

ORDINANCE NO. 931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA ADDING CHAPTER 9.71 “ART IN PUBLIC PLACES” TO TITLE 9 (ZONING AND PLANNING REGULATIONS) OF THE BELL GARDENS MUNICIPAL CODE ESTABLISHING PUBLIC ART REQUIREMENTS FOR CERTAIN DEVELOPMENT PROJECTS WITHIN BELL GARDENS

WHEREAS, the City of Bell Gardens (“City”) is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, the Bell Gardens General Plan articulates the community’s vision and is underscored by an effective Zoning Code;

WHEREAS, the proposed zoning text amendment is consistent with furthering the goals and objectives of the Bell Gardens General Plan to ensure the needs of the residents are met;

WHEREAS, Policy No. 2 of the Land Use Element of the Bell Gardens General Plan emphasizes the City’s commitments to the community to promote compatible, quality development, emphasize neighborhood identity, and increase pride in neighborhoods within the City;

WHEREAS, Policy No. 5 of the Land Use Element of the Bell Gardens General Plan records that cultural and artistic resources, including artwork and performing arts increase property values, community stability, and enhance the quality of life for individuals living in, working in, and visiting Bell Gardens;

WHEREAS, opportunity to develop these resources is diminished as growth and projects resulting in physical change and increased footprints occur;

WHEREAS, cultural and artistic resources enhance the City’s appearance, the potential economic vitality, and revitalization by encouraging diversity of distinct design within the City;

WHEREAS, the City determined that public art is a critical element of providing a culturally rich environment to residents and visitors which also enriches the community with aesthetic qualities;

WHEREAS, the purpose of an Art in Public Places (AIPP) ordinance is to ensure the incorporation of public art into the community and into development projects within the City;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 15, 2023, and reviewed all facts and evidence, both written and testimonial, pertaining to this Ordinance; and

WHEREAS, the City finds it necessary to amend the Bell Gardens Municipal Code (“BGMC”) to establish guidelines for the development of cultural and artistic assets, including artwork and performing arts which will enhance the quality of life in Bell Gardens.

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

SECTION 1. Findings and Purpose. In adopting this Ordinance, the City Council finds and declares as follows:

- i. The above recitals are true and correct and incorporated.
- ii. Ordinance No. 931 serves the public health, safety, and welfare of the residents and businesses within the City by regulating the development of cultural and artistic resources, the placement of artwork and performing arts.
- iii. Ordinance No. 931 is consistent with the Bell Gardens General Plan.
- iv. Ordinance No. 931, amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

SECTION 2. Chapter 9.71 entitled “Art in Public Places” is hereby added to Bell Gardens Municipal Code Title 9, Planning and Zoning, Division 5 Administration, as follows:

**Chapter 9.71
ART IN PUBLIC PLACES**

Sections:

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9.71.010 Intent and purpose.

The purpose of this chapter is to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life through development of cultural and artistic resources. This chapter may be known and cited as the “Bell Gardens Art in Public Places Program.” The intent of the program is to create a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles to unite the community through shared cultural experiences. Art in Public Places will further these goals by chronicling history by facilitating collection of artifacts, documents, and memorabilia that will acknowledge the past, relate the present and foster a connection to the future.

9.71.020 Definitions.

“Art” or “Artwork” means original creations of art including, but not limited to, the following categories: sculpture, murals, mosaics, monuments, fountains, or other pieces that will have a positive aesthetic impact and/or provide a positive perception of the City. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, and other suitable materials.

“Developer” means any person or entity that is financially and legally responsible for the planning, development, and construction of any development or development project covered by the Art in Public Places Program, who may or may not, be the owner of the subject property.

“Development” or “Development Project” means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires the issuance of a building permit.

“Director” shall be defined as in BGMC 9.04.040.

“Public Place” means any area on public or private property, which must be fully visible to the general public.

“Project Applicant” means the property owner, developer, or other responsible party proposing the project.

“Valuation” means the total value of the improvements approved for a development project, as indicated on the building permit application or applications submitted to the City in order to obtain a building permit or permits for the development project.

