens the public planning process, encourages private participation in comprehensive planning and reduces costs of development and government.

2.3.5 The best interests of the citizens of the City and the public health, safety, and welfare will be served by entering into this Agreement.

2.4 Term. The term of this Agreement shall commence on the date (the "Commencement Date") that is the Effective Date, and shall continue for a period of three years thereafter, unless this term is modified or extended pursuant to the provisions of this Agreement. Thereafter, the OWNER shall have no vested right under this Agreement, regardless of whether or not OWNER has paid any Development Impact Fee.

2.5 Assignment.

2.5.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such sale, transfer or assignment, OWNER shall notify CITY, in writing, of such sale, transfer or assignment and shall provide CITY with an executed agreement ("Assignment and Assumption Agreement"), in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties, obligations, agreements, covenants, waivers of OWNER under this Agreement, including, without limitation, the covenants not to sue and waivers contained in Sections 7.2 and 8.4 hereof.

Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by Owner under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.5.1, the burdens of this Agreement shall be binding upon such purchaser,

transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed.

2.5.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement with respect to the transferred Property or any transferred portion thereof, unless such transferring OWNER is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring OWNER of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the Property subject to the transfer.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.5.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.5.3 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section.

2.5.4 Utilities. The Project shall be connected to all utilities necessary to provide adequate water, sewer, gas, electric, and other utility service to the Project, prior to the issuance of a certificate of occupancy for any portion of the Project.

2.5.5 Sale to Public and Completion of Construction. The provisions of Subsection 2.5.1 shall not apply to the sale or lease (for a period longer than one year) of any lot that has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. This Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and

(b) A certificate of occupancy has been issued for a building on the lot, and the fees for such lot set forth in this Agreement have been paid.

2.6 Amendment or Cancellation of Agreement. This Agreement may be amended or canceled in whole or in part only by written consent of all parties in the manner provided for in

Government Code Section 65868. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement.

2.6.1 Minor Changes.

(i) The provisions of this Agreement require a close degree of cooperation between the Parties and "Minor Changes" to the Project may be required from time to time to accommodate design changes, engineering changes, and other refinements related to the details of the Parties' performance. "Minor Changes" shall mean changes to the Project that are otherwise consistent with the Development Plan, and which do not result in a change in the type of use, an increase in density or intensity of use, significant new or increased environmental impacts that cannot be mitigated, or violations of any applicable health and safety regulations in effect on the Effective Date.

(ii) Accordingly, the Parties may mutually consent to adopting "Minor Changes" through their signing of an "Operating Memorandum" reflecting the Minor Changes. Neither the Minor Changes nor any Operating Memorandum shall require public notice or hearing. The City Attorney and City Manager shall be authorized to determine whether proposed modifications and refinements are "Minor Changes" subject to this Section 2.6.1 or more significant changes requiring amendment of this Agreement. The City Manager may execute any Operating Memorandum without City Council action.

2.7 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the stated term of this Agreement as set forth in Section 2.4.
- (b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement that has occurred prior to such termination or with respect to any obligations that are specifically set forth as surviving this Agreement. Upon such termination, any Development Impact Fees paid by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.8 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; or (iii) on the date of delivery shown in the records of the telegraph company after transmission by telegraph to the recipient named below. All notices shall be addressed as follows:

If to CITY: City of Stanton Housing Authority
7800 Katella Ave.
Stanton, CA 90680

Copy to: Best Best & Krieger LLP
18101 Van Karman Ave., Suite 1000
Irvine, CA 92614
Attn: Elizabeth W. Hull, Esq.

If to OWNER: StantonLampson 2017, LLC
8951 Research Drive, Suite 100
Irvine, CA 92618
Attn: BJ Delzer, President
Telephone: 949-759-4367
Facsimile: 949-988-7179

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservation of Rights, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, this Agreement. Except as expressly provided otherwise herein, the Project shall remain subject to all Land Use Regulations and Development Approvals, whether in effect on the Effective Date or subsequently adopted or amended, that are required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, and notwithstanding the authority of the CITY to further revising the Land Use Regulations pursuant to Government Code section 65866, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Land Use Regulations and Development Approvals, whether in effect on the Effective Date or

subsequently adopted or amended. OWNER shall comply with all mitigation measures required to be undertaken pursuant to any document prepared in compliance with the California Environmental Quality Act with respect to the Project.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservation of Rights, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Land Use Regulations and Development Approvals, whether in effect on the Effective Date or subsequently adopted. In connection with any subsequently imposed Development Approvals and except as specifically provided otherwise herein, CITY may exercise its discretion in accordance with the Land Use Regulations then in effect, as provided by this Agreement, including, but not limited to, the Reservation of Rights. CITY shall accept for processing, review and action all applications for subsequent development approvals, and such applications shall be processed in the same manner and the CITY shall exercise its discretion, when required or authorized to do so, to the same extent it would otherwise be entitled in the absence of this Agreement.

3.3 Reservation of Rights.

3.3.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following regulations shall apply to the development of the Property:

(a) Processing fees and charges of every kind and nature imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including, without limitation, all uniform codes adopted by the City and any local amendments to those codes adopted by the CITY, including, without limitation, the CITY's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Grading Ordinance.

(d) Regulations imposing Development Exactions; provided, however, that no such subsequently adopted Development Exaction shall be applicable to development of the Property unless such Development Exaction is applied uniformly to development, either throughout the CITY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan. In the event any such subsequently adopted Development Exaction fulfills the same purposes, in whole or in part, as the fees set forth in

Section 4 of this Agreement, CITY shall allow a credit against such subsequently adopted Development Exaction for the fees paid under Section 4 of this Agreement to the extent such fees fulfill the same purposes.

(e) Regulations that may be in material conflict with this Agreement but that are reasonably necessary to protect the residents of the project or the immediate community from a condition perilous to their health or safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNER with the rights and assurances provided under this Agreement.

(f) Regulations that are not in material conflict with this Agreement or the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to materially conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations that are in material conflict with the Development Plan; provided OWNER has given written consent to the application of such regulations to development of that Property in which the OWNER has a legal or equitable interest.

(h) Regulations that impose, levy, alter or amend fees, charges, or Land Use Regulations relating to consumers or end users, including, without limitation, trash can placement, service charges and limitations on vehicle parking.

(i) Regulations of other public agencies, including Development Impact Fees adopted or imposed by such other public agencies, although collected by CITY.

3.3.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on subsequent development approvals and to the same extent it would otherwise be authorized to do so absent this Agreement, from applying subsequently adopted or amended Land Use Regulations that do not materially conflict with this Agreement.

3.3.3 Modification or Suspension by State or Federal Law. In the event that State, County or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.3.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit certain aspects of its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power that cannot be or are not expressly so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority that cannot be or is not by this Agreement's express terms so restricted.

3.4 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY may possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies.

3.5 Water Supply Planning. To the extent the Development Plan includes one or more tentative maps totaling more than 500 dwelling units, and to the extent the Project, or any part thereof, is not exempt under Government Code Section 66473.7(i), each such tentative map shall comply with the provisions of Government Code Section 66473.7.

3.6 Timing of Development. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal. 3d 465 (1984), that the failure of the parties in that case to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the specific intent of the Parties to provide for the timing of the Project in this Agreement. To do so, the Parties acknowledge and provide that Owner shall have the right, but not the obligation, to complete the Project in such order, at such rate, at such times, and in as many development phases and sub-phases as Owner deems appropriate in its sole subjective business judgment.

3.7 Conditions, Covenants and Restrictions. Owner shall have the ability to reserve and record such covenants, conditions, and restrictions (CC&Rs) against the Property as Owner deems appropriate, in its sole and absolute discretion. Such CC&Rs may not conflict with this Agreement or the General Plan. Before recording any CC&Rs, Owner shall provide a copy of the CC&Rs to the City for review and approval by the City Attorney. The City Attorney's review shall be limited to determining if the CC&Rs substantially comply with this Agreement. Within thirty (30) days after receiving a copy of the proposed CC&Rs from Owner, the City Attorney shall provide Owner with either (i) a statement that the CC&Rs comply with this Agreement ("CC&R Approval") or (ii) written comments identifying each aspect of the CC&Rs which the City Attorney believes not to be in compliance with this Agreement (a "Statement of Non-Compliance"). If the City Attorney fails to provide Owner with either CC&R Approval or a Statement of Non-Compliance within thirty (30) days following a written request by Owner, City shall be deemed to have approved the CC&Rs and Owner may record the CC&Rs against the Property. If the City Attorney provides a Statement of Non-Compliance, Owner shall have thirty (30) days in which to respond to the Statement of Non-Compliance. Upon submittal of Owner's response, the procedure described above for the initial submittal and City Attorney review of proposed CC&Rs shall again be followed. This procedure shall be followed until Owner either (1) receives CC&R Approval, (2) submits the compliance issues to binding arbitration pursuant to the rules of the American Arbitration Association, (3) files an action for declaratory relief in Orange County Superior Court seeking a judicial determination of the compliance of the proposed CC&Rs, or (4) agreement is otherwise reached between the Parties allowing for the recording of the CC&Rs. The CC&Rs may run with the land and bind Owner's successors and assigns. Except as provided above, any dispute between the Parties regarding the City's approval or rejection of the CC&Rs shall be subject to immediate and binding arbitration pursuant to the rules of the American Arbitration Association.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Public Benefits. In addition to complying with the Project conditions of approval which are designed to mitigate the significant environmental impacts of the Project, Owner has committed by this Agreement to contribute to the acquisition, construction and maintenance of certain "Public Benefits." The Public Benefits consist of contributions toward the "Public Facilities" consisting of park maintenance, rehabilitation and improvements, public facility upgrades and improvements, street maintenance and improvements, or any other improvement to the public facilities as the City deems necessary to provide appropriate facilities and services to the residents of this community and the City at large. City shall have no obligation to construct the Public Facilities in any particular order or sequence.

4.2.1 City Facilities. Owner shall make contributions towards the acquisition, construction and maintenance of the City Facilities, as follows:

(i) Park and Community Center. Owner shall pay a fee in the amount of six thousand seven hundred and eighty dollars (\$6,780) (the "City Facilities Fee") for each Unit constructed as part of the Project. The City Facilities Fee shall be due concurrently with the issuance of the certificate of occupancy for each Unit, unless a different schedule is mutually agreed upon by the City and Owner.

4.3 Development Impact Fees.

4.3.1 Amount of Fee. The Development Impact Fees set forth in Exhibit "D" shall be charged to the Project.

4.3.2 Time of Payment. The fees required pursuant to Subsection 4.3.1 shall be paid to CITY prior to the issuance of building permits for each residential unit. No fees shall be payable for building permits issued prior to the Effective Date of this Agreement, but the fees required pursuant to Subsection 4.3.1 shall be paid prior to the re-issuance or extension of any building permit for a residential unit for which such fees have not previously been paid.

4.3.3 Fee Credits. OWNER shall be entitled to credit against the fees required pursuant to Subsection 4.2.1 for the dedication of land, the construction of improvements or the payment of fees as specifically set forth in Exhibit "E".

4.3.4 Future Development Impact Fees; Increases. The Parties hereby agree that, notwithstanding the current effective Development Impact Fees included in Exhibit "D", the Project shall not be subject to the imposition of any new or additional Development Impact Fee that becomes effective during the Term of this Agreement. In addition, the Project shall NOT be subject to any increase, amendment or alteration of any Development Impact Fee that becomes effective during the Term of this Agreement. Any building permits issued outside of the Term of this Agreement, Developer shall be subject to imposition of and responsible for payment of

any new, increase, amendment or alteration of any Development Impact Fee that becomes effective. Notwithstanding anything to the contrary in the Agreement, the Developer acknowledges that Developer shall be responsible for the payment of development impact fees imposed or required by other public agencies, including County or regional agencies.

4.3.5 Prepayment. In no event shall the prepayment of any Development Impact Fees required hereunder establish a vested right on the part of OWNER or any other owner of the Property or any person or entity with an interest therein to develop the Project or the Property following the expiration, cancellation or termination of the Term of this Agreement. Following the expiration, cancellation or termination of this Agreement, all Development Impact Fees then in effect shall be applicable to the Project and Property notwithstanding any provision of this Agreement and notwithstanding the prepayment of the Development Impact Fees set forth in Exhibit "D", any increase or amendment of any Development Impact Fee, or any combination thereof. Nothing contained in this Subsection 4.3.5 shall be construed as limiting the right of OWNER to a credit against any Development Impact Fees as set forth in Section 4.3.3 hereof.

4.4 Dedication of On-Site Easements and Rights of Way. OWNER shall dedicate to CITY all on-site rights of way and easements deemed necessary for public improvements, in CITY's sole discretion, within 15 days of receipt of written demand from CITY.

4.5 Timing of Construction of Off-Site Infrastructure. Approval of any building permits on the Property shall be conditioned upon CITY's determination, in its sole discretion, that sufficient progress is being made on construction of off-site infrastructure serving development of OWNER's Property.

5. FINANCING OF PUBLIC IMPROVEMENTS. OWNER may propose, and if requested by CITY shall cooperate in, the formation of any special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities required as part of the Development Plan. To the extent any such district or other financing entity is formed and sells bonds in order to finance such reimbursements, OWNER may be reimbursed to the extent that OWNER spends funds or dedicates land for the establishment of public facilities. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic Review. The CITY shall review this Agreement annually, on or before the anniversary of the Effective Date, in order to ascertain the compliance by OWNER with the terms of the Agreement. OWNER shall submit an Annual Monitoring Report, in a form acceptable to the City Manager, within thirty (30) days after written notice from the City Manager. The Annual Monitoring Report shall be accompanied by an annual review and administration fee sufficient to defray the estimated costs of review and administration of the Agreement during the succeeding year. The amount of the annual review and administration fee shall be set annually by resolution of the City Council.

6.2 Special Review. The City Council may order a special review of compliance with this Agreement at any time. The City Manager, or his or her designee, shall conduct such special reviews.

6.3 Procedure.

(a) During either a periodic review or a special review, OWNER shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on OWNER.

(b) Upon completion of a periodic review or a special review, the City Manager, or his or her designee, shall submit a report to the Planning Commission setting forth the evidence concerning good faith compliance by OWNER with the terms of this Agreement and his or her recommended finding on that issue.

(c) If the Planning Commission finds and determines on the basis of substantial evidence that OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the Planning Commission finds and determines on the basis of substantial evidence that OWNER has not complied in good faith with the terms and conditions of this Agreement, the Commission may recommend to the City Council modification or termination of this Agreement. OWNER may appeal a Planning Commission determination pursuant to this Section 6.3(d) pursuant to CITY's rules for consideration of appeals in zoning matters then in effect. Notice of default as provided under Section 7.3 of this Agreement shall be given to OWNER prior to or concurrent with proceedings under Section 6.4 and Section 6.5.

6.4 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.3, CITY determines to proceed with modification or termination of this Agreement, CITY shall give written notice to OWNER of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not CITY proposes to terminate or to modify the Agreement; and,

(c) Such other information that the CITY considers necessary to inform OWNER of the nature of the proceeding.

6.5 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, OWNER shall be given an opportunity to be heard. OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on OWNER. If the City Council finds, based upon substantial evidence, that OWNER has not complied in good faith with the terms or conditions of the Agreement, the City Council may terminate this Agreement or modify this

Agreement and impose such conditions as are reasonably necessary to protect the interests of the CITY. The decision of the City Council shall be final.

6.6 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the City Manager and City Council that: (1) this Agreement remains in effect; and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder.

Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the City Manager or City Council.

7. DEFAULT AND REMEDIES.

7.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action that arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

7.2 Release. Except for non-monetary remedies, OWNER, for itself, its successors and assignees, hereby releases CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth and Fourteenth Amendments to the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon CITY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

By initialing below, OWNER hereby waives the provisions of Section 1542 in connection with the matters that are the subject of the foregoing waivers and releases.

Owner's Initials

7.3 Termination or Modification of Agreement for Default of OWNER. CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

7.4 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

8. LITIGATION.

8.1 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action, or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement, or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any claim, action, proceeding or determination included within this Section 8.1, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action, proceeding or determination, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be

responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action, proceeding or determination.

8.2 Environmental Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

8.3 Reservation of Rights. With respect to Section 8.1 and Section 8.2 herein, CITY reserves, the right to either (1) approve the attorney(s) that the indemnifying party selects, hires or otherwise engages to defend the indemnified party hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense; provided, however, that the indemnifying party shall reimburse the indemnified party forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

8.4 Challenge to Existing Land Use Approvals. By accepting the benefits of this Agreement, OWNER, on behalf of itself and its successors in interest, hereby expressly agrees and covenants not to sue or otherwise challenge any land use approval affecting the Property and in effect as of the Effective Date. Such agreement and covenant includes, without limitation, the covenant against any direct suit by OWNER or its successor in interest, or any participation, encouragement or involvement whatsoever that is adverse to CITY by OWNER or its successor in interest, other than as part of required response to lawful orders of a court or other body of competent jurisdiction. OWNER hereby expressly waives, on behalf of itself and its successors in interest, any claim or challenge to any land use approval affecting the Property and in effect as of the Effective Date. In the event of any breach of the covenant or waiver contained herein, CITY shall, in addition to any other remedies provided for at law or in equity, be entitled to:

- (a) impose and recover (at any time, including after sale to a member of the public or other ultimate user) from the party breaching such covenant or waiver, the full amount of Development Impact Fees that the breaching party would have been required to pay in the absence of this Development Agreement; and
- (b) impose any subsequently adopted land use regulation on those land use approvals for which the breaching party had not, as of the time of such breach, obtained a building permit.

OWNER hereby acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS
WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT
TO EXIST IN HIS OR HER FAVOR AT THE TIME OF

EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

By initialing below, OWNER hereby waives the provisions of Section 1542 in connection with the matters that are the subject of the foregoing waivers and releases.

Owner's Initials

8.5 Survival. The provisions of Sections 8.1 through 8.4, inclusive, shall survive the termination of this Agreement.

9. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other

affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.5 of this Agreement.

10. MISCELLANEOUS PROVISIONS.

10.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the Orange County Recorder by the Clerk of the City Council within ten (10) days after the City enters into the Agreement, in accordance with Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement, or if the CITY terminates or modifies this Agreement as provided herein for failure of the OWNER to comply in good faith with the terms and conditions of this Agreement, the City Clerk shall have notice of such action recorded with the Orange County Recorder.

10.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements that are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

10.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the Development Impact Fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

10.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

10.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

10.6 Singular and Plural. As used herein, the singular of any word includes the plural.

10.7 Joint and Several Obligations. If at any time during the Term of this Agreement the Property is owned, in whole or in part, by more than one OWNER, all obligations of such OWNERS under this Agreement shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS. Notwithstanding the foregoing, no OWNER of a single lot that has been finally subdivided and sold to such OWNER as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as expressly provided for herein.

10.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

10.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

10.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

10.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the Term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the Term of this Agreement shall not be extended under any circumstances for more than five (5) years.

10.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

10.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

10.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

10.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Orange, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

10.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

10.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

10.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

10.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the City Manager, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

10.20 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement on the last day and year set forth below.

OWNER

**STANTONLAMPSON 2017, LLC, a
California limited liability company**

By: _____

Its: _____

Dated: _____

CITY

**CITY OF STANTON, a California
municipal corporation**

By: _____

Mayor

Dated: _____

ATTEST:

By: _____

City Clerk

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP

City Attorney

EXHIBIT "A"

(Legal Description of the Property)

Exhibit A

EXHIBIT "B"

(Map of the Property)

Exhibit B

EXHIBIT "C"

(Development Plan)

[Insert as applicable]

General Plan Amendment No. [_____]

Specific Plan No. [_____]

Tentative Tract Map No(s). [_____]

Variance No. [_____]

PUD No. [_____]

EXHIBIT "D"

(Development Impact Fees)

Exhibit D

EXHIBIT "E"

(Development Impact Fees Credits)

Hello Rose,

We reside at the homes located directly North of the proposed RH (High Density Residential) zone.

We have concerns of the overcrowded parking currently on Lampson directly in front of our houses. Apparently the residents of the adjacent apartment complex (northwest of our location) are parking their vehicles on both sides of Lampson Avenue. Several are recreational vehicles and parked for days at a time, and only moved for street cleaning.

This makes it very difficult and dangerous for us to exit our driveways and travel onto Lampson Avenue.

We recently found out that Sam's Club is closing and will be replaced by a Costco Wholesale. This will create even more traffic flow on Lampson Avenue when Costco opens for business.

As a condition of approval, we would like to request that the City of Stanton place a "time restricted" and "No Overnight" parking zone in front of our houses and near the entrance to the proposed RH zone.

Also, our concern is that the residents of the RH zone will park their vehicles and larger RVs on Lampson Avenue which will make it even more congested and difficult to exit our driveways. We request the the Planning Dept require adequate parking for the residences and guests along with recreational vehicle parking.

Will there be a signal or stop sign to help control the flow of traffic at the entry drive to the RH zone?
Please address.

We are in favor of this development, but with the City's review of our parking/traffic concerns. This problem exists throughout our City. You must address this problem for our community and not let it continue.

ATTACHMENT E

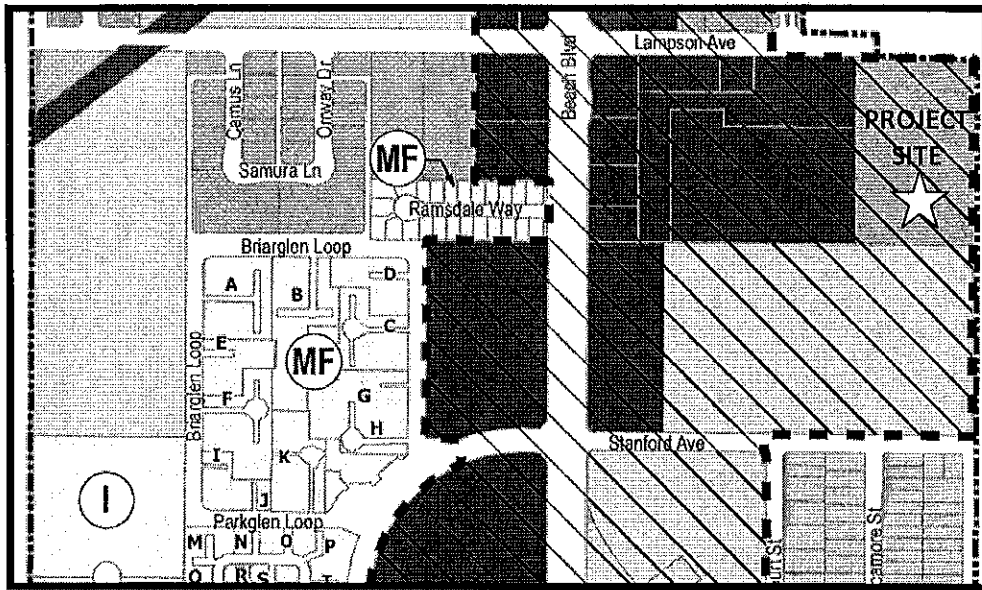
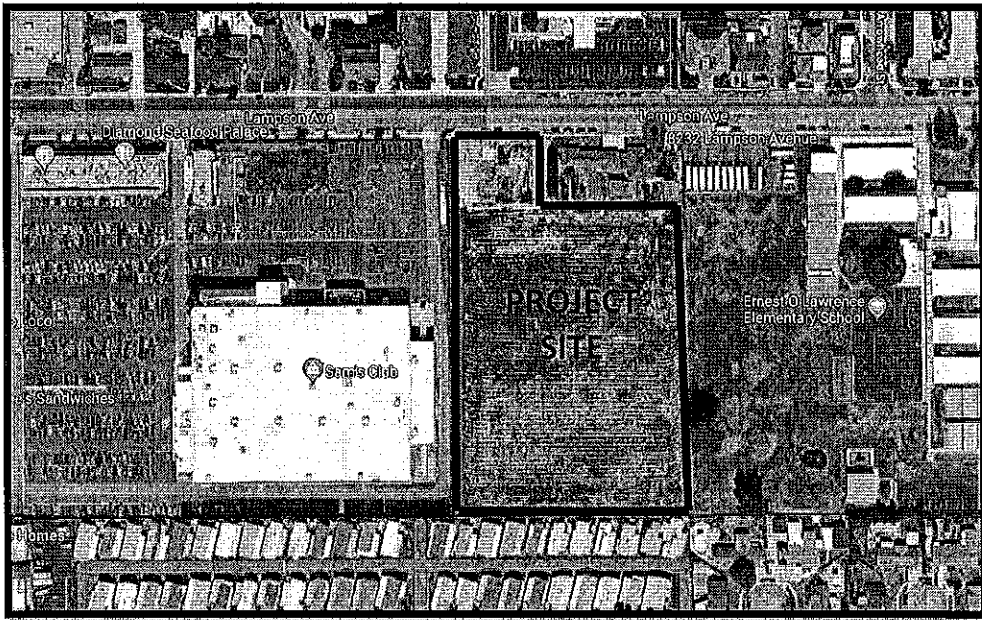
Please email me the Conditions Of Approval prior to your hearing date.

Thank you,
Daniel Naritoku



8232 Lampson Avenue

Vicinity Map



Legend			
Residential	Commercial	Special	Boundaries
RE Residential Estate	CNZ Commercial Neighborhood Zone	OSB Open Space/Buffer Zone	GMO General Mixed Use Overlay
RL Single-Family Residential	CGZ Commercial General Zone	PRZ Parks and Recreation Zone	NGMO North Gateway Mixed Use Overlay
RM Medium Density Residential	Industrial	PIZ Public Institutional Zone	SGMO South Gateway Mixed Use Overlay
RH High Density Residential	BPZ Business Park Zone	SWZ Solid Waste Transfer Zone	SCB Stanton City Boundary
PD Planned Development	IGZ Industrial General Zone	SPZ Specific Plan Zone	

**Project Narrative for Precise Plan of Development,
Tentative Tract Map TTM 18122, and Development Agreement**

StantonLampson 2017, LLC

In accordance with the accepted concept plan presented and selected by your City Council committee, we request approval of new Precise Plan of Development, Tentative Tract Map, and Development Agreement for a new single family residential development APN: 131-491-18. The proposed development consists of 35 single family detached residential homes in compliance with the RH zone. The application is also includes a formal filing for a land subdivision through Tentative Tract Map TTM 18122 to subdivide the existing parcel, totaling 4.955 acres into 35 single family lots, and lettered lots for landscape lots, private park area and private street. Proposed density is 7.0 du/ac.

The proposed project complies with overall development standards. The project includes 4.955 acres of land currently vacant formerly farmed for agriculture. There is an existing well and shed onsite which will be demolished and removed. There is an adjacent occupied single family dwelling that fronts a portion of the site at Lampson Ave. The project proposes a density of 7.0 du/ac; whereas the performance standards of the RH Zone and SGMX Density allowance ranges from 18-60 du/ac. The project proposes three floor plans:

Plan 1 – 3,041 SF (first floor – 1,364 SF; second floor 1,687 SF) (420 SF garage)
Plan 2 – 3,071 SF (first floor – 1,425 SF; second floor 1,646 SF) (420 SF garage)
Plan 3 – 3,379 SF (first floor – 1,487 SF; second floor 1,892 SF) (420 SF garage)

The homes are designed within the thematic French variations of styles. Utilizing stucco and veneers with trims and treatments at windows. All homes have setback in massing and articulation along the fronts and rears to create an aesthetically appealing home. The architecture forward in the homes create variations of street elevations and the use of color schemes will further differentiate the homes within the community. The proposed single-family dwellings building height is 2 story and between 29 feet and 31 feet in total height.

The resulting lot coverage of the proposed single family homes footprints is approximately 35% of the project area and proposes a maximum impervious surface area of approximately 63.2%.

The development will be setback a minimum of 20 feet from Lampson Ave right of way (front), 15 feet minimum from the southerly boundary at the rear, and 15 feet minimum from western interior side property line abutting Sam's Club and 10' minimum at the east. All interior property building separations are a minimum of 10 feet between the homes for the minimum separation.

The project as proposed provides four (4) off-street parking spaces for each dwelling within a 2-car enclosed attached garage with full length driveway that provide 2 off-street spaces in each driveway of every dwelling. In addition, the project provides 25 unmarked parallel guest parking spaces on one side of the street in excess of the minimum residential parking code requirements, providing parking at a ratio of approx. 4.6 spaces per home as proposed.

The proposed project will not adversely affect adjoining land uses, as the use is consistent with the adjacent uses and allowable density for the site. The proposed project provides a compatible traditional single family residential design and is compatible and consistent with the adjoining land uses.

ATTACHMENT G

The proposed site is large enough and is able to accommodate the proposed project design without negatively affecting the residential area and surrounding areas.

The traffic generated from the proposed development is significantly less than what has been contemplated and studied with the existing General Plan designation that would allow significantly more dwelling units. Thus, the project is consistent with General Plan anticipated traffic generation and that the adjoining streets are capable of accepting traffic generated from this infill development. Nonetheless, a traffic study has been commenced and the final illustrated report will summarize the traffic analysis findings, methodology, and supportive data. It will quantify existing traffic conditions, traffic conditions upon project completion, distributing the project trip generation to the street system, determine the project's traffic impacts at the project access to Lampson Avenue, review sight distance analysis at the project access to Lampson Avenue, examine internal circulation including emergency vehicle access and any recommend mitigation measures, if any.

Finally, approval of proposal with conditions of approval will not harm the health and safety of the citizens of Stanton by the very nature that this is a proposal for a residential project in a residential area that is consistent with surrounding development and infrastructure.

Tentative Tract Map TTM 18122

This application also includes a formal filing for a Tentative Tract Map TTM 18122 to subdivide the existing site, totaling 4.955 acres, into 35 single family lots, and lettered lots for landscape lots, private park area and private street. Proposed density is 7.0 du/ac.

The proposed subdivision design and proposed improvements is consistent with existing General Plan designation that would allow up significantly more dwelling units.

We believe that the design and improvements, with conditions of approval for site improvements, that the site is physically suitable for the proposed density of development, that the proposed subdivision map does not conflict with any existing easements, and that access is restricted to Lampson Ave only and therefore should be recommended for approval.

Finally, it is suggested that CEQA analysis be found to comply with CEQA Section 15332 for small infill projects within existing urbanized areas. The project is consistent with the General Plan designation and RH Zoning designation, all infrastructure is existing to serve the development, and the project is under 5 acres in area. The sewer facilities capacity exists and can serve the site.

If there are any additional materials or information required, please notify me immediately. Please contact me directly should you have any questions (949) 274-0746. We look forward to working with you and your staff on this important development project.

Respectfully,

Monica Ultreras
Project Manager
StantonLampson 2017, LLC



KUNZMAN ASSOCIATES, INC.

OVER 40 YEARS OF EXCELLENT SERVICE

August 20, 2017

Mr. Chad Brown, Vice President of Planning & Development
MELIA HOMES
8951 Research Drive
Irvine, CA 92618

Dear Mr. Brown:

INTRODUCTION

The firm of Kunzman Associates, Inc. is pleased to provide this focused traffic analysis for the proposed 8232 Lampson Avenue project in the City of Stanton. The project site is proposed to be developed with 35 single-family detached residential dwelling units. The project location map is shown in Figure 1.

This report summarizes our methodology, analysis, and findings. Although this is a technical report, every effort has been made to write the report clearly and concisely. To assist the reader with those terms unique to transportation engineering, a glossary of terms is provided within Appendix A.

PROJECT DESCRIPTION

The project site is located at 8232 Lampson Avenue project in the City of Stanton. The project site is proposed to be developed with 35 single-family detached residential dwelling units. The project site is proposed to provide access to Lampson Avenue. Figure 2 illustrates the site plan.

METHODOLOGY

In the City of Stanton, a project needs a traffic impact analysis if it generates more than 200 daily trips. If a project is bigger than the minimum threshold size, then a traffic impact analysis is required. The traffic impact analysis must include all monitored intersections to which the project adds traffic above 50 peak hour trips. The monitored intersections are all arterial to arterial intersections. The minimum traffic impact that is required before an intersection has to be analyzed is if the Intersection Capacity Utilization increases by 3 percent of the Level of Service E capacity. If a project increases the Intersection Capacity Utilization by more than 3 percent, then that intersection has to be analyzed for deficiencies. Mitigation is required if (1) the intersection operates at worse than an Intersection Capacity Utilization of 100 percent or more; and (2) the Intersection Capacity Utilization increases by 10 percent. An intersection mitigation measure shall either fix the deficiency, or reduce the Intersection Capacity Utilization so that it is below the level which occurs without the project.

ATTACHMENT H

1111 TOWN & COUNTRY ROAD, SUITE 34
ORANGE, CALIFORNIA 92868

(714) 973-8383
WWW.TRAFFIC-ENGINEER.COM

5005 LA MART DRIVE, SUITE 201
RIVERSIDE, CALIFORNIA 92507

MITIGATION MEASURES

If a project is large enough to require that a Traffic Impact Analysis be prepared, and if the project adds traffic to an intersection above a minimum threshold, and if the intersection is operating at above an acceptable level of operation, then the project must mitigate its traffic impact. Traffic mitigation can be in many forms including adding lanes. Lanes can sometimes be obtained through restriping or elimination of parking, and sometimes require spot roadway widening.

EXISTING CONDITIONS

Figure 3 identifies the existing roadway conditions for study area roadways. The number of through lanes for existing roadways and the existing intersection controls are identified. Figure 4 depicts the existing average daily traffic volumes. The existing average daily traffic volumes were obtained from a 24-hour vehicle count obtained by Kunzman Associates, Inc. in August 2017. There are two peak hours in a weekday. The morning peak hour is between 7:00 AM and 9:00 AM, and the evening peak hour is between 4:00 PM and 6:00 PM. The actual peak hour within the two hour interval is the four consecutive 15 minute periods with the highest total volume when all movements are added together. Thus, the evening peak hour at one intersection may be 4:45 PM to 5:45 PM if those four consecutive 15 minute periods have the highest combined volume. Existing morning and evening peak hour intersection turning movement volumes were obtained from the 24-hour vehicle count and are shown on Figures 5 and 6, respectively. Traffic count worksheets are provided in Appendix B.

TRIP GENERATION

The trips generated by the project are determined by multiplying an appropriate trip generation rate by the quantity of land use. Trip generation rates are predicated on the assumption that energy costs, the availability of roadway capacity, the availability of vehicles to drive, and life styles remain similar to what are known today. A major change in these variables may affect trip generation rates.

Trip generation rates were determined for average daily traffic, morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic for the proposed land use. By multiplying the trip generation rates by the land use quantity, the traffic volumes are determined. Table 1 exhibits the trip generation rates, project peak hour volumes, and project average daily traffic volumes for the proposed project site. The trip generation rates are from the Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, 2012.

The proposed development is projected to generate approximately 333 daily vehicle trips, 27 of which will occur during the morning peak hour and 35 of which will occur during the evening peak hour (see Table 1).

TRIP DISTRIBUTION

Figure 7 contains the directional distribution of the project trips for the proposed land use. To determine the trip distribution for the proposed project, peak hour traffic counts of the existing

directional distribution of traffic for existing areas in the vicinity of the site, and other additional information on future development and traffic impacts in the area were reviewed.

TRIP ASSIGNMENT

Based on the identified trip generation and distribution, project average daily traffic volumes have been calculated and shown on Figure 8. Morning and evening peak hour intersection turning movement volumes expected from the project are shown on Figures 9 and 10, respectively.

EXISTING PLUS PROJECT TRAFFIC CONDITIONS

To assess Existing Plus Project traffic conditions, existing traffic is combined with the project trips. Existing Plus Project average daily traffic volumes are illustrated on Figure 11.

The technique used to assess the capacity needs of an unsignalized intersection is known as the Intersection Delay Method (see Appendix C). To calculate delay, the volume of traffic using the intersection is compared with the capacity of the intersection.

The Levels of Service for Existing Plus Project traffic conditions have been calculated and are shown in Table 2. Existing Plus Project morning and evening peak hour intersection turning movement volumes are shown on Figures 12 and 13, respectively.

The study area intersection is projected to operate within acceptable Levels of Service during the peak hours for Existing Plus Project traffic conditions using the Intersection Delay Method (see Table 2).

CONCLUSIONS

1. The project site is located at 8232 Lampson Avenue project in the City of Stanton. The project site is proposed to be developed with 35 single-family detached residential dwelling units. The project site is proposed to provide a single access to Lampson Avenue.
2. In the City of Stanton, a project needs a traffic impact analysis if it generates more than 200 daily trips. The traffic impact analysis must include all monitored intersections to which the project adds traffic above 50 peak hour trips.
3. The proposed development is projected to generate approximately 333 daily vehicle trips, 27 of which will occur during the morning peak hour and 35 of which will occur during the evening peak hour.
4. The proposed project is projected to generate sufficient daily traffic to require a traffic analysis but the project is not projected to generate sufficient peak hour traffic to require any off-site intersections to be analyzed.

Mr. Chad Brown, Vice President of Planning & Development
LORI d ENVIRONMENTAL & MUNICIPAL PLANNING
August 20, 2017

5. The study area intersection is projected to operate within acceptable Levels of Service during the peak hours for Existing Plus Project traffic conditions using the Intersection Delay Method.
6. The proposed project does not require any off-site mitigation.

It has been a pleasure to service your needs on this project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 973-8383.

Sincerely,

KUNZMAN ASSOCIATES , INC.

Robert Kunzman

Robert Kunzman
Associate

JN 7088



KUNZMAN ASSOCIATES, INC.

William Kunzman

William Kunzman, P.E.
Principal

Table 1

Project Trip Generation¹

Land Use	Quantity	Units ²	Peak Hour						Daily
			Morning			Evening			
			In	Out	Total	In	Out	Total	
<u>Trip Generation Rates</u>									
Single-Family Detached Residential		DU	0.19	0.56	0.75	0.63	0.37	1.00	9.52
<u>Trips Generated</u>									
Single-Family Detached Residential	35	DU	7	20	27	22	13	35	333

¹ Source: Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, Land Use Code 210.

² DU = Dwelling Units

Table 2

Existing Plus Project Intersection Levels of Service

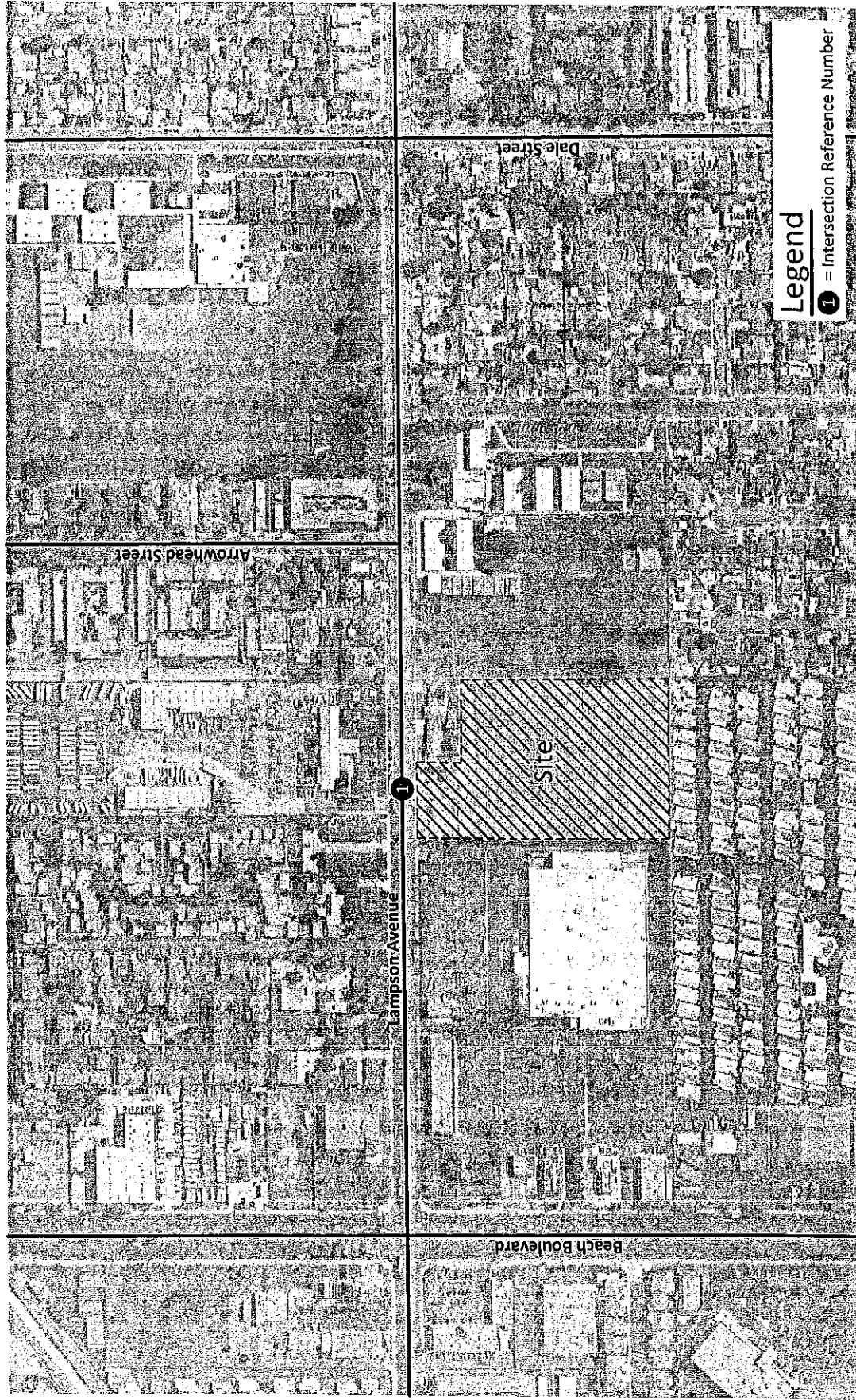
Intersection	Traffic Control ³	Intersection Approach Lanes ¹												Peak Hour Delay-LOS ²		
		Northbound			Southbound			Eastbound			Westbound			Morning	Evening	
		L	T	R	L	T	R	L	T	R	L	T	R			
Project Access (NS) at: Lampson Avenue (EW) - #1	CSS	0.5	0	0.5	0	0	0	0	0.5	0.5	0.5	0.5	0.5	0	15.9-C	21.5-C

¹ When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. L = Left; T = Through; R = Right; **BOLD** = Improvement

² Delay and Level of Service calculated using the following analysis software: Vistro version 4.00-00. Per the Highway Capacity Manual, overall average Intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.