9.71.030 Development subject to provisions of chapter.

- A. All new residential Development of more than five (5) units, and all commercial, industrial, and public building Development Projects, with a building valuation exceeding \$500,000 shall be subject to the provisions of this chapter.
- B. Including but not limited to exterior modifications, alterations and additions, all remodeling of existing residential buildings of more than five (5) units, and all remodeling of existing commercial, industrial, and public buildings, shall be subject to the provisions of this chapter when such remodeling has a valuation exceeding \$250,000.

9.71.040 Exemptions.

- A. The following developments or modifications, alterations, and additions to the developments are exempt from this chapter:
 - 1. Residential, mixed use, commercial, or industrial development consisting exclusively of rehabilitation work required for seismic safety, as a result of a natural disaster, declared federal or state emergency or major disaster, or to comply with applicable building requirements, and governmental mandates, including, but not limited to, the Americans With Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended, regardless of valuation.
 - 2. Repair intended to upgrade an existing building or structure that does not

change the use or type of such building or structure and does not alter the size or occupancy load of the building or structure.

3. Commercial or industrial development projects owned solely by a nonprofit organization under Internal Revenue Code Section [501\(c\)\(3\)](#), provided the premises are operated by a nonprofit organization and used exclusively in furtherance of nonprofit purposes.
 4. New residential or mixed-use development containing a minimum of 25 percent (25%) covenanted affordable housing units for very low, lower, or moderate income households as defined in Health and Safety Code commencing with Section [50050](#).
 5. All senior citizen housing projects as defined in BGMC 9.59.020, "Senior citizen housing development."
 6. Buildings and projects designed and dedicated to performing arts spaces or facilities including theaters, performance art centers, or other similar facilities as determined by the Director, or museums. This exemption does not include commercial movie theaters, private recreation facilities, or buildings or spaces dedicated to primarily administrative activities.
 7. All public work and governmental agency projects.
- B. These exemptions shall apply only as long as a valid building permit and the exempt use is maintained.

9.71.050 Requesting exception.

A. Requesting an Exception. When a Project Applicant seeks an exception from the requirements of this chapter, that Project Applicant shall:

1. Within thirty (30) days of being notified that a Project art in public places requirement applies, send a letter to the Director stating the reasons why the Project should not be subject to the requirements established in this chapter and that an exception is requested.
2. The Director shall, within thirty (30) days of receipt of such letter, conduct a Type 2 site plan review, as defined in BGMC section 9.58.030, for an exception request.
 - a. A request for an art in public places exception shall require the submittal of the exception request letter and additional information, forms, and/or documents necessary to determine compliance with provisions of this title or any conditions that the Director may require in granting approval of the request including but not limited to evidence of Project valuation.
3. The Director shall notify the Project Applicant of the action taken on the Type 2 site plan review exception request. Said notification of action taken shall be made in writing by first class mail or email by the Director or the Director's designee.

- B. Appeal. The action of the Director on a Type 2 site plan review exception request may be appealed to the planning commission. All appeals shall be filed and reviewed per the provisions of Chapter [9.60](#) of BGMC, Appeals.
- C. Expiration. A Type 2 site plan review exception request approval, and all rights thereunder, shall terminate and become null and void within twelve (12) months from the date of the approval by the Director or Planning Commission under appeal unless action is taken to secure building permits and maintain active building permits with the building division beginning with the submittal of plans for plan check review. The Director may consider extending the expiration date of any Type 2 site plan review exception request for a period not to exceed twelve (12) months, provided an application requesting the extension is submitted to the Director prior to the expiration date.

9.71.060 Allocation requirement.

All applicable Development identified in Section 9.71.030 of this chapter, shall be required to acquire, place, and install approved Artwork, subject to the guidelines of this chapter, concurrently with the completion of the Development/modification Project, consistent with the standards of Sections 9.71.030 & 9.71.040 of this chapter.

- A. Artwork Allocation. The value of the placed and installed approved Artwork shall be equal to a minimum of one percent (1%) of the total proposed Development building valuation, in addition to any costs for the installation of the Artwork.
 - 1. Placement and Fees. The Project Applicant shall be permitted to purchase, place, and install an approved Artwork in an amount less than the required value, provided that the Project Applicant pays an in-lieu contribution to the Art in Public Places Fund equal to the difference between the required value and the costs of acquisition and installation of such Artwork.
- B. In-Lieu Contribution. In lieu of placement of approved Artwork, the Project Applicant may pay the Art in Public Places Fund an amount equal to one percent (1%) of the total proposed Development building valuation.

9.71.070 Art in public places fund created.

- A. Any money collected in accordance with the in-lieu contribution provisions of this chapter shall be deposited in a separate account denominated as the "Art in Public Places Fund." The City Manager or his/her designee shall establish accounting records sufficient to identify and control these funds.
- B. Expenditure. The Art in Public Places fund shall be used to provide works of

art in Public Places in order to further the intent and purpose of this chapter as set forth in Section 9.71.010 of this chapter. The expenditures of funds shall be limited to the following uses:

1. For the design, acquisition, commission, installation, improvement, maintenance, and insurance of Artwork. Design fees may include any fee paid to an appropriate party for the development of a design concept and preparation of construction drawings, which are separate and apart from the cost of the fabrication and installation of Artwork;
 2. To sponsor or support performing arts;
 3. For the acquisition and improvement of real property for the purpose of displaying Artwork, which has been or may be subsequently approved by the City;
 4. During a fiscal year, for maintenance of and utility charges related to the Artwork purchased pursuant to division (B)(1), above; provided, that the total amount of expenditures made in any year from the Art in Public Places Fund for the purpose set forth in this division (B)(4), shall not exceed ten percent (10%) of the total available amount of in-lieu contributions deposited, pursuant to this chapter, during the City's fiscal year immediately preceding the expenditure; or
 5. For costs associated with administering this chapter, in an amount not to exceed fifteen percent (15%) of the allocation as set forth in section 9.71.060 of this chapter.
- C. Return of in-lieu contributions shall be subject to the standards set forth in section 9.71.180 of this chapter.
- D. If real property purchased with monies from the Art in Public Places Fund is subsequently sold, then the proceeds from the sale shall be returned to the Art in Public Places Fund.

9.71.080 Art in public places review committee.

Art in Public Places Review Committee. An arts committee or surrogate body shall be established by the City to administer this chapter and fulfill the duties established herein. There is hereby created an Art in Public Places Review Committee consisting of the following officers or their duly authorized representatives:

- A. Community Development Director.
- B. Public Works Director
- C. Recreation and Community Services Director.

D. Such other City officers, representatives of other public or private agencies, that in the opinion of the Director, have an interest in placement of private places artwork.

E. A community member who, in the opinion of the Director has an interest in placement of private places artwork.

1. Community Member Participation.

- a. Not less than 30 days prior to an Art in Public Places Review Committee review of applications for placement of private places artwork, the Director shall provide notice to the Development Project Applicant for placement of private places artwork and to all persons whose names and addresses appear on the latest available assessment roll of the county of Los Angeles as owning property within a distance of five hundred (500) feet from the exterior boundaries of the area actually to be occupied by the private places artwork and to such other persons whose property might, in the Director's judgment, be affected by the placement of private places artwork requested.
- b. Notice shall include the time, place and purpose of such meeting, the general location of the Development Project under consideration and such other information as it deems necessary. Notice shall be mailed by first class mail, postage prepaid.
- c. If the Art in Public Places Review Committee finds that the mailing of notices in this section may not give sufficient notice to said persons, then such notices shall be posted at such locations as are deemed best suited to reach the attention of and inform those persons who may be affected.

2. Community Member Eligibility. Any person who wishes to be selected as a community member participant in the Art in Public Places Review Committee shall satisfy the following requirements:

- a. Person shall have at least a twenty-five percent 25% ownership interest in the residential real property or residency within the City.
- b. Person shall live within five hundred (500) feet radius of the Project subject property.
- c. A Person who, in the opinion of the Director, meets the proximity requirements and is interested in being selected as the community member participant, shall submit an application to the City Clerk at least fifteen(15) days prior to Art in Public Places Review Committee review.
- d. A decision shall be made within fifteen (15) days and a copy of such decision shall be made available to the community member and the Project Applicant.