³ CSS = Cross Street Stop

Figure 1
Project Location Map



KUNZMAN ASSOCIATES, INC.

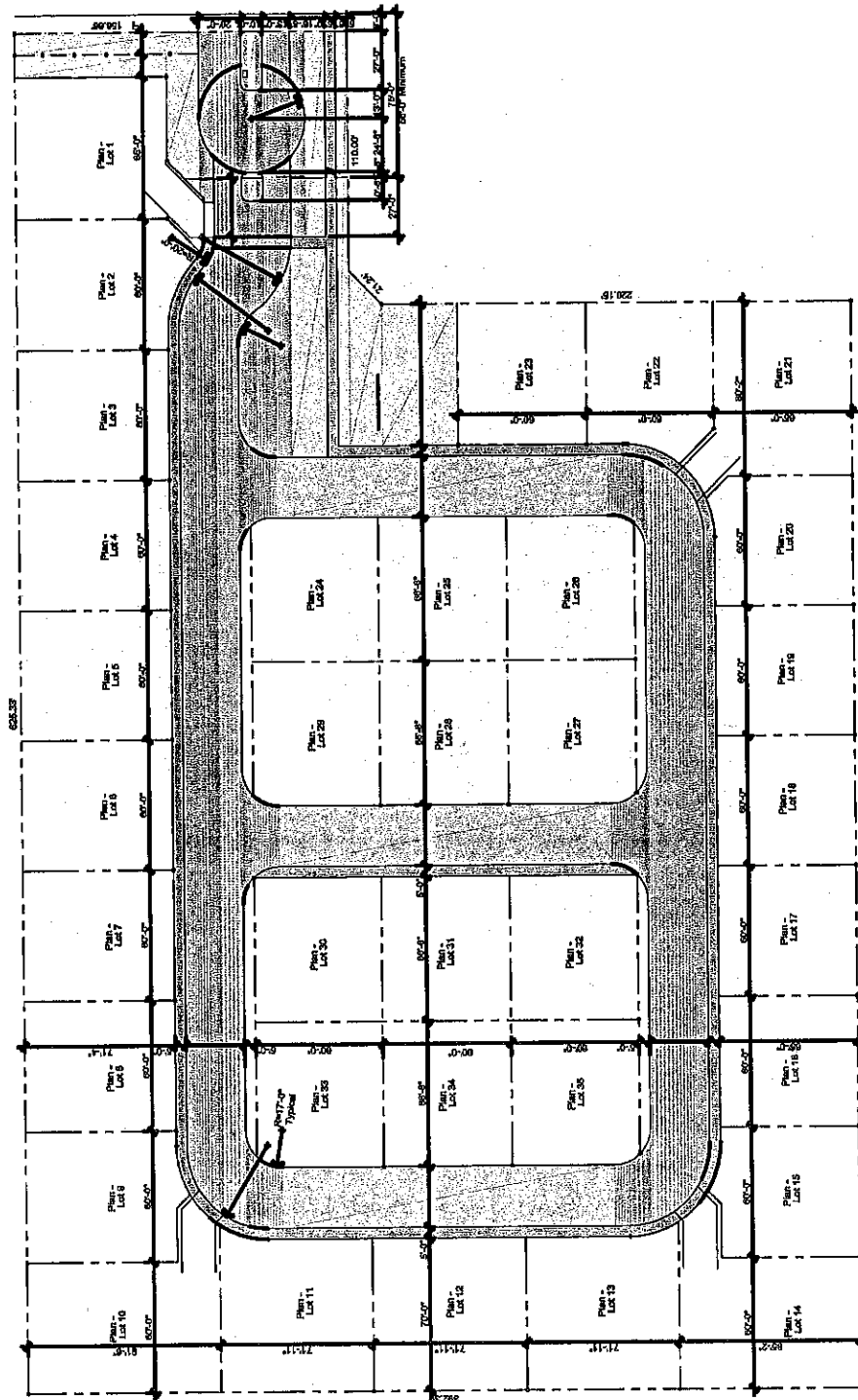
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JN 7088

Figure 2
Site Plan

Lampson Avenue



KUNZMAN ASSOCIATES, INC.

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JN 7088

Figure 3
Existing Through Travel Lanes and Intersection Controls

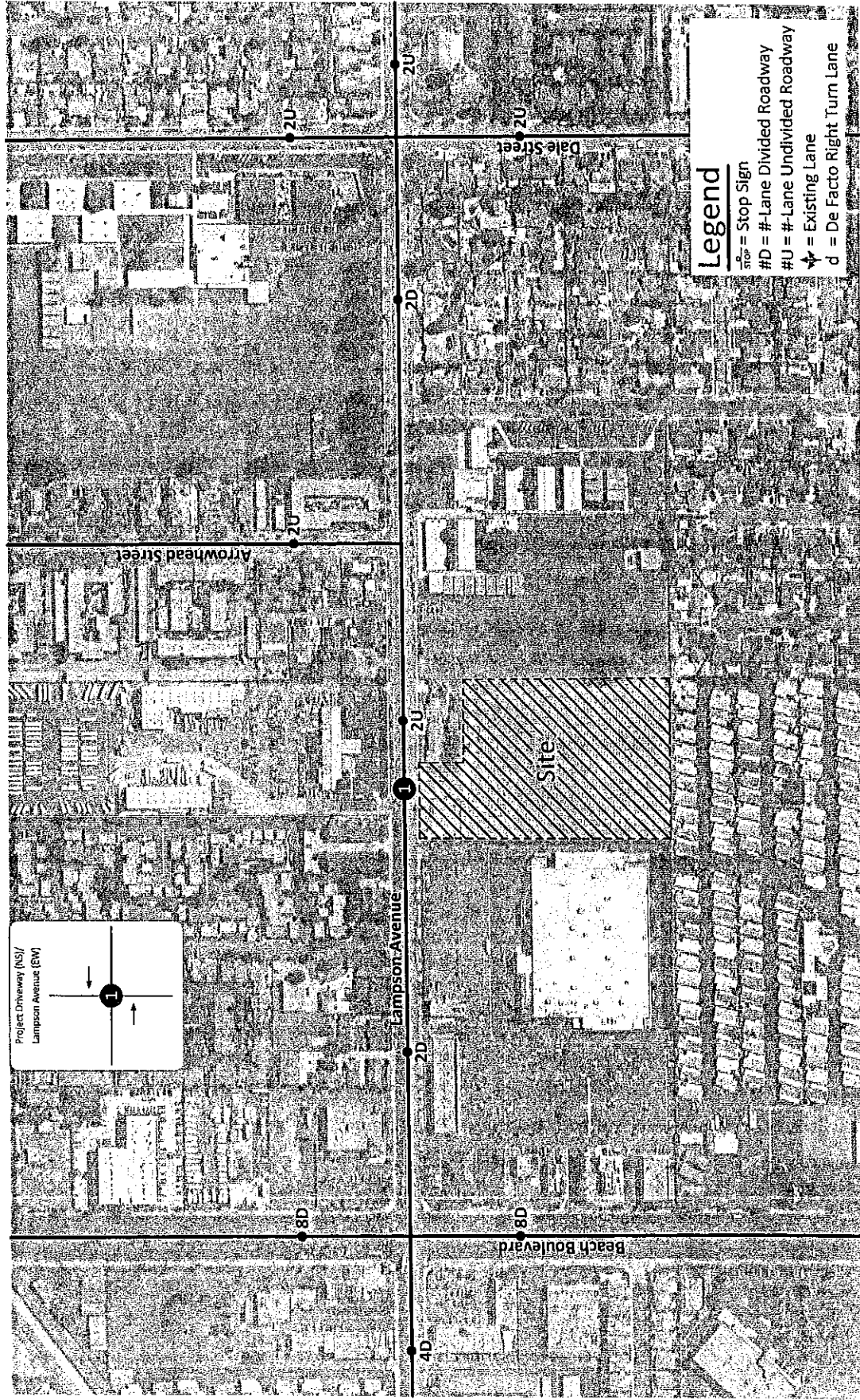
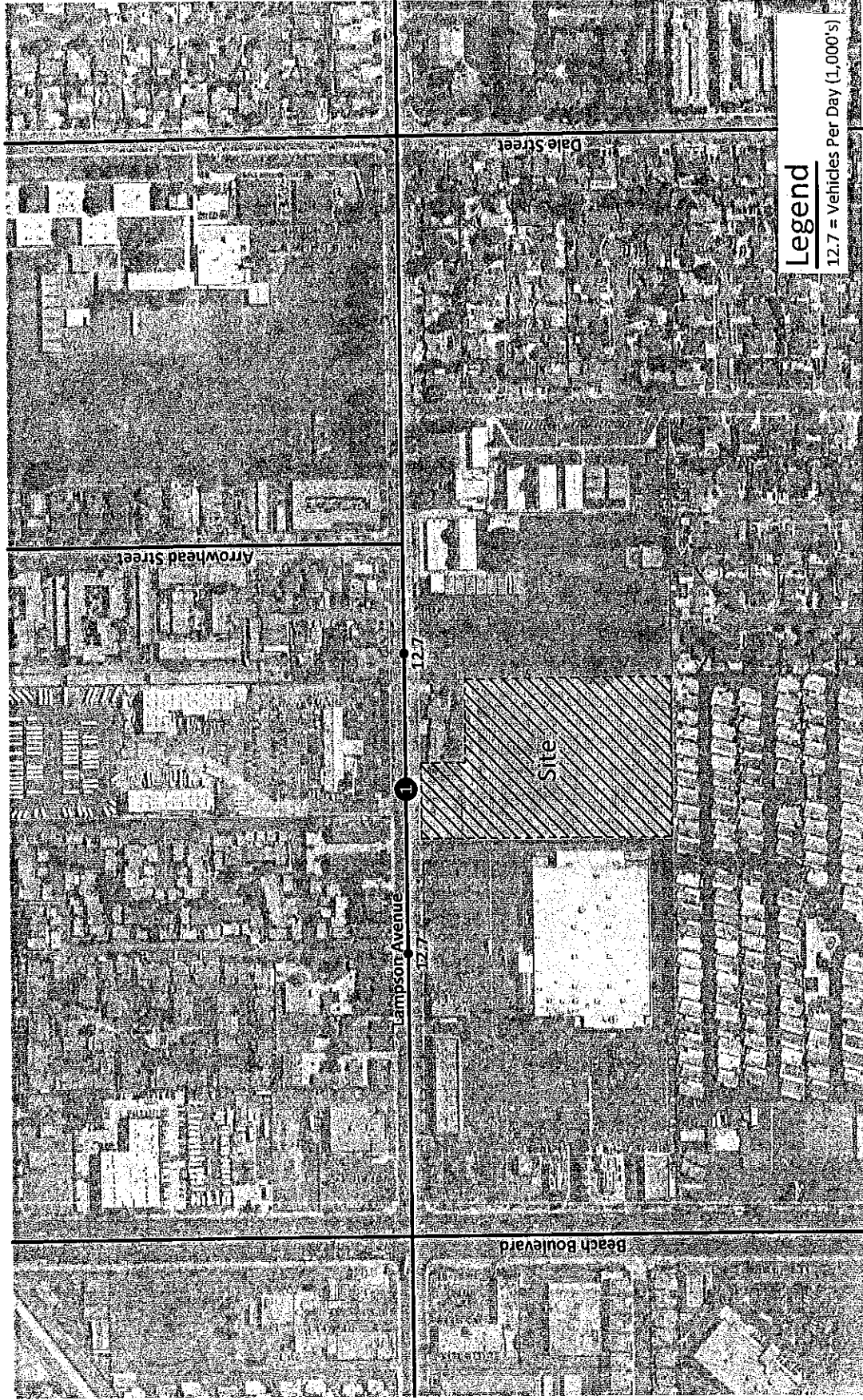


Figure 4
Existing Average Daily Traffic Volumes



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Figure 5
Existing Morning Peak Hour Intersection Turning Movement Volumes

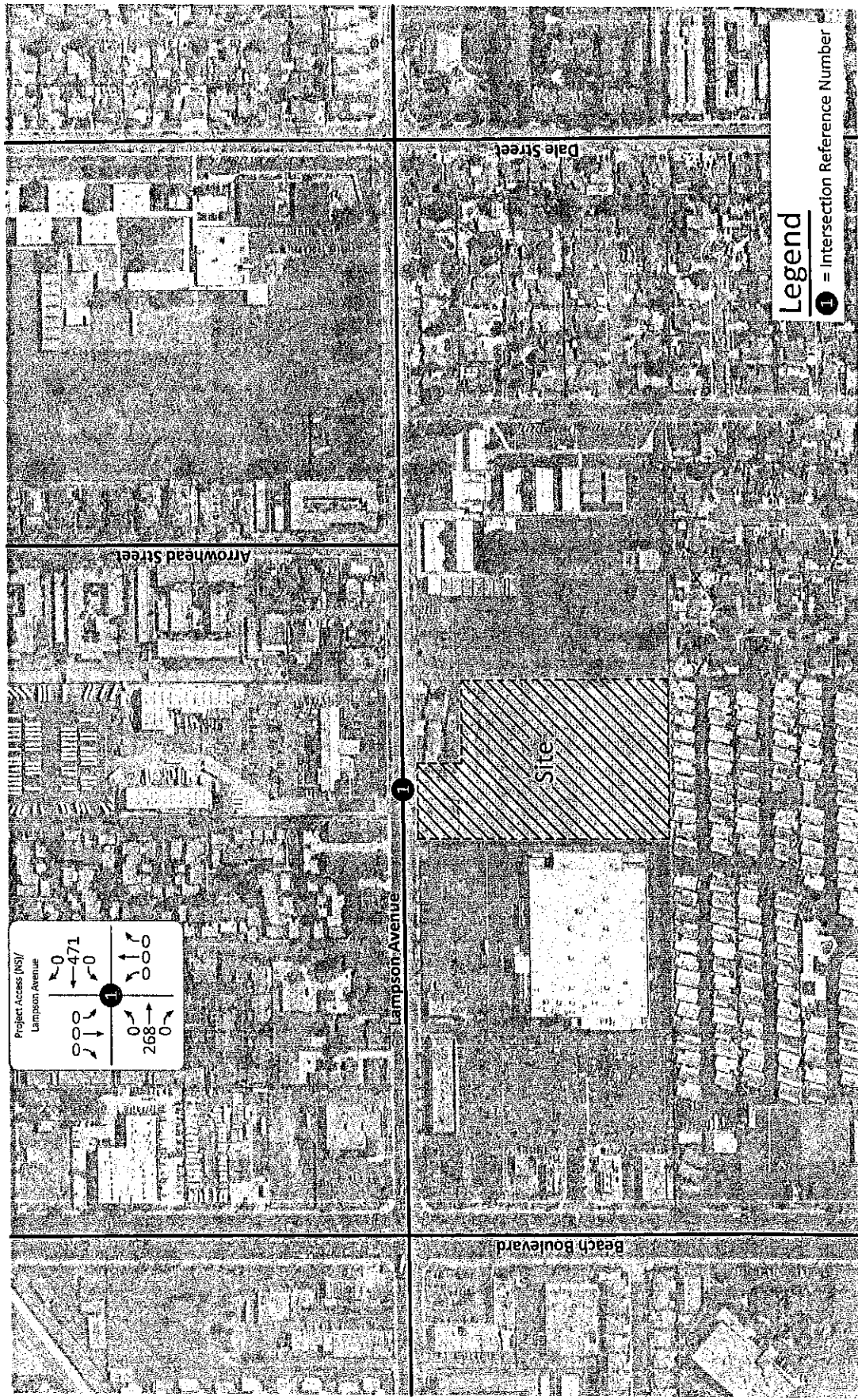


Figure 6
Existing Evening Peak Hour Intersection Turning Movement Volumes

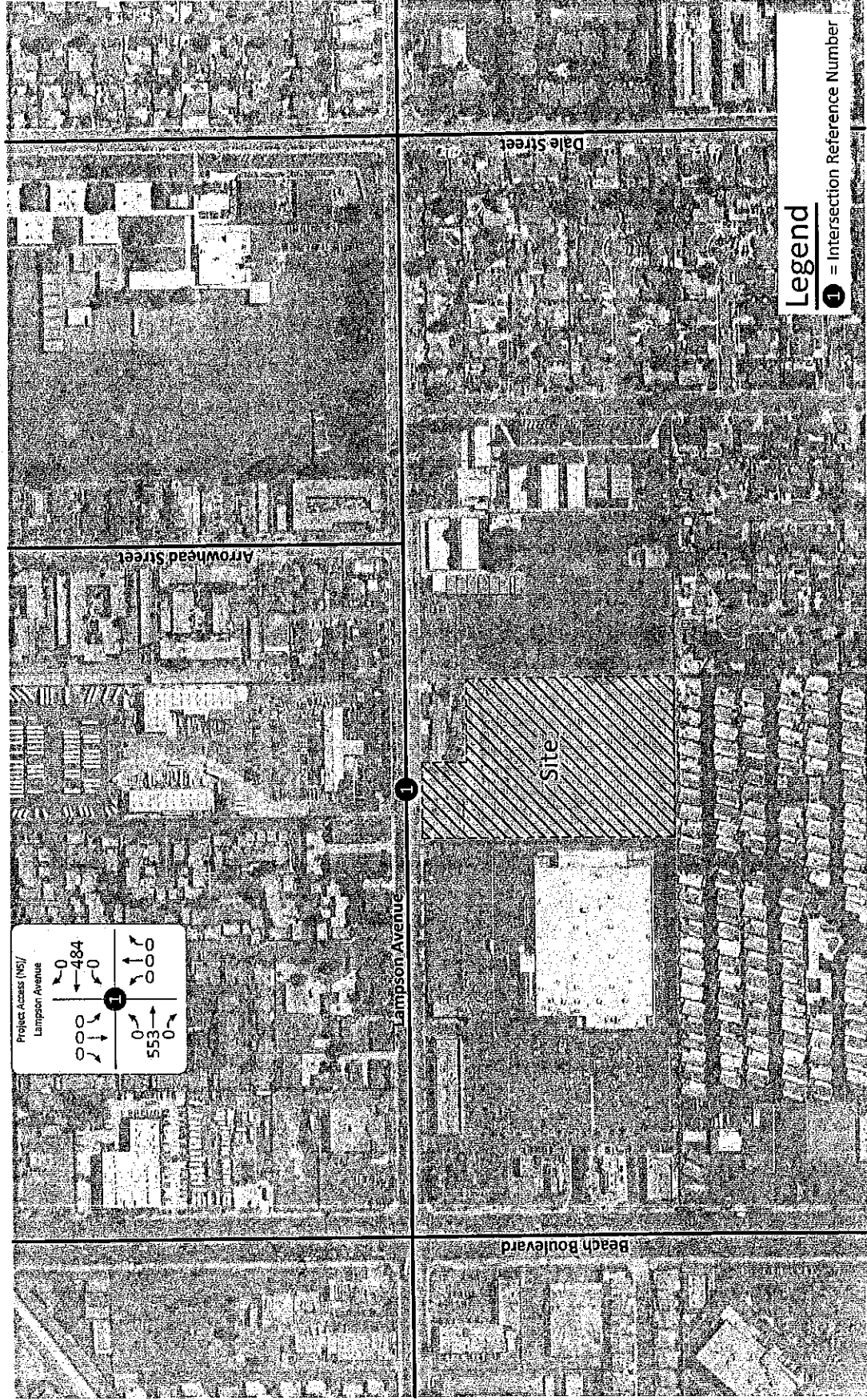


Figure 7
Project Trip Distribution



Figure 8
Project Average Daily Traffic Volumes

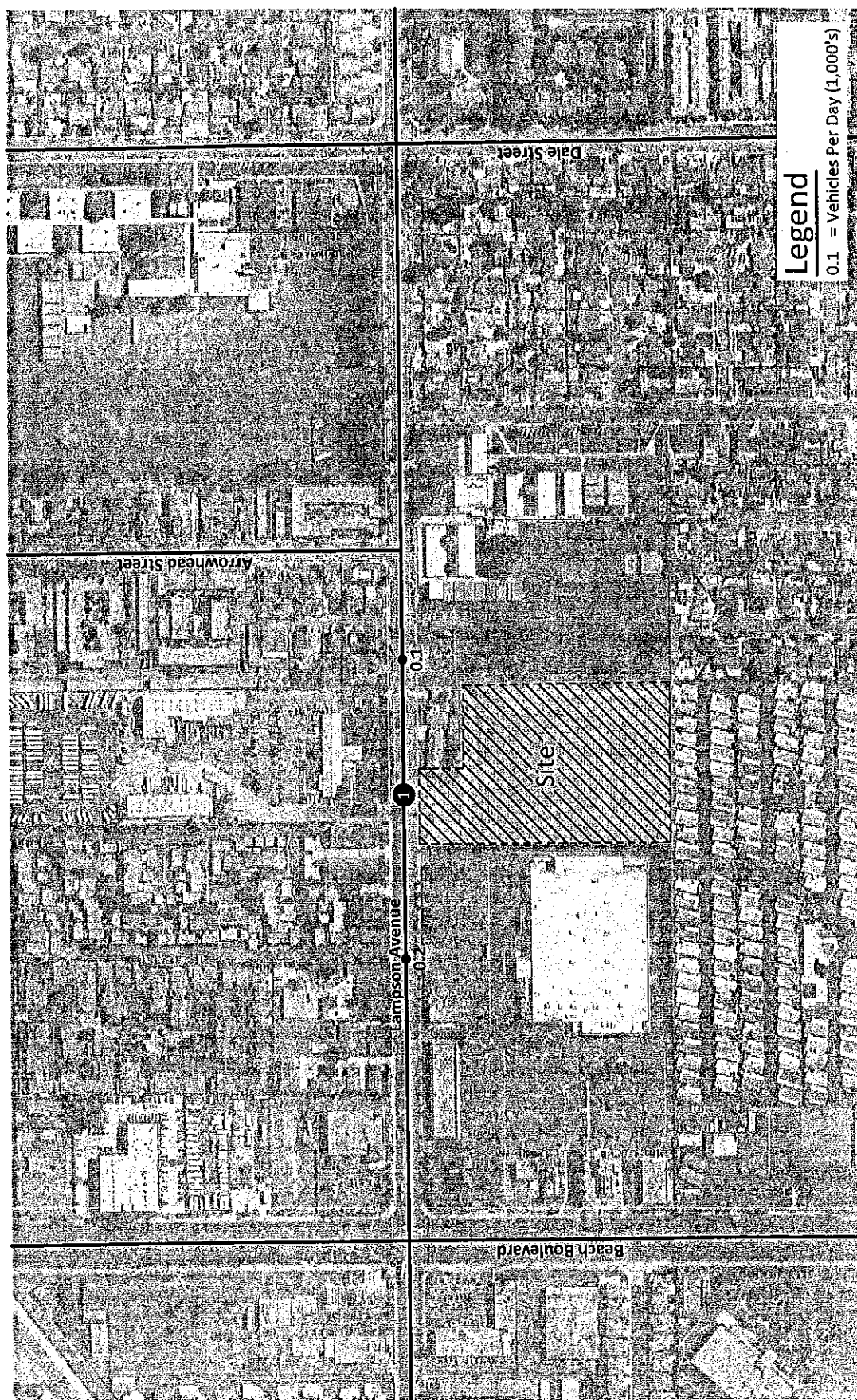


Figure 9
Project Morning Peak Hour Intersection Turning Movement Volumes

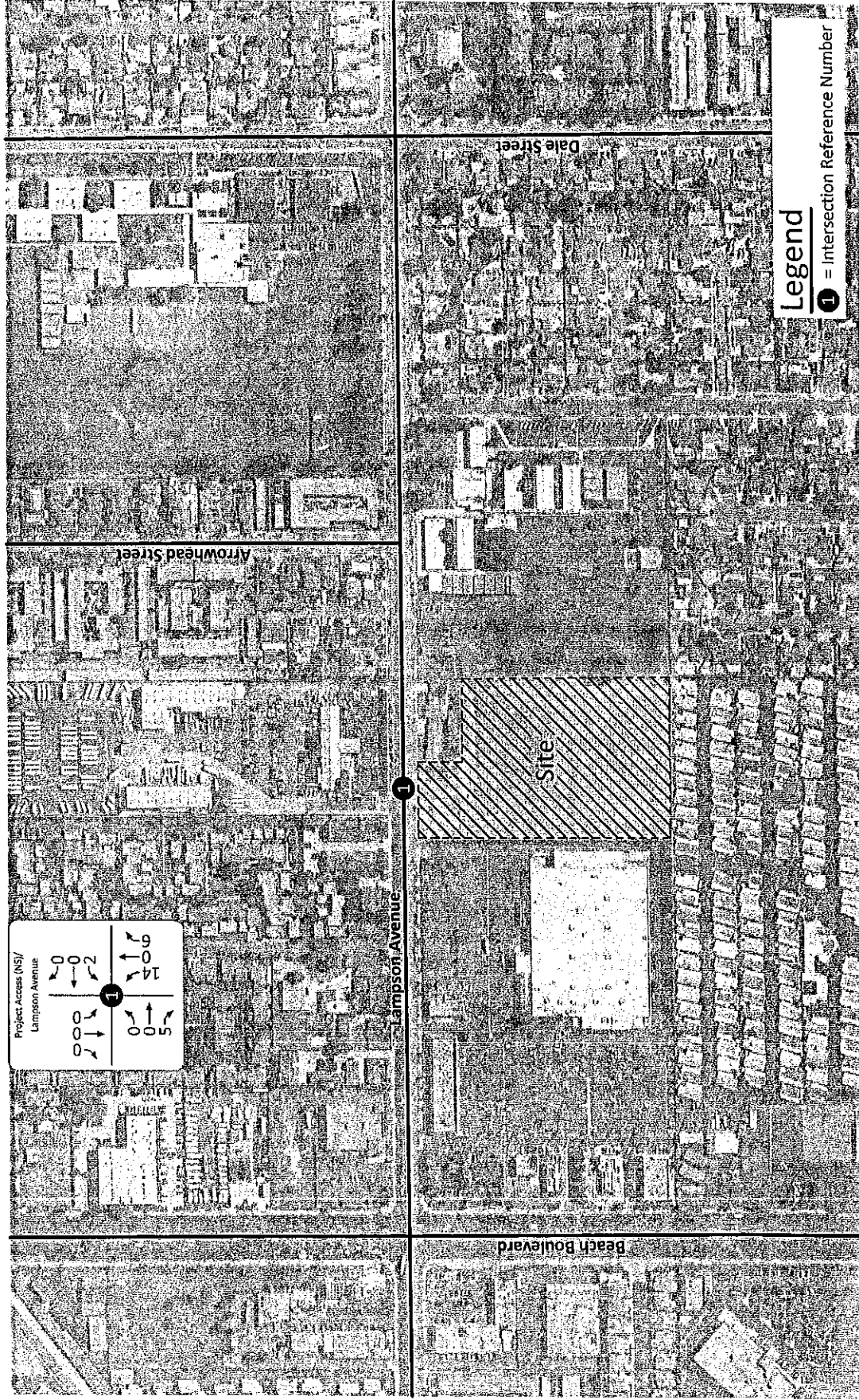


Figure 11
Existing Plus Project Average Daily Traffic Volumes

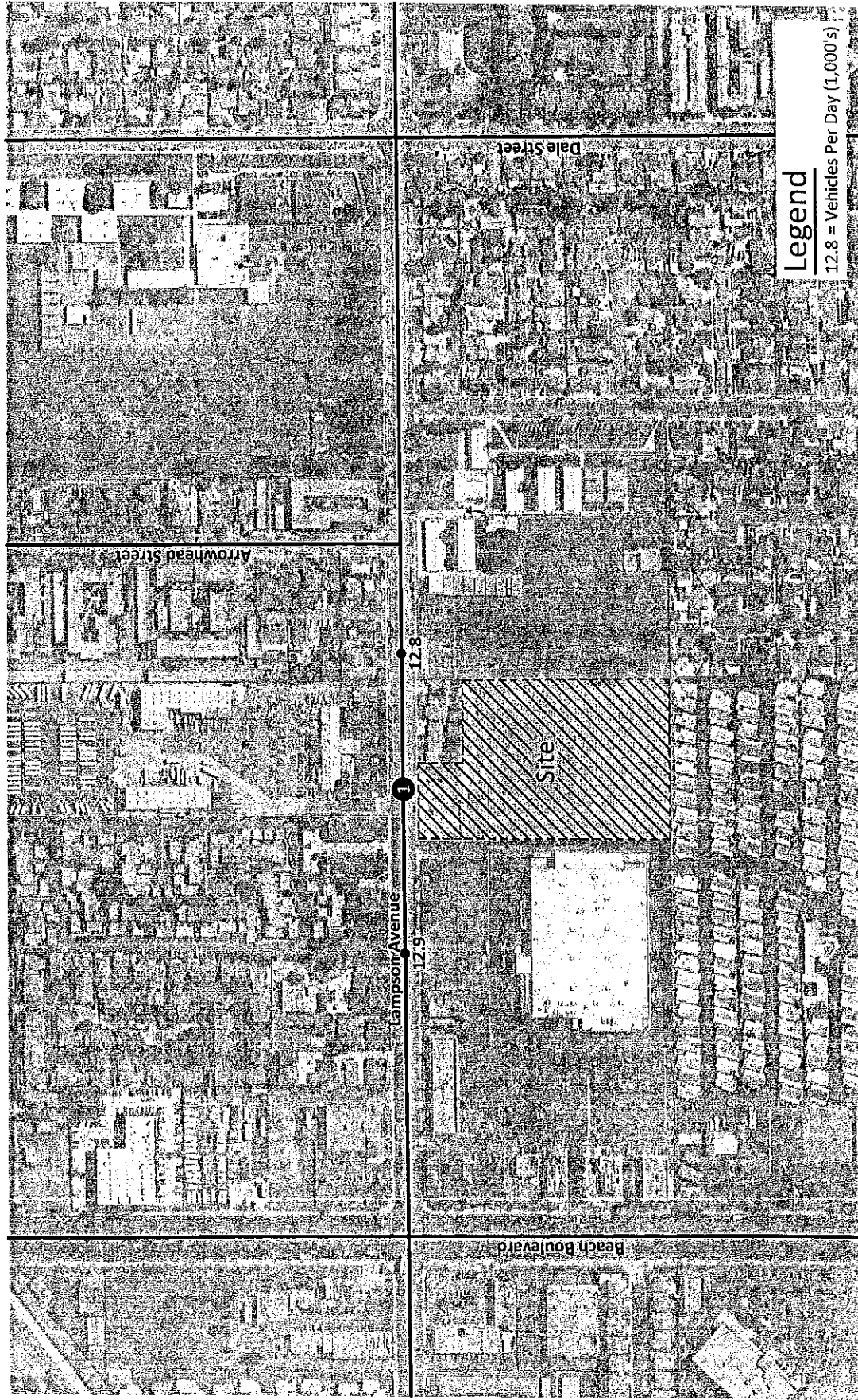


Figure 12
Existing Plus Project Morning Peak Hour Intersection Turning Movement Volumes

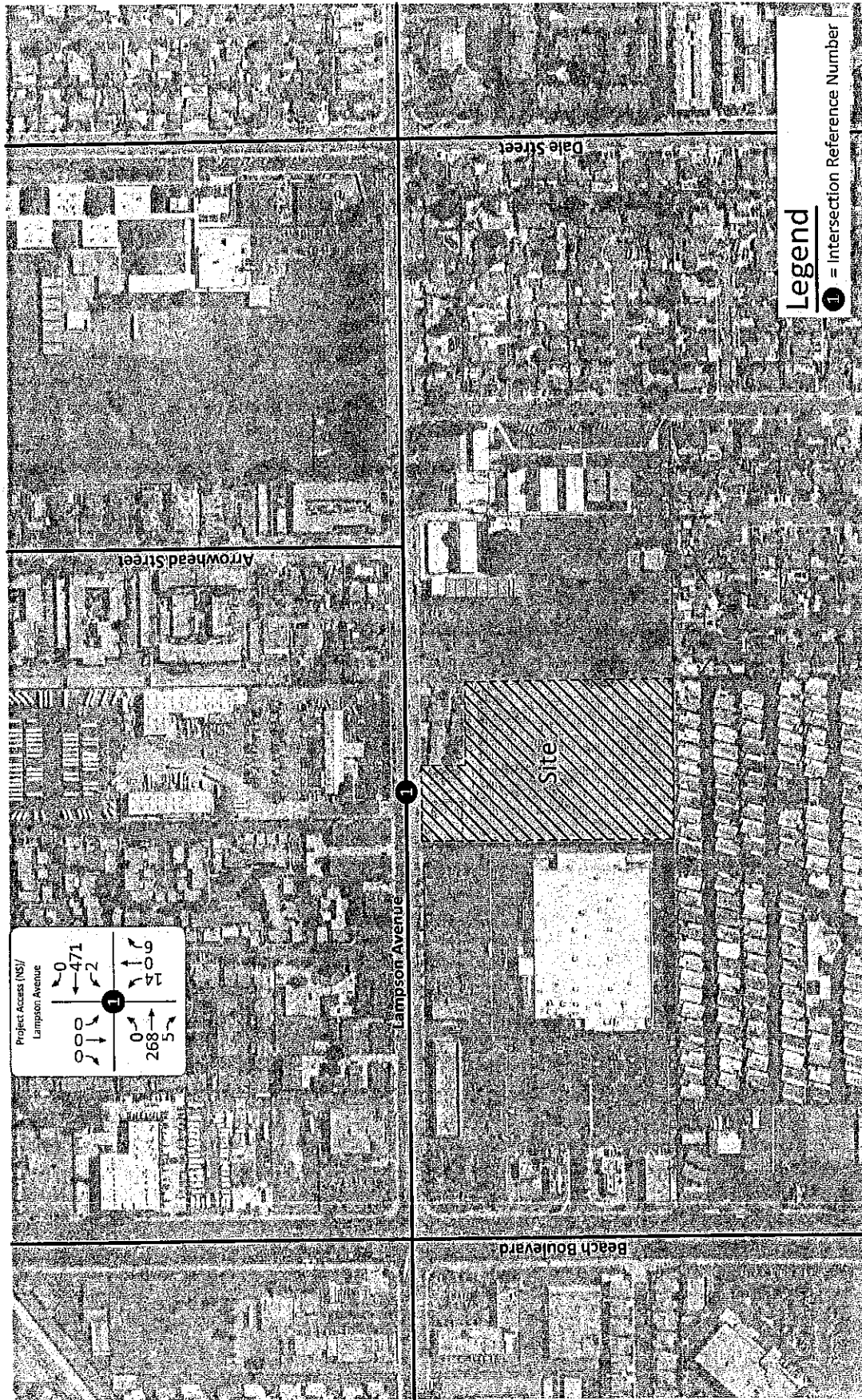
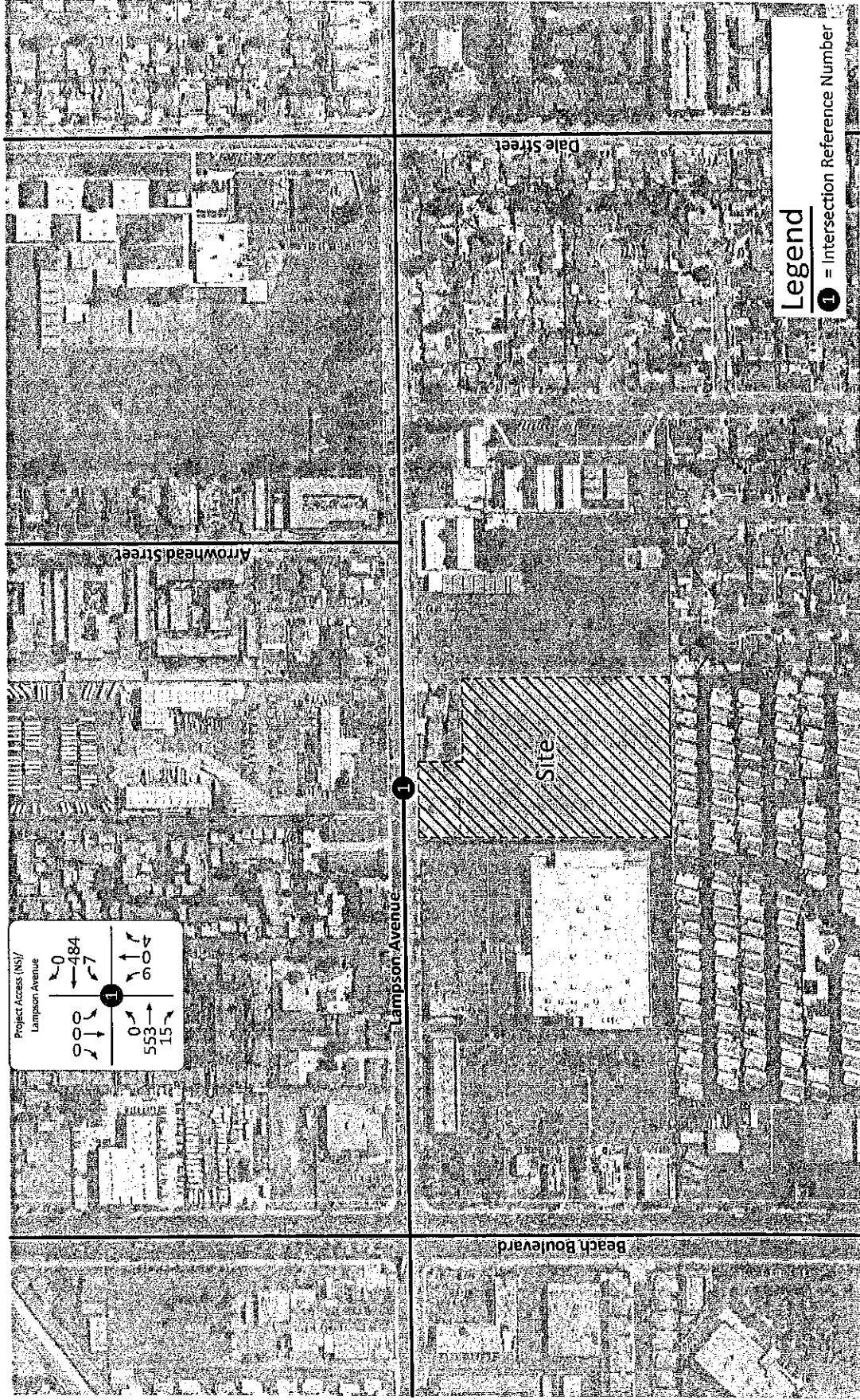


Figure 13
Existing Plus Project Evening Peak Hour Intersection Turning Movement Volumes



APPENDIX A

Glossary of Transportation Terms

GLOSSARY OF TRANSPORTATION TERMS

COMMON ABBREVIATIONS

AC:	Acres
ADT:	Average Daily Traffic
Caltrans:	California Department of Transportation
DU:	Dwelling Unit
ICU:	Intersection Capacity Utilization
LOS:	Level of Service
TSF:	Thousand Square Feet
V/C:	Volume/Capacity
VMT:	Vehicle Miles Traveled

TERMS

AVERAGE DAILY TRAFFIC: The total volume during a year divided by the number of days in a year. Usually only weekdays are included.

BANDWIDTH: The number of seconds of green time available for through traffic in a signal progression.

BOTTLENECK: A constriction along a travelway that limits the amount of traffic that can proceed downstream from its location.

CAPACITY: The maximum number of vehicles that can be reasonably expected to pass over a given section of a lane or a roadway in a given time period.

CHANNELIZATION: The separation or regulation of conflicting traffic movements into definite paths of travel by the use of pavement markings, raised islands, or other suitable means to facilitate the safe and orderly movements of both vehicles and pedestrians.

CLEARANCE INTERVAL: Nearly same as yellow time. If there is an all red interval after the end of a yellow, then that is also added into the clearance interval.

CORDON: An imaginary line around an area across which vehicles, persons, or other items are counted (in and out).

CYCLE LENGTH: The time period in seconds required for one complete signal cycle.

CUL-DE-SAC STREET: A local street open at one end only, and with special provisions for turning around.

DAILY CAPACITY: The daily volume of traffic that will result in a volume during the peak hour equal to the capacity of the roadway.

DELAY: The time consumed while traffic is impeded in its movement by some element over which it has no control, usually expressed in seconds per vehicle.

DEMAND RESPONSIVE SIGNAL: Same as traffic-actuated signal.

DENSITY: The number of vehicles occupying in a unit length of the through traffic lanes of a roadway at any given instant. Usually expressed in vehicles per mile.

DETECTOR: A device that responds to a physical stimulus and transmits a resulting impulse to the signal controller.

DESIGN SPEED: A speed selected for purposes of design. Features of a highway, such as curvature, superelevation, and sight distance (upon which the safe operation of vehicles is dependent) are correlated to design speed.

DIRECTIONAL SPLIT: The percent of traffic in the peak direction at any point in time.

DIVERSION: The rerouting of peak hour traffic to avoid congestion.

FORCED FLOW: Opposite of free flow.

FREE FLOW: Volumes are well below capacity. Vehicles can maneuver freely and travel is unimpeded by other traffic.

GAP: Time or distance between successive vehicles in a traffic stream, rear bumper to front bumper.

HEADWAY: Time or distance spacing between successive vehicles in a traffic stream, front bumper to front bumper.

INTERCONNECTED SIGNAL SYSTEM: A number of intersections that are connected to achieve signal progression.

LEVEL OF SERVICE: A qualitative measure of a number of factors, which include speed and travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs.

LOOP DETECTOR: A vehicle detector consisting of a loop of wire embedded in the roadway, energized by alternating current and producing an output circuit closure when passed over by a vehicle.

MINIMUM ACCEPTABLE GAP: Smallest time headway between successive vehicles in a traffic stream into which another vehicle is willing and able to cross or merge.

MULTI-MODAL: More than one mode; such as automobile, bus transit, rail rapid transit, and bicycle transportation modes.

OFFSET: The time interval in seconds between the beginning of green at one intersection and the beginning of green at an adjacent intersection.