F. The Director shall be the chair of the Art in Public Places Review Committee.

9.71.090 Timing of compliance.

- A. If a Project Applicant elects to satisfy its obligations hereunder through the payment of an in-lieu contribution, identified in section 9.71.060(B), such payment shall be made prior to issuance of a building permit.
- B. If a Project Applicant elects to satisfy its obligations hereunder through donation of an approved Artwork, or installation of an approved Artwork on private property, the Artwork shall be approved, as provided herein, prior to issuance of a building permit.
- C. Installation of approved Artwork shall be completed prior to issuance of a final building permit.
- D. Financial security in an amount equal to the acquisition and installation costs of any approved Artwork, in a form approved by the Director, must be posted prior to issuance of a final building permit.
- E. Any approved donated Artwork must be accepted by the City Council prior to issuance of final building permit.
- F. The Developer shall record a covenant and an approved Artwork maintenance agreement which provides for the length of time approved Artwork must be displayed to the satisfaction of the Director prior to issuance of a final building permit.
- G. The replacement of an existing installed Artwork with a new Artwork must enter a new review and approval process prior to removal and installation of the existing Artwork.
- H. In the event that any Artwork placed on the Development as a result of the provisions of this chapter is removed or destroyed, Developer shall, within one hundred eighty (180) days of the removal or destruction, replace it with Artwork which meets the requirements of this chapter and is equal to the removed/destroyed Artwork's fair market value immediately prior to its removal or destruction.

9.71.100 Removal of artwork.

- A. Request. A request for the removal of any approved Artwork shall be submitted to the Art in Public Places Review Committee in a form of a letter for review and approval. If the removal request is approved, a building demolition permit shall be pulled with the Building & Safety Division.
- B. Approval. Approval of removal of Artwork will be subject to the condition of the

Artwork and the required length of time indicated in the recorded covenant.

9.71.110 Guidelines for artwork.

Standards for the approval, siting, and installation of Artwork shall include, but are not limited to, the following criteria:

- A. The Artwork shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the Artwork or its placement on the site. The Type 2 site plan review shall include a site plan showing the location of the Artwork, complete with landscaping, lighting, and other appropriate accessories to complement and protect the Artwork.
- B. Installation of the Artwork shall be planned and implemented to enhance the piece and allow for unobstructed viewing from as many angles as possible. Once the Artwork has been installed the property owner shall not obstruct viewing of any or all of the pieces. Owner may temporarily obstruct the piece in order to maintain the piece during construction of the Development.
- C. The Artwork shall be permanently affixed to the property.
- D. The composition of the Artwork shall be of a permanent type of material in order to be durable against vandalism, theft, and weather and requiring a low level of maintenance.
- E. The Artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
- F. The Artwork shall be designed and constructed by an artist(s) experienced in the production of such Artwork and recognized by critics and by the artist's peers as one who produces works of art.
- G. The artist's qualifications will be reviewed by the Art in Public Places Review Committee. There must be examples of past work, which can be documented. Solo and group exhibit records, records of the artist work in public collections, art training, art education and printed critiques of past work would be helpful in providing documentation. Slides of similar work by the artist will be reviewed by the Art in Public Places Review Committee. Verification of the purchase price of past works will serve to help validate the fair market price of the proposed commissioned Artwork. The proposed Artwork should be submitted in the form of a model whenever possible. Multiple view drawings and photographs are also acceptable.

- H. Expressions of obvious bad taste or profanity, which would likely be offensive to the general public are unacceptable in the opinion of the Director.
- I. Each piece of Artwork shall be identified by a plaque at the site of an appropriate size and scale to the piece. The plaque shall be made of cast metal and then placed in a location near the art piece listing the title of the piece, the artist, and the date as well as the City.
- J. Unless otherwise permitted in the sole discretion of the City Council, the following items are not to be considered as works of Art:
 - 1. Art objects which are mass produced from a standard design;
 - 2. Reproductions of original Artwork, although limited editions are acceptable;
 - 3. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the Artwork;
 - 4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are an integral part of the Artwork by the artist; or
 - 5. Services or utilities necessary to operate or maintain the Artwork.

9.71.120 Private places artwork.

- A. Application procedures. A Type 2 site plan review application for placement of Artwork on private property shall be submitted to the Director pursuant to Section 9.71.110 of this chapter and shall include:

- 1. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed Artwork;
- 2. An appraisal or other evidence of the value of the proposed Artwork, including acquisition and installation costs;
- 3. Preliminary plans containing such detailed information as may be required by the City to adequately evaluate the location of the Artwork in relation to the proposed Development and its compatibility with the proposed Development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal; and
- 4. A narrative statement demonstrating that the Artwork will be displayed in an area open and freely available to the general public at least ten (10) hours each day or otherwise provide public accessibility in an equivalent manner based on the characteristics of the Artwork or its placement on the site.

- B. Approval.

- 1. Completed applications shall be submitted to the City Art in Public Places

Review Committee for review and approval of the Artwork, considering the aesthetic quality and harmony of the Artwork with the existing on-site improvements and the proposed location of and public accessibility to the Artwork.

2. Any person may seek a review of an Art in Public Places Review Committee decision made pursuant to division (B)(1) by filing an appeal in accordance with Chapter [9.60](#), Appeals, of the BGMC.

9.71.130 Donated public places artwork.

A. Application procedure. An application for acceptance of Artwork to be donated to the City for placement on public property shall be submitted to the Director or their designee and shall include the following information, at a minimum:

1. Preliminary sketches, photographs, models, site plan, lines of sight, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed Artwork;
2. An appraisal or other evidence of the value of the proposed Artwork, including acquisition and installation costs;
3. A written agreement in a form approved by the Director, executed by or on behalf of the artist who created the Artwork, which expressly waives his or her rights under the California Art Preservation Act or other applicable law; and
4. Other information may be required by the City Council to adequately evaluate the proposed donation of Artwork.

B. Review of application.

1. Completed applications shall be submitted to the Director for review and recommendation to the City Council.
2. Recommendations shall be forwarded to the City Council, which shall have the sole authority to approve, conditionally approve, or disapprove Artwork.

9.71.140 Public places artwork.

A. The Art in Public Places Review Committee may recommend to the City Council the purchase of Artwork to be displayed on public property, monetary support for the performing arts, support for outside art projects, and the purchase and improvement of real property to be used for the display of Artwork. A recommendation shall include:

1. The type of Artwork considered, an analysis of the constraints applicable to the placement of the Artwork on a site, the need for and practicality of the maintenance of the Artwork, and the costs of acquisition and installation of the Artwork; or

2. The type of performance and amount recommended; or
 3. A description of the outside art project and the amount recommended; or
 4. The estimated costs of acquisition and improvements of the real property proposed to be purchased.
- B. An expenditure from the Art in Public Places Fund may be made for the performing arts, provided that the performance occurs at a location in the City or owned or controlled by the City.

9.71.150 Artwork ownership and maintenance.

- A. All Artwork placed on the site of a Project Applicant's Project shall remain the Project Applicant's property; the obligation to provide all maintenance necessary to preserve the Artwork in good condition shall remain with the site's owner.
- B. Maintenance of Artwork, as used in this chapter, shall include, without limitation, preservation of the Artwork in good condition to the satisfaction of the City, protection of the Artwork against physical defacement, mutilation, or alteration, and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the City Prosecutor pursuant to BGMC Chapter 1.16. Prior to the issuance of a final building permit, the Project Applicant and owner of the site shall execute and record a covenant in a form approved by the City for maintenance of the Artwork. Failure to maintain the Artwork as provided herein is hereby declared to be a public nuisance.
- C. In addition to all other remedies provided by law, in the event the owner fails to maintain the Artwork, upon reasonable notice, the City may perform all necessary repairs, maintenance, or secure insurance, and the costs therefor shall become a lien against the real property.
- D. All Artwork donated to the City shall become the property of the City upon acceptance by the City Council.