PLATOON: A closely grouped component of traffic that is composed of several vehicles moving, or standing ready to move, with clear spaces ahead and behind.

ORIGIN-DESTINATION SURVEY: A survey to determine the point of origin and the point of destination for a given vehicle trip.

PASSENGER CAR EQUIVALENTS (PCE): One car is one Passenger Car Equivalent. A truck is equal to 2 or 3 Passenger Car Equivalents in that a truck requires longer to start, goes slower, and accelerates slower. Loaded trucks have a higher Passenger Car Equivalent than empty trucks.

PEAK HOUR: The 60 consecutive minutes with the highest number of vehicles.

PRETIMED SIGNAL: A type of traffic signal that directs traffic to stop and go on a predetermined time schedule without regard to traffic conditions. Also, fixed time signal.

PROGRESSION: A term used to describe the progressive movement of traffic through several signalized intersections.

SCREEN-LINE: An imaginary line or physical feature across which all trips are counted, normally to verify the validity of mathematical traffic models.

SIGNAL CYCLE: The time period in seconds required for one complete sequence of signal indications.

SIGNAL PHASE: The part of the signal cycle allocated to one or more traffic movements.

STARTING DELAY: The delay experienced in initiating the movement of queued traffic from a stop to an average running speed through a signalized intersection.

TRAFFIC-ACTUATED SIGNAL: A type of traffic signal that directs traffic to stop and go in accordance with the demands of traffic, as registered by the actuation of detectors.

TRIP: The movement of a person or vehicle from one location (origin) to another (destination). For example, from home to store to home is two trips, not one.

TRIP-END: One end of a trip at either the origin or destination (i.e., each trip has two trip-ends). A trip-end occurs when a person, object, or message is transferred to or from a vehicle.

TRIP GENERATION RATE: The quantity of trips produced and/or attracted by a specific land use stated in terms of units such as per dwelling, per acre, and per 1,000 square feet of floor space.

TRUCK: A vehicle having dual tires on one or more axles, or having more than two axles.

UNBALANCED FLOW: Heavier traffic flow in one direction than the other. On a daily basis, most facilities have balanced flow. During the peak hours, flow is seldom balanced in an urban area.

VEHICLE MILES OF TRAVEL: A measure of the amount of usage of a section of highway, obtained by multiplying the average daily traffic by length of facility in miles.

APPENDIX B

Traffic Count Worksheets

Counts Unlimited, Inc.

Page 1

City of Garden Grove
Lampson Avenue
W/ Arrowhead Street
24 Hour Directional Volume Count

PO Box 1178
Corona, CA 92878
Phone: (951) 268-6268
email: counts@countsunlimited.com

GRGLAWAR
Site Code: 075-17480

Start Time	7/26/2017 Wed	Eastbound		Hour Totals		Westbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		28	108			16	95				
12:15		16	86			10	86				
12:30		19	88			12	97				
12:45		13	92	76	374	8	125	46	403	122	777
01:00		14	97			5	88				
01:15		16	68			8	90				
01:30		15	81			6	97				
01:45		8	102	53	348	5	93	24	368	77	716
02:00		11	99			2	90				
02:15		10	99			5	102				
02:30		6	133			10	92				
02:45		3	102	30	433	3	88	20	372	50	805
03:00		5	108			2	90				
03:15		2	103			8	80				
03:30		5	136			13	81				
03:45		8	103	20	450	9	80	32	331	52	781
04:00		4	133			10	102				
04:15		10	117			15	98				
04:30		5	150			24	106				
04:45		5	116	24	516	23	110	72	416	96	932
05:00		11	143			28	116				
05:15		12	142			39	123				
05:30		9	133			58	115				
05:45		21	135	53	553	68	130	193	484	246	1037
06:00		26	124			64	117				
06:15		33	135			70	120				
06:30		27	111			97	106				
06:45		44	111	130	481	113	107	344	450	474	931
07:00		50	109			80	83				
07:15		58	118			93	77				
07:30		64	94			107	72				
07:45		75	89	247	410	117	64	397	296	644	706
08:00		70	115			136	71				
08:15		55	106			111	59				
08:30		68	79			99	66				
08:45		71	82	264	382	94	62	440	258	704	640
09:00		64	83			95	49				
09:15		53	77			88	49				
09:30		47	67			94	32				
09:45		68	63	232	290	94	42	371	172	603	462
10:00		91	46			89	21				
10:15		108	47			108	32				
10:30		59	47			96	28				
10:45		77	30	335	170	96	27	389	108	724	278
11:00		72	34			88	17				
11:15		67	29			88	20				
11:30		98	29			99	14				
11:45		99	26	336	118	86	17	361	68	697	186
Total		1800	4525	1800	4525	2689	3726	2689	3726	4489	8251
Combined Total		6325		6325		6415		6415		12740	
AM Peak	-	11:00	-	-	-	07:30	-	-	-	-	-
Vol.	-	336	-	-	-	471	-	-	-	-	-
P.H.F.	-	0.778	-	-	-	0.866	-	-	-	-	-
PM Peak	-	-	05:00	-	-	-	05:15	-	-	-	-
Vol.	-	-	553	-	-	-	485	-	-	-	-
P.H.F.	-	-	0.967	-	-	-	0.933	-	-	-	-
Percentage		28.5%	71.5%			41.9%	58.1%				
ADT/AADT		ADT 12,740	AADT 12,740								

Peak Hour Summary

Peak Hour							
Morning				Evening			
Eastbound		Westbound		Eastbound		Westbound	
50		80		133		102	
58		93		117		98	
64		107		150		106	
75		117		116		110	
70		136		143		116	
55		111		142		123	
68		99		133		115	
71	268	94	471	135	553	130	484
Peak Hour Factor							
0.953		0.889		0.967		0.930	

APPENDIX C

Explanation and Calculation of Intersection Delay

EXPLANATION AND CALCULATION OF INTERSECTION LEVEL OF SERVICE USING DELAY METHODOLOGY

The levels of service at the unsignalized and signalized intersections are calculated using the delay methodology in the Highway Capacity Manual. This methodology views an intersection as consisting of several lane groups. A lane group is a set of lanes serving a movement. If there are two northbound left turn lanes, then the lane group serving the northbound left turn movement has two lanes. Similarly, there may be three lanes in the lane group serving the northbound through movement, one lane in the lane group serving the northbound right turn movement, and so forth. It is also possible for one lane to serve two lane groups. A shared lane might result in there being 1.5 lanes in the northbound left turn lane group and 2.5 lanes in the northbound through lane group.

For each lane group, there is a capacity. That capacity is calculated by multiplying the number of lanes in the lane group times a theoretical maximum lane capacity per lane time's 12 adjustment factors.

Each of the 12 adjustment factors has a value of approximately 1.00. A value less than 1.00 is generally assigned when a less than desirable condition occurs.

The 12 adjustment factors are as follows:

1. Peak hour factor (to account for peaking within the peak hour)
2. Lane utilization factor (to account for not all lanes loading equally)
3. Lane width
4. Percent of heavy trucks
5. Approach grade
5. Parking
6. Bus stops at intersections
8. Area type (CBD or other)
9. Right turns
10. Left turns

11. Pedestrian activity

12. Signal progression

The maximum theoretical lane capacity and the 12 adjustment factors for it are all unknowns for which approximate estimates have been recommended in the Highway Capacity Manual. For the most part, the recommended values are not based on statistical analysis but rather on educated estimates. However, it is possible to use the delay method and get reasonable results as will be discussed below.

Once the lane group volume is known and the lane group capacity is known, a volume to capacity ratio can be calculated for the lane group.

With a volume to capacity ratio calculated, average delay per vehicle in a lane group can be estimated. The average delay per vehicle in a lane group is calculated using a complex formula provided by the Highway Capacity Manual, which can be simplified and described as follows:

Delay per vehicle in a lane group is a function of the following:

1. Cycle length
2. Amount of red time faced by a lane group
3. Amount of yellow time for that lane group
4. The volume to capacity ratio of the lane group

The average delay per vehicle for each lane group is calculated, and eventually an overall average delay for all vehicles entering the intersection is calculated. This average delay per vehicle is then used to judge Level of Service. The Level of Services are defined in the table that follows this discussion.

Experience has shown that when a maximum lane capacity of 1,900 vehicles per hour is used (as recommended in the Highway Capacity Manual), little or no yellow time penalty is used, and none of the 12 penalty factors are applied, calculated delay is realistic. The delay calculation for instance assumes that yellow time is totally unused. Yet experience shows that most of the yellow time is used.

An idiosyncrasy of the delay methodology is that it is possible to add traffic to an intersection and reduce the average total delay per vehicle. If the average total delay is 30 seconds per vehicle for all vehicles traveling through an intersection, and traffic is added to a movement that has an average total delay of 15 seconds per vehicle, then the overall average total delay is reduced.

The delay calculation for a lane group is based on a concept that the delay is a function of the amount of unused capacity available. As the volume approaches capacity and there is no more unused capacity available, then the delay rapidly increases. Delay is not proportional to volume, but rather increases rapidly as the unused capacity approaches zero.

Because delay is not linearly related to volumes, the delay does not reflect how close an intersection is to overloading. If an intersection is operating at Level of Service C and has an average total delay of 18 seconds per vehicle, you know very little as to what percent the traffic can increase before Level of Service E is reached.

LEVEL OF SERVICE DESCRIPTION¹

Level Of Service	Description	Average Total Delay Per Vehicle (Seconds)	
		Signalized	Unsignalized
A	Level of Service A occurs when progression is extremely favorable and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.	0 to 10.00	0 to 10.00
B	Level of Service B generally occurs with good progression and/or short cycle lengths. More vehicles stop than for Level of Service A, causing higher levels of average total delay.	10.01 to 20.00	10.01 to 15.00
C	Level of Service C generally results when there is fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear in this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.	20.01 to 35.00	15.01 to 25.00
D	Level of Service D generally results in noticeable congestion. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	35.01 to 55.00	25.01 to 35.00
E	Level of Service E is considered to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high volume to capacity ratios. Individual cycle failures are frequent occurrences.	55.01 to 80.00	35.01 to 50.00
F	Level of Service F is considered to be unacceptable to most drivers. This condition often occurs with oversaturation, i.e., when arrival flow rates exceed the capacity of the intersection. It may also occur at high volume to capacity ratios below 1.00 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.	80.01 and up	50.01 and up

¹ Source: Highway Capacity Manual Special Report 209, Transportation Research Board, National Research Council, Washington, D.C., 2000.

Existing Plus Project

Lampson Avenue Project

Vistro File: \...\AM.vistro

Scenario 2 Existing Plus Project

Report File: \...\AM EP.pdf

8/17/2017

Intersection Analysis Summary




ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Project Access (NS) at Lampson Avenue	Two-way stop	HCM 6th Edition	NB Left	0.043	15.9	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. for all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 1: Project Access (NS) at Lampson Avenue**

Control Type:	Two-way stop	Delay (sec / veh):	15.9
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.043

Intersection Setup

Name	Project Access		Lampson Avenue		Lampson Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00		40.00		40.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Access		Lampson Avenue		Lampson Avenue	
Base Volume Input [veh/h]	0	0	268	0	0	471
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	14	6	0	5	2	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	14	6	268	5	2	471
Peak Hour Factor	0.9500	0.9500	0.9530	0.9530	0.8890	0.8890
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	4	2	70	1	1	132
Total Analysis Volume [veh/h]	15	6	281	5	2	530
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No	No	No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No	No	No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.04	0.01	0.00	0.00	0.00	0.01
d_M, Delay for Movement [s/veh]	15.91	10.24	0.00	0.00	7.83	0.00
Movement LOS	C	B	A	A	A	A
95th-Percentile Queue Length [veh]	0.16	0.16	0.00	0.00	2.10	2.10
95th-Percentile Queue Length [ft]	4.05	4.05	0.00	0.00	52.44	52.44
d_A, Approach Delay [s/veh]	14.29		0.00		0.03	
Approach LOS	B		A		A	
d_I, Intersection Delay [s/veh]	0.38					
Intersection LOS	C					

Lampson Avenue Project

Vistro File: \...\PM.vistro
Report File: \...\PM EP.pdf

Scenario 2 Existing Plus Project
8/17/2017

Intersection Analysis Summary




ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Project Access (NS) at Lampson Avenue	Two-way stop	HCM 6th Edition	NB Left	0.040	21.5	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. for all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 1: Project Access (NS) at Lampson Avenue**

Control Type:	Two-way stop	Delay (sec / veh):	21.5
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.040

Intersection Setup

Name	Project Access		Lampson Avenue		Lampson Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00		40.00		40.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Access		Lampson Avenue		Lampson Avenue	
Base Volume Input [veh/h]	0	0	553	0	0	484
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	9	4	0	15	7	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	9	4	553	15	7	484
Peak Hour Factor	0.9500	0.9500	0.9670	0.9670	0.9300	0.9300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	1	143	4	2	130
Total Analysis Volume [veh/h]	9	4	572	16	8	520
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

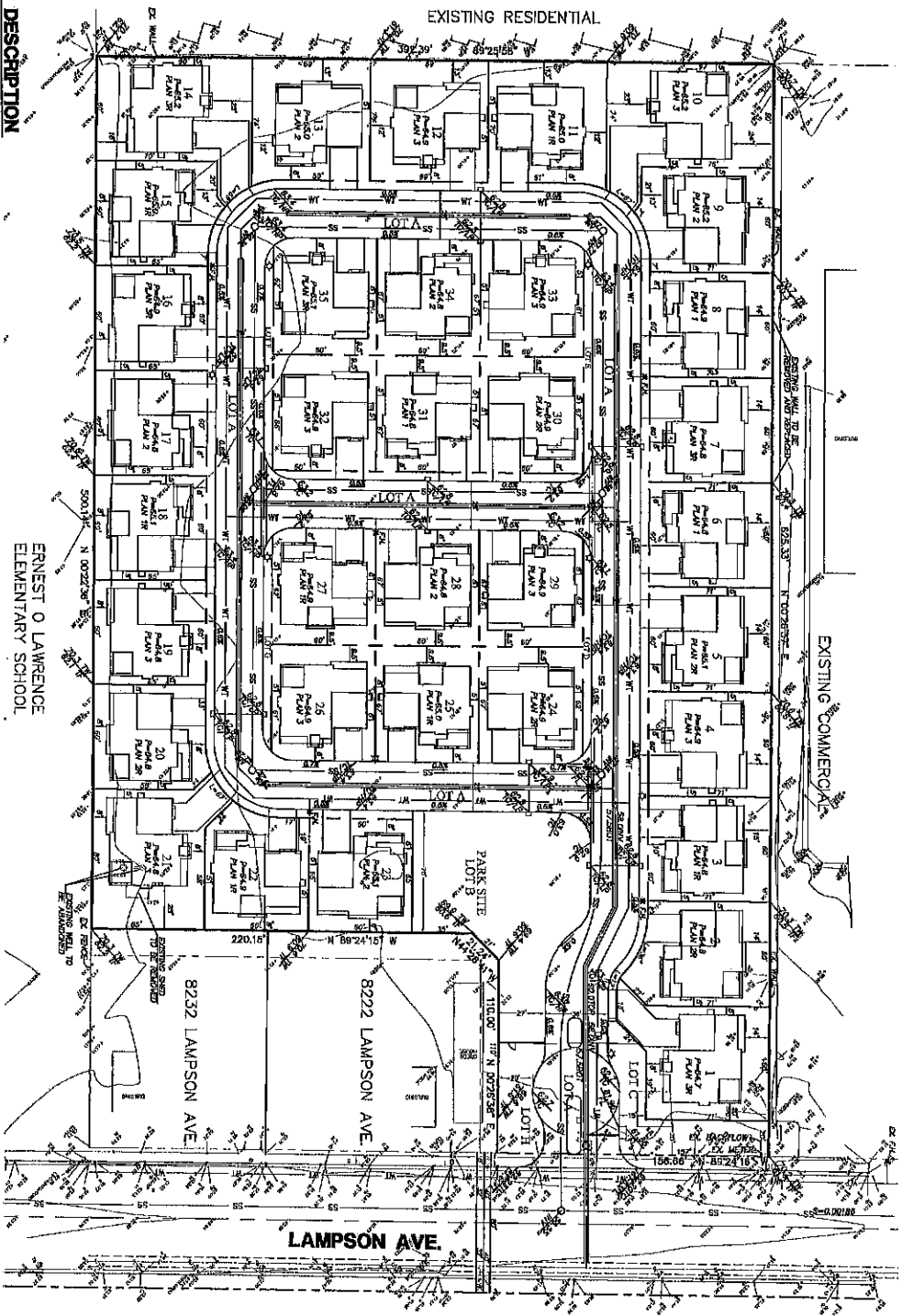
Priority Scheme	Stop	Free	Free
Flared Lane	No	No	No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No	No	No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.04	0.01	0.01	0.00	0.01	0.01
d_M, Delay for Movement [s/veh]	21.51	12.65	0.00	0.00	8.68	0.00
Movement LOS	C	B	A	A	A	A
95th-Percentile Queue Length [veh]	0.15	0.15	0.00	0.00	3.26	3.26
95th-Percentile Queue Length [ft]	3.72	3.72	0.00	0.00	81.60	81.60
d_A, Approach Delay [s/veh]	18.78		0.00		0.13	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	0.28					
Intersection LOS	C					

FOR PLANNED RESIDENTIAL DEVELOPMENT PURPOSES

LOT BLANKITY	LOT AREA	LOT BLANKITY	LOT AREA
1	4.652	1	4.652
2	4.652	2	4.652
3	4.652	3	4.652
4	4.652	4	4.652
5	4.652	5	4.652
6	4.652	6	4.652
7	4.652	7	4.652
8	4.652	8	4.652
9	4.652	9	4.652
10	4.652	10	4.652
11	4.652	11	4.652
12	4.652	12	4.652
13	4.652	13	4.652
14	4.652	14	4.652
15	4.652	15	4.652
16	4.652	16	4.652
17	4.652	17	4.652
18	4.652	18	4.652
19	4.652	19	4.652
20	4.652	20	4.652
21	4.652	21	4.652
22	4.652	22	4.652
23	4.652	23	4.652
24	4.652	24	4.652
25	4.652	25	4.652
26	4.652	26	4.652
27	4.652	27	4.652
28	4.652	28	4.652
29	4.652	29	4.652
30	4.652	30	4.652
31	4.652	31	4.652
32	4.652	32	4.652
33	4.652	33	4.652
34	4.652	34	4.652
35	4.652	35	4.652
36	4.652	36	4.652
37	4.652	37	4.652
38	4.652	38	4.652
39	4.652	39	4.652
40	4.652	40	4.652
41	4.652	41	4.652
42	4.652	42	4.652
43	4.652	43	4.652
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45	4.652	45	4.652
46	4.652	46	4.652
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76	4.652	76	4.652
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87	4.652	87	4.652
88	4.652	88	4.652
89	4.652	89	4.652
90	4.652	90	4.652
91	4.652	91	4.652
92	4.652	92	4.652
93	4.652	93	4.652
94	4.652	94	4.652
95	4.652	95	4.652
96	4.652	96	4.652
97	4.652	97	4.652
98	4.652	98	4.652
99	4.652	99	4.652
100	4.652	100	4.652

PROPERTY DESCRIPTION

STREET SECTION

PREPARED BY: OWNER

CA ENGINEERING, INC.

Planning • Engineering • Surveying
70221 NEEMPORT AVE. STE 100
FUSON, CA 92760
916-281-1111 FAX 916-281-1112

8001 RESEARCH DR. STE 100
IRVINE, CA 92618
CONTACT: MRS. CHAD BROOKMAN
949-451-1111 FAX 949-451-1112

ARCHITECT:

BLANK GROSS & ASSOCIATES INC
PO BOX 200000

STANTON C
APN 18-4944

ADDRESS:
LAMPSON AVENUE

STANTON, CA 92684
APN 134-494-18

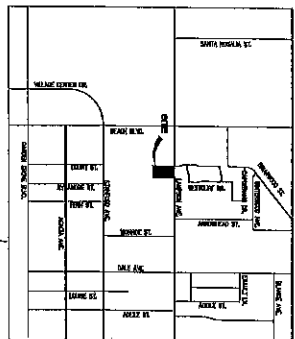
STATEMENT OF OWNERSHIP

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY SUPERVISION AND THAT THE OWNERS OF RECORD HAVE KNOWLEDGE OF AND CONSENTS TO THE FILING OF THIS MAP.

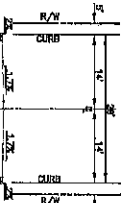
Nov 15 2007

FRED CORNWELL ROE 45564

DATE



TYPICAL INTERIOR STREET SECTION



LEGEND

PAPER LEFT LINE

PROBATION LINE

PPRS, CHRG

EX. DATA

REPORTED SENDER

REPORTING NUMBER

APPROVAL NUMBER

CORRECTION NUMBER

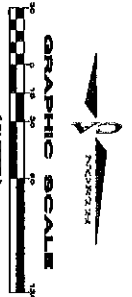
STREET LIGHT

FOR INFORMATION

GENERAL NOTES

- [illegible]

ATTACHMENT I

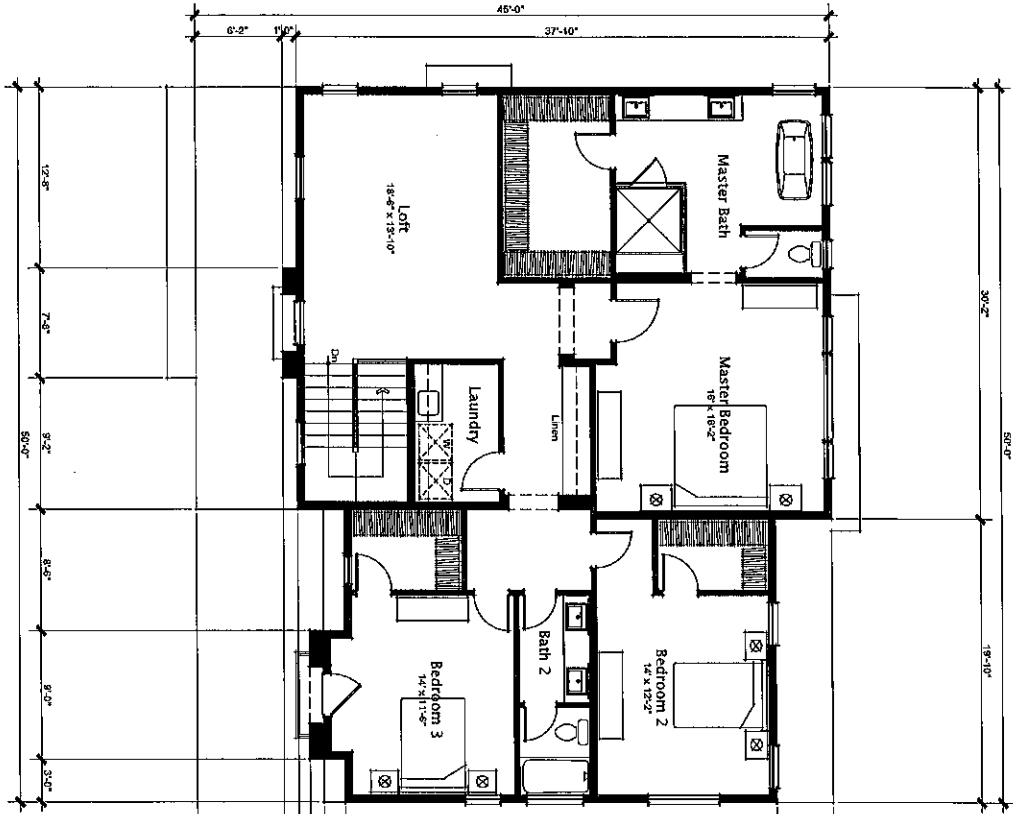


AS-1

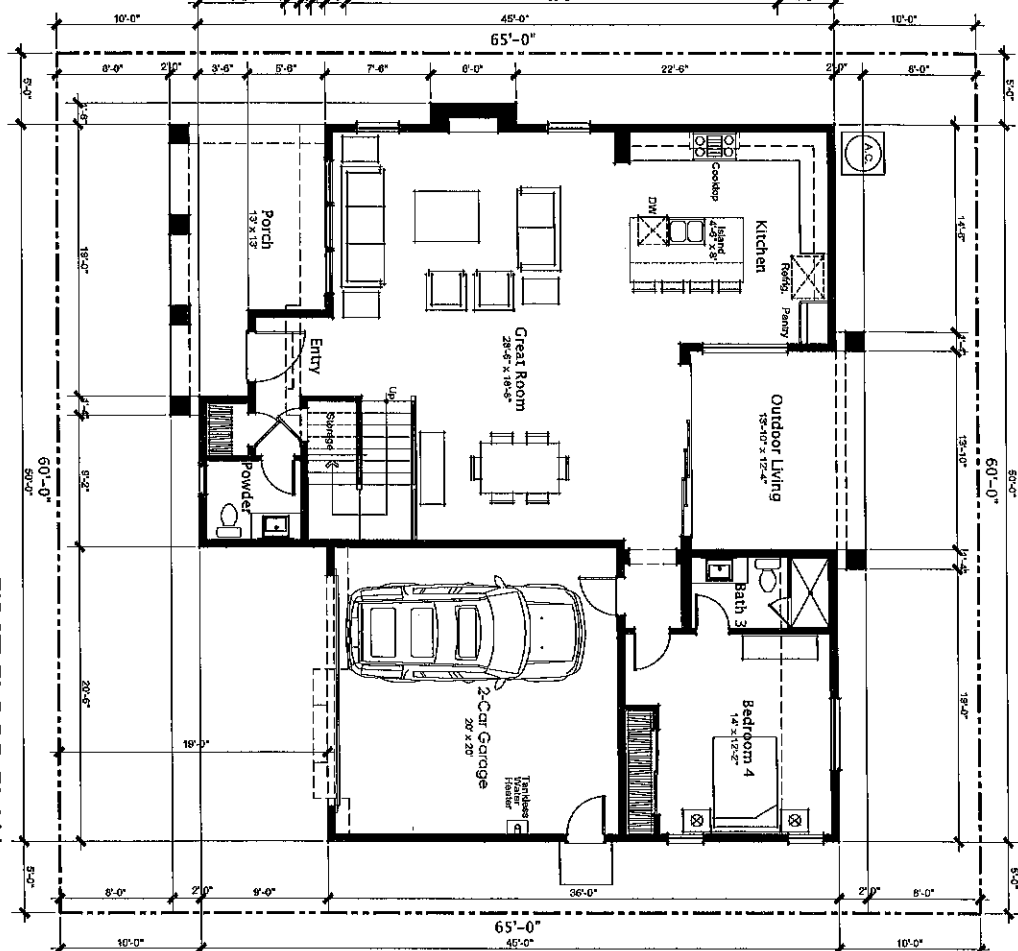


Architecture • Planning

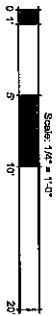
SECOND FLOOR PLAN



FIRST FLOOR PLAN



FIRST FLOOR PLAN : 1,364 SQ. FT.
 SECOND FLOOR PLAN : 1,687 SQ. FT.
 TOTAL LIVING AREA : 3,041 SQ. FT.
 2-CAR GARAGE : 420 SQ. FT.

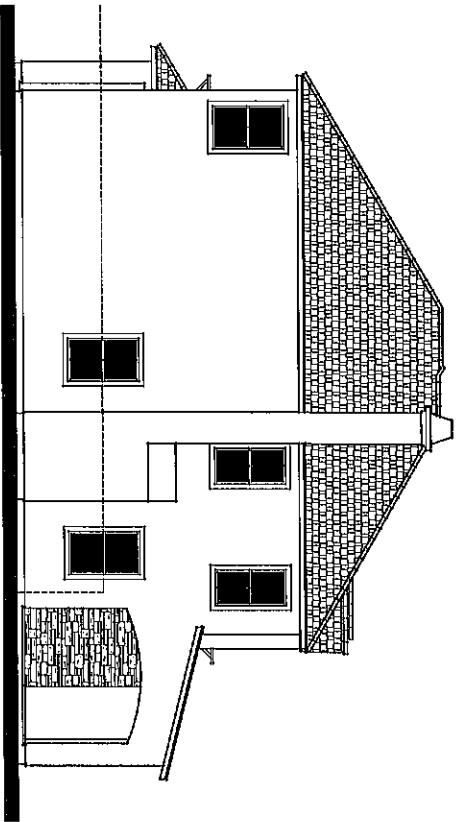


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 8-28-2017
 10:50
 7-2-2017
 7-2-2017

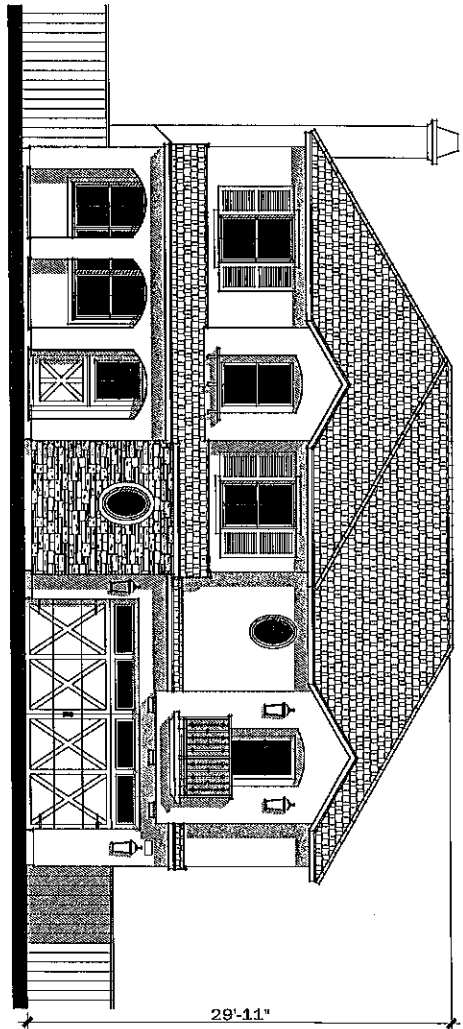
Melia Homes ATTACHMENT K
 Stanton, California

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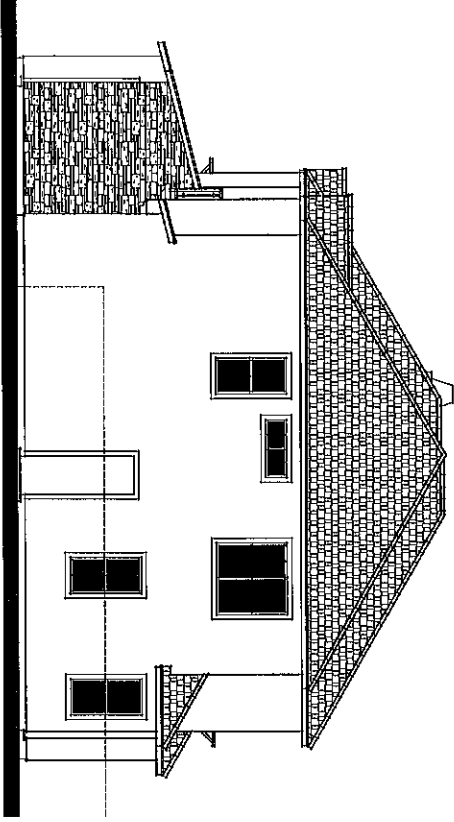
LEFT SIDE ELEVATION



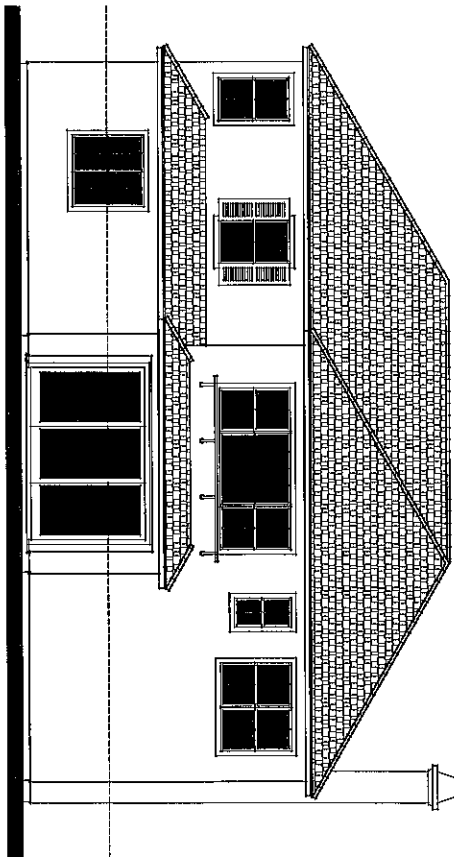
FRONT ELEVATION 1A

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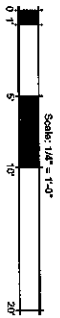
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RIGHT SIDE ELEVATION



REAR ELEVATION

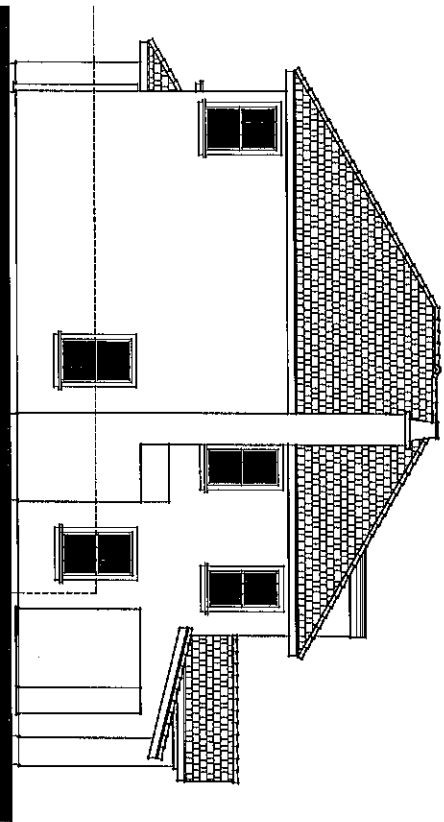


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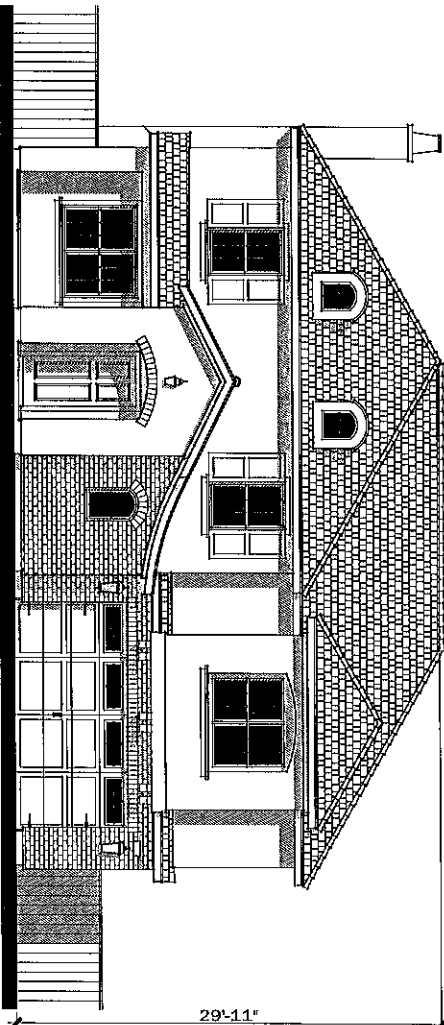
The
 Elevation 1A
 Plan 1

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 Stanton, California

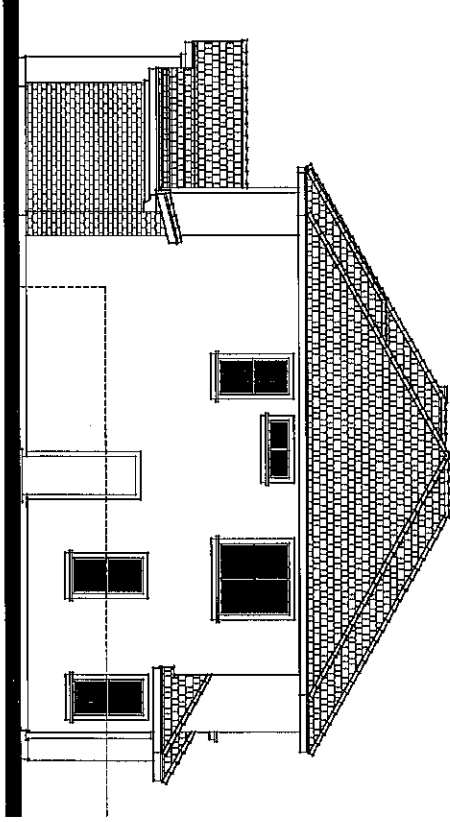
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 Project Number: 2080
 Title: 1/4" = 1'-0"
 Revision: 5/18/2017
 Drawn By: A-2



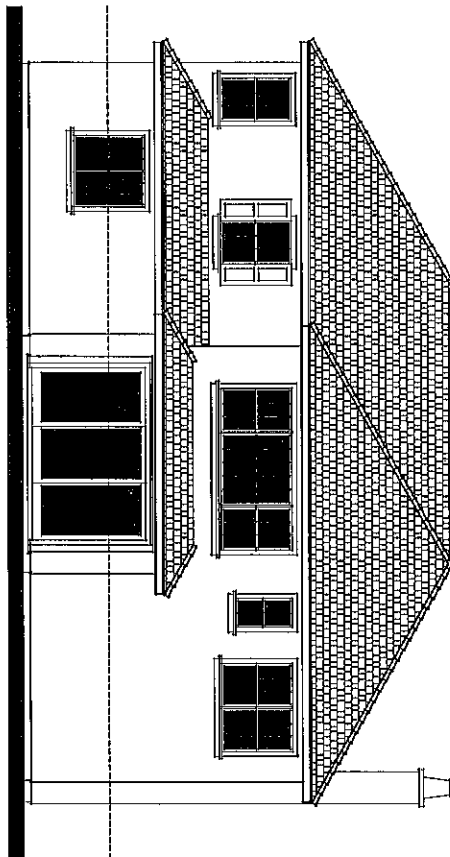
LEFT SIDE ELEVATION



FRONT ELEVATION 1B



RIGHT SIDE ELEVATION



REAR ELEVATION



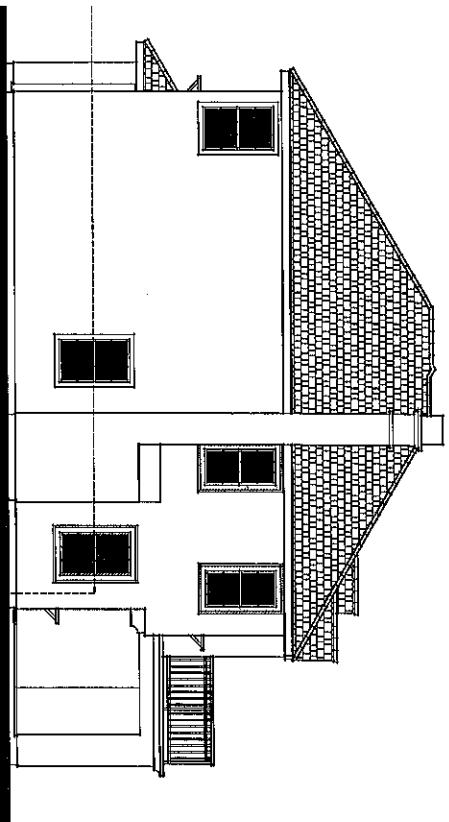
1/2" = 1'-0"
 Project Number
 7080
 Date
 9-18-2017
 Sheet No.
 A-3

Title
 Elevation 1B
 Plan 1

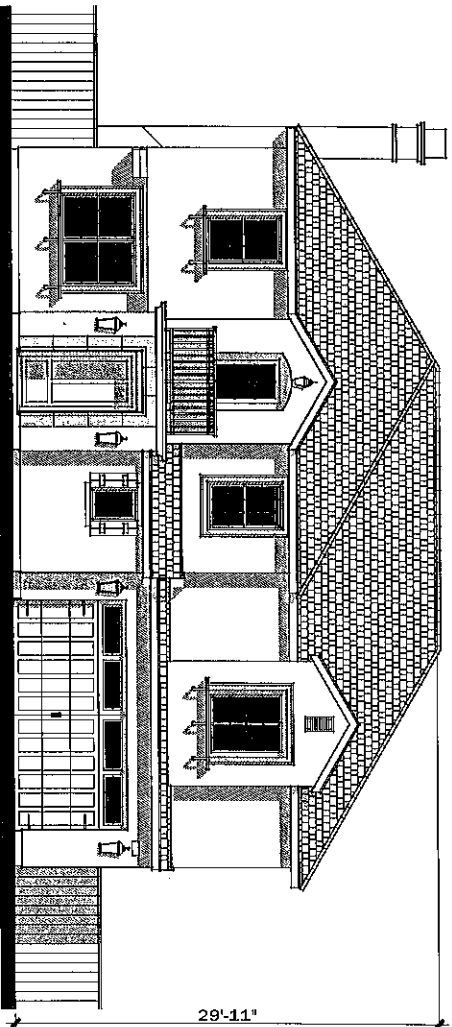
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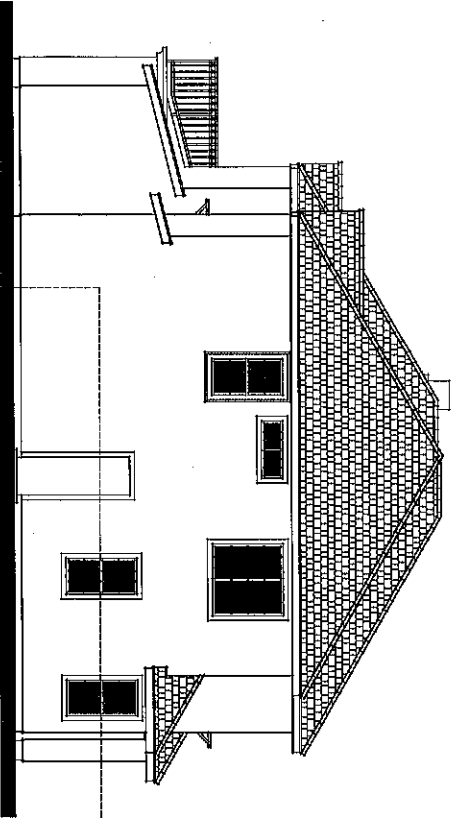




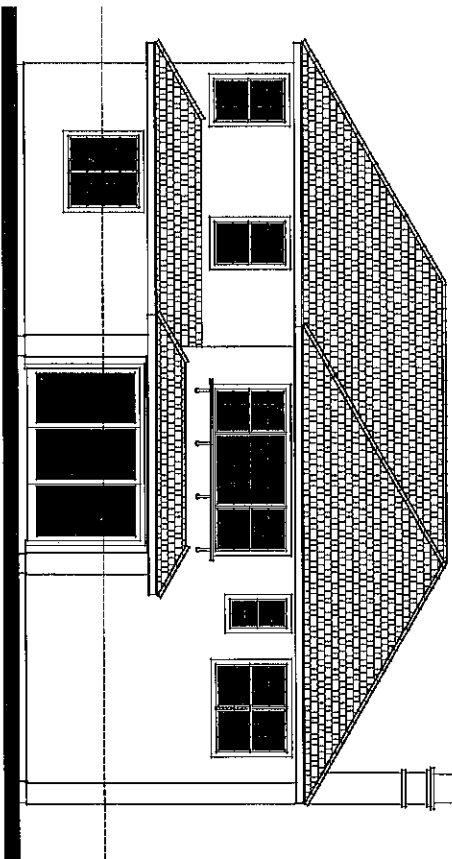
LEFT SIDE ELEVATION



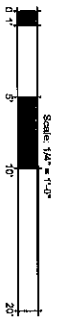
FRONT ELEVATION 1C



RIGHT SIDE ELEVATION



REAR ELEVATION



8-28-2017
 7/26/20
 7/26/20
 8-30-2017
 11-22-2017
 Drawn by:

A-4

The
 Elevation 1C
 Plan 1

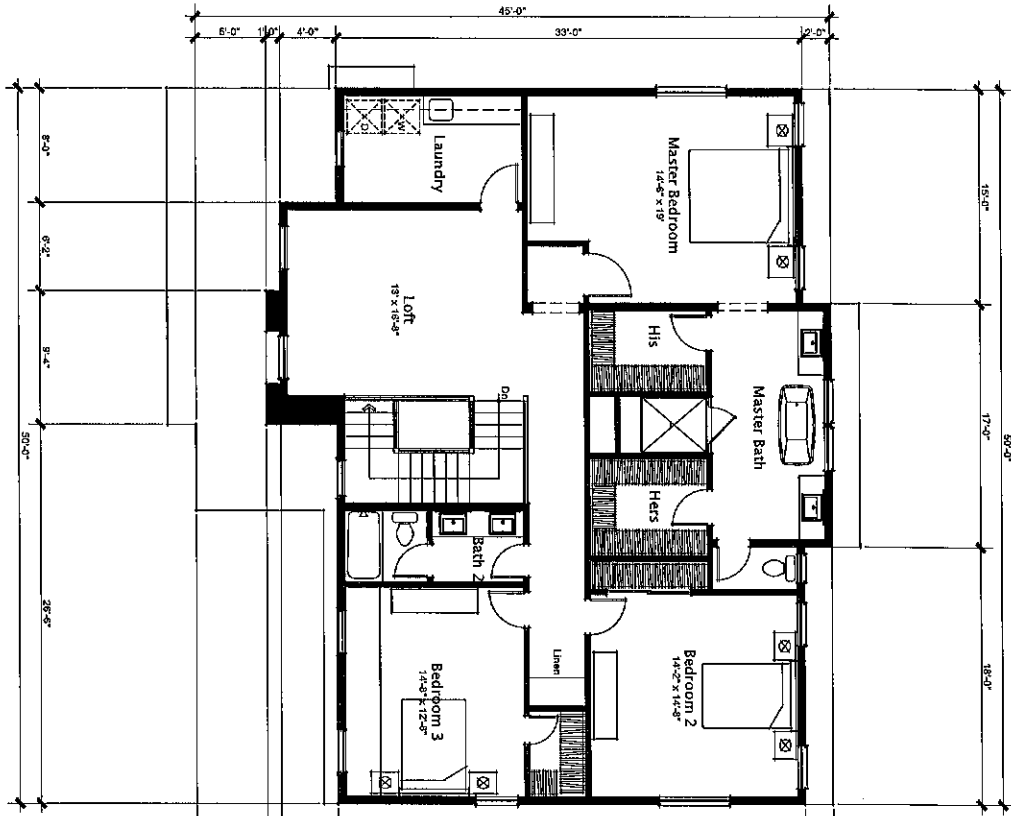
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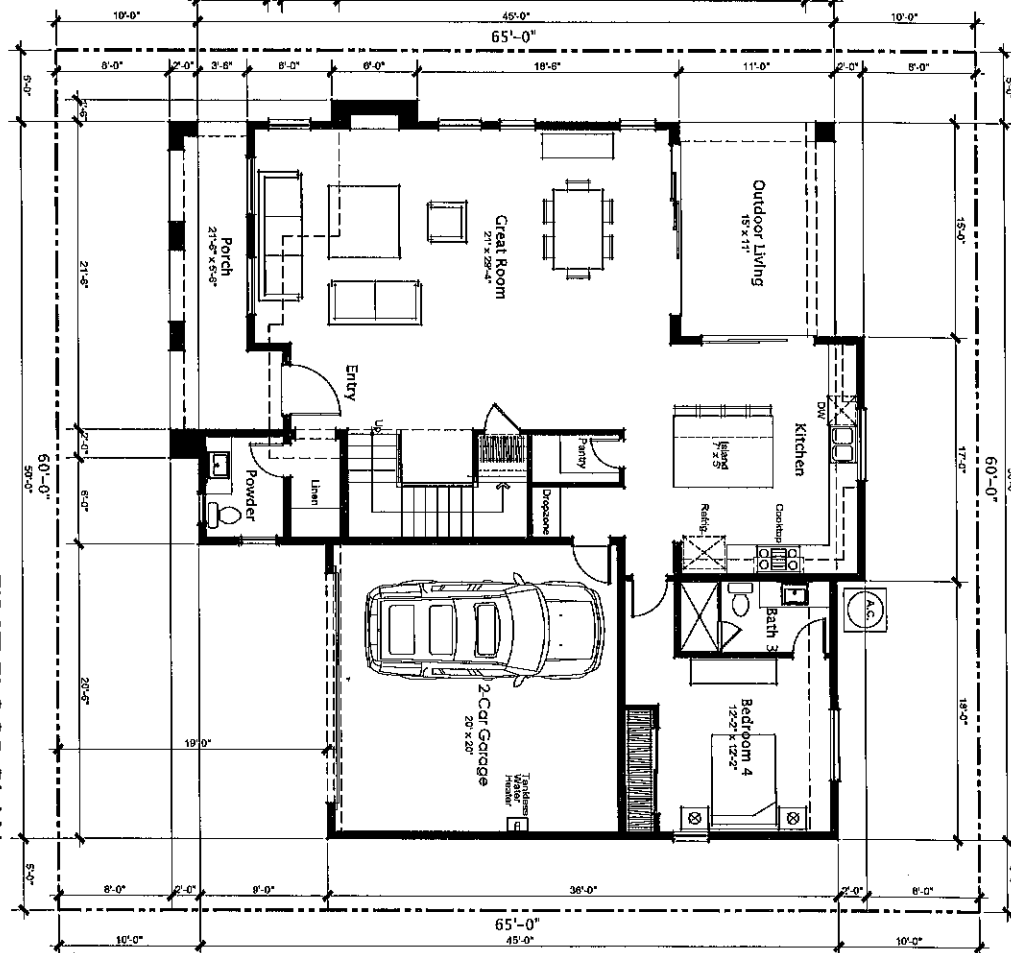
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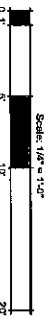
SECOND FLOOR PLAN



FIRST FLOOR PLAN



FIRST FLOOR PLAN : 1,425 SQ. FT.
 SECOND FLOOR PLAN : 1,646 SQ. FT.
 TOTAL LIVING AREA : 3,071 SQ. FT.
 2-CAR GARAGE : 420 SQ. FT.



A-5

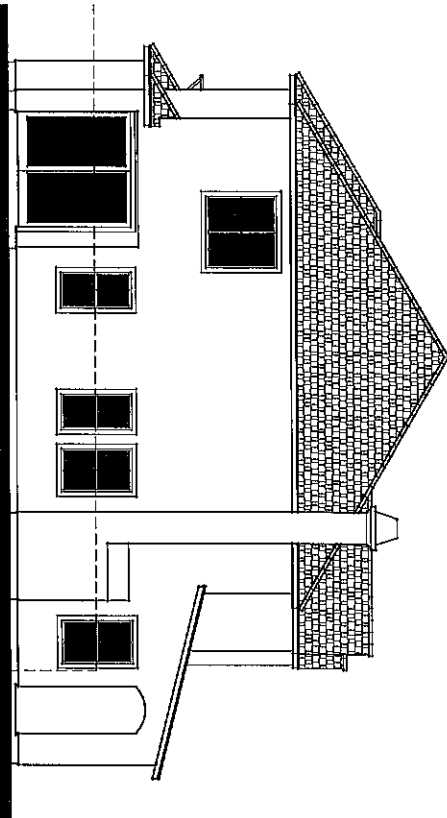
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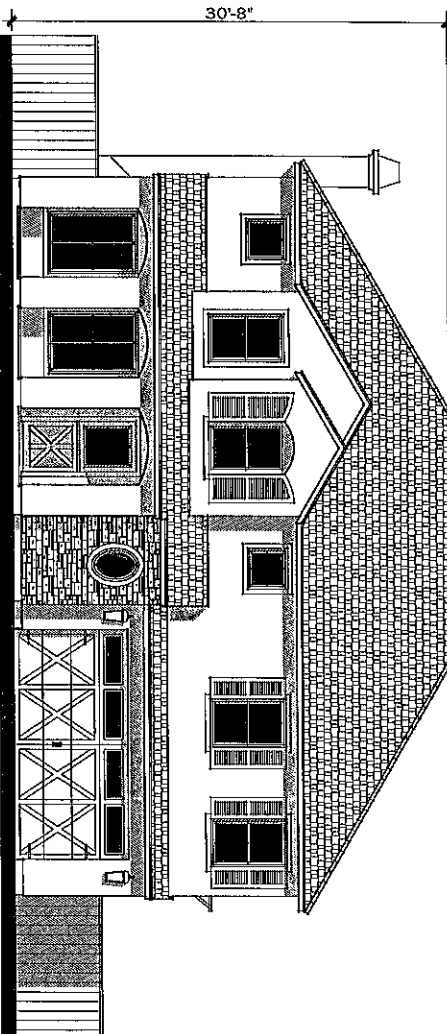


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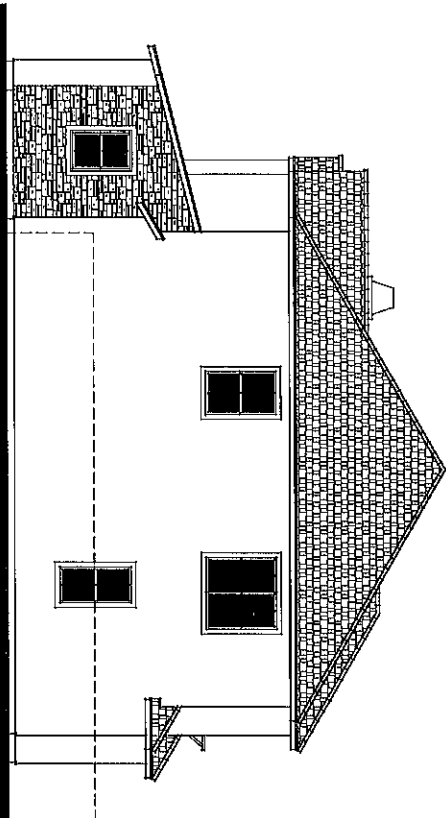
LEFT ELEVATION



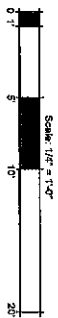
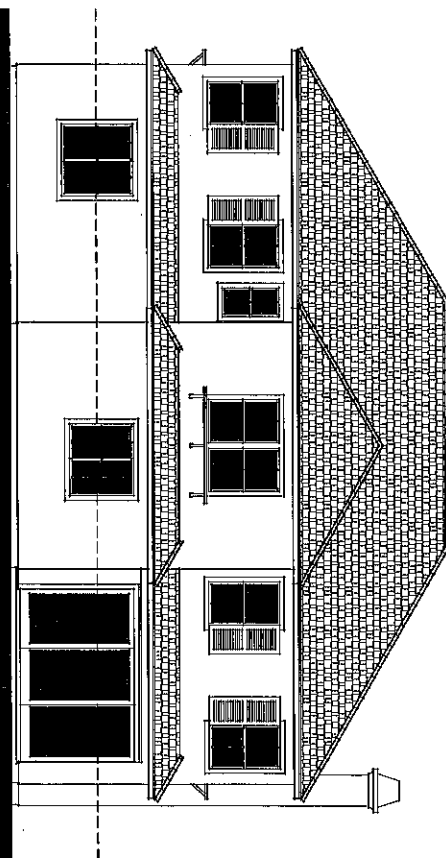
FRONT ELEVATION 2A

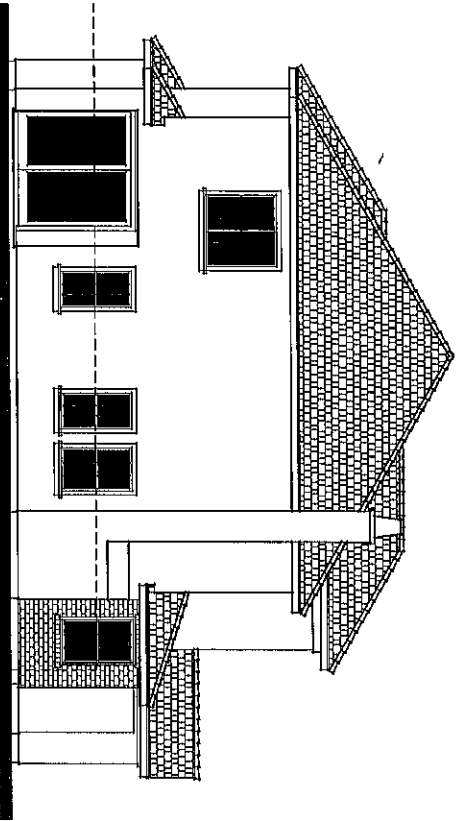


RIGHT SIDE ELEVATION

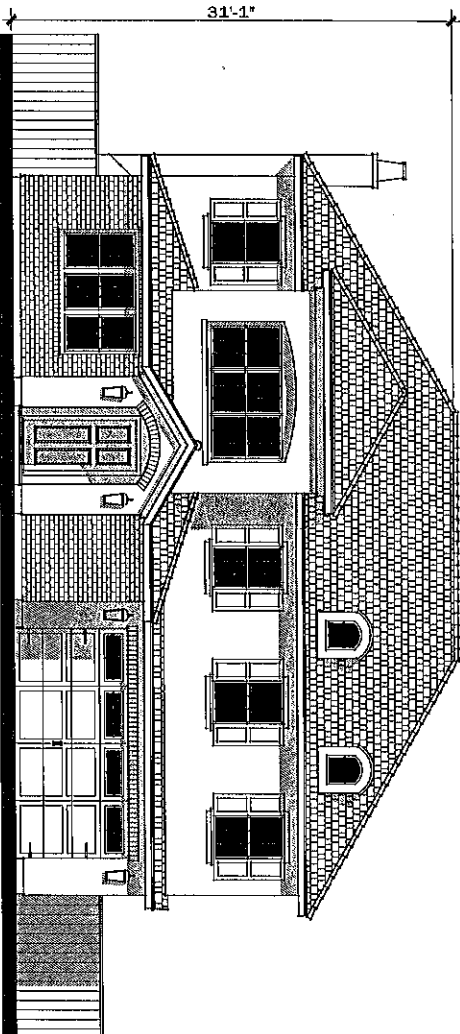


REAR ELEVATION

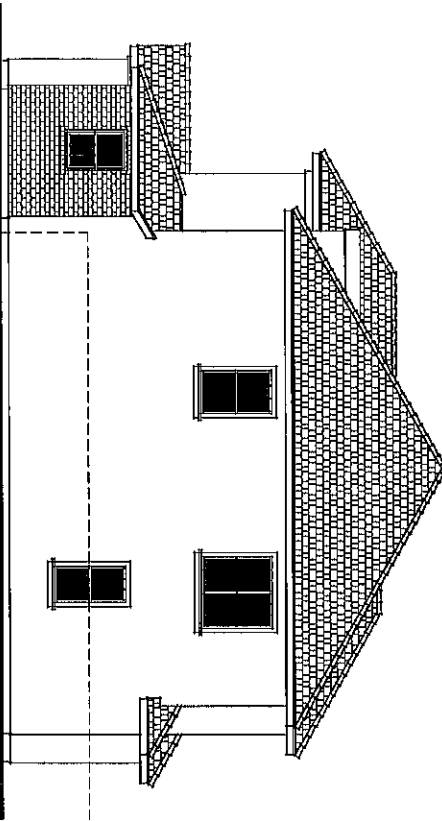




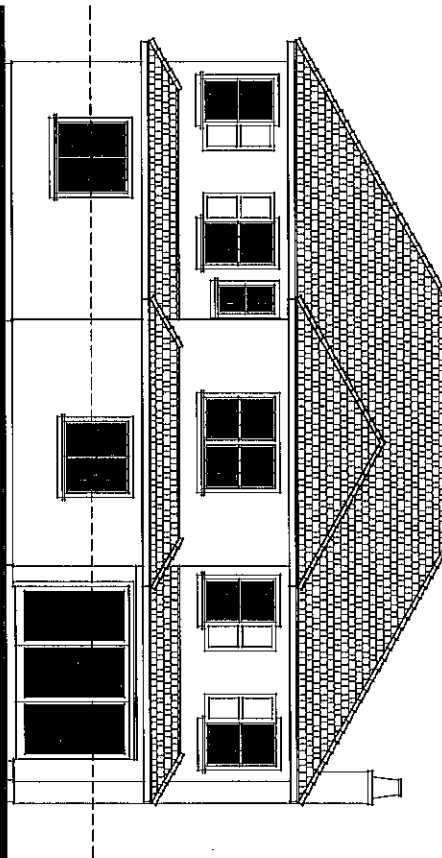
LEFT ELEVATION



FRONT ELEVATION 2B



RIGHT SIDE ELEVATION



REAR ELEVATION



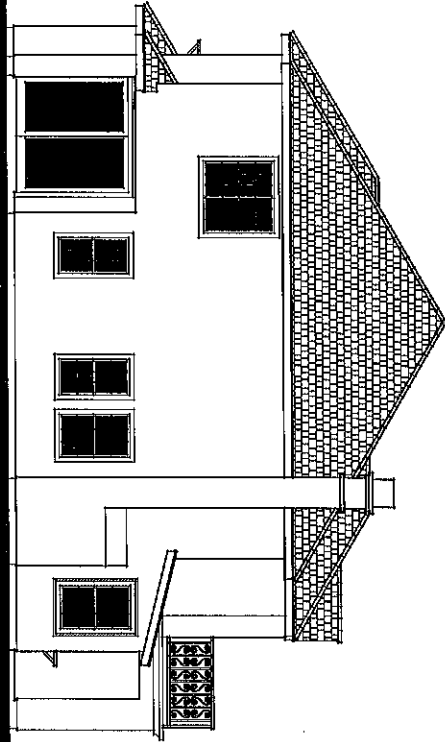
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 Plan: 28
 Scale: 1/4" = 1'-0"
 Drawn by: [signature]
 Checked by: [signature]
 A-7

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 Stanton, California

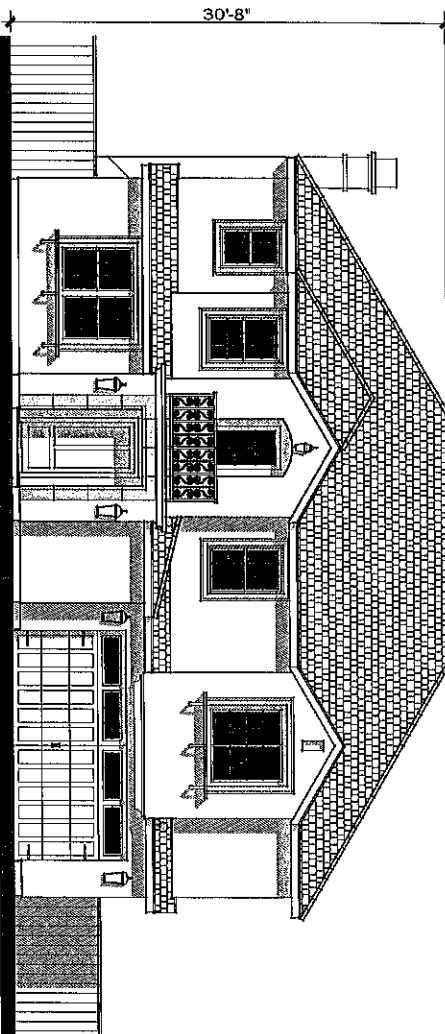
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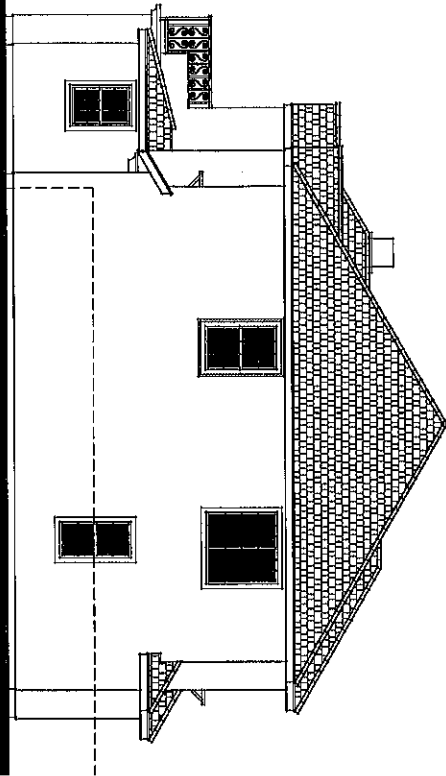
LEFT ELEVATION



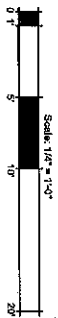
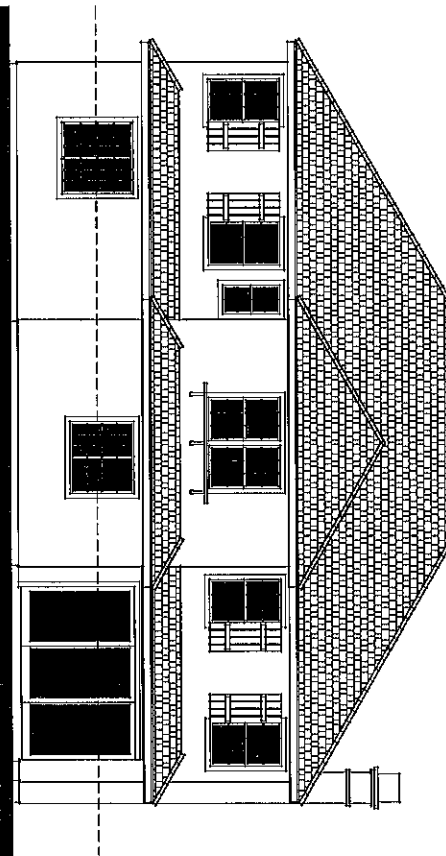
FRONT ELEVATION 2C

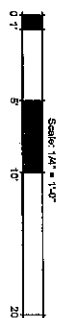
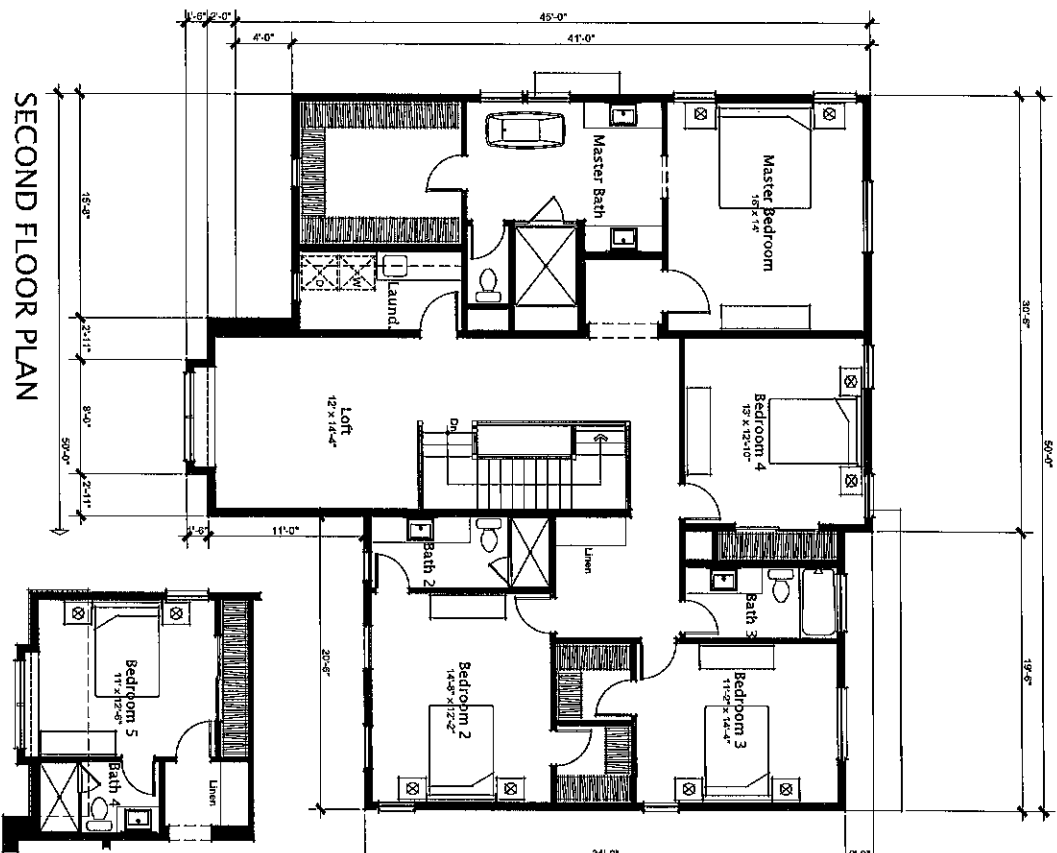


RIGHT SIDE ELEVATION



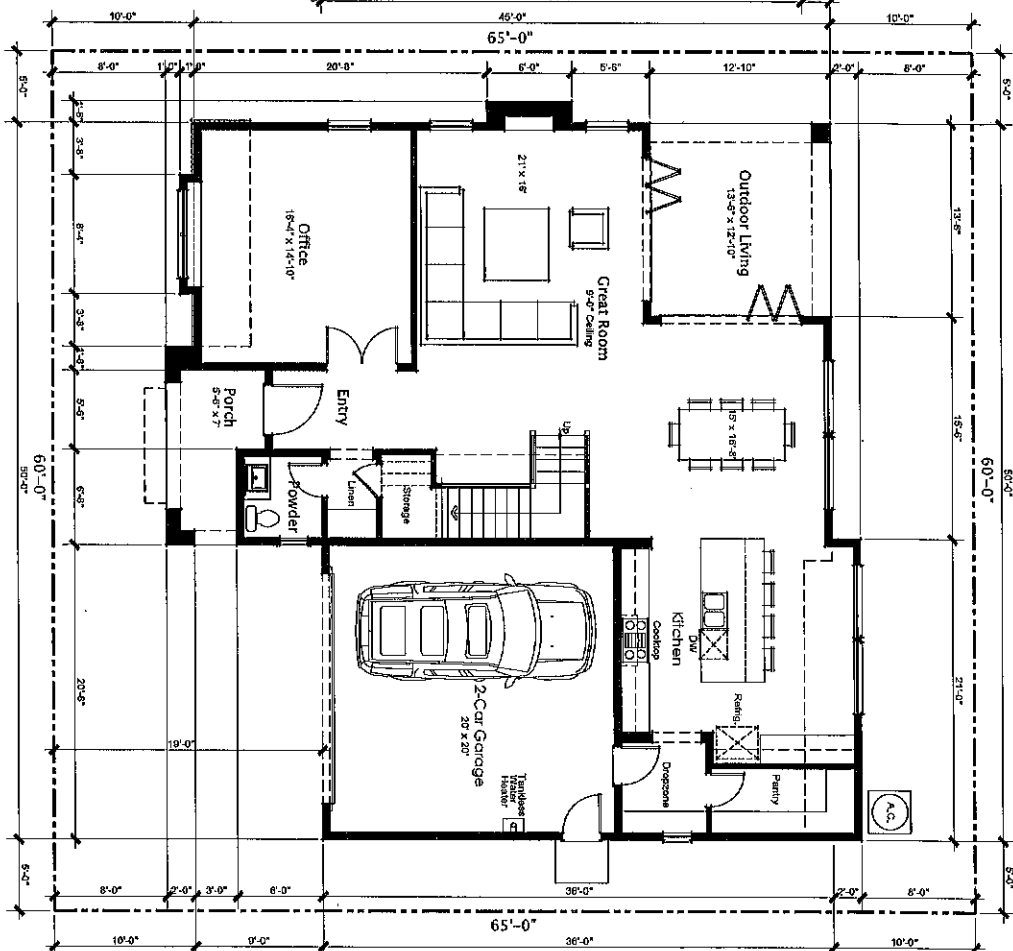
REAR ELEVATION





FIRST FLOOR PLAN : 1,467 SQ. FT.
 SECOND FLOOR PLAN : 1,905 SQ. FT.
 TOTAL LIVING AREA : 3,372 SQ. FT.
 2-CAR GARAGE : 420 SQ. FT.

FIRST FLOOR PLAN



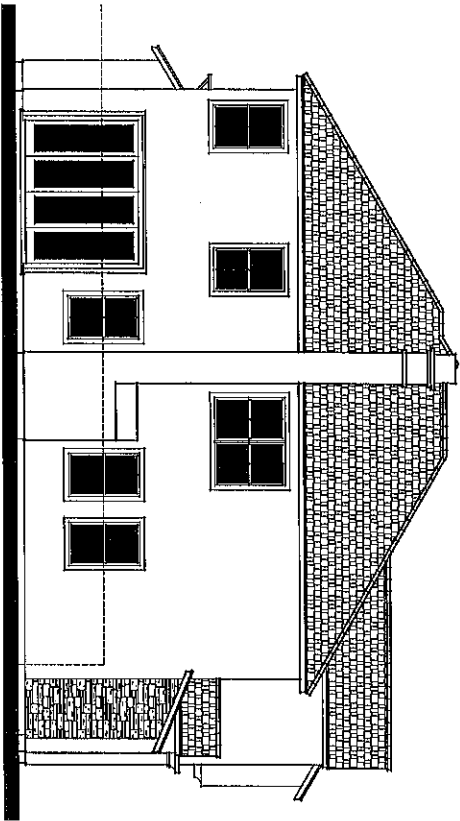
First Floor Plan

Melia Homes
 Stanton, California

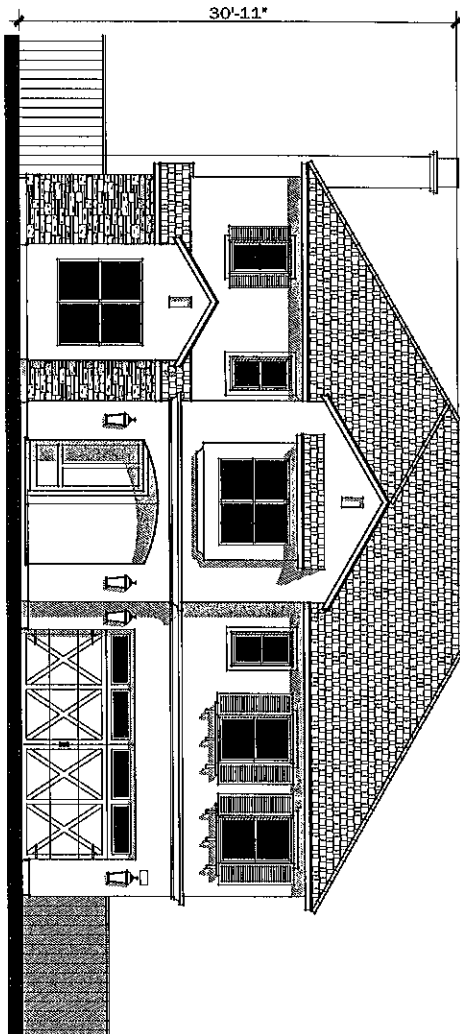
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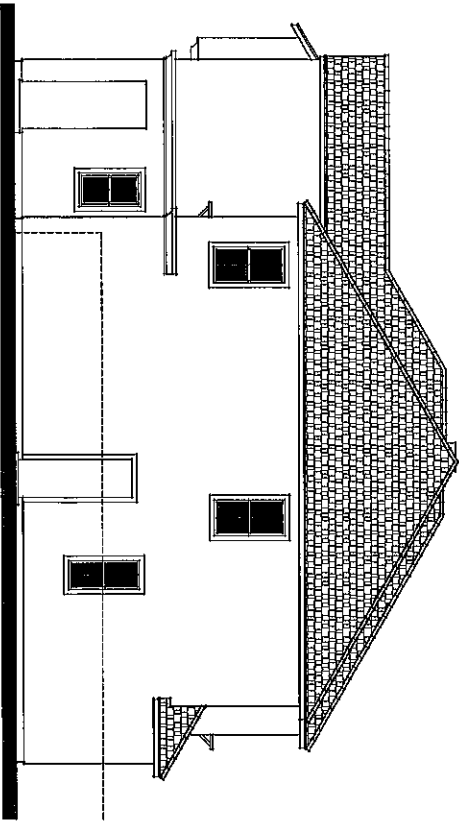
LEFT SIDE ELEVATION



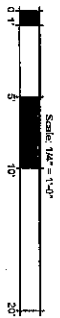
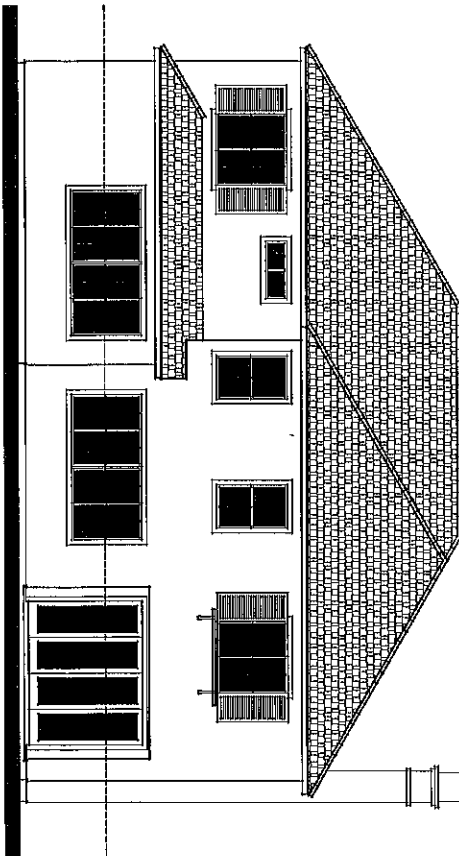
FRONT ELEVATION 3A



RIGHT SIDE ELEVATION



REAR ELEVATION



A-10

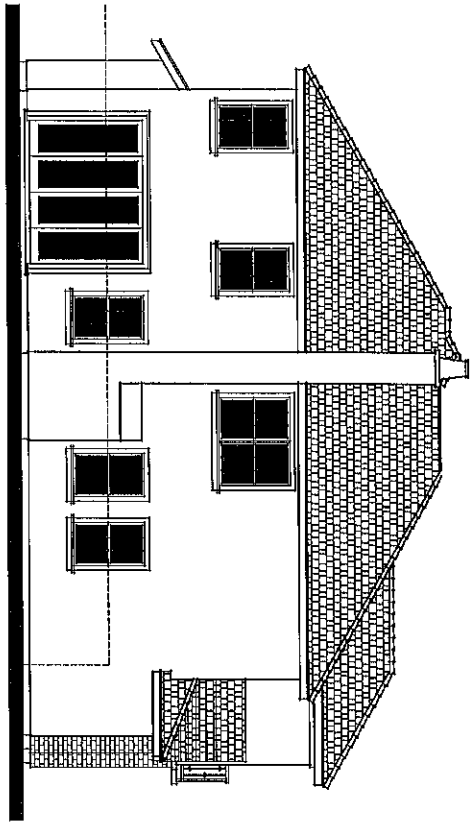
The
Elevations
Plan 3A

Melia Homes
Stanton, California

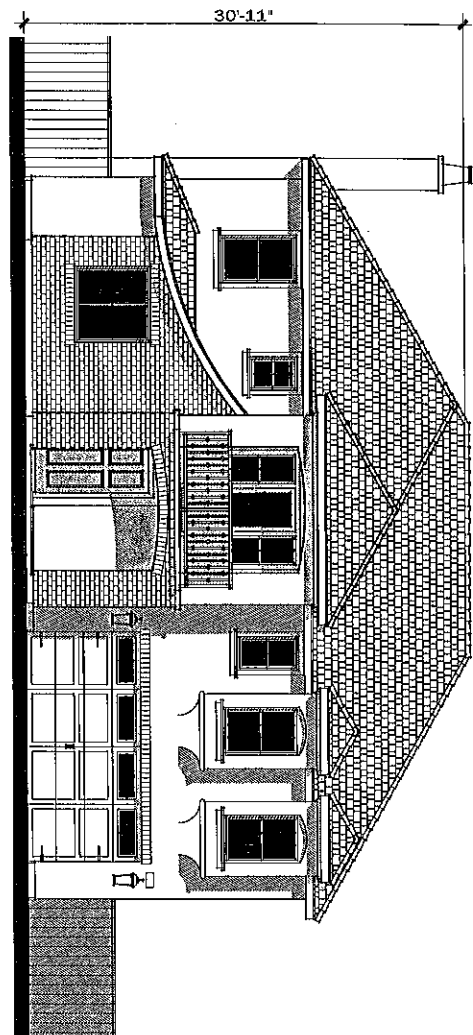
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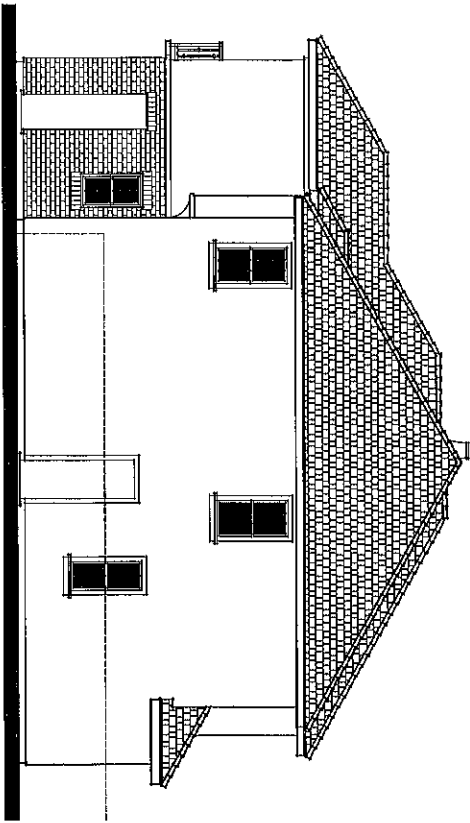
LEFT SIDE ELEVATION



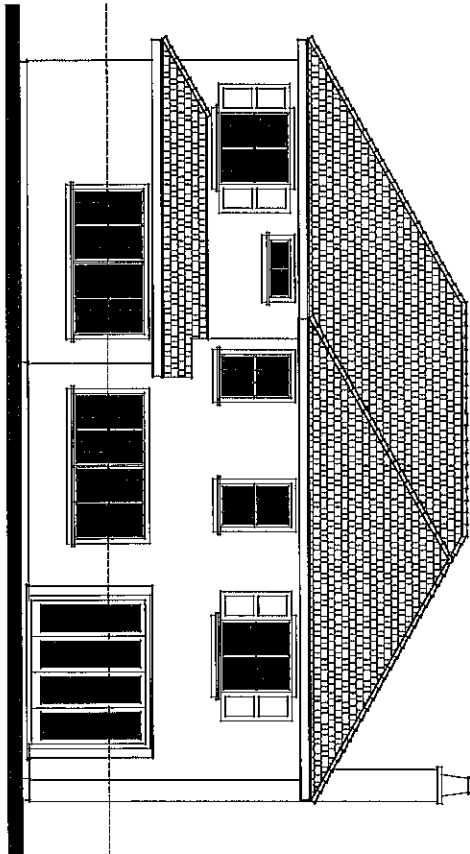
FRONT ELEVATION 3B



RIGHT SIDE ELEVATION



REAR ELEVATION



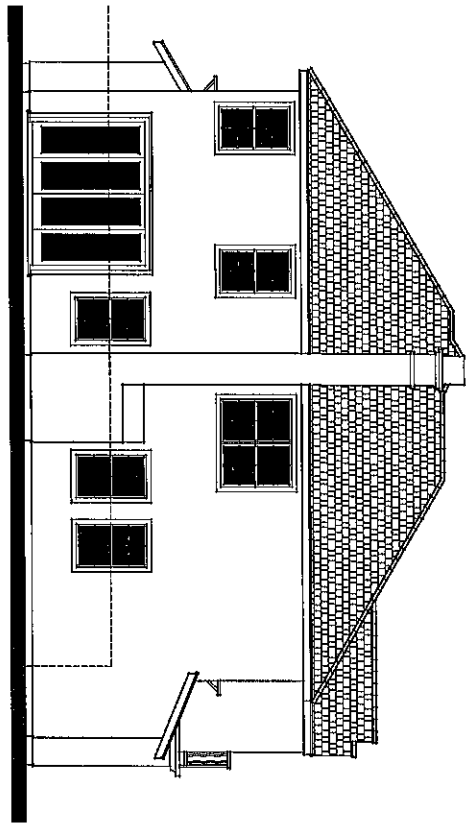
Date: 6-28-2017
 Drawn by: J. GROSS
 Checked by: J. GROSS
 Title: Elevations
 Plan 3B
 Project: Stanton
 Revision: 9-18-2017
 Sheet No: A-11

Melia Homes
 Stanton, California

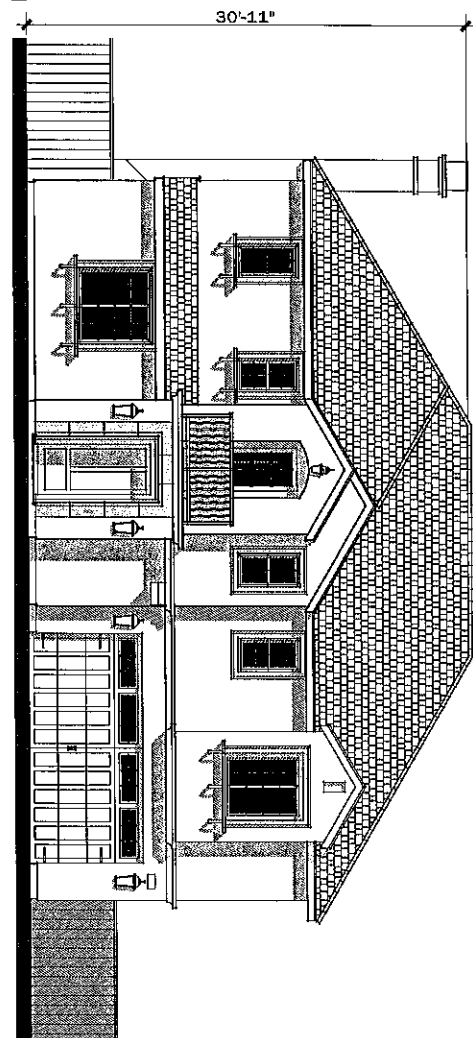
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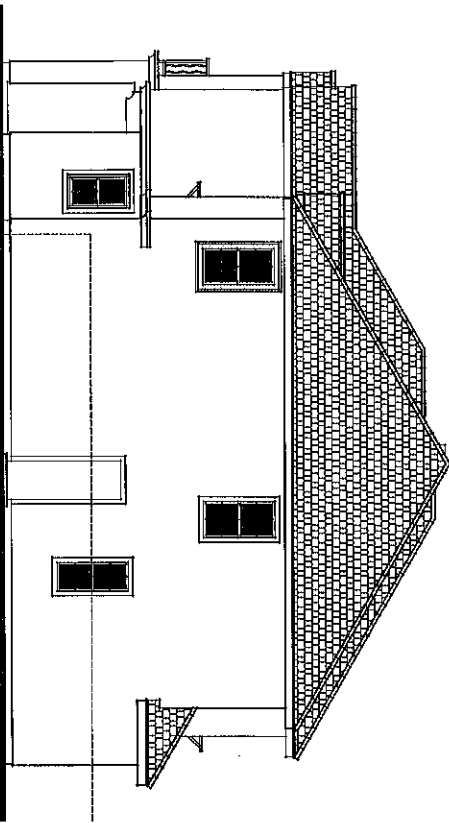
LEFT SIDE ELEVATION



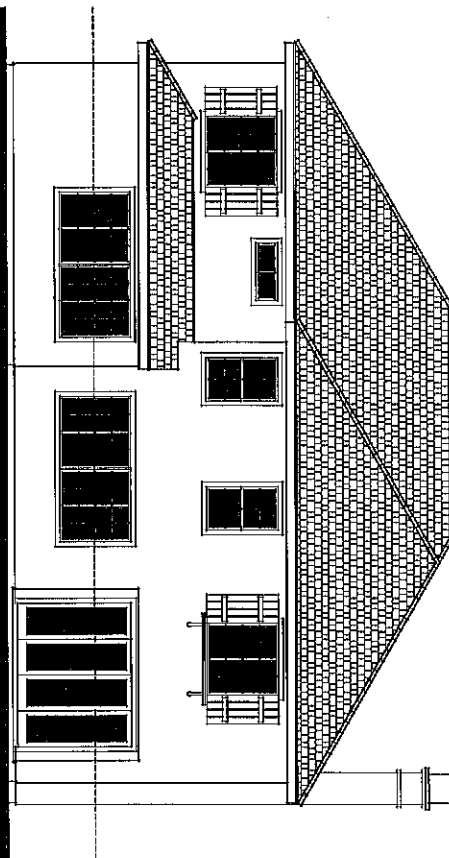
FRONT ELEVATION 3C



RIGHT SIDE ELEVATION



REAR ELEVATION



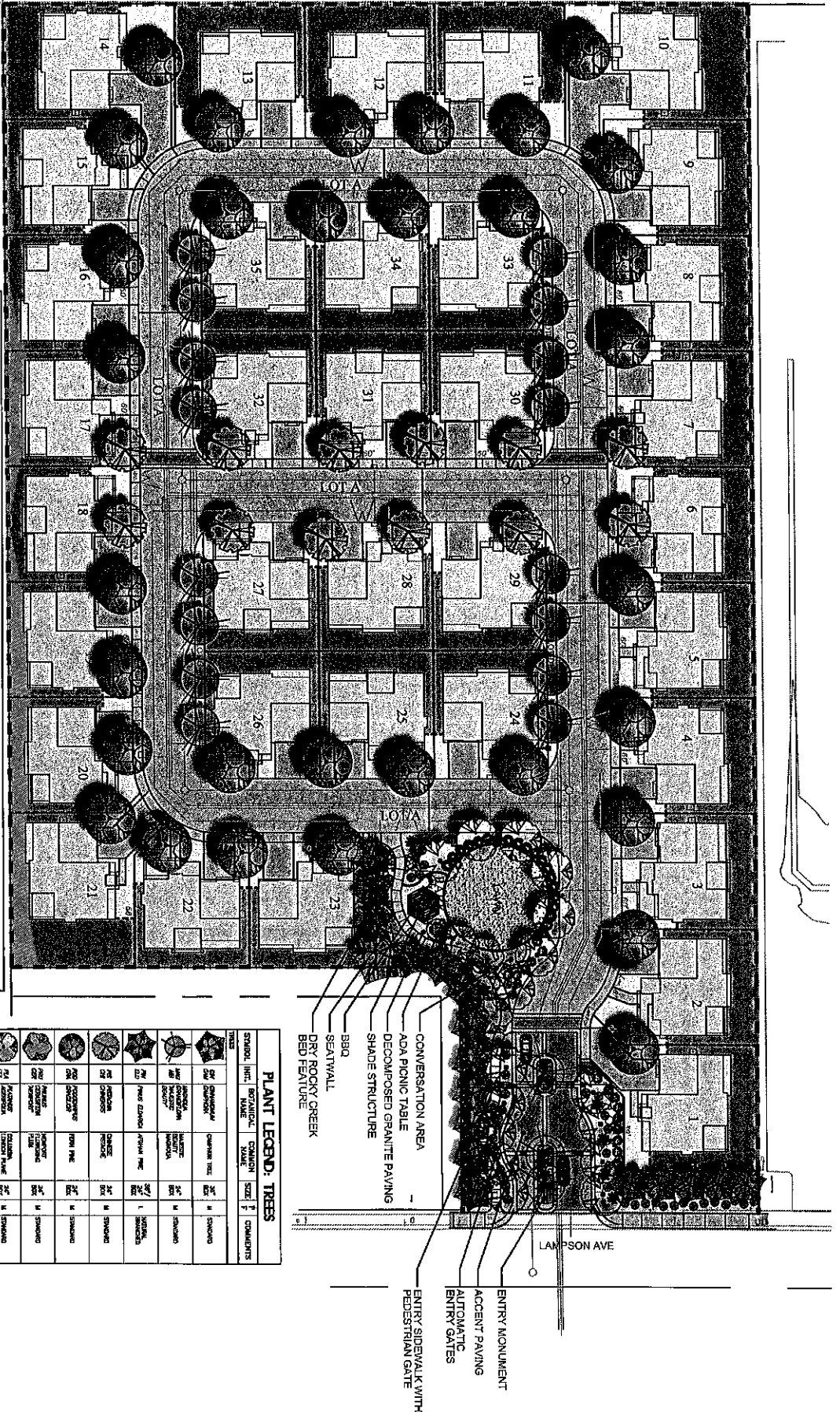
Date: 6-20-2017
 Drawn by: A-12
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 Plan 3C
 Project: Stanton, California
 Scale: 1/8" = 1'-0"
 Sheet No.: A-12

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ATTACHMENT L



PLANT LEGEND: TREES

SYMBOL	INT.	COMMON NAME	SIZE	COMMENTS
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
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	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'

PLANT LEGEND: SHRUBS

SYMBOL	INT.	COMMON NAME	SIZE	COMMENTS
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	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
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	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
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	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'
	10'	COASTAL REDWOOD	10'	10'

LEGEND

- 6'-6" HT. STUCCO PLASTER
- 6' HT. PRECISION BLOCK WALL
- 6' HT. VINYL FENCE
- 6' HT. STUCCO MASONRY W/ PRECAST CONCRETE CAP



PROJECT CLIENT
STANTON LAMPSON
1515 W. CALIFORNIA ST. #10
SUNNYVALE, CA 94086
415.939.1400

STANTON LAMPSON

STANTON, CALIFORNIA

PROJECT NUMBER: BYE-2017-114.00
PLOT DATE: 28 NOVEMBER 2017

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: APPEAL OF CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 TO ALLOW FOR CONTINUED OPERATION OF A MASSAGE ESTABLISHMENT FOR THE PROPERTY LOCATED AT 10356 BEACH BLVD. IN THE CG (COMMERCIAL GENERAL) ZONE; SUBMITTED BY TRINITY NGUYEN

REPORT IN BRIEF:

This is an appeal of the City Manager's decision to deny Massage Establishment License MEL17-01 for the operation of a massage establishment by Trinity Nguyen.

RECOMMENDED ACTION:

1. Declare the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies)
2. The City Council consider Resolution No. 2018-01 upholding the City Manager's denial of Massage Establishment License MEL17-01 and deny the appeal.
3. If the City Manager's denial is upheld, the City Council designate the business closure date to be thirty (30) days from the date the City notifies the appellant of the City Council's decision.

BACKGROUND:

In 2015, the City Council adopted Ordinance Nos. 1031 and 1032 to establish new land use and licensing regulations in order to address issues and violations that have been documented in local massage establishments based on City inspections. The Ordinances established new permitting and licensing regulations, operational, sanitation, and attire requirements, as well as established an amortization period of two (2) years for existing massage businesses to come into compliance with the new regulations. The Ordinances also specify that massage establishments can only be located in the Commercial General (CG) zone and must obtain a conditional use permit and massage establishment license in order to operate.

On February 15, 2017, the Planning Commission approved Conditional Use Permit C16-07 to allow for the continued use of a massage establishment, known as Silky Spa, at the property located at 10356 Beach Blvd. in the Commercial General (CG) zone. On May 10, 2017, the business owner for the massage establishment, Trinity Nguyen ("Applicant"), applied for a Massage Establishment License in compliance with the City's regulations. Staff processed the application, and conducted the appropriate inspections and investigations into the statements provided by the Applicant, and the history of business operations by the Applicant.

At the conclusion of the City's investigations and application processing, it was determined that disqualifying conduct by the Applicant had occurred, and the Municipal Code findings for approval of the application could not be met. On December 7, 2017, a letter of denial by the City Manager was issued to the business owner. In compliance with the appeal procedures set forth in Section 5.16.090 of the Stanton Municipal Code, on December 14, 2017, the Applicant filed an appeal to the City Council of the City Manager's decision to deny the Massage Establishment License.

ANALYSIS/JUSTIFICATION:

The subject business, Silky Spa, is located in the shopping center on the east side of Beach Blvd., approximately 800 feet north of Cerritos Ave., within the CG (Commercial General) zone. Silky Massage is located within the shopping center with the Taco Bell, TJ's Showgirls, and Nam Won Gol restaurant. Silky Massage opened in September 2014. The current business owner of record and the applicant for the Massage Establishment License is Trinity Nguyen.

BASIS FOR APPLICATION DENIAL – In order to approve a Massage Establishment License, determination of compliance must be met, along with all the findings set forth in Section 5.16.050.B of the Stanton Municipal Code, including:

1. The application meets the requirements of Chapter 5.16 and Section 20.400.190 (Massage Establishments). Falsification of any of the information shall be deemed sufficient reason for denial of the application.
2. The required fee has been paid;
3. An approved and active conditional use permit has been obtained for the massage establishment at the proposed location, pursuant to Section 20.400.190(B)(1);
4. The applicant has not made a material misrepresentation, misstatement, or omission in the application;
5. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct;
6. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval;
7. The applicant(s) is at least eighteen years of age;
8. The massage establishment employs or uses only state certified massage practitioners and therapists whose certifications are valid and that owners of the state certificates are the same persons to whom CAMTC issued valid and current identification cards; and
9. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

Through the application processing, inspections of the subject property, and investigation of the other businesses owned by the Applicant, it was determined that a number of the findings could not be met, specifically:

1. The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments). Silky Massage has established a history of code violations based on inspections conducted after the approval of the Conditional Use Permit including:
 - a. July 25, 2017 inspection - City staff observed an individual in the employee area working without a business license, and a register/list of all persons employed was not provided upon request. Additionally, a pair of soiled women's underwear was found in a massage room. When asked who the underwear belonged to and why it was there, the massage therapist told City inspectors that the underwear belonged to her and that a massage patron had been touching her. The massage therapist was also observed to be wearing attire in violation of massage establishment regulations (SMC 20.400.190(D)(3), 20.400.190(D)(4), 20.400.190(D)(5), 20.400.190(D)(13), and 20.400.190(F)).

Specifically, during the inspection, staff walked into the lobby of the establishment and observed the manager, Ms. Adams at the receptionist desk. Staff requested Ms. Adams to allow for an inspection of the premises to be conducted, and Ms. Adams granted the request. Staff began inspecting the premises and observed Ms. Yen Phi Phuong in a designated employee only area in the back corner of the establishment. When Staff requested identification and licensing from Ms. Phuong, she indicated that she worked at Sweet Spa, and was dropping off money to the manager. Since Ms. Phuong was observed in an employee only area, she was identified as an employee for the business. Administrative citations were issued to Ms. Phuong, and the business owner, Trinity Nguyen. While continuing the inspection, a customer exited Massage Room #5 and left the premises. Staff entered the massage room to continue the inspection, and observed a pair of soiled woman's underwear placed on top of a stack of clean towels next to the massage table. Staff requested that the establishment manager allow staff to speak to the massage therapist who was providing massage services to the customer that exited from the room, and the manager consented. Ms. Kieu Kim Tran, the massage therapist who had been with the client reentered the room upon the manager's request. Staff asked Ms. Tran about the underwear, and she affirmed that the underwear was hers, and that she removed them because the customer was touching her.

Administrative Citations were issued to the massage therapist, business owner and property owner. The massage therapist appealed the citation and a third party hearing officer heard testimony from all parties, and concluded that the therapist was liable for the violations, and the citations were paid. The business owner and property owner did not appeal the citation and paid the associated fines, accepting liability for the violations.

- b. September 15, 2017 inspection – City staff observed that the storefront windows of the massage establishment were covered by curtains which obscured visibility into the unit (SMC 20.400.190 (C)(4)). *At the time of inspection, all the windows within the front lobby area were covered by semi-sheer curtains with a floral print. Section 20.400.190.C.4 provides that the windows shall be transparent and free of any*

coverings during business operating hours. An Administrative Citation was issued for this violation, and paid, thereby accepting liability for the violation.

2. The applicant has not made a material misrepresentation, misstatement, or omission in the application.

In the massage establishment license application provided to the City, a list of massage businesses that was owned by the applicant, Trinity Nguyen, was provided. During a background check of these businesses, the City discovered that the applicant's massage permit to operate Fantasy Massage (3009 W. Ball Road, Anaheim) was revoked by the City of Anaheim on May 4, 2017. However, the list provided by the applicant as part of the Stanton application indicates that Fantasy Massage had been sold and did not disclose that Fantasy Massage's massage permit had been revoked by the City of Anaheim, thereby providing a material misrepresentation in the application materials.

3. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct.

On May 4, 2017, the City of Anaheim revoked a massage license for Fantasy Massage, which was owned and operated by the Applicant at the time of revocation. Per Section 5.16.010 of the Stanton Municipal Code, the definition of disqualifying conduct includes the revocation of a massage permit from the state, county, or other city within the last five years, or during any time of the processing of the application. As the Applicant has had a massage license revoked, the Applicant has engaged in disqualifying conduct.

4. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval. The massage permit for Fantasy Massage was revoked by the City of Anaheim on May 4, 2017, for the following violations of the Anaheim Municipal Code (AMC):

- a. January 5, 2017 inspection - Individuals observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster. The business was also found to have unpermitted online advertising depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
- b. January 7, 2017 inspection - An individual observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster (AMC 18.16.070.070.0703, AMC 18.16.070.080.0802.07, and AMC 18.16.070.080.0802.04).
- c. January 11, 2017 inspection - A massage therapist was observed to be wearing dress attire in violation of massage establishment regulations (AMC 18.16.070.050.0512 and AMC 18.16.070.070.0706).

- d. February 28, 2017 inspection – An undercover police officer received massage services in a poorly lit room by a female who did not identify herself and did not have a name tag on. The female offered sex services to the officer where there was a monetary transaction (CA Penal Code 647.2, AMC 18.16.070, AMC 18.16.070.080.0802.12, AMC 18.16.070.050.0501, AMC 18.16.070.050.0502, AMC 18.16.070.080.0801.04, AMC 18.16.070.070.0706, AMC 18.16.070.070.0703 and AMC 18.16.070.070.0702).
- e. March 20, 2017 inspection – The store front window was obscured by curtains and other materials, the business owner was observed wearing attire in violation of massage establishment regulations, an employee roster was not available, no written record of each treatment administered to patrons, massage tables had been arranged in the employee area for sleeping purposes, and dim lighting were observed in each room (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
- f. March 30, 2017 inspection - Online research was conducted and advertising was found depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070.070.0708 and AMC 18.16.070.080.0802.12).

The appeal by Fantasy Massage of the Anaheim massage permit revocation was denied by a Hearing Officer and resulted in the issuance of a final order by a City of Anaheim Hearing Officer on August 9, 2017 to revoke Massage Permit MES2015-00028 and shut off electrical power to the business due to numerous violations of the Anaheim Municipal Code massage ordinances and regulations. It does not appear that the Applicant further appealed the City of Anaheim's final order, and Fantasy Massage is now closed.

STANTON APPEAL – On December 14, 2017, Mr. Philip Trad, representing the Applicant, filed an appeal to the City Council of the City Manager's decision to deny Massage Establishment License MEL17-01. The basis of the appeal stated by Mr. Trad and provided in Attachment B, can be summarized with the Appellant's assertion that portions of the basis for denial were inaccurate, and the revocation of the license in Anaheim should not be utilized as basis for denial.

City Staff's Response to Appeal

1. The Appellant asserts that portions of the City's Notice of Decision to Deny the Massage Establishment License are inaccurate:
 1. That the windows of the business establishment were tinted in such a fashion as to obscure vision or observation of the unit during operation hours.

Staff Response: The Appellant states that it was inaccurate that the windows were tinted *in such a fashion* (emphasis added) as to obscure vision or observation of the unit during operation hours. Section 20.400.190.C.4 of the Stanton Municipal Code provides, "Storefront windows shall be transparent to provide clear visibility into the unit. The windows shall not be obscured by curtains, blinds, or other temporary devices during operating hours." The municipal code does not identify a level of which the windows may or may not be obscured, but simply states that the window shall not be obscured, and shall be transparent. Any level of tinting or partial usage of blinds,

curtains or other similar devices is prohibited per the code.

On September 15, 2017, an inspection was conducted by City staff of the subject establishment. At the time of the inspection, it was observed that semi-sheer curtains with a floral pattern were covering the windows within the lobby area of the business. As the code does not allow for any level of window covering during business operations, the business was found to be in violation of Section 20.400.190.C.4 of the Stanton Municipal Code, and an administrative citation was issued to the business owner, Trinity Nguyen, and the property owner. The administrative citation was paid by the business owner, accepting liability for the violation.

2. That the business had persons who did not have a valid CAMTC certification while the business was under operation performing services.

Staff Response: The administrative citation that was issued and referenced in the denial letter was for an individual working without a business license. As stated, during the inspection, an individual was observed within the designated employee only area. The individual was cited for lack of a business license in violation of Section 5.04.010 of the SMC, not a CAMTC certification. In addition, neither the City's denial letter, nor the notice of violation issued as part of the administrative citation indicated that the individual cited was performing services at the time of inspection, simply that the employee present did not have the appropriate required licenses.

On July 24, 2017, an inspection was conducted by City staff at the subject establishment. At the time of the inspection, City staff encountered Yen Phi Phuong within a designated employee area. When Ms. Phuong was asked to provide her identification and license, she indicated that she was an employee at Sweet Spa and was bringing the manager money. Ms. Phuong was observed in the employee only designated room, behind the closed hallway and in the back corner of the establishment. As Ms. Phuong was not an employee of the massage establishment, and observed in the employee only designated area, she was identified as an employee of the establishment, operating without a business license.

Administrative Citations were issued to Ms. Phuong, the business owner, and the property owner. All citations were paid without appealing the citations, accepting liability for the violation.

3. That a therapist was not clothed pursuant to regulation.

Staff Response: City staff conducted an inspection of the business location on July 24, 2017, with approval of the establishment manager, Ms. Adams. During the inspection, a customer exited massage room #5. Once the customer left, staff inspected the massage room, and observed a soiled pair of women's underwear placed on top of a stack of clean towels near the massage bed. Staff requested that the manager allow City staff to speak to the massage therapist who was providing services to the customer, and the manager consented. Ms. Kieu Kim Tran, the massage therapist who was providing services to the customer, was shown the underwear, and asked whether they belonged to her. She indicated that it was her underwear and indicated that she removed them because the customer was touching her. Because Ms. Tran admitted to removing the underwear, an administrative citation was issued to her for violating

Section 20.400.190.D.4 of the Stanton Municipal Code in regards to not meeting the appropriate attire requirements.

Administrative citations were issued to Ms. Tran, the business owner, and the property owner. Ms. Tran appealed the citation. The appeal of the citation was heard before a third party hearing officer, and at the conclusion of the proceedings, Ms. Tran was found liable for the citation. The business owner initially appealed the citation, but prior to the appeal being processed, the business owner returned, indicated they no longer wanted to appeal the citation, and paid the associated fines, accepting liability for the violation.

4. That a misstatement was made upon the massage establishment application.

Staff Response: As part of the Massage Establishment License, a list of businesses that were owned by the Applicant within the last five years was provided to the City. On the list of businesses provided by the Applicant on September 7, 2017, the Applicant indicated that Fantasy Massage, located at 3009 W. Ball Road in Anaheim had been sold. However, based on records obtained from the City of Anaheim, Stanton staff discovered that the massage license for Fantasy Massage had been revoked on May 4, 2017, six days before the Applicant applied for the Stanton license. In addition, at no time during Stanton's processing of the Massage Establishment License for Silky Massage did the Applicant notify the City that one of the massage licenses in Anaheim had been revoked until after City staff became aware of the revocation, and asked directly whether a license had been revoked. A representative of the Applicant responded that the license for Fantasy Massage had been revoked, but it was for minor violations such as covered windows, and they desired to appeal the decision, but had not moved forward with the process of appeal.

Section 5.16.010 of the Stanton Municipal Code provides "conduct by the applicant that would disqualify the application for a massage establishment, include[s] any of the following:

....within five years of the date of filing the application in question, or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment....license issues by the state, or any county or city."

In addition, a necessary finding for approval as required in Section 5.16.050.B of the Stanton Municipal Code is, "the applicant has not made a material misrepresentation, misstatement, or omission in the application." As the Applicant did not inform the City that a massage establishment in another city had been revoked, and the Applicant indicated that the business had been sold rather than the license being revoked, these actions include an omission of information, along with a misrepresentation of material, and the necessary finding could not be met. In addition, as the license in Anaheim was revoked, the Applicant has engaged in "disqualifying conduct," as defined by SMC section 5.16.010, and a massage establishment license could not be issued.

2. That the City Planning Division has made material misrepresentations regarding the license hearing in the City of Anaheim in which Ms. Nguyen alleges that she was denied due process, access to evidence and a fair hearing. Furthermore, the Appellant asserts that the Stanton Planning Division misrepresented Ms. Nguyen's material evidence that allegedly

refuted Anaheim's allegations that questionable advertising was made for Ms. Nguyen's business in Anaheim.

Staff Response. During the investigation and processing of the Massage Establishment License, City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed the City that the license for Fantasy Massage located at 3009 W. Ball Road in Anaheim had been revoked on May 4, 2017. In the decision letter from the City of Anaheim, Anaheim lists each inspection, violations identified during each inspection, and the specific sections of the municipal code that the business was not in compliance. The violations identified in the City of Anaheim determination include: individuals observed in the employee area without a massage technician permit or Anaheim business license; a massage therapist was observed wearing attire in violation of Anaheim massage establishment regulations; storefront windows were obscured by curtains and other materials; an employee roster was not available; no written record of each treatment administered to patrons; massage tables were arranged in the employee area for sleeping purposes; and advertising was found of the business depicting a female body that suggest services are available other than those permitted. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and the final order by the City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke the permit.

The City of Stanton is not required to, and in the course of denying the Stanton Massage Establishment License, did not make any determination as to Applicant's denial of due process, access to evidence, or a fair hearing regarding the Anaheim Fantasy Massage proceedings. Appellant's contentions are only relevant to the Fantasy Massage hearings, and notably, the Appellant did not file a case against the City of Anaheim with the Superior Court within the appropriate timeframe. Thus, the Anaheim decision is final.

Rather, Section 5.16.010 of the Stanton Municipal Code provides "conduct by the applicant that would disqualify the application for a massage establishment, include[s] any of the following:

....within five years of the date of filing the application in question, or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment....license issues by the state, or any county or city."

As noted above, the justifications for the revocation of Fantasy Massage's massage permit in the City of Anaheim were directly related to violations of the Anaheim Municipal Code. Stanton staff notes, however, that a number of the violations identified in Anaheim were similar to the violations identified at the subject location in Stanton.

Finally, the Applicant claims that the Stanton Planning Division misrepresented evidence that refutes Anaheim's allegations that questionable advertising was made for the Applicant's Anaheim business. The Stanton City Manager did not base the denial of the Stanton MEL application on any specific finding provided in Anaheim's revocation of Fantasy Massage. Stanton's City Manager denied the MEL license based on, among other things, violations of the Stanton Municipal Code and the fact that a Massage License was revoked in the City of Anaheim. The revocation of a massage license is identified as disqualifying conduct per section 5.16.010 of the SMC, and as such, Finding 2.f in Section 5.16.050.B of the SMC could not be made. Stanton staff notes, however, that similar

violations in both the applicant's Anaheim and Stanton businesses were identified by respective city staffs including: unlicensed individuals on the premises; massage technicians dressed in violation of attire regulations; use of prohibited window coverings; and lack of an employee register.

3. The purpose of the appeal is to seek reversal of the decision on the basis that the decision was not supported by facts, that the evidence and report of staff was defective and did not support the decision, and the purpose of the appeal is to permit any corrections as any technical violation that may have occurred was not of the nature and extent that would deny a renewal of a business license.

Staff Response: The City's responses, above, have addressed the claims that the City Manager's decision was not supported by facts and the evidence did not support the decision. Section 5.16.050.B.2 of the Stanton Municipal Code clearly provides, "the review authority may approve a massage establishment license, only after first making *all* (emphasis added) of the findings." Due to the noted violations including: employees on the premises without a business license; massage technicians found in violation of the attire regulations; windows being obscured; identified misrepresentations and omissions in the application; and the business owner having had a massage license revoked in another City, the following required findings cannot be made:

1. The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments);
2. The applicant has not made a material misrepresentation, misstatement, or omission in the application;
3. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct; and
4. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.

Since the City could not make *all* of the findings required to issue the massage establishment license application, the City is unable to issue the Applicant a license.

DESIGNATION OF BUSINESS CLOSURE DATE – If the City Council, after consideration of the entire written and oral record, upholds the City Manager's denial of the Massage Establishment License and denies the Appellant's appeal, the business would be subject to closure. The municipal code does not set a time period in which the business wind down and closure process is to occur once a license is revoked or denied. As such, as part of the permit determination, if Council denies the appeal, it is also recommended to set a closure date for the business. Staff recommends approving a thirty (30) day wind down period to provide the business owner sufficient time to finalize paperwork with the landlord, remove all furniture and business related items from the unit, and conduct any repairs or modifications to the unit as required by the landlord. The thirty (30) day period would begin once formal written notification of the City Council decision is provided to the business owner.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA this project has been determined to be categorically exempt under Section 15321(Enforcement Actions by Regulatory Agencies).

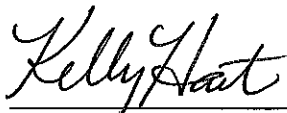
PUBLIC NOTIFICATION:

Posted at three public places, and made public through the agenda-posting process. The Applicant and legal representative were also provide written notification of the date and time of the hearing in a letter dated January 9, 2018 in compliance with the notification procedures set forth in Section 5.16.090 of the Stanton Municipal Code.

STRATEGIC PLAN:

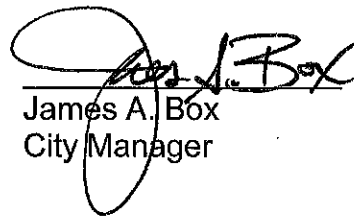
1 – Provide a Safe Community

Prepared by,



Kelly Hart
Community & Economic
Development Director

Approved by,



James A. Box
City Manager

ATTACHMENTS

- A. City Council Resolution No. 2018-01 for the approval of the appeal
- B. Letter of Appeal from Business Owner (dated December 14, 2017)
- C. Massage Establishment Denial Letter and attachments (dated December 7, 2017)

RESOLUTION NO. 2018-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 10356 BEACH BLVD. BY TRINITY NGUYEN AND DENYING APPLICANT'S APPEAL

WHEREAS, on February 15, 2017, the Planning Commission approved Conditional Use Permit C16-07 for the continued operation of a massage establishment, Silky Massage, from the property located at 10356 Beach Blvd., in the CG (Commercial General) zone; and

WHEREAS, on May 10, 2017, Trinity Nguyen ("Applicant"), owner of Silky Massage, applied for a Massage Establishment License for Silky Massage; and

WHEREAS, on May 4, 2017, the Massage Permit for Fantasy Massage, located at 3009 W. Ball Road in the City of Anaheim was revoked by the City of Anaheim; and

WHEREAS, Trinity Nguyen, owner of Silky Massage, was the identified owner of Fantasy Massage at the time of permit revocation; and

WHEREAS, on July 25, 2017 and September 15, 2017, City inspections were conducted by City staff of the subject business and violations of Section 20.400.190 of the Stanton Municipal Code were identified, including: employees on the premises without a business license; massage technicians found in violation of the attire regulations; and windows being obscured; and

WHEREAS, during the processing of the Massage Establishment License, it was identified that the applicant, Trinity Nguyen, made misrepresentations and omissions on the application. Specifically, Ms. Nguyen indicated that she had sold Fantasy Massage, when the massage permit had in fact been revoked by the City of Anaheim, and Ms. Nguyen omitted the information regarding the permit revocation in Anaheim until City staff directly asked in December 2017 whether a permit had been revoked; and

WHEREAS, On December 7, 2017, after due consideration of all application materials, inspection reports, investigations, and information provided by the City of Anaheim regarding the revocation of the permit for Fantasy Massage, the City Manager denied the Massage Establishment License MEL17-01 and a letter of denial was sent to the applicant; and

WHEREAS, on December 14, 2017, Trinity Nguyen, submitted an appeal of the City Manager's decision to deny Massage Establishment License MEL17-01 to the City Council within the 10-day appeal period; and

WHEREAS, on February 13, 2018, the City Council considered the staff report, written and oral communications, recommendations by staff, and public testimony concerning the appeal; and

WHEREAS, the Council has carefully considered all pertinent testimony and information contained in the staff report prepared for this appeal as presented at the public hearing; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY FIND:

SECTION 1: Recitals. The City Council hereby finds that all of the facts, findings and conclusions set forth above in this resolution are true and correct.

SECTION 2: CEQA. Based upon the environmental form the City Council exercises its independent judgment and finds that the project, as conditioned hereby, is categorically exempt from environmental review under the California Environmental Quality Act, Section 15321(Enforcement Actions by Regulatory Agencies) because the project involves the revocation of an existing conditional use permit.

SECTION 3: Findings. On the basis of substantial evidence on the record, including, but not limited to, the written and oral staff reports, together with all written documents and all testimony presented at the public hearing, the City Council finds, in accordance with the requirements as set forth in Section 5.16.050.B of the Stanton Municipal Code, the following required findings for approval of a Massage Establishment License could not be met:

A. The application conforms in all respects to the provisions of Chapter 5.16, and Section 20.400.190 (Massage establishments).

During two separate inspections conducted on July 25, 2017 and September 15, 2017, City staff observed obscured windows, an individual in the employee area working without a business license, and a register/list of all persons employed was not provided upon request. Additionally, a pair of soiled women's underwear was found in a massage room. When asked who the underwear belonged to and why it was there, the massage therapist told City inspectors that the underwear belonged to her and that a massage patron had been touching her. The massage therapist was also observed to be wearing attire in violation of massage establishment regulations. The identified items are violations of Stanton Municipal Code Sections 20.400.190 (C)(4), 20.400.190(D)(3), 20.400.190(D)(4), 20.400.190(D)(5), 20.400.190(D)(13), and 20.400.190(F). As the violations have been identified, the application does not conform in all respects to the provisions of Chapter 5.16 and Section 20.400.190 of the Stanton Municipal Code and this finding cannot be made.

B. The applicant has not made a material misrepresentation, misstatement, or omission in the application.

As part of the Massage Establishment License, the Applicant provided the City with a list of businesses that were owned by the Applicant within the last five years. On the list of businesses that the Applicant provided on September 7, 2017, the Applicant indicated that Fantasy Massage, located at 3009 W. Ball Road in Anaheim had been sold. However, based on records obtained from the City of Anaheim, Fantasy Massage's massage license had been revoked on May 4, 2017, six days before the Applicant submitted her Massage Establishment license application to the City of Stanton. In addition, at no time during the processing of the Massage Establishment License for Silky Massage did the Applicant notify the City that one of the massage licenses in Anaheim had been revoked until after City staff became aware of the revocation, and asked directly whether a license had been revoked. A representative of the Applicant responded that the license for Fantasy Massage had been revoked, but it was for minor violations such as covered windows, and they desired to appeal the decision, but had not moved forward with the process of appeal. Because the applicant omitted the information regarding the revocation of Fantasy Massage, and misrepresented the revocation as a business sale, the Applicant has made a material misrepresentation, misstatement, and omission on the Stanton application for a Massage Establishment license.

C. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct.

During the investigation and processing of the Stanton Massage Establishment License, Stanton City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed Stanton that the license for Fantasy Massage, located at 3009 W. Ball Road in Anaheim, had been revoked on May 4, 2017. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and a final order by a City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke the Fantasy Massage's massage permit. Section 5.16.010 of the SMC defines disqualifying conduct to include, "Within five years of the date of the filing of the application in question or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment, operator, massage practitioner, technician, therapist, trainee, or similar license issued by the state, or any county or city." Since the permit for Fantasy Massage was revoked, and the Applicant was the owner and operator of

record at time of revocation, the Applicant has engaged in disqualifying conduct. Therefore, the corresponding finding cannot be made.

D. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.

During the investigation and processing of the Massage Establishment License, City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed the City that the license for Fantasy Massage located at 3009 W. Ball Road in Anaheim had been revoked on May 4, 2017. In the decision letter from the City of Anaheim, Anaheim lists each inspection, violations identified during each inspection, and the specific sections of the municipal code that the business was not in compliance. The violations identified in the City of Anaheim determination include: individuals observed in the employee area without a massage technician permit or Anaheim business license; a massage therapist was observed wearing attire in violation of Anaheim massage establishment regulations; storefront windows were obscured by curtains and other materials; an employee roster was not available; no written record of each treatment administered to patrons; massage tables were arranged in the employee area for sleeping purposes; and advertising was found of the business depicting a female body that suggest services are available other than those permitted. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and a final order by a City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke Fantasy Massage's massage permit. Because the Applicant owns and operated Fantasy Massage in Anaheim, and that city revoked Fantasy Massage's massage permit within five years of Applicant's Stanton application, the corresponding finding cannot be made.

SECTION 4: That based upon the above findings and on the entirety of the record including the staff report, written and oral testimony, and this Resolution, the City Council hereby upholds the City Manager's denial of Massage Establishment License MEL17-01 for Ms. Trinity Nguyen to operate a Massage Establishment at 10356 Beach Blvd. in the CG (Commercial General) zone and denies Applicant's appeal.

SECTION 5: The documents and materials associated with this Resolution 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 6: If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 7: Certification. The City Clerk shall certify to the adoption of this Resolution and cause a copy to be transmitted to the City Clerk.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on February 13, 2018 by the following vote, to wit:

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2018-01 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 February 13, 2018, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK



CITY OF STANTON
APPEAL FORM AND HANDOUT

City Clerk's Office
7800 Katella Avenue, Stanton, CA 90680
Phone: (714) 379-9222 Fax: (714) 890-1443

AUTHORIZATION #

CITY OF STANTON
PAID

DEC 14 2017

FOR OFFICE USE
ONLY

(DATE STAMP)

An appeal shall be filed within ten (10) calendar days after the final action of the Planning Commission.

APPEAL OF: ☒ Planning Commission Decision (\$1,235 fee)

Type of Permit (example: Conditional Use Permit): MASSAGE LICENSE Permit Number: MEL 17-01

Address of Project: 10334 BEACH BLVD, STANTON CA 90680 Decision Date: 12-07-17

APPELLANT INFORMATION

Name of Applicant (Appellant): TRINITY NGUYEN c/o PHUOT TRAM ESC

Mailing Address: [REDACTED]

Telephone Number: [REDACTED]

Email: [REDACTED]

In what capacity is the appellant filing? ☐ Recorded Property Owner ☐ Interested Party ☒ Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: TENANT - TRINITY NGUYEN

Mailing Address: SAME

Telephone Number: () SAME

Email: SAME

Describe what portion(s) of the decision you are appealing: SEE ATTACHMENT

Describe the Purpose for Your Appeal (be specific): SEE ATTACHMENT

APPLICANT CERTIFICATION:

I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICATION. I hereby grant the City authority to post required public notices.

Signature: [Signature]

Date: 12-14-17

LAW OFFICES OF
PHILLIP G. TRAD

POST OFFICE BOX 19093
IRVINE, CALIFORNIA 92623-9093
TELEPHONE: (714) 990-3541
FACSIMILE: (714) 990-3545

December 14, 2017

City of Stanton
Community Development Department
7800 Katella Avenue
Stanton, California 90680

Attention: Ms. Kelly Hart, Community and Development Director

Re: Silky Spa
10356 Beach Boulevard
Stanton, California 90680

ATTACHMENT TO CITY OF STANTON APPEAL FORM AND HANDOUT

Ms. Trinity Nguyen, as the owner of Silky Spa hereby appeal the decision of the City of Stanton Planning Commission dated December 7, 2017 revoking the Massage Establishment License MEL 17-01 for the property located at 10356 Beach Boulevard, Stanton, California 90680, as follows:

1. An appeal regarding the denial of the is being made regarding the following portions of the Notice of Decision which Ms. Nguyen alleges are inaccurate:
 - a. That the windows of the business establishment were tinted in such a fashion as to obscure vision or observation of the unit during operation hours.
 - b. That the business had persons who did not have a valid CAMTC certification while the business was under operation performing services.
 - c. That a therapist was not clothed pursuant to regulation.
 - d. That a misstatement was made upon the massage establishment application.

2. That the City of Planning Division has made material misrepresentations regarding a license hearing in the City of Anaheim where Ms. Nguyen was denied due process, access to evidence and a fair hearing. Furthermore, the Planning Division misrepresents material evidence that refutes the allegations that questionable advertising was made for her businesses.
3. Purpose of the appeal is to seek a reversal of the decision to deny the renewal of a Massage Establishment License on the basis that the decision was not supported by the facts, that the evidence and report of staff was defective and did not support the decision.

In addition, the appeal is being filed to permit any corrections to the subject property, if in fact, any technical violation might exist. That if any technical violation occurred, it was not of the nature and extent that would deny a renewal of business license.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

LAW OFFICES OF PHILLIP G. TRAD

Phillip G. Trad

PHILLIP G. TRAD, ESQ.

PGT:tt
cc: Client
Enclosure



December 7, 2017

Carol Warren
Mayor

David J. Shawver
Mayor Pro Tem

Alexander A. Ethans
Council Member

Rigoberto A. Ramirez
Council Member

Brian Donahue
Council Member

James A. Box
City Manager

Trinity Nguyen
7822 Oranewood Avenue
Stanton, CA 90680

APPLICATION: Massage Establishment License MEL 17-01
BUSINESS NAME: Silky Massage
BUSINESS ADDRESS: 10356 Beach Blvd.

Dear Ms. Nguyen:

The City of Stanton's Planning Division has reviewed the materials submitted for the above referenced massage establishment license application. After a thorough review, it has been determined that your application has been denied because the following finding(s) set forth in Section 5.16.050(B)(2) of the Stanton Municipal Code (SMC) could not be made:

(b). *The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments).* Silky Massage has established a history of code violations based on inspections conducted after the approval of the Conditional Use Permit including:

1. July 25, 2017 inspection - City staff observed an individual in the employee area working without a business license, and a register/list of all persons employed was not provided upon request. Additionally, a pair of soiled women's underwear was found in a massage room. When asked who the underwear belonged to and why it was there, the massage therapist told City inspectors that the underwear belonged to her and that a massage patron had been touching her. The massage therapist was also observed to be wearing attire in violation of massage establishment regulations (SMC 20.400.190(D)(3), 20.400.190(D)(4), 20.400.190(D)(5), 20.400.190(D)(13), and 20.400.190(F)).
2. September 15, 2017 inspection - City staff observed that the storefront windows of the massage establishment were covered by curtains which obscured visibility into the unit (SMC 20.400.190 (C)(4)).

Based on the facts provided, this finding could not be made.

7800 Katella Avenue
Stanton, CA 90680
Phone (714) 379-9222
Fax (714) 890-1443
www.ci.stanton.ca.us

(d). *The applicant has not made a material misrepresentation, misstatement, or omission in the application.* In the massage establishment license application that you provided to the City, you included a list of massage businesses that you own or have previously owned. During a background check of these businesses, the City discovered that your massage permit to operate Fantasy Massage (3009 W. Ball Road, Anaheim) was revoked by the City of Anaheim on May 4, 2017, six days before you applied for the subject Stanton massage license. The list you provided indicates that you had sold the business rather than disclosing that the massage permit had been revoked, thereby providing a material misrepresentation in the application materials. As such, this finding could not be made.

(f). *The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.* As previously discussed, the massage permit for Fantasy Massage was revoked by the City of Anaheim for the following violations of the Anaheim Municipal Code (AMC):

1. January 5, 2017 inspection - Individuals observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster. The business was also found to have unpermitted online advertising depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
2. January 7, 2017 inspection - An individual observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster (AMC 18.16.070.070.0703, AMC 18.16.070.080.0802.07, and AMC 18.16.070.080.0802.04).
3. January 11, 2017 inspection - A massage therapist was observed to be wearing dress attire in violation of massage establishment regulations (AMC 18.16.070.050.0512 and AMC 18.16.070.070.0706).
4. February 28, 2017 inspection - An undercover police officer received massage services in a poorly lit room by a female who did not identify herself and did not have a name tag on. The female offered sex services to the officer where there was a monetary transaction (CA Penal Code 647.2, AMC 18.16.070, AMC 18.16.070.080.0802.12, AMC 18.16.070.050.0501, AMC 18.16.070.050.0502, AMC 18.16.070.080.0801.04, AMC 18.16.070.070.0706, AMC 18.16.070.070.0703 and AMC 18.16.070.070.0702).
5. March 20, 2017 inspection - The store front window was obscured by curtains and other materials, the business owner was observed wearing attire in violation of massage establishment regulations, an employee roster was not available, no written record of each treatment administered to patrons, massage tables had been arranged in the employee area for sleeping purposes, and dim lighting were observed in each room (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
6. March 30, 2017 inspection - Online research was conducted and advertising was found depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070.070.0708 and AMC 18.16.070.080.0802.12).

The appeal by Fantasy Massage of the massage permit revocation was denied by the Hearing Officer and resulted in the issuance of a final order by a City of Anaheim Hearing Officer on August 9, 2017 to revoke

Massage Permit MES2015-00028 and shut off electrical power to the business due to numerous violations of the Anaheim Municipal Code massage ordinances and regulations.

Based on the foregoing information, staff could not make the required findings to grant approval of your massage establishment application. As such, Silky Massage must cease operations by January 8, 2018. Per SMC Section 5.16.090, if you would like to appeal City staff's decision to the City Council, you must do so in writing by submitting an appeal form to the City Clerk and paying the requisite appeal fee within ten (10) calendar days from the date of this notice. If the 10th calendar day falls upon a day in which City Hall is closed, the appeal must be received by the end of following regular business day. If you have any questions, please contact me at (714) 890-4213 or contact the Community Development Director via email at khart@ci.stanton.ca.us.

Sincerely,



James A. Box
City Manager

Attachments: Administrative Citation record for the Silky Massage
City of Anaheim Notice for Massage Permit Revocation for Fantasy Massage
City of Anaheim Order on Appeal of Massage Permit Revocation for Fantasy Massage

Cc: Silky Massage

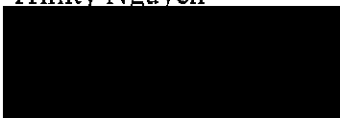


City of Stanton
BUSINESS LICENSING

Complaint No. 003706

Re: Business License
Administrative Citation Level 1

May 18, 2017

Trinity Nguyen


Dear Business Owner:

This letter and accompanying Administrative Citation is the latest of an on-going attempt by the City of Stanton to 10356 Beach Blvd, Stanton, California is in violation of the Stanton Municipal Code and as a result, you have been issued an Administrative Citation for the following violations:

5.04.010 Business License Required.

It is unlawful for any person, either for himself or any other person, to commence, conduct, carry on, or engage in any business in the city without first having procured a license from the city to do so.

20.400.190 Massage Establishments

C3 - There shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

D3 - The operator of a massage establishment shall maintain a register of all persons employed as a massage technician and their CAMTC certification numbers, along with all receptionists, or other employees of the establishment...If the register is not made available during inspection, the establishment may receive an administrative citation, along with any individual, not including patrons, at the establishment that cannot be verified as a legal employee.

If you have any questions regarding this notice or the violations, please contact me at (714) 890-4242. If the City does not receive compliance within the agreed time frame, further Administrative Citations may be issued, and all fees incurred by the City will be assessed against your property.

Sincerely,

C Duckworth

C. Duckworth

Business License Specialist



City of Station
 Code Enforcement Division
 Administrative Citation

AC 00370

DATE 5/17/17 DAY OF WEEK Wed TIME 720 AM/PM PM

LOCATION OF VIOLATION: 10356 Beach Blvd

NAME (FIRST, MIDDLE, LAST)
 Trinity Nguyen

☐ PROPERTY OWNER ☐ OTHER
 DL or ID: [REDACTED] DOB: [REDACTED]

BUSINESS NAME: STICKY Spa Massage
☐ BUSINESS OWNER ☐ TENANT

[REDACTED]

provisions(s)

Count	SMC Sec(s)	Description
1	5.04.010	Business License Required
2	2.0.400.140	Massage Establishments
3	(C3, D3)	

☐ This is a continuing violation, fines may continue to accrue if the violation(s) described above do not cease.

ORDER

☒ You are ordered to correct or otherwise remedy this/these violation(s) by taking the following action(s) by the following date:
 Worker found in a room with customer
 S/O Business License from City

Repeated occurrence or continuation of the violation(s) is prohibited.
☒ You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional fines.

THE TOTAL CITATION FINE DUE IS \$ 100

ADMINISTRATIVE FINE SCHEDULE

- ☐ Fireworks Violation (SMC Ch. 17.04) \$1,000.00 per count
- ☐ Notice of Violation (only required for building, plumbing, electrical, or similar structural or zoning violation)
- ☒ 1st citation \$100.00 per count
- ☐ 2nd citation in a 12-month period \$200.00 per count (same offense)
- ☐ 3rd and subsequent citation in a 12-month period \$500.00 per count (same offense)

Failure to correct the violation and pay the Administrative Fine within 30 days will result in late payment charges.

IT IS THE DESIRED INTENT OF THE CITY TO ACHIEVE VOLUNTARY COMPLIANCE. HOWEVER, FAILURE TO COMPLY WITH THIS CITATION WILL RESULT IN FUTURE REMEDIAL ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF FUTURE CITATIONS, STATEMENT OF THE CONDITIONS OR OTHER LEGAL REMEDIES PERMITTED BY LAW. PLEASE NOTICE THAT ALL COSTS INCLUDING ATTORNEYS' FEES ASSOCIATED WITH ANY NECESSARY ACTION MAY BE ASSESSED TO ALL RESPONSIBLE PARTIES.

Name & Signature of Issuing Enforcement Officer: C. A. [Signature] Badge #: 24

Signature of Violator: [Signature] Date of Service: 5/17/17

(Refusal or failure to sign does not affect the validity of this Citation.)
 Type of Service:
☐ Personal
☒ Certified Mail
☐ U.S. Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
 WHITE: FILE • YELLOW: PROCESSING • PINK: VIOLATOR



City of Stanton
BUSINESS LICENSING

Complaint No. 004196

Re: Business License
Administrative Citation Level 2

July 25, 2017

Trinity Nguyen
Silky Spa
10356 Beach Blvd
Stanton, CA 90680

Dear Business Owner:

This letter and accompanying Administrative Citation is the latest of an on-going attempt by the City of Stanton to 10356 Beach Blvd, Stanton, California is in violation of the Stanton Municipal Code and as a result, you have been issued an Administrative Citation for the following violations:

5.04.010 Business License Required.

It is unlawful for any person, either for himself or any other person, to commence, conduct, carry on, or engage in any business in the city without first having procured a license from the city to do so.

20.400.190 Massage Establishment.

D5. In no circumstance shall any specified sexual activities take place at any time at the massage establishment.

F. Attire requirements.

1. Dressing while engaging in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following is a violation of Chapter 4609 of the California Business and Professions Code:

- a. Attire that is transparent, see-through, or substantially exposes the massage technician's undergarments.
- b. Swim attire, if not providing a water-based massage modality approved by CAMTC.
- c. A manner that exposes the massage technician's specified anatomical areas.
- d. A manner that constitutes a violation of Section 314 of the Penal Code.

e. A manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California.

If you have any questions regarding this notice or the violations, please contact me at (714) 890-4242. If the City does not receive compliance within the agreed time frame, further Administrative Citations may be issued, and all fees incurred by the City will be assessed against your property.

Sincerely,

C Duckworth

C. Duckworth

Business License Specialist

Ph: (714) 890-4242 / Fax: (714) 890-1443

Email: cduckworth@ci.stanton.ca.us



City of Stanton
Code Enforcement Division
Administrative Citation

AC 071196

DATE

7/24/17

DAY OF WEEK

MON

TIME

550

AM

PM

LOCATION OF VIOLATION:

10356 Bonch Blvd

NAME (FIRST, MIDDLE, LAST)

Trinity Nguyen

☐ PROPERTY OWNER ☐ OTHER

DL or ID:

DOB

BUSINESS NAME

Silky Spa

☐ BUSINESS OWNER ☐ TENANT

You are being issued an Administrative Citation for the following code provisions(s)

Count SMC Sec(s) Description

1 S.M. 010 Business License required

2 S.M. 190 (DSS) Sexual Activities Taking Place

3 S.M. 190 (F) Massage Techs Fully Clothed

☐ This is a continuing violation, fines may continue to accrue if the violation(s) described above do not cease.

ORDER

☒ You are ordered to correct or otherwise remedy this/these violation(s) by taking the following action(s) by the following date:

Correct for future inspections

Repeated occurrence or continuation of the violation(s) is prohibited.

☒ You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional fines.

THE TOTAL CITATION FINE DUE IS \$ 600

ADMINISTRATIVE FINE SCHEDULE

- ☐ Fireworks Violation (SMC Ch. 17.04) \$1,000.00 per count
- ☐ Notice of Violation (only required for building, plumbing, electrical, or similar structural or zoning violation)
- ☐ 1st citation \$100.00 per count
- ☒ 2nd citation in a 12-month period \$200.00 per count (same offense)
- ☐ 3rd and subsequent citation in a 12-month period \$500.00 per count (same offense)

Failure to correct the violation and pay the Administrative Fine within 30 days will result in late payment charges.

IT IS THE DESIRED INTENT OF THE CITY TO ACHIEVE VOLUNTARY COMPLIANCE. HOWEVER, FAILURE TO COMPLY WITH THIS CITATION WILL RESULT IN FUTURE REMEDIAL ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF FUTURE CITATIONS, STATEMENT OF THE CONDITIONS OR OTHER LEGAL REMEDIES PERMITTED BY LAW. PLEASE NOTICE THAT ALL COSTS INCLUDING ATTORNEYS' FEES ASSOCIATED WITH ANY NECESSARY ACTION MAY BE ASSESSED TO ALL RESPONSIBLE PARTIES.

Name & Signature of Issuing Enforcement Officer

Badge#

Signature of Violator

Date of Service

(Refusal or failure to sign does not affect the validity of this Citation.)

Type of Service

- ☐ Personal
- ☒ Certified Mail
- ☐ U.S. Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION

WHITE: FILE • YELLOW: PROCESSING • PINK: VIOLATOR



City of Stanton
BUSINESS LICENSING

Complaint No. 004486

Re: Business License
Administrative Citation Level 3

September 18, 2017

Silky Spa
Trinity Nguyen
10356 Beach Blvd
Stanton, CA 90680

Dear Business Owner:

This letter and accompanying Administrative Citation is the latest of an on-going attempt by the City of Stanton to 10356 Beach Blvd, Stanton, California is in violation of the Stanton Municipal Code and as a result, you have been issued an Administrative Citation for the following violations:

20.400.190 Massage Establishment.

C4. The storefront windows of the massage establishment shall be transparent to provide clear visibility into the unit. The windows shall not be obscured by curtains, blinds, or other temporary devices during operating hours.

If you have any questions regarding this notice or the violations, please contact me at (714) 890-4242. If the City does not receive compliance within the agreed time frame, further Administrative Citations may be issued, and all fees incurred by the City will be assessed against your property.

Sincerely,

C Duckworth

C. Duckworth

Business License Specialist

Ph: (714) 890-4242 / Fax: (714) 890-1443

Email: cduckworth@ci.stanton.ca.us



City of Stanton
Code Enforcement Division
Administrative Citation

AC 004486

DATE

4/15/17

DAY OF WEEK

FR

TIME

4:00

AM

PM

LOCATION OF VIOLATION:

10356 Beach Blvd

NAME (FIRST, MIDDLE, LAST)

Trinity Nguyen

☐ PROPERTY OWNER ☐ OTHER

DL or ID:

DOB:

BUSINESS NAME

Silk Spa

☐ BUSINESS OWNER

☐ TENANT

You are being issued an Administrative Citation for the following code provisions(s)

Count SMC Sec(s) Description

1 70.400.190 CCH Massage Establishment

2

3

☒ This is a continuing violation, fines may continue to accrue if the violation(s) described above do not cease.

ORDER

☐ You are ordered to correct or otherwise remedy this/these violation(s) by taking the following action(s) by the following date:

Repeated occurrence or continuation of the violation(s) is prohibited.

☒ You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional fines.

THE TOTAL CITATION FINE DUE IS \$ 500

ADMINISTRATIVE FINE SCHEDULE

- ☐ Fireworks Violation (SMC Ch. 17.04) \$1,000.00 per count
- ☐ Notice of Violation (only required for building, plumbing, electrical, or similar structural or zoning violation)
- ☐ 1st citation \$100.00 per count
- ☐ 2nd citation in a 12-month period \$200.00 per count (same offense)
- ☒ 3rd and subsequent citation in a 12-month period \$500.00 per count (same offense)

Failure to correct the violation and pay the Administrative Fine within 30 days will result in late payment charges.

IT IS THE DESIRED INTENT OF THE CITY TO ACHIEVE VOLUNTARY COMPLIANCE. HOWEVER, FAILURE TO COMPLY WITH THIS CITATION WILL RESULT IN FUTURE REMEDIAL ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF FUTURE CITATIONS, STATEMENT OF THE CONDITIONS OR OTHER LEGAL REMEDIES PERMITTED BY LAW. PLEASE NOTICE THAT ALL COSTS INCLUDING ATTORNEYS' FEES ASSOCIATED WITH ANY NECESSARY ACTION MAY BE ASSESSED TO ALL RESPONSIBLE PARTIES.

Name & Signature of Issuing Enforcement Officer

Badge#

Signature of Violator

Date of Service

(Refusal or failure to sign does not affect the validity of this Citation.)

Type of Service

- ☐ Personal
- ☒ Certified Mail
- ☐ U.S. Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION

WHITE: FILE • YELLOW: PROCESSING • PINK: VIOLATOR



City of Anaheim
PLANNING DEPARTMENT
Code Enforcement Division

May 4, 2017

Fantasy Massage
c/o: Trinity Nguyen
[REDACTED]

Re: Notice that Massage Permit; 3009 W. Ball Rd.; MES2015-00028 is hereby Revoked and Intent to Turn off Electrical Power.

Dear Ms. Trinity Nguyen,

You currently hold a Massage Regulatory Permit at the property located at 3009 W. Ball Rd., Anaheim. Per Section 18.16.040.010 of the Anaheim Municipal Code (AMC), the Planning Director or his/her designee, is authorized, for good cause, to suspend or revoke a Massage Permit if such massage operation has, among other things, been conducted in an illegal or disorderly manner, or is violating laws in connection with the permitted activity that constitute a violation of Section 18.16.070 of the Anaheim Municipal Code.

Based on the facts stated in this letter, you are hereby notified that, the City revokes your Massage Permit number MES2015-00028 on the grounds that the massage business under such permit is found to be in violation of Chapter 18.16.070 of the Anaheim Municipal Code. The City also intends to turn your power off within 10 days of this letter so as to prevent you operating illegally.

The facts underlying the revocation are as follows:

1. On January 5, 2017, two young women were observed in the employee area without a massage technician permit and City of Anaheim Business License (see photo #3-4). Neither woman was on the employee roster. Unpermitted online advertising matter was also found depicting portions of the female body that suggest services are available other than those permitted (see page 4-5). Violations of A.M.C. 18.16.070, 18.16.070.070.0703, 18.16.070.080.0802.07, 18.16.070.070.0708, 18.16.070.080.0802.04 and 18.16.070.080.0802.12 were confirmed (see pages 4-8).
2. On January 7, 2017, during an inspection a female was observed in the employee room that was not on the employee roster, did not possess a massage technician permit or a City of Anaheim Business License (see photo #7). Ms. Nguyen was advised not to allow non-employees in employee areas and non-customers in customer areas (violations of A.M.C. 18.16.070.080.0802.07, 18.16.070.080.0802.04, 18.16.070.070.0703).

3009 W. BALL ROAD
MAY 4, 2017
PAGE 3 OF 52

Additionally, Anaheim Municipal Code Section 18.16.040.010 **REVOCATION** states:

"Subject to notice and hearing provisions herein, any permit issued pursuant to the provisions of this chapter may be suspended or revoked by the Planning Director or his/her designee for good cause. Good cause shall include, but not be limited to, the following:

.0108 The permittee or his/her employees, agents, or representatives have violated or are violating laws in connection with the permitted activity; or is operating the facility in a manner detrimental to the public peace, health, safety or general welfare.

.0109 The operation has been conducted in an illegal or disorderly manner or in a manner detrimental to the public health, safety or welfare."

Accordingly, your massage business continues in its failure to meet the operational requirements pursuant to Chapter 18.16.070 of the Anaheim Municipal Code. For the foregoing reasons, the City has revoked your Massage Permit and will turn your power off ten (10) days from the date of this letter to keep you from operating illegally.

You have the right to appeal this revocation and power shut off within ten (10) days from the date of this letter by filing an appeal with the City's Planning Department pursuant to AMC section 18.16.030.090. If you fail to file a timely appeal, you will lose your right to appeal and the revocation and power shut off will be final.

If you have any questions regarding this matter, please do not hesitate to contact me at (714) 765-4413.

Sincerely,



Sandra Sagert
Community Preservation & Licensing Manager



City of Anaheim
PLANNING DEPARTMENT
Code Enforcement Division

August 28, 2017

Trinity Nguyen
3009 W. Ball Rd.
Anaheim, CA 92804

Dear Ms. Nguyen,

Attached please find a copy of the Order on Appeal of Massage Permit Revocation for MES2015-00028 at 3009 W. Ball Road.

Based on the decisions of the Hearing Officer, your appeal request has been denied and her findings were to uphold the revocation of MES2015-00028 and electrical power shut off.

Pursuant to Anaheim Municipal Code Section 4.53.200, "The action of the City Manager or his designee shall be final and conclusive."

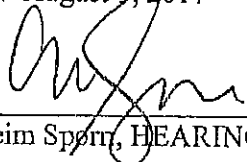
If you should have any questions regarding the matter, please do not hesitate to contact me at (714) 765-4413.

Sincerely,

Sandra Sagert
Community Preservation & Licensing Manager

THE HEARING ON THE MATTER HAVING BEEN HELD, I hereby declare that based on the evidence and testimony taken in the hearing, the above findings, and the law as found in the AMC, the Appeal by Fantasy Massage of the revocation of its massage permit and electrical power shut off, is Denied.

Dated: August 9, 2017



Anaheim Sporn, HEARING OFFICER

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: February 13, 2018

SUBJECT: **APPEAL OF CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN**

REPORT IN BRIEF:

This is an appeal of the City Manager's decision to deny Massage Establishment License MEL17-03 for the operation of a massage establishment by Trinity Nguyen.

RECOMMENDED ACTION:

1. Declare the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies)
2. The City Council consider Resolution No. 2018-02 upholding the City Manager's denial of Massage Establishment License MEL17-03 and deny the appeal.
3. If the City Manager's denial is upheld, the City Council designate the business closure date to be thirty (30) days from the date the City notifies the appellant of the City Council's decision.

BACKGROUND:

In 2015, the City Council adopted Ordinance Nos. 1031 and 1032 to establish new land use and licensing regulations in order to address issues and violations that have been documented in local massage establishments based on City inspections. The Ordinances established new permitting and licensing regulations, operational, sanitation, and attire requirements, as well as established an amortization period of two (2) years for existing massage businesses to come into compliance with the new regulations. The Ordinances also specify that massage establishments may only be located in the Commercial General (CG) zone and must obtain a conditional use permit and massage establishment license in order to operate.

On March 1, 2017, the Planning Commission approved Conditional Use Permit C16-21 to allow for the continued use of a massage establishment, known as Sweet Spa, at the property located at 12505 Beach Blvd. #B3 in the Commercial General (CG) zone. On May 23, 2017, the business owner for the massage establishment, Trinity Nguyen ("Applicant"), applied for a Massage Establishment License in compliance with the City's regulations. Staff processed the application, and conducted the appropriate inspections and investigations into the statements provided by the Applicant, and the history of business operations by the Applicant.

At the conclusion of the City's investigations and application processing, it was determined that

disqualifying conduct by the Applicant had occurred, and the Municipal Code findings for approval of the application could not be met. On December 7, 2017, a letter of denial by the City Manager was issued to the business owner. In compliance with the appeal procedures set forth in Section 5.16.090 of the Stanton Municipal Code, on December 14, 2017, the Applicant filed an appeal to the City Council of the City Manager's decision to deny the Massage Establishment License.

ANALYSIS/JUSTIFICATION:

The subject business, Sweet Spa, is located in the shopping center on the southwest corner of Beach Blvd. and Lampson Ave., within the CG (Commercial General) zone. Sweet Spa opened in December 2012. The current business owner of record, and the applicant for the Massage Establishment License is Trinity Nguyen.

BASIS FOR APPLICATION DENIAL – In order to approve a Massage Establishment License, determination of compliance must be met, along with all the findings set forth in Section 5.16.050.B of the Stanton Municipal Code, including:

1. The application meets the requirements of Chapter 5.16 and Section 20.400.190 (Massage Establishments). Falsification of any of the information shall be deemed sufficient reason for denial of the application.
2. The required fee has been paid;
3. An approved and active conditional use permit has been obtained for the massage establishment at the proposed location, pursuant to Section 20.400.190(B)(1);
4. The applicant has not made a material misrepresentation, misstatement, or omission in the application;
5. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct;
6. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval;
7. The applicant(s) is at least eighteen years of age;
8. The massage establishment employs or uses only state certified massage practitioners and therapists whose certifications are valid and that owners of the state certificates are the same persons to whom CAMTC issued valid and current identification cards; and
9. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

Through the application processing, inspections of the subject property, and investigation of the other businesses owned by the Applicant, it was determined that a number of the findings could not be met, specifically:

1. The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments). Sweet Spa has established a history of code violations based on inspections conducted after the approval of the Conditional Use Permit including:

- a. August 1, 2017 inspection – A register/list of all persons employed was not provided to City staff upon request. City staff observed that the storage room was not sanitary, as evidenced by mildew and a musty smell. A washer and dryer was not on-site, and a copy of a signed contract for laundry service could not be provided (SMC 20.400.190(D)(3), 20.400.190(E)(3), and 20.400.190(E)(4).

During the inspection conducted, City staff requested to inspect the register of all persons employed, including technicians with CAMTC certification numbers, receptionists, managers, and all other employees or independent contractors. The business was unable to provide a register to City staff. Continuing the inspection, staff entered the storage room and identified a distinct smell of mildew and must. The presence of the odor indicated that the room was not kept in a sanitary condition. In completing the inspection, it was identified that a washer and dryer was not present on-site. When the inspectors asked whether there was a contract for laundry service, none was able to be provided. The violations were noted on the inspection checklist and included as part of the inspection record for the business.

- b. September 27, 2017 inspection – City staff observed an individual working without a City business license. Moreover, a massage therapist was also found to be working with a suspended California Massage Therapy Council (CAMTC) certificate. Finally, City Staff observed that there was no designated manager on-site, nor was there anyone on-site who had a valid CAMTC certificate (SMC Section 5.04.010, 5.16.060(A), 20.400.190 (D)(1) and 20.400.190(D)(2)).

On September 27, 2017, the City inspected the subject business. Upon entering the establishment, City staff announced their arrival and that they were with the City. The first employee of the establishment that was encountered was Ms. Phuong Yen Phi, the licensed receptionist for the establishment. Ms. Phi allowed City staff to enter the establishment and conduct the inspection. Upon entering the portion of the facility beyond the lobby, staff encountered Ms. Hoa Tiet Le sitting on a couch in the employee designated break room area. Ms. Le provided her identification and CAMTC license. When asked if there were any other employees or massage technicians on-site, Ms. Le responded in the negative. Ms. Le was informed at that time that her license was suspended through CAMTC, and she verified the information via the internet while City staff was present. In completing the inspection, City staff identified that a washer and dryer had been placed in the storage room, however, the ventilation tube for the dryer was not connected, and the dryer compartment was being utilized for storage purposes.

Administrative citations were issued for the massage technician working without a proper CAMTC license, having no designated manager on-site, and having an inoperable dryer. The citations were appealed by the business owner, and a third-party hearing officer heard the appeal on November 1, 2017. The hearing officer, after considering all testimony found the business owner to be liable for all violations, except the dryer violation, as the business owner was able to demonstrate they had a contract for laundry services.

2. The applicant has not made a material misrepresentation, misstatement, or omission in the application.

In the massage establishment license application provided to the City, a list of massage businesses that was owned by the applicant, Trinity Nguyen, was provided. During a background check of these businesses, the City discovered that the applicant's massage permit to operate Fantasy Massage (3009 W. Ball Road, Anaheim) was revoked by the City of Anaheim on May 4, 2017. However, the list provided by the applicant as part of the Stanton application indicates that Fantasy Massage had been sold and did not disclose that Fantasy Massage's massage permit had been revoked by the City of Anaheim. Therefore, the applicant made a material misrepresentation and omission in the Stanton application materials.

3. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct.

On May 4, 2017, the City of Anaheim revoked a massage license for Fantasy Massage, which was owned and operated by the Applicant at the time of revocation. Per Section 5.16.010 of the Stanton Municipal Code, the definition of disqualifying conduct includes the revocation of a massage permit from the state, county, or other city within the last five years, or during any time of the processing of the application. As the Applicant has had a massage license revoked, the Applicant has engaged in disqualifying conduct.

4. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval. The massage permit for Fantasy Massage was revoked by the City of Anaheim on May 4, 2017, for the following violations of the Anaheim Municipal Code (AMC):
 - a. January 5, 2017 inspection - Individuals observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster. The business was also found to have unpermitted online advertising depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
 - b. January 7, 2017 inspection - An individual observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster (AMC 18.16.070.070.0703, AMC 18.16.070.080.0802.07, and AMC 18.16.070.080.0802.04).
 - c. January 11, 2017 inspection - A massage therapist was observed to be wearing dress attire in violation of massage establishment regulations (AMC 18.16.070.050.0512 and AMC 18.16.070.070.0706).
 - d. February 28, 2017 inspection - An undercover police officer received massage services in a poorly lit room by a female who did not identify herself and did not have

a name tag on. The female offered sex services to the officer where there was a monetary transaction (CA Penal Code 647.2, AMC 18.16.070, AMC 18.16.070.080.0802.12, AMC 18.16.070.050.0501, AMC 18.16.070.050.0502, AMC 18.16.070.080.0801.04, AMC 18.16.070.070.0706, AMC 18.16.070.070.0703 and AMC 18.16.070.070.0702).

- e. March 20, 2017 inspection – The store front window was obscured by curtains and other materials, the business owner was observed wearing attire in violation of massage establishment regulations, an employee roster was not available, no written record of each treatment administered to patrons, massage tables had been arranged in the employee area for sleeping purposes, and dim lighting were observed in each room (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
- f. March 30, 2017 inspection - Online research was conducted and advertising was found depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070.070.0708 and AMC 18.16.070.080.0802.12).

The appeal by Fantasy Massage of the Anaheim massage permit revocation was denied by a Hearing Officer and resulted in the issuance of a final order by a City of Anaheim Hearing Officer on August 9, 2017 to revoke Massage Permit MES2015-00028 and shut off electrical power to the business due to numerous violations of the Anaheim Municipal Code massage ordinances and regulations. It does not appear that the Applicant further appealed the City of Anaheim's final order, and Fantasy Massage is now closed.

STANTON APPEAL – On December 14, 2017, Mr. Philip Trad ("Appellant"), representing the Applicant, filed an appeal to the City Council of the City Manager's decision to deny Massage Establishment License MEL17-03. The basis of the appeal stated by Mr. Trad and provided in Attachment B, can be summarized with the Appellant's assertion that portions of the basis for denial were inaccurate, and the revocation of the license in Anaheim should not be utilized as basis for denial.

City Staff's Response to Appeal

1. The Appellant asserts that portions of the City's Notice of Decision to Deny the Massage Establishment License are inaccurate including:
 - a. That an employee register was not available for presentation.

Staff Response: During the inspection of August 1, 2017, staff requested to see a register of all employees from the employees on-site. The receptionist could not provide the employee register, which is typically located in the reception area, upon request from City staff. Section 20.400.190.D.3 provides, "The operator of a massage establishment shall maintain a register of all persons employed as a massage technician and their CAMTC certification numbers, along with all receptionists, or other employees of the establishment....The register shall also be made available for inspection by representatives of the City at any time during the establishment's business hours. If the register is not made available during inspection, the establishment may receive an administrative citation, along with any individual, not including patrons, at the establishment that cannot be verified as a legal employee." At

the time of request, the employees were unable to provide the register or verify whether the licenses displayed on the wall in the reception area were accurate and up to date.

- b. That the business had persons who did not have a valid CAMTC certification while the business was under operation performing services or that a manager was not on duty.

Staff Response: On September 27, 2017, the City inspected the subject business. Upon entering the establishment, City staff announced their arrival and that they were with the City. The first employee of the establishment that was encountered was Ms. Phuong Yen Phi, the licensed receptionist for the establishment. Ms. Phi allowed City staff to enter the establishment and conduct the inspection. Upon entering the portion of the facility beyond the lobby, staff encountered Ms. Hoa Tiet Le sitting on a couch in the employee designated break room area. Ms. Le provided her identification and CAMTC license. When asked if there were any other employees or massage technicians on-site, Ms. Le responded in the negative. Ms. Le was informed at that time that her license was suspended through CAMTC, and she verified the information via the internet while City staff was present.

Since the CAMTC license for Ms. Le was suspended, and Ms. Phi was not licensed with the City or CAMTC to provide massage services, the business was in violation of Section 20.400.190.D.2 of the SMC which provides, "each massage establishment shall have at least one person who has a valid CAMTC certification on the premises at all times while the establishment is open for business." In the City's notice of violation associated with the administrative citations, and the City's denial letter for the Massage Establishment License, the City did not assert that the massage technician was performing services at the time of inspection, simply that no one at the business had a valid CAMTC license during the City's inspection, and therefore the business was in violation of the above referenced SMC section.

Regarding the lack of a manager on duty, at the time of the inspection, neither Ms. Phi nor Ms. Le were designated as managers as part of the City license procedures, nor did they identify themselves as a manager during the City's inspection. As part of the Massage Establishment License application, on May 23, 2017, a registrar of persons associated with the massage establishment was submitted, and Huy Ba Nguyen was identified as the designated on-site manager for the establishment. At the time of inspection, Ms. Nguyen was not present at the establishment. As such, with the lack of a business license designating Ms. Le or Ms. Phi as a manager, or either individuals declaring themselves as a manager, the business was deemed to be in violation of Section 20.400.190.D.1 of the SMC.

Administrative citations were issued for both violations. The business owner appealed the citations, and an appeal hearing before a third-party hearing officer was held. The hearing officer considered the evidence and testimony of participating parties and provided a written determination that the business owner was liable for the violations and the administrative citation fines were paid.

- c. That a storage room was not sanitary.

Staff Response: During the inspection conducted on August 1, 2017, City staff inspected each room of the massage establishment. Upon entering the storage room,

there was a distinct odor of mildew and must. The smell of mildew and must is an indicator of standing water, or unhygienic conditions. Section 20.400.190.E.3 provides, "All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition." While inspecting the room, staff tried to find the source of the odor but could not find any standing water, damp towels or any other causes for the smell. City staff informed the employees that the room was not sanitary, as indicated by the odor, and that it would need to be cleaned and maintained in a sanitary state.

- d. That neither a contract for laundry not a washer or dryer was available.

Staff Response: During the inspection of August 1, 2017, City staff observed that no washer or dryer were on-site, and the employees of the massage establishment did not provide evidence of a contract for laundry services. City staff informed the employees present during the inspection that the business was in violation of Section 20.400.190.E.4 of the SMC. The violation was noted in the inspection checklist, and incorporated in the inspection record.

During the inspection of September 27, 2017, City staff noted that a washer and dryer were now present in the facility. However, the dryer ventilation tube was not connected to the vent, and when the dryer was opened, it appeared to be utilized for storage, with plastic gloves and miscellaneous cleaning supplies. A contract for laundry service was not provided to City staff during the inspection to verify the business was compliant with the code provision. An administrative citation was issued for the violation, and the business owner appealed the citation. At the hearing for the appeal, the business owner presented a contract for laundry services that was dated prior to the September 27, 2017 inspection date. Although the contract was not presented to City staff during the inspection, the hearing officer determined that the business was in compliance as the contract did exist.

- e. That a misstatement was made upon the massage establishment application.

Staff Response: As part of the Massage Establishment License, a list of businesses that were owned by the Applicant within the last five years was provided. On the list of businesses provided by the Applicant on September 7, 2017, the Applicant indicated that Fantasy Massage, located at 3009 W. Ball Road in Anaheim had been sold. However, based on records obtained from the City of Anaheim, Stanton staff discovered that the massage license for Fantasy Massage had been revoked on May 4, 2017, 19 days before the Applicant submitted a Massage Establishment license application to the City of Stanton. In addition, at no time during Stanton's processing of the Massage Establishment License for Sweet Spa did the Applicant notify the City that one of the massage licenses in Anaheim had been revoked until after City staff became aware of the revocation, and asked the Applicant whether a license had been revoked. A representative of the Applicant responded that the license for Fantasy Massage had been revoked, but it was for minor violations such as covered windows, and they desired to appeal the decision, but had not moved forward with the process of appeal.

Section 5.16.010 of the Stanton Municipal Code provides "conduct by the applicant that would disqualify the application for a massage establishment, include[s] any of the following:

....within five years of the date of filing the application in question, or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment...license issues by the state, or any county or city."

In addition, a necessary finding for approval, as required in Section 5.16.050.B of the Stanton Municipal Code is, "the applicant has not made a material misrepresentation, misstatement, or omission in the application." As the Applicant did not inform the City that a massage establishment in another city had been revoked, and the Applicant indicated that the business had been sold rather than the license being revoked, these actions include an omission of information, along with a misrepresentation of material, and the necessary finding could not be met. In addition, as the license in Anaheim was revoked, the Applicant has engaged in "disqualifying conduct," as defined by SMC section 5.16.010, and a massage establishment license could not be issued.

2. That the City Planning Division has made material misrepresentations regarding the license hearing in the City of Anaheim where Ms. Nguyen was denied due process, access to evidence and a fair hearing. Furthermore, the Stanton Planning Division misrepresents material evidence that refutes the allegations that questionable advertising was made for her businesses.

Staff Response: During the investigation and processing of the Massage Establishment License, City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed the City that the license for Fantasy Massage, located at 3009 W. Ball Road in Anaheim had been revoked on May 4, 2017. In the decision letter from the City of Anaheim, Anaheim lists each inspection, violations identified during each inspection, and the specific sections of the municipal code that the business was not in compliance. The violations identified in the City of Anaheim determination include: individuals observed in the employee area without a massage technician permit or Anaheim business license; a massage therapist was observed wearing attire in violation of Anaheim massage establishment regulations; storefront windows were obscured by curtains and other materials; an employee roster was not available; no written record of each treatment administered to patrons; massage tables were arranged in the employee area for sleeping purposes; and advertising was found of the business depicting a female body that suggest services are available other than those permitted. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and the final order by the City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke the permit.

The City of Stanton is not required to, and in the course of denying the Stanton Massage Establishment License, did not make any determination as to the Applicant's denial of due process, access to evidence, or a fair hearing regarding the Anaheim Fantasy Massage proceedings. Appellant's contentions are only relevant to the Fantasy Massage hearings, and notably, the Applicant did not file a case against the City of Anaheim with the Superior Court within the appropriate timeframe. Thus, the Anaheim decision on Fantasy Massage is final.

Rather, Section 5.16.010 of the Stanton Municipal Code provides "conduct by the applicant that would disqualify the application for a massage establishment, include[s] any of the

following:

....within five years of the date of filing the application in question, or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment....license issues by the state, or any county or city."

As noted above, the justifications for the revocation of Fantasy Massage's massage permit in the City of Anaheim were directly related to violations of the Anaheim Municipal Code. Anaheim's bases for revoking Fantasy Massage's massage permit were not Stanton's bases for denying the Stanton license. Stanton staff notes, however, that a number of the violations identified in Anaheim were similar to the violations identified at the subject location in Stanton.

Finally, the Applicant claims that the Stanton Planning Division misrepresented evidence that refutes Anaheim's allegations that questionable advertising was made for the Applicant's Anaheim business. The Stanton City Manager did not base the denial of the Stanton MEL application on any specific finding provided in Anaheim's revocation of Fantasy Massage. Stanton's City Manager denied the MEL license based on, among other things, violations of the Stanton Municipal Code and the fact that a Massage License was revoked in the City of Anaheim. The revocation of a massage license is identified as disqualifying conduct per section 5.16.010 of the SMC, and as such, Finding 2.f in Section 5.16.050.B of the SMC could not be made. Stanton staff notes, however, that similar violations in both the applicant's Anaheim and Stanton businesses were identified by respective city staffs including: unlicensed individuals on the premises; massage technicians dressed in violation of attire regulations; use of prohibited window coverings; and lack of an employee register.

3. The purpose of the appeal is to seek reversal of the decision on the basis that the decision was not supported by facts, that the evidence and report of staff was defective and did not support the decision, and the purpose of the appeal is to permit any corrections as any technical violation that may have occurred was not of the nature and extent that would deny a renewal of a business license.

Staff response: The City's responses, above, have addressed the claims that the City Manager's decision was not supported by facts and the evidence did not support the decision. Section 5.16.050.B.2 of the Stanton Municipal Code clearly provides, "the review authority may approve a massage establishment license, only after first making *all* (emphasis added) of the findings." Due to the noted violations including: employees on the premises without a business or CAMTC license; massage technicians found in violation of the attire regulations; windows being obscured; identified misrepresentations and omissions in the application; and the business owner having had a massage license revoked in another City, the following required findings cannot be made:

- a. The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments);
- b. The applicant has not made a material misrepresentation, misstatement, or omission in the application;
- c. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of

competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct; and

- d. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.

Since the City could not make not *all* of the findings required to issue the massage establishment license application, the City is unable to issue the Applicant a license.

DESIGNATION OF BUSINESS CLOSURE DATE – If the City Council, after consideration of the entire written and oral record, upholds the City Manager's denial of the Massage Establishment License and denies the Appellant's appeal, the business would be subject to closure. The municipal code does not set a time period in which the business wind down and closure process is to occur once a license is revoked or denied. As such, as part of the permit determination, if Council denies the appeal, it is also recommended to set a closure date for the business. Staff recommends approving a thirty (30) day wind down period to provide the business owner sufficient time to finalize paperwork with the landlord, remove all furniture and business-related items from the unit, and conduct any repairs or modifications to the unit as required by the landlord. The thirty (30) day period would begin once formal written notification of the City Council decision is provided to the business owner.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA this project has been determined to be categorically exempt under Section 15321(Enforcement Actions by Regulatory Agencies).

PUBLIC NOTIFICATION:

Posted at three public places, and made public through the agenda-posting process. The Applicant and legal representative were also provide written notification of the date and time of the hearing in a letter dated January 9, 2018 in compliance with the notification procedures set forth in Section 5.16.090 of the Stanton Municipal Code.

STRATEGIC PLAN:

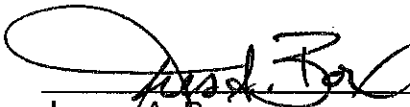
1 – Provide a Safe Community

Prepared by,



Kelly Hart
Community & Economic
Development Director

Approved by,



James A. Box
City Manager

ATTACHMENTS:

- A. City Council Resolution No. 2018-02 affirming the City Manager's decision and denying the appeal
- B. Letter of Appeal from Business Owner (dated December 14, 2017)
- C. Massage Establishment Denial Letter and attachments (dated December 7, 2017)

RESOLUTION NO. 2018-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN AND DENYING APPLICANT'S APPEAL

WHEREAS, on March 1, 2017, the Planning Commission approved Conditional Use Permit C16-21 for the continued operation of a massage establishment, Sweet Spa, from the property located at 12505 Beach Blvd. #B3, in the CG (Commercial General) zone; and

WHEREAS, on May 23, 2017, Trinity Nguyen ("Applicant"), owner of Sweet Spa, applied for a Massage Establishment License for Sweet Spa; and

WHEREAS, on May 4, 2017, the Massage Permit for Fantasy Massage, located at 3009 W. Ball Road in the City of Anaheim, was revoked by the City of Anaheim; and

WHEREAS, Trinity Nguyen, owner of Sweet Spa, was the identified owner of Fantasy Massage at the time of permit revocation; and

WHEREAS, on August 1, 2017 and September 27, 2017, City inspections were conducted by City staff of the subject business and violations of Section 20.400.190 of the Stanton Municipal Code were identified, including: employees on the premises without a valid CAMTC license; lack of a designated manager on-site during business hours; unsanitary conditions in the storage room; lack of an employee register on-site; and

WHEREAS, during the processing of the Massage Establishment License, it was identified that the applicant, Trinity Nguyen, made misrepresentations and omissions on the application. Specifically, Ms. Nguyen indicated that she had sold Fantasy Massage, when the massage permit had in fact been revoked by the City of Anaheim, and Ms. Nguyen omitted the information regarding the permit revocation in Anaheim until City staff directly asked in December 2017 whether a permit had been revoked; and

WHEREAS, On December 7, 2017, after due consideration of all application materials, inspection reports, investigations, and information provided by the City of Anaheim regarding the revocation of the permit for Fantasy Massage, the City Manager denied the Massage Establishment License MEL17-03 and a letter of denial was sent to the applicant; and

WHEREAS, on December 14, 2017, Trinity Nguyen, submitted an appeal of the City Manager's decision to deny Massage Establishment License MEL17-03 to the City Council within the 10-day appeal period; and

WHEREAS, on February 13, 2018, the City Council considered the staff report, written and oral communications, recommendations by staff, and public testimony concerning the appeal; and

WHEREAS, the Council has carefully considered all pertinent testimony and information contained in the staff report prepared for this appeal as presented at the public hearing; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY FIND:

SECTION 1: Recitals. The City Council hereby finds that all of the facts, findings and conclusions set forth above in this resolution are true and correct.

SECTION 2: CEQA. Based upon the environmental form the City Council exercises its independent judgment and finds that the project, as conditioned hereby, is categorically exempt from environmental review under the California Environmental Quality Act, Section 15321(Enforcement Actions by Regulatory Agencies) because the project involves the revocation of an existing conditional use permit.

SECTION 3: Findings. On the basis of substantial evidence on the record, including, but not limited to, the written and oral staff reports, together with all written documents and all testimony presented at the public hearing, the City Council finds, in accordance with the requirements as set forth in Section 5.16.050.B of the Stanton Municipal Code, the following required findings for approval of a Massage Establishment License could not be met:

A. The application conforms in all respects to the provisions of Chapter 5.16, and Section 20.400.190 (Massage establishments).

During two separate inspections conducted on August 1, 2017 and September 27, 2017, City staff observed: a register/list of all persons employed was not provided to City staff upon request; the storage room was not sanitary, as evidenced by mildew and a musty smell; washer and dryer was not on-site or not operation, and a copy of a signed contract for laundry service could not be provided during the first inspection. City staff also observed an individual working without a City business license; and a massage therapist was also found to be working with a suspended California Massage Therapy Council (CAMTC) certificate. Finally, City Staff observed that there was no designated manager on-site, nor was there anyone on-site who had a valid CAMTC certificate during the second inspection. The identified items are violations of Stanton Municipal Code Sections 20.400.190(D)(3), 20.400.190(E)(3), 20.400.190(E)(4), 5.04.010, 5.16.060(A), 20.400.190 (D)(1) and 20.400.190(D)(2). As the violations have been identified, the application does not conform in all respects to the provisions

of Chapter 5.16 and Section 20.400.190 of the Stanton Municipal Code and this finding cannot be made.

B. The applicant has not made a material misrepresentation, misstatement, or omission in the application.

As part of the Massage Establishment License, the Applicant provided the City with a list of businesses that were owned by the Applicant within the last five years. On the list of businesses that the applicant provided on September 7, 2017, the Applicant indicated that Fantasy Massage, located at 3009 W. Ball Road in Anaheim had been sold. However, based on records obtained from the City of Anaheim, Fantasy Massage's massage license had been revoked on May 4, 2017, 19 days before the applicant submitted her Massage Establishment license application to the City of Stanton. In addition, at no time during the processing of the Massage Establishment License for Sweet Spa did the Applicant notify the City that one of the massage licenses in Anaheim had been revoked until after City staff became aware of the revocation, and asked directly whether a license had been revoked. A representative of the Applicant responded that the license for Fantasy Massage had been revoked, but it was for minor violations such as covered windows, and they desired to appeal the decision, but had not moved forward with the process of appeal. Because the applicant omitted the information regarding the revocation of Fantasy Massage and misrepresented the revocation as a business sale, the Applicant has made a material misrepresentation, misstatement, and omission on the Stanton application for a Massage Establishment license.

C. The applicant, if an individual, or any of the principal stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction, or pleaded nolo contendere to any lesser-included offense specified in Section 51032 (Massage) of the Government Code or engaged in disqualifying conduct.

During the investigation and processing of the Stanton Massage Establishment License, Stanton City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed Stanton that the license for Fantasy Massage, located at 3009 W. Ball Road in Anaheim, had been revoked on May 4, 2017. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and a final order by a City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke the Fantasy Massage's massage permit. Section 5.16.010 of the SMC defines disqualifying conduct to include, "Within five years of the date of the filing of the application in question or any time after the filing of the application and/or any time after the issuance of a license, the licensee has had revoked any massage establishment, operator, massage practitioner, technician, therapist, trainee, or similar license issued by the state, or any county or city." Since the permit for

Fantasy Massage was revoked, and the Applicant was the owner and operator of record at time of revocation, the Applicant has engaged in disqualifying conduct. Therefore, the corresponding finding cannot be made.

D. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.

During the investigation and processing of the Stanton Massage Establishment License, Stanton City staff contacted the City of Anaheim to determine whether any licenses for the businesses owned by the Applicant had been revoked. Anaheim staff informed Stanton that the license for Fantasy Massage, located at 3009 W. Ball Road in Anaheim, had been revoked on May 4, 2017. In the decision letter from the City of Anaheim, Anaheim lists each inspection, violations identified during each inspection, and the specific sections of the municipal code that the business was not in compliance. The violations identified in the City of Anaheim determination include: individuals observed in the employee area without a massage technician permit or Anaheim business license; a massage therapist was observed wearing attire in violation of Anaheim massage establishment regulations; storefront windows were obscured by curtains and other materials; an employee roster was not available; no written record of each treatment administered to patrons; massage tables were arranged in the employee area for sleeping purposes; and advertising was found of the business depicting a female body that suggest services are available other than those permitted. The initial determination to revoke was made on May 4, 2017. The business owner went through the appeal procedures with the City of Anaheim, and a final order by a City of Anaheim Hearing Officer was issued on August 9, 2017 to revoke the Fantasy Massage's massage permit. Because the Applicant owned and operated Fantasy Massage in Anaheim, and that city revoked Fantasy Massage's massage permit within five years of Applicant's Stanton application, the corresponding finding cannot be made.

SECTION 4: That based upon the above findings and on the entirety of the record including the staff report, written and oral testimony, and this Resolution, the City Council hereby upholds the City Manager's denial of Massage Establishment License MEL17-013 for Ms. Trinity Nguyen to operate a Massage Establishment at 12505 Beach Blvd. #B3 in the CG (Commercial General) zone and denies Applicant's appeal.

SECTION 5: The documents and materials associated with this Resolution 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 6: If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 7: Certification. The City Clerk shall certify to the adoption of this Resolution and cause a copy to be transmitted to the City Clerk.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on February 13, 2018 by the following vote, to wit:

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2018-02 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 February 13, 2018, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

PAID



CITY OF STANTON APPEAL FORM AND HANDOUT

DEC 14 2017

City Clerk's Office
7800 Katella Avenue, Stanton, CA 90680
Phone: (714) 379-9222 Fax: (714) 890-1443

AUTHORIZATION #

FOR OFFICE USE
ONLY

(DATE STAMP)

An appeal shall be filed within ten (10) calendar days after the final action of the Planning Commission.

APPEAL OF: ☒ Planning Commission Decision (\$1,235 fee)

Type of Permit (example: Conditional Use Permit): MASSAGE LICENSE Permit Number: MEL 17-03

Address of Project: 12505 BEACH BLVD #B3 STANTON 90680 Decision Date: 12-7-17

APPELLANT INFORMATION

Name of Applicant (Appellant): TRINITY NGUYEN / O PHILLIP TRAD, ESQ.

Mailing Address: [REDACTED]

Telephone Number: [REDACTED]

Email: [REDACTED]

In what capacity is the appellant filing? ☐ Recorded Property Owner ☐ Interested Party ☒ Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: TENANT - TRINITY NGUYEN

Mailing Address: SAME

Telephone Number: (SAME)

Email: SAME

Describe what portion(s) of the decision you are appealing: SEE ATTACHMENT

Describe the Purpose for Your Appeal (be specific): SEE ATTACHMENT

APPLICANT CERTIFICATION:

I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICATION. I hereby grant the City authority to post required public notices.

Signature: [Signature]

Date: 12-14-17

LAW OFFICES OF
PHILLIP G. TRAD

POST OFFICE BOX 19093
IRVINE, CALIFORNIA 92623-9093
TELEPHONE: (714) 990-3541
FACSIMILE: (714) 990-3545

December 14, 2017

City of Stanton
Community Development Department
7800 Katella Avenue
Stanton, California 90680

Attention: Ms. Kelly Hart, Community and Development Director

Re: Sweet Massage
12505 Beach Boulevard, B3
Stanton, California 90680

ATTACHMENT TO CITY OF STANTON APPEAL FORM AND HANDOUT

Ms. Trinity Nguyen, as the owner of Silky Spa hereby appeal the decision of the City of Stanton Planning Commission dated December 7, 2017 revoking the Massage Establishment License MEL 17-03 for the property located at 12505 Beach Boulevard B3, Stanton, California 90680, as follows:

1. An appeal regarding the denial of the is being made regarding the following portions of the Notice of Decision which Ms. Nguyen alleges are inaccurate:
 - a. That an employee register was not available for presentation.
 - b. That the business had persons who did not have a valid CAMTC certification while the business was under operation performing services or that a manager was not on duty.
 - c. That a storage room was not sanitary.
 - d. That neither a contract for laundry nor a washer or dryer was available.
 - d. That a misstatement was made upon the massage establishment application.

2. That the City of Planning Division has made material misrepresentations regarding a license hearing in the City of Anaheim where Ms. Nguyen was denied due process, access to evidence and a fair hearing. Furthermore, the Planning Division misrepresents material evidence that refutes the allegations that questionable advertising was made for her businesses.
3. Purpose of the appeal is to seek a reversal of the decision to deny the renewal of a Massage Establishment License on the basis that the decision was not supported by the facts, that the evidence and report of staff was defective and did not support the decision.

In addition, the appeal is being filed to permit any corrections to the subject property, if in fact, any technical violation might exist. That if any technical violation occurred, it was not of the nature and extent that would deny a renewal of business license.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

LAW OFFICES OF PHILLIP G. TRAD

Phillip G. Trad

PHILLIP G. TRAD, ESQ.

PGT:tt
cc: Client
Enclosure



December 7, 2017

Carol Warren
Mayor

David J. Shawyer
Mayor Pro Tem

Alexander A. Ethans
Council Member

Rigoberto A. Ramirez
Council Member

Brian Donahue
Council Member

James A. Box
City Manager

Trinity Nguyen
7822 Oranewood Avenue
Stanton, CA 90680

APPLICATION: Massage Establishment License MEL 17-03
BUSINESS NAME: Sweet Massage
BUSINESS ADDRESS: 12505 Beach Blvd. #B3

Dear Ms. Nguyen:

The City of Stanton's Planning Division has reviewed the materials submitted for the above referenced massage establishment license application. After a thorough review, it has been determined that your application has been denied as the following finding(s) set forth in Section 5.16.050(B)(2) of the Stanton Municipal Code (SMC) could not be made:

(b). *The application conforms in all respects to the provisions of this chapter, and Section 20.400.190 (Massage establishments).* Sweet Massage has established a history of code violations based on inspections conducted after the approval of the Conditional Use Permit including:

1. August 1, 2017 inspection - A register/list of all persons employed was not provided to City staff upon request. City staff observed that the storage room was not sanitary, as evidenced by mildew and a musty smell. A washer and dryer was not on site, and a copy of signed contract for laundry service could not be provided (SMC 20.400.190(D)(3), 20.400.190(E)(3), 20.400.190(E)(4)).
2. September 27, 2017 inspection – City staff observed an individual working without a City issued business license. A massage therapist was also found to be working with a suspended California Massage Therapy Council (CAMTC) certificate. Finally, City staff observed that there was no designated manager on-site, nor was there anyone on-site who had a valid CAMTC certificate (SMC Section 5.04.10, SMC 5.16.060(A), SMC 20.400.190(D)(1) and SMC 20.400.190(D)(2)).

Based on the facts provided, this finding could not be made.

7800 Katella Avenue
Stanton, CA 90680
Phone (714) 379-9222
Fax (714) 890-1443
www.ci.stanton.ca.us

(d). *The applicant has not made a material misrepresentation, misstatement, or omission in the application.* In the massage establishment license application that you provided to the City, you included a list of massage businesses that you own or have previously owned. During a background check of these businesses, the City discovered that your massage permit to operate Fantasy Massage (3009 W. Ball Road, Anaheim) was revoked by the City of Anaheim on May 4, 2017, 19 days prior applying for this license. The list you provided indicates that you had sold the business rather than disclosing that the massage permit had been revoked, thereby providing a material misrepresentation in the application materials. As such, this finding cannot be made.

(f). *The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked or suspended by the city, or any other state or local agency prior to the date of approval.* As previously discussed, the massage permit for Fantasy Massage was revoked by the City of Anaheim for the following violations of the Anaheim Municipal Code (AMC):

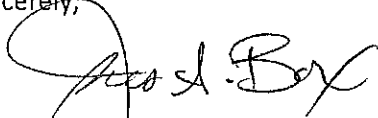
1. January 5, 2017 inspection - Individuals observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster. The business was also found to have unpermitted online advertising depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
2. January 7, 2017 inspection – An individual observed in the employee area without a massage technician permit and City of Anaheim Business License and not on the employee roster (AMC 18.16.070.070.0703, AMC 18.16.070.080.0802.07, and AMC 18.16.070.080.0802.04).
3. January 11, 2017 inspection – A massage therapist was observed to be wearing dress attire in violation of massage establishment regulations (AMC 18.16.070.050.0512 and AMC 18.16.070.070.0706).
4. February 28, 2017 inspection – An undercover police officer received massage services in a poorly lit room by a female who did not identify herself and did not have a name tag on. The female offered sex services to the officer where there was a monetary transaction (CA Penal Code 647.2, AMC 18.16.070, AMC 18.16.070.080.0802.12, AMC 18.16.070.050.0501, AMC 18.16.070.050.0502, AMC 18.16.070.080.0801.04, AMC 18.16.070.070.0706, AMC 18.16.070.070.0703 and AMC 18.16.070.070.0702).
5. March 20, 2017 inspection – The store front window was obscured by curtains and other materials, the business owner was observed wearing attire in violation of massage establishment regulations, an employee roster was not available, no written record of each treatment administered to patrons, massage tables had been arranged in the employee area for sleeping purposes, and dim lighting were observed in each room (AMC 18.16.070, AMC 18.16.070.070.0703, AMC 18.16.070.080.0802, AMC 18.16.070.070.0708, AMC 18.16.070.080.0802.04, and AMC 18.16.070.080.0802.12).
6. March 30, 2017 inspection - Online research was conducted and advertising was found depicting portions of the female body that suggest services are available other than those permitted (AMC 18.16.070.070.0708 and AMC 18.16.070.080.0802.12).

The appeal by Fantasy Massage of the massage permit revocation was denied by the Hearing Officer and resulted in the issuance of a final order by a City of Anaheim Hearing Officer on August 9, 2017 to revoke

Massage Permit MES2015-00028 and shut off electrical power to the business due to numerous violations of the Anaheim Municipal Code massage ordinances and regulations.

Based on the foregoing information, staff could not make the required findings to grant approval of your massage establishment application. As such, Sweet Massage must cease operations by January 8, 2018. Per SMC Section 5.16.090, if you would like to appeal City staff's decision to the City Council, you must do so in writing by submitting an appeal form to the City Clerk and paying the requisite appeal fee within ten (10) calendar days from the date of this notice. If the 10th calendar day falls upon a day in which City Hall is closed, the appeal must be received by the end of following regular business day. If you have any questions, please contact me at (714) 890-4213 or contact the Community & Economic Development Director via email at khart@ci.stanton.ca.us.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Box". The signature is fluid and cursive, with the first name "James" and last name "Box" clearly distinguishable.

James A. Box
City Manager

Attachments: Administrative Citation record for the Sweet Massage
City of Anaheim Notice for Massage Permit Revocation for Fantasy Massage
City of Anaheim Order on Appeal of Massage Permit Revocation for Fantasy Massage

Cc: Sweet Massage
Philip Trad, Attorney representative for Trinity Nguyen



City of Stanton
BUSINESS LICENSING

Complaint No. 004510

Re: Business License
Administrative Citation Level 2

September 27, 2017

Sweet Massage
Trinity Nguyen
12505 Beach Blvd #B3
Stanton, CA 90680

Dear Business Owner:

This letter and accompanying Administrative Citation is the latest of an on-going attempt by the City of Stanton to **12505 Beach Blvd #B3, Stanton, California** is in violation of the Stanton Municipal Code and as a result, you have been issued an Administrative Citation for the following violations:

5.04.010 Business License Required.

It is unlawful for any person, either for himself or any other person, to commence, conduct, carry on, or engage in any business in the city without first having procured a license from the city to do so.

5.16.060 Massage Establishment License Restrictions and Regulations

A. Employees. It is the responsibility of the licensee to ensure that each and every person who performs massage on the premises holds a CAMTC license issued by the state of California. The licensee shall notify the city, in writing, of the name and address of each person employed at the licensed establishment within five working days of employment. The requirements of this section are in addition to the other provisions of this chapter and zoning code and nothing contained herein shall relieve the licensee of the responsibility of ascertaining, prior to employment, whether said person has an active, unrevoked massage technician's license.

20.400.190 Massage Establishment Operational Requirements

D1 A massage business licensee shall have the premises supervised at all times when open for business by the operator or a designated manager. A person designated as the responsible managing officer shall be on the premises at all times of operation and must be registered with the City Manager by the owner to receive all complaints and citations. The appointment of a managing officer in charge must be in writing with the managing officer in charge acknowledging this appointment. The violation upon the premises of any massage establishment

of any provision of this chapter by any agent, employee or independent contractor of the holder of a massage business license shall constitute a violation by the licensee.

D2 Each massage establishment shall have at least one person who has a valid CAMTC certification on the premises at all times while the establishment is open for business.

E4 Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

This violations mentioned are in reference to the "see attached letter" portion of the administrative citation.

If you have any questions regarding this notice or the violations, please contact me at **(714) 890-4242**. If the City does not receive compliance within the agreed time frame, further Administrative Citations may be issued, and all fees incurred by the City will be assessed against your property.

Sincerely,

C Duckworth

C. Duckworth

Business License Specialist

Ph: (714) 890-4242 / Fax: (714) 890-1443

Email: cduckworth@ci.stanton.ca.us



City of Stanton
Code Enforcement Division
Administrative Citation

AC 004510

DATE

DAY OF WEEK

TIME

AM
PM

9/27/17

Wed

3:45

LOCATION OF VIOLATION:

12505 Beach Blvd #135

NAME (FIRST, MIDDLE, LAST)

Trinity Nguyen

☐ PROPERTY OWNER ☐ OTHER

DL or ID:

DOB:

BUSINESS NAME

Sweet Message

☒ BUSINESS OWNER ☐ TENANT

You are being issued an Administrative Citation for the following code provisions(s)

Count SMC Sec(s) Description

1 see attached letter

2

3

☒ This is a continuing violation, fines may continue to accrue if the violation(s) described above do not cease.

ORDER

☒ You are ordered to correct or otherwise remedy this/these violation(s) by taking the following action(s) by the following date:

Repeated occurrence or continuation of the violation(s) is prohibited.

☒ You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional fines.

THE TOTAL CITATION FINE DUE IS \$ 1,000.00

ADMINISTRATIVE FINE SCHEDULE

- ☐ Fireworks Violation (SMC Ch. 17.04) \$1,000.00 per count
- ☐ Notice of Violation (only required for building, plumbing, electrical, or similar structural or zoning violation)
- ☐ 1st citation \$100.00 per count
- ☒ 2nd citation in a 12-month period \$200.00 per count (same offense)
- ☐ 3rd and subsequent citation in a 12-month period \$500.00 per count (same offense)

Failure to correct the violation and pay the Administrative Fine within 30 days will result in late payment charges.

IT IS THE DESIRED INTENT OF THE CITY TO ACHIEVE VOLUNTARY COMPLIANCE. HOWEVER, FAILURE TO COMPLY WITH THIS CITATION WILL RESULT IN FUTURE REMEDIAL ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF FUTURE CITATIONS, STATEMENT OF THE CONDITIONS OR OTHER LEGAL REMEDIES PERMITTED BY LAW. PLEASE NOTICE THAT ALL COSTS INCLUDING ATTORNEY'S FEES ASSOCIATED WITH ANY NECESSARY ACTION MAY BE ASSESSED TO ALL RESPONSIBLE PARTIES.

Name & Signature of Issuing Enforcement Officer

Badge#

Signature of Violator

Date of Service

9/27/17

(Refusal or failure to sign does not affect the validity of this Citation.)

Type of Service

- ☐ Personal
- ☐ Certified Mail
- ☒ U.S. Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION

WHITE: FILE • YELLOW: PROCESSING • PINK: VIOLATOR



City of Anaheim
PLANNING DEPARTMENT
Code Enforcement Division

May 4, 2017

Fantasy Massage
c/o: Trinity Nguyen
[REDACTED]

Re: Notice that Massage Permit; 3009 W. Ball Rd.; MES2015-00028 is hereby Revoked and Intent to Turn off Electrical Power.

Dear Ms. Trinity Nguyen,

You currently hold a Massage Regulatory Permit at the property located at 3009 W. Ball Rd., Anaheim. Per Section 18.16.040.010 of the Anaheim Municipal Code (AMC), the Planning Director or his/her designee, is authorized, for good cause, to suspend or revoke a Massage Permit if such massage operation has, among other things, been conducted in an illegal or disorderly manner, or is violating laws in connection with the permitted activity that constitute a violation of Section 18.16.070 of the Anaheim Municipal Code.

Based on the facts stated in this letter, you are hereby notified that, the City revokes your Massage Permit number MES2015-00028 on the grounds that the massage business under such permit is found to be in violation of Chapter 18.16.070 of the Anaheim Municipal Code. The City also intends to turn your power off within 10 days of this letter so as to prevent you operating illegally.

The facts underlying the revocation are as follows:

1. On January 5, 2017, two young women were observed in the employee area without a massage technician permit and City of Anaheim Business License (see photo #3-4). Neither woman was on the employee roster. Unpermitted online advertising matter was also found depicting portions of the female body that suggest services are available other than those permitted (see page 4-5). Violations of A.M.C. 18.16.070, 18.16.070.070.0703, 18.16.070.080.0802.07, 18.16.070.070.0708, 18.16.070.080.0802.04 and 18.16.070.080.0802.12 were confirmed (see pages 4-8).
2. On January 7, 2017, during an inspection a female was observed in the employee room that was not on the employee roster, did not possess a massage technician permit or a City of Anaheim Business License (see photo #7). Ms. Nguyen was advised not to allow non-employees in employee areas and non-customers in customer areas (violations of A.M.C. 18.16.070.080.0802.07, 18.16.070.080.0802.04, 18.16.070.070.0703).

3009 W. BALL ROAD
MAY 4, 2017
PAGE 3 OF 52

Additionally, Anaheim Municipal Code Section 18.16.040.010 **REVOCATION** states:

"Subject to notice and hearing provisions herein, any permit issued pursuant to the provisions of this chapter may be suspended or revoked by the Planning Director or his/her designee for good cause. Good cause shall include, but not be limited to, the following:

.0108 The permittee or his/her employees, agents, or representatives have violated or are violating laws in connection with the permitted activity; or is operating the facility in a manner detrimental to the public peace, health, safety or general welfare.

.0109 The operation has been conducted in an illegal or disorderly manner or in a manner detrimental to the public health, safety or welfare."

Accordingly, your massage business continues in its failure to meet the operational requirements pursuant to Chapter 18.16.070 of the Anaheim Municipal Code. For the foregoing reasons, the City has revoked your Massage Permit and will turn your power off ten (10) days from the date of the this letter to keep you from operating illegally.

You have the right to appeal this revocation and power shut off within ten (10) days from the date of this letter by filing an appeal with the City's Planning Department pursuant to AMC section 18.16.030.090. If you fail to file a timely appeal, you will lose your right to appeal and the revocation and power shut off will be final.

If you have any questions regarding this matter, please do not hesitate to contact me at (714) 765-4413.

Sincerely,



Sandra Sagert
Community Preservation & Licensing Manager



City of Anaheim
PLANNING DEPARTMENT
Code Enforcement Division

August 28, 2017

Trinity Nguyen
3009 W. Ball Rd.
Anaheim, CA 92804

Dear Ms. Nguyen,

Attached please find a copy of the Order on Appeal of Massage Permit Revocation for MES2015-00028 at 3009 W. Ball Road.

Based on the decisions of the Hearing Officer, your appeal request has been denied and her findings were to uphold the revocation of MES2015-00028 and electrical power shut off.

Pursuant to Anaheim Municipal Code Section 4.53.200, "The action of the City Manager or his designee shall be final and conclusive."

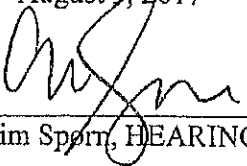
If you should have any questions regarding the matter, please do not hesitate to contact me at (714) 765-4413.

Sincerely,

Sandra Sagert
Community Preservation & Licensing Manager

THE HEARING ON THE MATTER HAVING BEEN HELD, I hereby declare that based on the evidence and testimony taken in the hearing, the above findings, and the law as found in the AMC, the Appeal by Fantasy Massage of the revocation of its massage permit and electrical power shut off, is Denied.

Dated: August 9, 2017



Anaheim Sporn, HEARING OFFICER

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: January 23, 2018

SUBJECT: AN ORDINANCE AMENDING THE LOCAL VENDOR PREFERENCE SECTION OF THE STANTON MUNICIPAL CODE AND REVISING ADMINISTRATIVE POLICY IV-4-12

REPORT IN BRIEF:

City Council recently held discussions relating to the local vendor preference listed in Stanton's Municipal Code. As a result of those discussions, adjustments are being made to double the local vendor preference and to clarify the situations in which the preference can apply through the adoption of Ordinance No. 1076. In addition, a corresponding revision is being made to Administrative Policy IV-4-12, "Purchasing Policy and Procedures".

RECOMMENDED ACTION:

1. City Council declare that the project is exempt from 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. Introduce Ordinance No. 1076, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES"; and
3. Set said ordinance for adoption at the February 13, 2018 regular City Council meeting; and
4. Approve Administrative Policy IV-4-12, "Purchasing Policy and Procedures," as revised, effective the later of March 15, 2018 or 30 days after adoption of Ordinance No. 1076.

BACKGROUND:

Currently, the Local Business Preference section of Administrative Policy IV-4-12 "Purchasing Policy and Procedures," provides that a one percent (1%) preference should be considered in evaluating competitive bids or quotes to any local vendors/bidders having a valid City Business License and a fixed location with the incorporated City Limits.

In 2014, Stanton residents approved the "Stanton 9-1-1 Public Safety and Essential City Services Protection Measure," which established a one-cent transactions and use tax in the City. The measure took effect April 1, 2015.

In the summer of 2017, then-Mayor Pro Tem Shawver requested the establishment of a preference for local vendors when bidding on City projects. City Council provided direction for staff to proceed with further research and report staff's findings at a future City Council meeting.

A report in September 2017 resulted in additional requests for staff research, which findings staff presented to City Council in October 2017. The report highlighted that California law preempts local preference in regard to the procurement of goods and services for public works projects that exceed \$45,000 and requires the City to award those contracts to the lowest responsible bidder. The City Attorney also pointed out that courts have previously stricken higher local vendor preferences several times when the rationale behind the higher preference was, among other things, to support the local economy.

In October 2017, staff recommended adjusting the local vendor preference up to 2% from 1%, but restricting it to expenditures that would have an offset of sales and transactions and use tax revenue (such as supplies and equipment). City Council requested staff bring forward such a change to the Stanton Municipal Code.

ANALYSIS/JUSTIFICATION:

The implementation of the City's transactions tax on April 1, 2015 increased the City's sales tax revenues by one percent (1%). By raising the City's existing local vendor preference to a total of a two percent (2%), the City would be passing along the full benefit that the City would be receiving from sales and transactions and use tax revenue to local businesses.

Ordinance No. 1076 amends section 2.56.075 of the Stanton Municipal Code to reflect the increased preference given to local vendors, while restricting the services by which the preference can be given to strictly those that could have a sales and transactions and use tax offset. A concurrent revision to Administrative Policy IV-4-12 is also being made, as the administrative policy details the existing local vendor preference policy. The revised Administrative Policy IV-4-12 is attached as Attachment A.

Local vendors would benefit by applying an increased two percent (2%) local vendor preference to purchases of supplies and equipment. Meanwhile, the City would not face a net loss, as only purchases that are eligible to collect sales and transactions and use taxes will be applicable to the preference. In addition, the proposed revision specifically provides that publicly bid projects are excluded in conjunction with state law.

Finally, the current Section D. Local Vendor Preference of the "Purchasing Policy and Procedures" Administrative Policy IV-4-12 provides that the local vendor preference shall not be applied to any purchase that is under five thousand dollars (\$5,000) and that the consideration could not exceed a cap of five thousand dollars (\$5,000) granted in a single bid or quote. Under the new revision, those sections have been omitted to not limit the purchase amount and to not have a cap of how much can be granted. This allows the two percent (2%) consideration to be applied to any purchase of supplies and equipment made by the City regardless of the total amount. It also allows the local vendor preference to not be limited to five thousand dollars (\$5,000). This increases the benefit to local businesses in an effort to promote the economic health of the City by keeping dollars, jobs, and sales and transaction and use taxes within Stanton.

FISCAL IMPACT:

The approval of Ordinance No. 1076 and recommended revisions to the Administrative Policy IV-4-12 would have no fiscal impact to the City if a local vendor preference was applied. In the event that a local and a non-local vendor/bidder have a similar or the same quote and the local vendor is selected because of consideration of the local vendor preference, any increased cost to the City as a result of selecting the local vendor would be offset in the form of the two percent (2%) received by sales and/or transactions and use tax revenues.

ENVIRONMENTAL IMPACT:

Not applicable.

LEGAL REVIEW:

The City Attorney has reviewed and approved the attached purchasing policy and Ordinance.

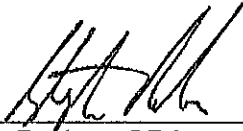
PUBLIC NOTIFICATION:

Through the normal agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

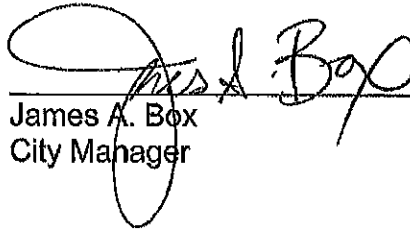
4. Ensure Fiscal Stability and Efficiency in Governance

Prepared by:



Stephen M. Parker, CPA
Administrative Services Director

Approved by:



James A. Box
City Manager

Attachments:

- A. Ordinance No. 1076
- B. Administrative Policy IV-4-12
- C. Local Vendor Preference Redline

ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES

WHEREAS, the City's existing municipal code includes a local vendor preference granting "a one percent differential in lieu of sales tax loss for the purchase of materials, supplies, equipment, personal property and services"; and

WHEREAS, in November 2014 residents approved the "Stanton 9-1-1 Public Safety and Essential City Services Protection Measure," which established a one-cent transactions and use tax in the City and which took effect April 1, 2015; and

WHEREAS, a local preference ordinance would encourage businesses to locate to and remain in Stanton; and

WHEREAS, the City desires to benefit local businesses in an effort to promote the economic health of the City by keeping dollars, jobs, and sales and transactions and use taxes within the City; and

WHEREAS, Public Contract Code § 22030 et seq., preempts local preference in regard to the procurement of goods and services for public works projects which requires the City to award to the lowest responsible bidder.

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

SECTION 1: CEQA. 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.

SECTION 2: Amending Section 2.56.075 Local Vendor Preference. Section 2.56.075 of Title 2 of the Stanton Municipal Code is hereby amended to read as follows:

"2.56.075 Local Vendor Preference

Local Vendors are granted a two percent (2%) differential in lieu of sales and transactions tax loss for the purchase of materials, supplies, equipment and personal property. Prices, fitness, quality,

delivery and service being equal, preference will be given to the local vendor, in the purchase of supplies and equipment, as provided for in a purchasing policy adopted by the city council by resolution. Local vendor preference shall not be granted for contracts involving public works, personal, professional, and consultant services, or as otherwise prohibited by law. For the purposes of this section, "local vendor" means a business having its principal place of operation within the jurisdictional boundaries of the city and a valid business license. For purposes of this chapter, when the city considers a local vendor's bid in connection with the purchase of supplies and equipment, the local vendor's bid shall be the bid amount after the applicable percent differential is applied."

SECTION 3: Severability. 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 4: Effective Date. This Ordinance No. 1076 shall be effective 30 days after its adoption.

SECTION 5: Publication. 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 13th day of February, 2018.

DAVID J. SHAWVER, 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. 1076 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 23rd day of January, 2018 and was duly adopted at a regular meeting of the City Council held on the 13th day of February, 2018, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

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CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
	Date 3/15/18
SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
	Administrator Administrative Services
<p><u>Purpose:</u></p> <p>This policy strives to define decision making with prudent review and internal control procedures and to maintain departmental responsibility and flexibility in evaluating, selecting, and purchasing supplies, equipment, and services in order to provide a process to procure goods and services efficiently and at the lowest cost commensurate with the quantity and quality needed. It also provides monetary limits and clearly defines authority for all facets of purchasing, including the use of credit cards, by City employees. The policy contained herein was developed under the authority of Chapter 2.56 of the Stanton Municipal Code.</p> <p>The City Manager is designated as the Purchasing Officer for the City and may delegate the administration of the program. The Purchasing Officer/Designee is charged with the responsibility and authority for coordinating and managing the procurement of the City's supplies, services, and equipment according to this policy.</p> <p>The policy outlined herein is to be adhered to by the Purchasing Officer/Designee and all City Departments when procuring supplies, services, and equipment.</p> <p><u>Duties Assigned:</u></p> <p>A. PURCHASING OFFICER/DESIGNEE: Pursuant to Stanton Municipal Code 2.56.020, the City of Stanton City Manager shall be responsible to exercise or delegate the responsibilities of Purchasing Officer. The Purchasing Officer or designee shall issue purchase orders, keep record of all purchase orders, disburse or cause to be disbursed payments for such purchase orders, and oversee the operations of the purchasing function in such a manner as to effectively execute procurement and property acquisition. In addition the Purchasing Officer or designee shall comply with all disposition policies as may be established by the City Council or City Manager.</p> <p>The Purchasing Officer/Designee is responsible for 1) the procurement of general supplies, services, and equipment; 2) the administration of the purchasing policy; and 3) the management of surplus City property.</p>	

CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
	Date 3/15/18
SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
	Administrator Administrative Services
<p>To perform these functions efficiently, and assist departments, the Purchasing Officer/Designee shall:</p> <ol style="list-style-type: none"> 1. Be charged with the responsibility and authority for coordinating and managing the procurement of the City's general supplies, services, and equipment from the lowest responsive and responsible bidder when required by law or by this policy. 2. Ensure full and open competition on all purchases as required by this policy. 3. Identify, evaluate, and utilize purchasing methods which best meet the needs of the City (i.e. cooperative purchases, blanket purchase orders, contractual agreements, etc.). 4. Assist all departments with research and recommendations in developing specifications; review specifications for completeness of information to ensure specifications are not unnecessarily restrictive. 5. Coordinate vendor relations, locate sources of supply, and evaluate vendor performance. 6. Certify that all vendors being utilized have a current City business license, and also current W-9 information if applicable, on file with the Administrative Services Department. Exemptions may be granted by the City Manager. 7. Recommend revisions to purchasing procedures when necessary and keep informed of current developments in the field of public purchasing. 8. Prescribe and maintain all forms and records necessary for the efficient operation of the purchasing function. 9. Be charged with the responsibility and authority for coordinating and managing the City's Property and Inventory Control Program. 10. Make purchase award recommendations to the appropriate authority. 11. Act as the City's agent in the transfer and disposal of surplus equipment and materials with approval by the Administrative Services Director and City Manager. 12. Assist all departments in applying the City's Local Business Preference Program. 	

CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
	Date 3/15/18
SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
	Administrator Administrative Services
B. DUTIES DELEGATED: The City Manager may delegate purchasing responsibility, when determined appropriate to any Department Head of the City.	
<u>Authorization Required:</u>	
1. <u>ALL PURCHASES, ALL SERVICES, AND ALL CONTRACTS, WITH THE EXCEPTION OF PUBLIC WORKS PROJECTS</u> , shall require authorization as follows:	
\$20,000 or more: Shall be submitted to the City Council for approval. No purchase, service, or contract shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.	
2. <u>PURCHASE ORDERS</u> shall require authorization and signatures as follows:	
AMOUNT	AUTHORIZATION / SIGNATURES REQUIRED
All Purchase Orders	Purchasing Officer/Designee, City Administrative Services Director, City Manager or their representative
The Purchasing Officer /Designee signs as the initiator of the purchase order. The City Manager's or his or her representative's signature is required for approval of the purchase. The City Administrative Services Director's, or his or her representative's signature, shall signify that there are sufficient unencumbered funds in the department's appropriated budget for the purchase.	
PURCHASE ORDER ROUTING: A copy of all purchase orders issued shall be given to the vendor at the time the purchase is made. No purchase shall be made without providing the vendor a copy of the purchase order. The requesting Department Head shall also retain a copy of the purchase order.	

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	Administrator Administrative Services

3. PAYABLE VOUCHERS shall require authorization and signatures as follows:

AMOUNT	AUTHORIZATION / SIGNATURES REQUIRED
All Payable Vouchers	Initiating Department Head or his/her representative
\$500 or more	City Manager

No purchase shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.

4. CREDIT CARD PURCHASES shall require authorization and signatures as follows:

AMOUNT	AUTHORIZATION / SIGNATURES REQUIRED
All Credit Card Purchases	Initiating Department Head or his/her representative, and the City Administrative Services Director
\$500 or more	City Manager

The Initiating Department Head or his/her representative signs as the initiator of the credit card payable voucher. The City Manager's or his or her representative's signature is required for approval of the purchase. The City Administrative Services Director's, or his or her representative's signature, shall signify that there are sufficient unencumbered funds in the department's appropriated budget for the purchase and also verifies that the credit card purchase adheres to the Credit Card Usage Policy. No purchase shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.

CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
	Date 3/15/18
SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
	Administrator Administrative Services

5. CONTRACTS shall require authorization and/or signatures as follows:

AMOUNT	AUTHORIZATION / SIGNATURES REQUIRED
All Contracts	City Manager's, City Attorney, and the City Clerk
\$20,000 or more	Shall be submitted to the City Council for approval.

No contract shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.

Purchase Orders Required:

A. A Purchase Order Is Required:

1. A purchase order shall be used whenever goods and limited services are to be acquired by an outright purchase that is \$3,000 or more. No purchase shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.
2. A purchase order shall be used for any projects or purchases that are under \$3,000 whenever the provider of goods requests that a purchase order be issued.
3. All services shall require a purchase order or professional services agreement due to insurance requirements.
4. A purchase order(s) shall be issued to encumber all purchases and services associated with a Capital Improvement Project that is approved by City Council.

B. The initiating department will be responsible for requesting the purchase order. The purchase order shall specify the nature of the goods or services to be acquired, the purchase price or estimate thereof, freight charges, prompt payment discounts, the delivery date, the vendor from whom acquired, the department and division for whom the acquisition is being made, the budgetary department and general ledger number where the funding for the proposed purchase has been appropriated, and such other provisions or information as may be appropriate or required. The purchase order shall incorporate by reference all the terms, conditions, and specifications if any, contained in the related request for bids.

CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
	Date 3/15/18
SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
	Administrator Administrative Services

It is the policy of the City that payment for goods or services shall not be made until the goods or services have been delivered. The only exceptions to this policy will be where the payment schedule in a duly authorized contract specifies otherwise, or if online purchases are required to be made by credit card according to guidelines included in this policy, or where specifically authorized by the City Council, City Manager or City Administrative Services Director.

C. Notwithstanding the above conditions, a purchase order shall not be required for purchases of less than \$3,000. Such purchases shall be by way of demand for payment voucher as shall be established by the City Administrative Services Director in accordance with accepted accounting standards.

D. Notwithstanding the above conditions, a purchase order shall not be required for the purchase and payment of routine, consistent expenses, such as, but not limited to: payroll taxes and related expenses, payments on previously approved leases, contract services, utility bills, or similar expenses. Such purchases shall be by way of demand for payment voucher as shall be established by the City Administrative Services Director in accordance with accepted accounting standards.

The demand for payment voucher form will be filled out and signed by the employee assigned the responsibility for these routine expenses and shall be countersigned by the responsible Department Head. The completed demand for payment voucher will then be given to the City Accounts Payable Division of the Administrative Services Department for processing and payment.

Competitive Bid:

All purchases and contracts, whether by sealed bid, quotation, or negotiation, shall be made on a competitive basis to the maximum practical extent except as permitted for Public Projects defined below under the California Uniform Public Construction Cost Accounting Act Provisions.

A. AMOUNTS IN EXCESS OR EQUAL TO \$20,000:

1. Except as otherwise provided by ordinance or within this policy and the California Uniform Public Construction Cost Accounting Act Provisions, all purchase orders and other contracts of every kind, involving amounts in excess

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<p>of \$20,000 for personal services, or for the purchase, lease, rental, or sale of personal property, materials, equipment, or supplies, shall be let by formal competitive bidding procedure, after public advertising, to the lowest and/or verifiable most qualified bidder. The Purchasing Officer/Designee shall send out all bids and notices of bids requested based on the information provided by the Department Heads and shall keep a list of the date the bids were mailed and a list of the vendors to whom the bids were mailed. The City Clerk shall receive all bids and keep a list of the time they were received. Whenever practical the bid opening shall be made in the presence of the Department Head and the City Clerk.</p> <p>2. The request for bids under the Competitive Bid Procedure shall, at a minimum, be posted at City Hall and shall be posted as required by ordinance or published at least once in a newspaper of general circulation if one exists in the City and if applicable, in appropriate trade publications. The date of posting or publication shall be at least ten (10) days before the date of opening of the bids, or the final date for accepting bids. All formal bids shall be sealed and shall be publicly opened and read at the date, time, and place indicated in the published notice. Specification packages should be made available to interested bidders. The using or requesting Department Head shall determine if a security deposit is necessary. This should be part of the request made to the City Council before initiating the bid process. The requesting Department Head shall also determine if a payment is necessary for a prospective bidder to acquire a specifications package. The use of a bidders' list shall also be determined by the Requesting Department Head.</p> <p>3. Bids received at the end of the process shall be reviewed for compliance with specifications by the using or requesting City Department. All deviations from the specifications shall be fully documented by the requesting City Department and the impact of the deviations on the performance or suitability of the bid item shall be detailed. Depending on the findings of the requesting City Department with regard to the deviations, the bid may be rejected (must be in writing), or a recommendation may be made to the City Council. Various recommendations may be made depending on the outcome of the bids, including selecting a vendor, rejecting all the bids, or deciding to modify the bids and re-advertise.</p> <p>4. No purchase shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price.</p>	

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<p>B. AMOUNTS LESS THAN \$20,000 BUT IN EXCESS OR EQUAL TO \$3,000:</p> <ol style="list-style-type: none"> 1. All purchase orders and contracts in amount less than \$20,000 but in excess or equal to \$3,000 shall be let in the open market by obtaining at least three bids wherever possible. The requesting Department shall obtain three verbal or written competitive quotations whenever possible for purchases and keep a record of who was contacted and the price that was quoted. Getting more quotations is encouraged. In the event that three quotes cannot be obtained documentation of the process should indicate why less than three were obtained and should be placed on file with the quotes that were obtained. The Purchasing Officer/Designee may be requested to assist in this process. 2. Documentation requesting quotes under the Open Market Procedure may be posted at City Hall, placed in trade magazines or the newspaper, posted on the City's official web site, mailed, faxed, or sent by electronic mail (e-mail) to prospective vendors. Adequate time should be allotted to permit a response; typically a minimum of ten calendar days before the due date but less may be acceptable if necessary. In any event the quote deadline should be noted. Quotes may also be solicited over the phone through a verbal quote; provided that they are documented by the requesting department. Quotes under the Open Market Procedure may also be obtained from consulting current catalogues; internet sites, or advertising flyers. 3. The Requesting Department shall submit a memo, which includes the recommended vendor, with all supporting documentation to the City Manager or Designee. Supporting documentation shall include competitive price quotes obtained, names of vendors contacted, description of the items required, and certificates of insurance as applicable. The City Manager or Designee shall review the recommendation and supporting documentation and may contact additional sources for quotations. The City Manager or Designee may award the purchase to the lowest responsive and responsible vendor whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation, provided that an unencumbered appropriation for that item exists. In lieu of awarding the purchase, the City Manager or Designee may reject quotes or may negotiate further to obtain terms more acceptable to the City. The City Manager or Designee may also determine that the interest of the City is best served to require the Formal Contract Procedures for purchases within this range. 	

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<p>4. No purchase shall be split into parts by any concerned party so as to produce artificial amounts lower than the total purchase price.</p> <p>C. PURCHASES LESS THAN \$ 3,000: These purchases may be obtained by using purchase orders issued by the City Administrative Services Director to obtain supplies and services which have been approved by the Department Head.</p> <ol style="list-style-type: none"> 1. The employee making the purchase shall verify that he/she obtained the supplies or services in good condition. 2. Written competitive bids are not required, but the Department Head or her/his designee is encouraged to obtain competitive quotations. For purchases of less than \$3,000, the authority to award a purchase contract is the Department Head's. Prudent judgment shall be used at all times. 3. Although purchases of less than three thousand dollars are exempt from many procedures required for higher cost items, every effort to utilize a local business shall be exercised. <p>D. LOCAL VENDOR PREFERENCE: In evaluating competitive bids or quotes for the purchase of supplies and equipment, any local vendor/bidder, having a valid City Business License and fixed business location within the incorporated City Limits, may receive a two percent (2%) preference off of their bid or quote. This preference shall be applied only when a non-local vendor/bidder has first been determined to be the lowest responsible vendor/bidder but a local vendor/bidder may equal or improve upon the bid if the preference is applied. If upon applying this preference should the local vendor/bidder equal the lowest responsible vendor/bidder, or become the lowest responsible vendor/bidder, the City may select this vendor/bidder even though the actual cost to the City would not be the lowest. In the event that a local and a non local vendor/bidder have the same bid or quote and it is the lowest responsible bid or quote the two percent (2%) preference will be given to the local vendor. In this case the local business shall be selected to receive the purchase award. The local business must still demonstrate that it is a responsible vendor/bidder before being selected for the purchase award. A local vendor preference shall not be granted for contracts involving public works, personal, professional, and consulting services, or as otherwise prohibited by law.</p>	

CITY OF STANTON ADMINISTRATIVE POLICY	Number IV-4-12
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SUBJECT: PURCHASING POLICY AND PROCEDURES	Authority City Council
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<p>The Local Vendor Preference may not apply and may be dispensed with when prohibited by State or Federal Statutes, or regulations requiring that a bid or quote be awarded to the lowest responsible bidder or vendor, or as otherwise exempted from local preferences. The Local Vendor Preference will not apply when bids or quotes are done with other public agencies through cooperative purchases.</p> <p>E. VENDORS OF GASOLINE AND DIESEL FUEL:</p> <ol style="list-style-type: none"> 1. The City Council recognizes and finds that wholesale vendors of gasoline and diesel fuel are generally unable to quote prices on fuel that are valid for more than one day. 2. As a result of this finding, and in order to obtain needed supplies at the most competitive daily price, price quotes may be obtained by telephone, and an order may be placed providing the purchase procedure set out in Section 3, paragraph C, above, have been followed. <p>F. RUNNING/BLANKET PURCHASE ORDERS: Purchase orders which allow spending for multiple purchases of the same type from one or more vendors without obtaining current bids or price quotations shall not be allowed except in the following cases:</p> <ol style="list-style-type: none"> 1. There is only one qualified supplier; 2. The supplier has received the bid award amount approved for purchase by the City. 3. The purchases are for items that are "consumable" supplies or small repair parts for the Public Works Department, when: 1) the departmental budget has an original appropriation for such items; and, 2) the "running or blanket" purchase order has been approved for purchase by the City Manager who shall certify by that approval that such "running" purchasing procedure is in the best interest of the City. Running purchase orders issued under the authority of this section will be issued in accordance with procedures established by the City Administrative Services Director with the approval of the City Manager. 	

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G. CONFLICT OF INTEREST: Any officer of the City or any department thereof who shall aid or assist a bidder or vendor in securing a contract to furnish supplies, materials, equipment, or contractual services at a higher price than that proposed by any other bidder/vendor, or who shall favor one bidder/vendor over another by giving or withholding information, or who shall willfully mislead any bidder/vendor in regard to the character of the materials or supplies called for, or who shall knowingly accept commodities of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of materials or supplies than have actually been received, shall be deemed guilty of malfeasance and the City Manager shall have the authority pursuant to the City of Stanton's Personnel System Rules and Regulations to take appropriate disciplinary action. Such actions may also result in criminal prosecution.

If at any time it shall be found that the person to whom a contract has been awarded has in presenting any bid(s) or quote(s), colluded with any other party or parties for the purpose of preventing any other bid or quote being made, then the contract so awarded shall be null and void.

It is the intent that this purchasing policy, all procedures and processes discussed herein, and each transaction entered into pursuant to Chapter 2.56 of the Stanton Municipal Code shall be made in accordance with the City's Conflict of Interest Code and all other Federal, State, and local laws.

H. UNAUTHORIZED PURCHASES

Except for urgencies or other authorized exemptions stated in these guidelines, no purchase of supplies, services, or equipment shall be made without authorization as described within this policy or in Chapter 2.56 of the Stanton Municipal Code. Under no circumstances shall a purchase be considered approved or final until approved by the City Council or City Manager as required by the appropriate purchasing classification. No representative of the City shall enter into a verbal agreement or make any arrangements until the final approval is granted.

In the event that an unauthorized purchase is made the following may apply:

1. Such purchases are void and not considered an obligation of the City.

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<p>2. Invoices without an authorization may be returned to the vendor unpaid.</p> <p>3. The person ordering the unauthorized purchase may be held personally liable for the costs of the purchase or contract.</p> <p><u>Purchase Orders and Contracts Not Requiring Bids:</u></p> <p>A. SOLE SOURCE: The restriction contained in this policy requiring bids, shall not apply in cases where purchases or contracts are for items which may only be purchased from a single or sole source manufacturer or distributor and no reasonable similar alternative exists.</p> <p>B. CONTRACTS NOT SUITED TO COMPETITIVE BIDDING. Contracts which by their nature are not suited to award by competitive bidding shall not be subject to the competitive bidding requirements of this policy. These contracts include:</p> <ol style="list-style-type: none"> 1. Contracts for items that may only be purchased from a single or sole source or provider. 2. Contracts for additions to and repairs and maintenance of equipment owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm. 3. Contracts for equipment which, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing equipment owned by the City. <p>C. UTILITIES PURCHASE: Utility services such as water, electric power, natural gas, telephone and telegraph, except when alternative supplies or services are available.</p> <p>D. COURT FEES: Witness and jury fees and other payments as may be ordered by the court.</p> <p>E. MEDICINES OR MEDICAL SUPPLIES OR SERVICES: Medicines or medical supplies or services which are not generic in nature and which would not be available from other sources through competitive bid or negotiation.</p>	

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F. EMERGENCY CONDITION: When a public emergency will not tolerate a delay for advertising or the solicitation of bids due to the urgency of the incident, and it is determined by the City Manager or the City Council that the situation meets the definition of an emergency situation which creates a threat to public health, welfare, or safety such as, may arise by reason of flood, epidemics, riots, equipment failures, infrastructure failures, earthquakes, or such other reason as may be declared an emergency by the City Manager or City Council formal bidding may be dispensed with. The existence of such condition must create an immediate need for materials, services, or construction that cannot be met through normal procurement methods, and the lack of which would seriously threaten the function of City Government, the preservation or protection of public or private property, or the health or safety of any person, and the following will apply:

1. Purchases under this paragraph shall be based on a need that is compelling and of unusual urgency, such as when the City would be seriously injured financially or otherwise if the personal property or services were not furnished by a certain time, and when they could not be procured by that time by means of advertising, bidding and or solicitations of quotations as previously provided.
2. Emergency procurement shall be limited to those supplies, services, or construction necessary to meet the emergency whenever practical; approval by the City Council shall be obtained.
3. The department for whom the emergency purchases are made shall, as soon as practical, file a written report with the City Manager, which shall contain the following information:
 - a. The conditions which created the emergency and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency exists;
 - b. The basis for the selection of the particular contractor or supplier and a description of what efforts were utilized to identify and contact alternative suppliers or contractors;
 - c. The contractor's or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract.

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d. Completed and signed purchase orders with attached Invoices requesting payment for the emergency purchases.

4. The City Manager shall review the report submitted and, if appropriate, shall declare the condition an emergency and shall approve the report and requisitions and authorize the payment of the emergency purchases.

a. The City Manager is empowered to declare a state of emergency when, in her/his opinion, such condition(s), as set out above exist(s), and, when the amount to be expended to meet such emergency does not exceed \$25,000 unless it is in the case of a regional disaster.

b. Where the City Manager finds and declares an emergency, under paragraph 4a, above, the City Manager, in conjunction with the department for whom the emergency purchases are made, shall, as soon as practical, file a written report with the Mayor and City Council which shall contain the following information:

(1) The conditions which created the emergency and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency exists;

(2) The basis for the selection of the particular contractor or supplier and a description of what efforts were utilized to identify and contact alternative suppliers or contractors;

(3) The contractor's or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract.

(4) Completed signed purchase orders with attached invoices requesting payment for the emergency purchases.

The City Council shall review the report submitted, and if appropriate,

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<p>shall ratify the City Manager's declaration of the condition an emergency, and shall approve the report and requisitions and authorize the payment of the emergency purchases.</p> <p>G. STATE PROCUREMENT CONTRACTS:</p> <ol style="list-style-type: none"> 1. Purchases, which are made from vendors who are under State of California Procurement contract, and when the price is that price (or a lower price than that) established by the contract awarded by the State after competitive bidding pursuant to the California Procurement Code. 2. Purchases which are made from vendors who, within the past sixty (60) days, have been under State of California procurement contract, and when the price offered is the price established by the former contract awarded by the State after competitive bidding pursuant to the California Procurement Code or less. <p>H. GOVERNMENT GOODS AND SERVICES: For goods and services made available by any federal, state or local unit of government, or association of government, when those goods or services were acquired in compliance with the provisions of this resolution.</p> <p>I. FRINGE BENEFITS: Purchases of services or benefits that are part of any personnel fringe benefit agreements that are authorized by the City Council may be negotiated between the City and the service or benefit vendor.</p> <p>J. CITY OWNED CONCESSION OR RECREATION FACILITY: Notwithstanding the provisions of Section 9, below, purchases or contracts for supplies, materials or inventory to be used for resale at any City-owned and or operated concession or recreation facility.</p> <p>K. PUBLIC AUCTION AND OTHER SIMILAR CIRCUMSTANCES: Supplies, materials or equipment which can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and it is found that a purchase at any such auction or sale may be made at a cost below the market cost in the community.</p> <p>L. EXCHANGE OF SUPPLIES, MATERIAL, OR EQUIPMENT: Exchanges of supplies, material or equipment between the City and any other entity, which are not by sale or auction.</p> <p>M. CALIFORNIA CORRECTIONAL INDUSTRIES DIVISION: Supplies, material or</p>	

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equipment produced by the California Correctional Industries Division.

N. **CERTAIN PURCHASES:** Certain purchases are not readily adaptable to the open market and formal bidding process. These purchases are generally for items where the competitive bid process or obtaining quotes is not applicable or where a check is required to accompany the order. Following is a list of allowable exemptions:

- Advertisements and Notices
- Courier/Delivery/Messenger
- Dept. Purchases under \$3,000
- Emergency Fuel Purchases
- Insurance Claims and Premiums
- Medical Payments (Physicians, lab)
- Membership Dues
- Payments to Other Governmental Units
- Petty Cash Replenishment
- Property Rentals
- Real Property/Easement Acquisition
- Subscriptions
- Trade Circulars or Books
- Travel Expense/Advances

California Public Projects Contracts Code Uniform Cost Accounting Provisions for Advertisement, Rejection and Extension of Bids:

A. PUBLIC PROJECTS—DEFINITIONS.

1. General. Contracts for public projects as defined in the California Public Contracts Code shall be in writing and awarded by the City Council to the lowest responsible and responsive bidder, except as otherwise provided herein.
2. "Public project" is generally defined as:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or

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<p>operated facility.</p> <ul style="list-style-type: none"> • Painting or repainting of any publicly owned, leased, or operated facility. • In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher. <p>3. "Public project" does not include maintenance work. For purposes of this section, "maintenance work" is generally defined as:</p> <ul style="list-style-type: none"> • Routine, recurring, and usual work for the preservation or protection of any City owned or publicly operated facility for its intended purposes. • Minor repainting. • Resurfacing of streets and highways at less than one inch. • Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems. • Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher. <p>4. "Facility" is generally defined as any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work improvement.</p> <p>B. INFORMAL BID PROCEDURES – PUBLIC PROJECTS SUBJECT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT</p> <ol style="list-style-type: none"> 1. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. 2. A notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Public Contracts Code Section 22034, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in 	

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<p>accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified when soliciting bids; provided however:</p> <ol style="list-style-type: none"> 3. If there is no list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission. 4. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. <p>C. FORMAL BID PROCEDURES FOR PUBLIC PROJECTS SUBJECT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT; NOTICE INVITING BIDS</p> <ol style="list-style-type: none"> 1. The City Council shall authorize issuance of notices inviting formal bids which shall include a general description of the public project to be constructed, shall state where bid forms and specifications may be secured, and the time and place for opening bids. 2. Notices inviting bids published and posted at least fourteen calendar days before the date of opening the bids in a newspaper of general circulation in Orange County as provided for in California Public Contracts Code Section 22037. Also, it shall be posted in at least one location in the City at either City Hall or the Library. 3. The City Council may require a bid to include prices for items that may be added to, or deducted from, the scope of work in the contract for which the bid is being submitted. Whenever additive or deductive items are included in a bid, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of a specification, only the method provided by subdivision a. will be used. <ol style="list-style-type: none"> a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items. b. The lowest bid shall be the lowest total of the bid prices on the 	

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<p>base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.</p> <p>c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that when taken in order from a specifically identified list of those items in the solicitation, and added to, or subtracted from, the base contract, are less than, or equal to, a funding amount publicly disclosed by the City before the first bid is opened.</p> <p>d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.</p> <p>4. A responsible bidder who submitted the lowest bid as determined by this section shall be awarded the contract, if it is awarded. This section does not preclude the City from adding to or deducting from the contract any of the additive or deductive items after the lowest responsible bidder has been determined.</p> <p>5. Nothing in this section shall preclude the prequalification of general contractors or subcontractors.</p> <p>6. The City Council shall also solicit sealed bids from all responsible prospective bidders whose names are on the bidders' list or who have made written request that their names be added thereto.</p> <p>7. The City Council shall also advertise bids by a notice posted at a publicly accessible location at City offices. Such posting places can include, but shall not be limited to, electronically accessible locations such as the City's web site or by other means that reasonably allow prospective bidders to be notified of pending purchases.</p> <p>D. BIDDER'S SECURITY – PUBLIC PROJECTS When deemed necessary, bidder's security may be prescribed in the formal or informal notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his</p>	

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<p>refusal or failure to execute the contract within ten days after the notice of award of contract. The City Council may, at its option, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible and responsive bidder, and if the City Council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the City to the contract price differential between the lowest bid and the second lowest bid, subtracting actual administrative costs, and any surplus, if any, shall be returned to the defaulted bidder.</p>	
<p>E. BID OPENING PROCEDURE – PUBLIC PROJECTS</p> <p>Sealed bids shall be submitted to the City and shall be identified as "bids" on the envelope. Bids shall be opened in public at the time and place stated in the bid notices by the City Clerk, Purchasing Authority, or their authorized representatives. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.</p>	
<p>F. TIE BIDS – PUBLIC PROJECTS</p> <p>If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay for readvertising for bids, the City Council may, in its discretion, accept the bid it chooses or accept the lowest bid made by and after negotiations with the tie bidders.</p>	
<p>G. WAIVER OF IRREGULARITY, REJECTION OF BIDS; FAILURE TO RECEIVE BIDS; OPTIONS ON PUBLIC PROJECTS</p> <ol style="list-style-type: none"> 1. At its discretion, the City Council may waive any irregularity in any bid received and award the contract 2. At its discretion, the City Council may reject all bids presented. If the City Council, prior to rejecting all bids, declares that the project can be more economically performed by City employees and furnishes a written notice to an apparent low bidder mailed at least two (2) business days prior to the public 	

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<p>meeting at which the City intends to reject the bid, the City Council may:</p> <ul style="list-style-type: none"> a. Abandon the project or readvertise for bids. b. By a four-fifths vote declare by resolution that the project can be performed more economically by City employees, and order the project done by force account. c. If no bids are received, the project may be performed by the City employees by force account or by negotiated contract entered into without need for further bidding. <p>H. PERFORMANCE BONDS – PUBLIC PROJECTS</p> <p>The City Council shall have authority to require a performance bond before entering a contract in such amount as it finds reasonably necessary to protect the best interests of the City. If the City Council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.</p> <p>I. LOWEST RESPONSIBLE BIDDER DETERMINATION – PUBLIC PROJECTS</p> <p>In determining the "lowest responsible bidder," the following factors may be considered in addition to price:</p> <ul style="list-style-type: none"> 1. The ability, capacity and skill of the bidder to perform the contract or provide the service required; 2. The character, integrity, reputation, judgment, experience and efficiency demonstrated in previous contracts or services for the City or other contracting parties; 3. The quality of performance demonstrated in previous contracts or services for the City or other contracting parties; 4. The previous and existing compliance by the bidder with the laws and ordinances relating to a contract or service; 5. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; 	

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<p>6. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.</p> <p>J. CHANGE ORDERS TO PUBLIC PROJECTS</p> <p>The City Manager is delegated authority to approve, without seeking new bids, contract change orders to public projects up to the combined amounts funded for construction or purchase and for contingency as established in the project authorization.</p> <p><u>Non Public Projects Contracts Provisions for Advertisement, Rejection and Extension of Bids:</u></p> <p>A. ADVERTISEMENT OF BID:</p> <ol style="list-style-type: none"> 1. The Department Head shall provide the City Clerk with an appropriate advertisement or description of the item to be advertised so that the City Clerk may formulate a bid advertisement. The City Clerk shall then, with the concurrence of the City Manager, place the advertisement in a newspaper of general circulation within Orange County. Also it will be posted in at least one location in the City at either City Hall or the Library. 2. Contracts shall be awarded by competitive sealed bidding, except as otherwise provided herein. 3. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. 4. Public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation within the City or County a reasonable time prior to bid opening. "Reasonable Time" for purposes of this part, means that a notice of an invitation for bids shall, prior to the acceptance of a bid, be published at least six days before bid opening in one or more newspapers of general circulation within the City. 	

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<p>5. Bids shall be opened publicly at City Hall, or other place designated in the invitation for bids if use of the City Hall is not available or impracticable at the time of the bid opening, in the presence of one or more witnesses, including whenever practicable the City Clerk, City Administrative Services Director, and the appropriate Department Head at the time designated in the invitation.</p> <p>6. The amount of each bid and any other relevant information specified in the bid notice, together with the name of each bidder, shall be recorded by the City Clerk at the time the bids are opened. The record and each bid shall be open to public inspection.</p> <p>7. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy.</p> <p>8. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and will be considered in evaluation for award shall be objectively measurable. The criteria may include discounts, transportation costs, and total or life cycle cost. No criteria may be used in bid evaluation that is not set forth in the invitation for bids.</p> <p>9. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with rules and regulations set out in the bid notice.</p> <p>10. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. Except as otherwise provided by this Policy or rules and regulations set out in the bid notice, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the City Manager or City Council, depending on the value of the bid received, and in accordance with the provisions of Section 3, C, above.</p> <p>11. The contract shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids for a project exceed available funds as certified by the City Administrative Services Director or City Manager and the low responsive and responsible bid does not exceed</p>	

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<p>such funds by more than 10%, the City Manager is authorized, in situations where time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.</p> <p>12. When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.</p> <p>B. REJECTION OF BIDS:</p> <p>1. An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the City in accordance with rules and regulations as set out in the bid notice or invitation. The reasons for such rejections shall be made part of the contract or bid file.</p> <p>2. Bids may be rejected when the City Council, with the advice of the City Manager and such technical department personnel as the City Manager may determine appropriate, determines that bid prices, after advertising once for all competitive bids, are not reasonable (either as to all or as to some part of the requirement), exceed the estimated project cost of a public improvement project by an amount that is unacceptable, or have not been independently arrived at in open competition, provided that no negotiated purchase or contract may be entered into under this paragraph after the rejection of all of the bids received unless the stipulations below are met:</p> <p style="padding-left: 40px;">a. NOTIFICATION TO NEGOTIATE: Notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given to each responsible bidder whose bid conformed to the invitation for bids; and,</p> <p style="padding-left: 40px;">b. NEGOTIATED PRICE: The negotiated price is the lowest negotiated price offered by a reasonable supplier; and provided further, that the City Manager may, at her/his discretion, elect to re-advertise for bids with approval of the City Council.</p> <p>C. EXTENSION OF BIDS: The City Manager may extend the time for opening of</p>	

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bids, if in her/his opinion it is in the public interest to do so. Notice of the extension shall be given to all prospective bidders by the City Clerk in such manner as is most practical under the circumstances. Such extension shall not exceed ten working days. No extension may be granted for the purpose of qualifying a bid that was delivered after the time advertised for the original opening.

D. **LATE BIDS:** No bids shall be received or accepted at any time subsequent to the time indicated in the announcement. Any bids delivered by mail, or any other means, subsequent to the appointed time shall not be opened.

E. **RESPONSIBLE BIDDER:** The City shall award contracts which are required to be let by competitive bidding under this policy to the lowest responsible bidder. The City may reject any low bid and accept the next lowest bid if the City determines that the low bid was made by a bidder who is not responsible.

- The City may consider any or all of the following when determining whether a bidder is responsible:
- Whether the bid fully complies with the invitation for bids;
- The bidder's financial responsibility;
- The bidder's references;
- Whether the bidder has the skill and business judgment to complete the contract;
- The bidder's experience;
- Whether the bidder has the facilities and equipment to complete the contract;
- The bidder's conduct under other contracts, regardless of whether the contracts were with the City or with other parties;
- The quality of the bidder's other work, regardless of whether the work was performed for the City or for other parties; and
- Any other matter that might have bearing on the likelihood that the bidder will promptly and efficiently perform the contract, if it is awarded to the bidder can be considered.

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If the City determines that the low bidder does not meet the criteria of a responsible bidder as defined above, the City shall notify the bidder in writing that it is rejecting the bidder's bid. The notice shall also contain a short description of the reasons for the rejection.

Bonds of Bidders May be Required:

Bidders may be required to supply deposits of good faith, or bonds with sufficient sureties, in such amounts as shall be deemed adequate and approved by the City Manager or City Council, as set out in the bid notice, not only to insure performance of the contract or purchase order in the time and manner prescribed, but also to save, indemnify, and hold the City harmless against losses, damages, claims, liabilities, judgments, costs, and expenses which may accrue in consequences of the granting of the contract or purchase orders.

Before any contract for the construction, alteration or repair of any public building, public work or public improvement of City of Stanton is awarded to any person, that person shall furnish to Stanton such bonds as are required by the California Public Contracts Code or other applicable law.

Professional Services - Consultant Selection:

A. Selection of Consultants or Vendors for Professional Services (General)

1. The appropriate Department Head, with the approval of the City Manager, shall prepare a scope of work or services consistent with budget and project authorization of the City Council. The Request for Proposal (RFP) shall outline the City requirements and project description, services to be performed, specific identification of what is to be accomplished or provided, as well as the due date for submittal. The list of solicited firms will be drawn from firms who, in the opinion of the Department Head, can perform the work. A Request for Qualifications (RFQ) may first be necessary if the required services are particularly specialized or if the qualifications of the available consultants are unknown. The list of solicited firms may be limited to between 3 to 5 due to time constraints or specialties involved.

2. The initial review of proposals shall be conducted by the involved Department

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<p>Head(s) who shall make a recommendation to the City Manager regarding which consultants should be invited to interviews. Interviews (contracts less than \$20,000) will be conducted by the appropriate department staff members.</p> <ol style="list-style-type: none"> Qualifications should be the determining factor in the selection of a professional consultant. Staff shall then negotiate the final fee based upon the agreed scope of work. Prior to approval of a contract, the Department Head of the requesting or using Department shall conduct appropriate background and reference checks and ensure that adequate bonding or security, if required, is posted. Consultants shall comply with all regulations and laws dealing with conflict of interest disclosure and reporting. Consultants shall not be engaged if a conflict of interest exists. <p>B. Selection of Consultants for Professional Services for Continuing Services: The following shall apply to the selection of professional services which are needed on a continuous or project by project basis:</p> <ol style="list-style-type: none"> Professional firms providing engineering, plan checking, land surveying, transit, planning, environmental, economic development, legal, auditing, landscape architecture, or other services may be retained on a continuing basis to provide professional services. The City Department Head, with the approval of the City Manager, may contract on a project-by-project or on a retainer basis for additional work/services without going through the RFP and selection process. At least every three years these arrangements shall be reviewed and every effort shall be made to receive proposals from at least three consultants to perform the same services. This is to ensure the City is receiving the best value and there is no stoppage in the provision of these services. Beginning each fiscal year, the Purchasing Officer/Designee shall make a written request to each City Department Head to submit to the City Manager a list of consultants currently under contract by their department, setting forth name of firms, type of services, cost of contracts, length of contracts and date entered into, and the number of years retained by the City. 	

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3. Exclusions

a. The process of selecting environmental impact report consultants for non City projects shall be conducted by the Director of Community Development and Redevelopment due to time restraints and application processing requirements. The final consultant selection and fee shall be reviewed and approved by the City Manager.

b. City Council shall also review and approve each bond issue in concept with approval for the selection of certain professional consultants, as needed, to be selected by the Administrative Services Director, as approved by the City Manager.

Bilateral Contracts Required:

A. A bilateral contract signed by both parties is required:

1. Whenever personal property is acquired by means of lease, rental, or installment purchase.
2. Whenever personal or professional services are required by the City except where the services are to be performed at the vendor's place of business or where the services are for non-repetitive repairs or maintenance and where a purchase order has been bid or negotiated to cover said services;
3. Whenever consultant services are to be acquired;
4. Whenever real estate or any interest therein is to be acquired except:
 - a. When acquired pursuant to the power of eminent domain and entry of a decree by a court;
 - b. When acquired as a result of the filings and recording of a map or plat as required by California Code;
 - c. When real estate is donated or dedicated to the City
5. Whenever the requesting office, department, agency or City Council shall so

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<p>specify;</p> <ol style="list-style-type: none"> 6. Whenever the vendor requires that a contract other than a purchase order be signed by City of Stanton; and, 7. Whenever intergovernmental, interagency and service provider agreements require participation by the City involving funding, performance, or assumption of liability or risk in any form. <p><u>Credit Card Usage:</u></p> <p>A. Under certain circumstances, the use of a City issued credit card may be the most appropriate method for certain purchases. The use of a City bank credit card should be used as a last resort and not be used to circumvent the Accounts Payable cycle or the Business License Ordinance. The following policies and procedures are established to insure internal control and timely payment of charges.</p> <p>Unless otherwise designated by the City Manager, the Administrative Services Department is the administrator of the Credit Card Program and responsible for evaluating the request for use of the City Credit Card and determining if the request is within the guidelines of this policy.</p> <p>PROCEDURE:</p> <ol style="list-style-type: none"> 1. Bank, office supply store, gasoline, and hardware store credit cards will be signed out on an as-needed basis to staff at the sole discretion of the City Manager or Administrative Services Director, in accordance with internal control procedures. Failure to comply with established procedures may result in discontinuance of use by the employee/department. 2. The Administrative Services Director will determine if the request falls within the guidelines and purpose of this policy. The Department will prepare a blue Credit Card Accounts Payable Voucher and the Department Head will sign prior to issuing of the credit card. This is to ensure that the bank card is used appropriately and that all purchases are within approved dollar limits and in compliance with this policy. 	

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<p>3. All employees using the City credit card will ensure the security of the credit card while in his/her possession. If lost or stolen, the employee shall immediately notify the Administrative Services Department.</p> <p>ALLOWABLE USES: City credit cards may be available to the City Employees for the conduct of official City business and City purchases, included, but not limited to the following purposes:</p> <ul style="list-style-type: none"> • Gasoline purchases for City vehicles. • Authorized travel expenses, hotel, training, airfare and conference expenses. • Items that require a credit card to purchase and that are less than \$1,000. No purchase shall be split into parts by any concerned party so as to produce artificial amounts lower than the total purchase price. • Monthly on-going expenses that do not change in price for which the City has a contract. • Computer equipment from a current vendor in which government pricing has been established. • Grant funded items for the Sheriff Department's special requests. • Online purchases where it is deemed by the Administrative Services Director to be a sole source provider or is the lowest priced supplier. These types of purchases shall not exceed \$5,000. • Supplies/Equipment for special requests with the Administrative Services Director and the City Manager's approval. • Vendors that require the service or purchase to be made by credit card. These circumstances will be verified by the Administrative Services Director or his/her appointed designee. • Other circumstances where the use of a credit card best meets the City's purchasing needs as determined by the City Manager or Administrative 	

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Services Director or his/her appointed designees.

According to Internal Revenue Service (IRS) tax reporting requirements, except for Urgency Purchases, a City credit card may not be used to purchase services provided by vendors who are doing business as partnerships or sole proprietors. Examples of this include, but are not limited to:

- Labor charges for auto repair
- Plumbers
- Construction contractors

B. City bank, gasoline, and telephone credit cards may be signed out from the Administrative Services Director by an employee authorized to purchase items. Once the purchase is complete, the credit card shall be returned. The following rules shall be adhered to when making a purchase using a City credit card:

1. All purchases and payments made by City credit cards must be properly budgeted or otherwise approved by Council action before the purchase or payment is made.
2. All purchase and payments made by City credit card must result in a receipt or other sales acknowledgement. These must be signed legibly by the purchaser and approved by the appropriate Department Head.
3. Signed receipts and sales acknowledgements must be forwarded to the Administrative Service Department as soon as possible.

No personal items shall be charged on any City credit card. Under no circumstances shall a single personal charge be made on a City credit card.

Purchasing Recycled Materials or "Green" Products:

It is the policy of the City to conserve and protect natural resources. The maintenance of a quality environment for the citizens of the City is an ongoing endeavor. In light of these statements, it is the policy of the City to encourage the use of recycled goods and "green" materials whenever possible, where fitness and quality being equal and cost no more than equal, to that of non-recycled or "non-green" products.

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Disposal of City Property:

A. Department Heads shall petition the City Manager and City Council to declare property surplus, obsolete or unusable.

Any property thus classified with resale value shall be advertised for sale by the City Clerk.

Property not deemed to have any resale value shall be disposed of by the Department Head in the manner deemed to be in the best interest of the public and approved by the City Manager.

Department Head shall provide the City Administrative Services Director with a list of all such property disposed of so that they may be removed from the list of City assets. The City may refuse any or all bids on items offered for sale.

The City may make a finding that a use or disposition of certain City property provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City, in which case the City Council may authorize purchase, receipt, holding, selling, leasing, conveying, and other disposition of real and personal property for the benefit of the City, whether the property is within or without the City's corporate boundaries, and under the terms of such a finding is not obligated to sell such property at bid but may improve, protect, and do any other thing in relation to this property that an individual could do.

Record of Fixed Assets:

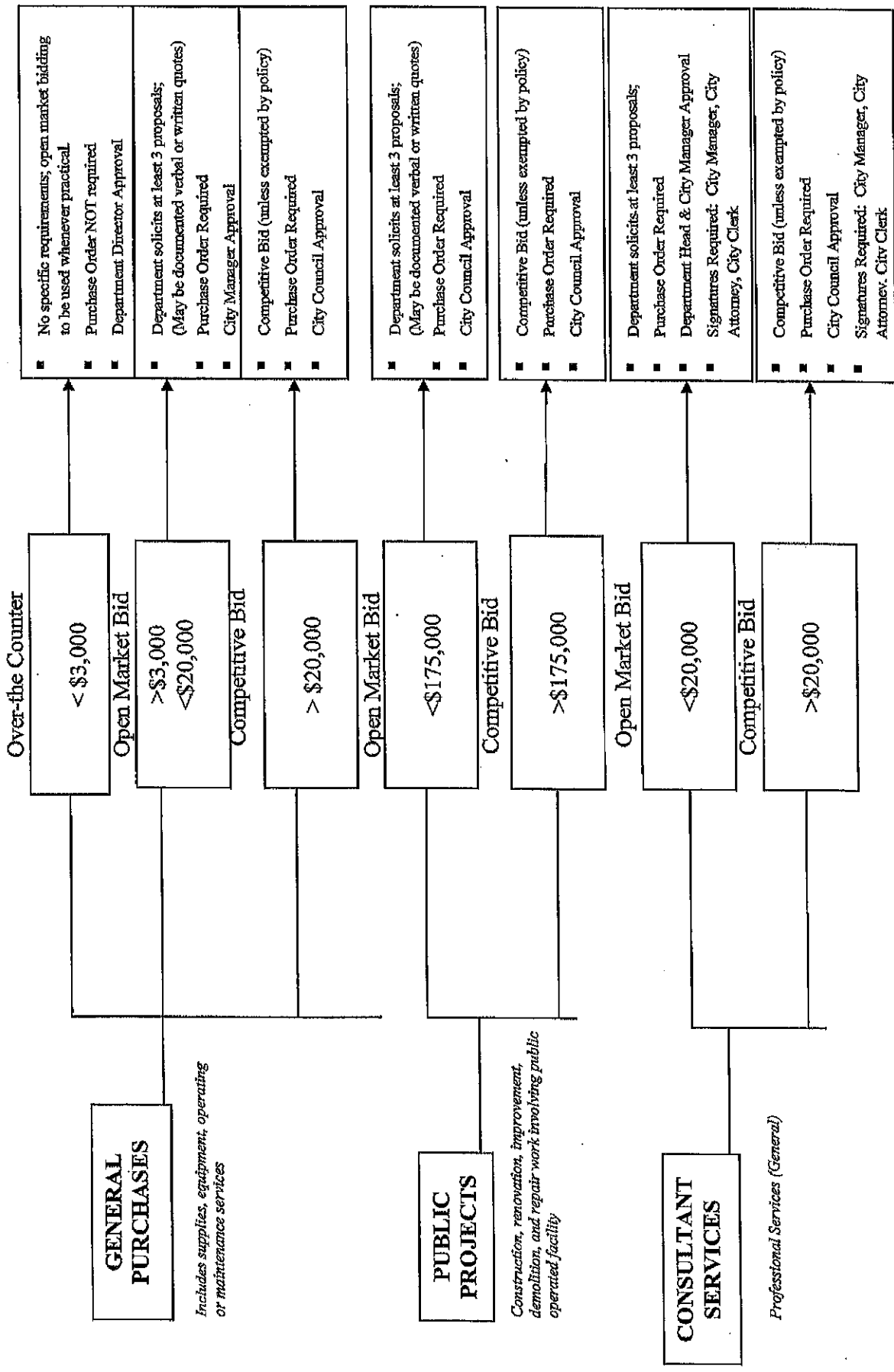
Whenever payment is made for acquisition of a fixed asset and whenever acquisition costs of said asset is \$5,000 or more the City Administrative Services Director or their Designee shall forthwith enter a record of said acquisition upon the inventory records of the City and the Purchasing Officer/Designee shall cause a property sticker to be placed upon said asset.

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<p><u>Inspection of Merchandise Received:</u></p> <p>A. It shall be the responsibility of the Department Head or his designees to immediately inspect all material, supplies, equipment, and personal property of any nature purchased pursuant to this ordinance immediately upon delivery from the vendor and prior to the acceptance of the delivery.</p> <p>B. The signature of the individual(s) conducting the inspection shall be required on all invoices to designate that they have inspected and received the merchandise listed on said invoice.</p> <p>Damaged property or items not specified on the purchase order shall not be accepted, and the non-conforming nature of the goods, together with the reason for rejection thereof, shall be noted in writing upon the delivery receipt.</p> <p><u>Personal Liability of Officers</u></p> <p>A. No officer or employee of the City shall make any expenditure or encumbrance in excess of the total appropriation remaining (excluding salaries and benefits) for any department.</p> <p>All purchases or all encumbrances on behalf of the City shall be made or incurred only upon any order or approval of the persons duly authorized to act on behalf of the City in such capacity.</p>	

Features

Category

Type



Stanton Municipal Code Section 2.56.075

2.56.075 Local vendor preference.

Local vendors are granted a one percent differential in lieu of sales and transactions tax loss for the purchase of materials, supplies, equipment, and personal property ~~and services~~. Prices, fitness, quality, delivery and service being equal, preference will be given to the local vendor as provided for in a purchasing policy adopted by the city council by resolution. Local vendor preference shall not be granted for contracts involving public works, personal, professional, and consultant services, or as otherwise prohibited by law. For purposes of this section, "local vendors" means a business having its principal place of operation within the jurisdictional boundaries of the city and a valid business license. For purposes of this chapter, when the city considers a local vendor's bid in connection with the purchase of supplies and equipment, the local vendor's bid shall be the bid amount after the applicable percent differential is applied.

City of Stanton Purchasing Policy and Procedures, Competitive Bid, Section (D)

D. LOCAL BUSINESS-VENDOR PREFERENCE: In evaluating competitive bids or quotes for the purchase of supplies and equipment, any local vendor/bidder, having a valid City Business License and fixed business location within the incorporated City Limits, may receive a one-two percent (42%) preference off of their bid or quote. This preference shall be applied only when a non-local vendor/bidder has first been determined to be the lowest responsible vendor/bidder but a local vendor/bidder may equal or improve upon the bid if the preference is applied. If upon applying this preference should the local vendor/bidder equal the lowest responsible vendor/bidder, or become the lowest responsible vendor/bidder, the City may select this vendor/bidder even though the actual cost to the City would not be the lowest. In the event that a local and a non local ~~bidder~~ vendor/bidder have the same bid or quote and it is the lowest responsible bid or quote the one-two percent (42%) preference ~~need not be applied~~ will be given to the local vendor. In this case the local business shall be selected to receive the purchase award. The local business must still demonstrate that it is a responsible vendor/bidder before being selected for the purchase award. ~~This shall apply to purchases under the Open Market and Formal Contract as well as professional services or consultant agreements.~~ A local vendor preference shall not be granted for contracts involving public works, personal, professional, and consulting services, or as otherwise prohibited by law.

The Local Business-Vendor Preference may not apply and may be dispensed with when prohibited by State or Federal Statutes, or regulations requiring that a bid or quote be awarded to the lowest responsible bidder or vendor, or as otherwise exempted from local preferences. ~~The local business preference shall not apply to purchases that are less than \$5,000. However, a Department making a purchase under the \$5,000 limit shall make every attempt possible to purchase through local businesses. Under no circumstances shall the Local Business Preference, granted in a single bid or quote, exceed five thousand dollars (\$5,000) cap.~~ The Local Business-Vendor Preference will not apply when bids or quotes are done with other public agencies through cooperative purchases.