9.71.160 Criteria for approving architecture as art.

The following criteria shall be used to determine, on a case-by-case basis, whether architecture can be considered Art for purposes of fulfilling this chapter's requirements:

- A. The architect shall be substantially recognized by the art world in shows, museums, and/or publications.
- B. When reviewing architecture as Art, the underlying concept of the architecture shall be expressive as more than mere utilitarian architecture. The architecture

as a whole or certain architectural features shall express ideas or meaning and have cultural significance or conceptual complexity in relation to the totality of the object.

- C. In the alternative, architecture can be considered Art if it is created as a collaborative effort with an artist, the artist does the majority of the work, the artist has major design control of the portions of the architecture to be considered art, and the artist has been brought in early in the process. The artist shall have experience and knowledge of monumental scale and sculpture.
- D. The architecture must meet all the general criteria regarding the placement of Artwork on private property as defined in section 9.71.110 of this chapter.

9.71.170 Procedure for approving architecture as art.

The following procedure must be followed by the Developer to fulfill the public art requirement with the building's architecture.

- A. A Developer must make two presentations to the Art in Public Places Review Committee:
 - 1. The first presentation shall be made prior to the development application being deemed complete. The Developer must submit a maquette and other materials which satisfactorily illustrate the proposed conceptual Development. The Developer and architect must submit a conceptual statement expressing why the architecture should be considered art, including an explanation of the ideas, meaning, cultural significance, or conceptual complexity expressed in the architecture.
 - 2. The second presentation shall be made at the completion of the City approval process. The Developer must submit a maquette and other materials that satisfactorily illustrate the to-be-built Development.
 - 3. If a development application was received prior to the adoption of this section, the above requirements for the timing of a Developer's presentation to the Art in Public Places Review Committee shall not apply, provided the first presentation is made at the Planning Commission meeting at which the Project's approval is considered.
- B. The Developer and architect shall demonstrate that there will be high-quality materials and craftsmanship used in the execution of the construction.
- C. If all of the foregoing criteria are met, the Art in Public Places Review Committee shall make the recommendation to the City Council to accept the architecture as art only if, in its judgment, the architectural work is of extremely high artistic merit and would make a substantial cultural contribution to the City.

- D. The Developer and/or architect shall be responsible for demonstrating that all of the foregoing criteria are met.

9.71.180 Return of contributions.

- A. In-lieu contributions paid into the Art in Public Places Fund that are not committed within ten (10) years from the date of payment may be returned to the current owner of the Development Project with all interest actually earned thereon if a written request for return is filed with the Department of Finance and Administrative Services during the tenth year after payment and refund of the fees is approved by the City Council. The request for return shall be verified and shall include the date of payment, the amount paid and method of payment, the location of the Development for which the fee was paid, and a statement that the Project Applicant is the payer of the fees and/or the current owner of the Development Project.
- B. The City Council shall determine if return of the then uncommitted portion of the fees and interest is appropriate and, if so, the method of refund. No refund shall be appropriate if the City Council determines any one of the following applies:
1. The City Council finds the fee is needed for art in public places.
 2. The administrative costs of refunding the uncommitted fees pursuant to this chapter exceeds the amount to be refunded, provided that at least ten (10) days prior to the hearing, a notice of public hearing on this issue has been published and posted on the site of the Development Project in not less than three places.
- C. Expenditure of fees shall be subject to the standards set forth in section 9.71.070 of this chapter.

SECTION 3. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance amending the Bell Gardens Zoning Code is exempt from the California Environmental Quality Act (CEQA) under the following provision of the CEQA Guidelines: Section 15061(b)(3) because there is no possibility that it may have a significant effect upon the environment; and under Section 15378, this Ordinance is not a project under CEQA because it will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it does not authorize any specific activity.

SECTION 4. 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 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 might subsequently be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

PASSED, APPROVED, AND ADOPTED this 10th day of April 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk