



**AGENDA
CITY COUNCIL REGULAR MEETING
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
TUESDAY, DECEMBER 11, 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: 2

5. CALL TO ORDER / REGULAR CITY COUNCIL MEETING (6:30 P.M.)

6. PLEDGE OF ALLEGIANCE

7. SPECIAL PRESENTATIONS AND AWARDS **None.**

8. 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

8A. 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.

8B. APPROVAL OF WARRANTS

City Council approve demand warrants dated November 21, 2018 and November 29, 2018, in the amount of \$278,076.54.

8C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approve Resolution No. 2018-47, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW."

END OF CONSENT CALENDAR

9. PUBLIC HEARINGS None.

10. UNFINISHED BUSINESS

10A. CONSIDERATION OF RESOLUTION OF DENIAL OF CONDITIONAL USE PERMIT C18-04 FOR THE OPERATION OF A CREMATORY AT THE PROPERTY LOCATED AT 8351 KATELLA AVENUE

At the direction of the City Council, staff has drafted a resolution of denial of Conditional Use Permit C18-04 for the operation of a crematory at the property located at 8351 Katella Ave. in the IG (Industrial General) zone.

RECOMMENDED ACTION:

1. City Council declare this action not subject to CEQA per Section 15061(b)(4) and 15270, as CEQA does not apply to projects which a public agency rejects or disapproves; and
2. Consider Resolution No. 2018-48 denying Conditional Use Permit C18-04, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA OVERTURNING THE APPROVAL OF CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.”

11. NEW BUSINESS None.

12. ORAL COMMUNICATIONS - PUBLIC

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

- Members of the public wishing to address the Council 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 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 and Staff need to be recognized by the Mayor before speaking.

13. WRITTEN COMMUNICATIONS

Number of written communication received: 1

14. MAYOR COUNCIL INITIATED BUSINESS

14A. COMMITTEE REPORTS / COUNCIL ANNOUNCEMENTS

At this time Council 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.

14B. COUNCIL INITIATED ITEMS FOR A FUTURE MEETING

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

14C. COUNCIL INITIATED ITEMS FOR A FUTURE STUDY SESSION

At this time Council may place an item on a future study session agenda.

Currently Scheduled:

- None.

14D. SWEARING IN/SEATING NEW COUNCIL MEMBERS

The City Clerk will administer the Oaths of Office to Mr. David J. Shawver, Mr. Rigoberto A. Ramirez, and Mr. Gary Taylor.

14E. RECOGNITION OF OUTGOING COUNCIL MEMBER BRIAN DONAHUE

Presentation of recognition plaque by the City Council.

14F. REORGANIZATION OF CITY COUNCIL

Annually, the City Council elects a Mayor Pro Tem.

RECOMMENDED ACTION:

The City Clerk will accept nominations for Mayor Pro Tem.

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

16. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17. 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 6th day of December, 2018.

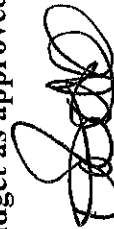
s/ Patricia A. Vazquez, City Clerk/Secretary

**CITY OF STANTON
ACCOUNTS PAYABLE REGISTER**

November 21, 2018	\$202,642.22
November 29, 2018	\$75,434.32

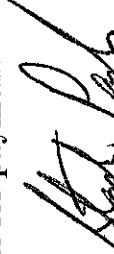
\$278,076.54

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



Interim City Manager

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



Assistant City Manager

RESOLUTION NO. 2018-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Stanton, California, on Tuesday, November 6, 2018, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. 2018-29 adopted on June 12, 2018, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

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

SECTION 1: That the whole number of ballots cast in the precincts except mail voter ballots and provisional ballots was 4,688.

That the whole number of ballots cast in the early voting ballots was 144.

That the whole number of vote by mail voter ballots cast in the City was 8,134, making a total of 12,966 ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Mayor are as follows: David John Shawver, Brian Donahue, and Israel Hilario-Perez.

That the names of persons voted for at the election for Member of the City Council District 1 are as follows: Rigoberto A. Ramirez.

That the names of persons voted for at the election for Member of the City Council District 3 are as follows: Gary Taylor, Ramona M. Macias, Loreen Berlin, and James Michael Scott.

SECTION 3: That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure(s) were as listed in Exhibit "B" attached, attached.

SECTION 4: The City Council does declare and determine that as a result of the election:

David John Shawver was elected as Mayor for the full term of four years; and

Rigoberto A. Ramirez was elected as Member of the City Council, District 1 for the full term of four years; and

Gary Taylor was elected as Member of the City Council, District 3 for the full term of four years.

SECTION 5: The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election showing:

1. The whole number of the ballots cast in the City;
2. The names of the persons voted for;
3. For what office each person was voted for; and
4. The total number of votes given to each person.

SECTION 6: That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED, SIGNED AND APPROVED this 11th day of December, 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. 2018-47 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on December 11, 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

STATE OF CALIFORNIA))ss.
COUNTY OF ORANGE)

CITY OF STANTON
MAYOR

EARLY VOTING BALLOTS CAST:	90
PRECINCT BALLOTS CAST:	2,954
VOTE-BY-MAIL BALLOTS CAST:	5,233
TOTAL BALLOTS CAST:	8,277

RIGOBERTO A. RAMIREZ	1,460
EARLY VOTING BALLOTS CAST:	19
PRECINCT BALLOTS CAST:	673
VOTE-BY-MAIL BALLOTS CAST:	1,240
TOTAL BALLOTS CAST:	1,932

GARY TAYLOR	1,154
RAMONA M. MACIAS	475
LOREEN BERLIN	400
JAMES MICHAEL SCOTT	308

I hereby certify that the number of votes cast for each candidate is as set forth above and appears in the Certified Statement of the Vote.

Orange County Statement of Votes

CITY OF STANTON Mayor								
Precinct	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Mayor		BRIAN DONAHUE	DAVID JOHN SHAWVER	ISRAEL HILARIO-PEREZ
27113	1084	576	53.14%			108	348	69
27115	325	194	59.69%			26	126	24
27117	910	492	54.07%			98	288	42
27135	392	191	48.72%			37	96	36
27136	139	80	57.55%			9	52	8
27137	0	0	0.00%			0	0	0
27138	307	168	54.72%			31	93	21
27139	6	3	50.00%			1	0	1
27140	1	1	100.00%			0	1	0
27141	139	74	53.24%			10	35	16
27145	524	304	58.02%			69	168	45
27146	0	0	0.00%			0	0	0
27147	1225	752	61.39%			129	449	96
27149	1169	607	51.92%			94	376	81
27155	1	0	0.00%			0	0	0
27158	1216	781	64.23%			148	472	91
27159	1671	963	57.63%			142	599	107
27161	999	549	54.95%			76	322	104
27162	1336	850	63.62%			157	506	92
27163	1336	677	50.71%			137	396	93
27164	162	63	38.89%			6	44	9
27168	13	6	46.15%			0	3	3
27170	947	577	60.93%			105	334	78
27701	784	369	47.07%			66	156	87
Totals	14685	8277	56.36%			1449	4865	1103

Early Voting Totals

Orange County Statement of Votes

CITY OF STANTON Mayor								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Mayor		BRIAN DONAHUE	DAVID JOHN SHAWVER	ISRAEL HILARIO-PEREZ
29th Senate District	14685	90	0.61%			15	55	9
2nd Supervisory District	14685	90	0.61%			15	55	9
47th Congressional District	14685	90	0.61%			15	55	9
65th Assembly District	14685	90	0.61%			15	55	9
Anaheim Union High School District	7718	43	0.56%			8	27	5
Anaheim Union High School District Trustee Area 1	1840	9	0.49%			1	3	4
Anaheim Union High School District Trustee Area 2	5878	34	0.58%			7	24	1
Coast Community College District	3027	22	0.73%			1	13	1
Coast Community College District Trustee Area 1	1356	15	1.11%			1	8	1
Coast Community College District Trustee Area 2	1671	7	0.42%			0	5	0
County Board of Education Trustee Area 2	14685	90	0.61%			15	55	9
Garden Grove Unified School District	6967	47	0.67%			7	28	4
Garden Grove Unified School District Trustee Area 1	6967	47	0.67%			7	28	4
Magnolia School District	3177	16	0.50%			1	9	4
Magnolia School District Trustee Area 1	3038	16	0.53%			1	9	4
Magnolia School District Trustee Area 5	923	3	0.33%			0	1	1
Municipal Water District Of Orange County	14685	90	0.61%			15	55	9
Municipal Water District of Orange County Division 1	14685	90	0.61%			15	55	9
North Orange County Community College District	11658	68	0.58%			14	42	8
North Orange County Community College District	9826	59	0.60%			13	36	6
North Orange County Community College District	1833	9	0.49%			1	6	2
Orange County	14685	90	0.61%			15	55	9
Orange County Water District	14685	90	0.61%			15	55	9
Orange County Water District Division 1	11770	67	0.57%			8	44	6
Orange County Water District Division 4	2915	23	0.79%			7	11	3
Savanna School District	4541	27	0.59%			7	18	1
Stanton	14685	90	0.61%			15	55	9
Stanton Ward Division 1	3383	19	0.56%			4	13	2
Stanton Ward Division 2	3672	19	0.52%			2	13	2
Stanton Ward Division 3	4499	35	0.78%			8	18	4
Stanton Ward Division 4	3915	20	0.51%			1	12	2
State Board of Equalization (4th District)	14685	90	0.61%			15	55	9
Totals:	14685	90	0.61%			15	55	9

Vote-by-Mail Totals

Orange County Statement of Votes

CITY OF STANTON Mayor								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Mayor		BRIAN DONAHUE	DAVID JOHN SHAWVER	ISRAEL HILARIO-PEREZ
29th Senate District	14685	5233	35.64%			900	3343	526
2nd Supervisorial District	14685	5233	35.64%			900	3343	526
47th Congressional District	14685	5233	35.64%			900	3343	526
65th Assembly District	14685	5233	35.64%			900	3343	526
Anaheim Union High School District	7718	2693	34.89%			478	1678	300
Anaheim Union High School District Trustee Area 1	1840	586	31.85%			111	325	90
Anaheim Union High School District Trustee Area 2	5878	2107	35.85%			367	1353	210
Coast Community College District	3027	1188	39.25%			201	789	96
Coast Community College District Trustee Area 1	1356	538	39.68%			109	340	46
Coast Community College District Trustee Area 2	1671	650	38.90%			92	443	50
County Board of Education Trustee Area 2	14685	5233	35.64%			900	3343	526
Garden Grove Unified School District	6967	2540	36.46%			422	1665	226
Garden Grove Unified School District Trustee Area 1	6967	2540	36.46%			422	1665	226
Magnolia School District	3177	1026	32.29%			179	625	131
Magnolia School District Trustee Area 1	3038	953	31.37%			169	590	115
Magnolia School District Trustee Area 5	923	280	30.34%			49	138	56
Municipal Water District Of Orange County	14685	5233	35.64%			900	3343	526
Municipal Water District of Orange County Division 1	14685	5233	35.64%			900	3343	526
North Orange County Community College District	11658	4045	34.70%			699	2560	430
North Orange County Community College District	9825	3393	34.53%			584	2142	363
North Orange County Community College District	1833	652	35.57%			115	418	67
Orange County	14685	5233	35.64%			900	3343	526
Orange County Water District	14685	5233	35.64%			900	3343	526
Orange County Water District Division 1	11770	4142	35.19%			714	2653	418
Orange County Water District Division 4	2915	1091	37.43%			186	690	108
Savanna School District	4541	1667	36.71%			299	1053	169
Stanton	14685	5233	35.64%			900	3343	526
Stanton Ward Division 1	3383	1240	36.65%			210	795	126
Stanton Ward Division 2	3672	1188	32.35%			223	728	134
Stanton Ward Division 3	4499	1661	36.92%			286	1073	165
Stanton Ward Division 4	3915	1351	34.51%			220	850	141
State Board of Equalization (4th District)	14685	5233	35.64%			900	3343	526
Totals:	14685	5233	35.64%			900	3343	526

Grand Totals

Orange County Statement of Votes

CITY OF STANTON Mayor								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Mayor		BRIAN DONAHUE	DAVID JOHN SHAWVER	ISRAEL HILARIO PEREZ
29th Senate District	14685	8277	56.36%			1449	4865	1103
2nd Supervisorial District	14685	8277	56.36%			1449	4865	1103
47th Congressional District	14685	8277	56.36%			1449	4865	1103
65th Assembly District	14685	8277	56.36%			1449	4865	1103
Anaheim Union High School District	7718	4259	55.18%			763	2449	604
Anaheim Union High School District Trustee Area 1	1840	939	51.03%			182	456	184
Anaheim Union High School District Trustee Area 2	5878	3320	56.48%			581	1993	420
Coast Community College District	3027	1824	60.26%			299	1123	206
Coast Community College District Trustee Area 1	1356	861	63.50%			157	524	99
Coast Community College District Trustee Area 2	1671	963	57.63%			142	599	107
County Board of Education Trustee Area 2	14685	8277	56.36%			1449	4865	1103
Garden Grove Unified School District	6967	4018	57.67%			686	2416	499
Garden Grove Unified School District Trustee Area 1	6967	4018	57.67%			686	2416	499
Magnolia School District	3177	1612	50.74%			288	876	275
Magnolia School District Trustee Area 1	3038	1538	50.63%			273	841	269
Magnolia School District Trustee Area 5	923	443	48.00%			76	191	103
Municipal Water District Of Orange County	14685	8277	56.36%			1449	4865	1103
Municipal Water District of Orange County Division 1	14685	8277	56.36%			1449	4865	1103
North Orange County Community College District	11658	6453	55.35%			1150	3742	697
North Orange County Community College District	9825	5467	55.64%			977	3162	755
North Orange County Community College District	1833	986	53.79%			173	580	142
Orange County	14685	8277	56.36%			1449	4865	1103
Orange County Water District	14685	8277	56.36%			1449	4865	1103
Orange County Water District Division 1	11770	6488	55.12%			1130	3806	888
Orange County Water District Division 4	2915	1789	61.37%			319	1059	215
Savanna School District	4541	2647	58.29%			480	1573	329
Stanton	14685	8277	56.36%			1449	4865	1103
Stanton Ward Division 1	3383	1932	57.11%			328	1155	262
Stanton Ward Division 2	3672	1853	50.46%			348	1037	279
Stanton Ward Division 3	4499	2757	61.28%			486	1634	365
Stanton Ward Division 4	3915	2104	53.74%			353	1195	284
State Board of Equalization (4th District)	14685	8277	56.36%			1449	4865	1103
Totals:	14685	8277	56.36%			1449	4865	1103

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 1						
Precinct	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 1		RIGOBERTO A. RAMIREZ
27115	325	194	59.69%			141
27140	1	1	100.00%			1
27141	139	74	53.24%			58
27145	524	304	58.02%			228
27146	0	0	0.00%			0
27147	1225	752	61.39%			549
27149	1169	607	51.92%			483
Totals:	3383	1932	57.11%			1460

Early Voting Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 1						
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 1		RIGOBERTO A. RAMIREZ
29th Senate District	3383	19	0.56%			15
2nd Supervisorial District	3383	19	0.66%			15
47th Congressional District	3383	19	0.56%			15
65th Assembly District	3383	19	0.56%			15
Anaheim Union High School District	3383	19	0.56%			15
Anaheim Union High School District Trustee Area 1	664	4	0.60%			1
Anaheim Union High School District Trustee Area 2	2719	15	0.55%			14
County Board of Education Trustee Area 2	3383	19	0.56%			15
Magnolia School District	1833	9	0.49%			6
Magnolia School District Trustee Area 1	1694	9	0.53%			6
Magnolia School District Trustee Area 5	139	0	0.00%			0
Municipal Water District Of Orange County	3383	19	0.56%			15
Municipal Water District of Orange County Division 1	3383	19	0.56%			15
North Orange County Community College District	3383	19	0.56%			15
North Orange County Community College District	1550	10	0.65%			9
North Orange County Community College District	1833	9	0.49%			6
Orange County	3383	19	0.56%			15
Orange County Water District	3383	19	0.56%			15
Orange County Water District Division 1	3058	19	0.62%			15
Orange County Water District Division 4	325	0	0.00%			0
Savanna School District	1550	10	0.65%			9
Stanton	3383	19	0.56%			15
Stanton Ward Division 1	3383	19	0.56%			15
State Board of Equalization (4th District)	3383	19	0.56%			15
Totals:	3383	19	0.56%			15

Vote-by-Mail Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 1						
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 1		RIGOBERTO A. RAMIREZ
29th Senate District	3383	1240	36.65%			963
2nd Supervisorial District	3383	1240	36.65%			963
47th Congressional District	3383	1240	36.65%			963
65th Assembly District	3383	1240	36.65%			963
Anaheim Union High School District	3383	1240	36.65%			963
Anaheim Union High School District Trustee Area 1	664	264	39.76%			214
Anaheim Union High School District Trustee Area 2	2719	976	35.90%			749
County Board of Education Trustee Area 2	3383	1240	36.65%			963
Magnolia School District	1833	652	35.57%			531
Magnolia School District Trustee Area 1	1694	579	34.18%			473
Magnolia School District Trustee Area 5	139	73	52.52%			58
Municipal Water District Of Orange County	3383	1240	36.65%			963
Municipal Water District of Orange County Division 1	3383	1240	36.65%			963
North Orange County Community College District	3383	1240	36.65%			963
North Orange County Community College District	1550	688	37.94%			432
North Orange County Community College District	1833	652	35.57%			531
Orange County	3383	1240	36.65%			963
Orange County Water District	3383	1240	36.65%			963
Orange County Water District Division 1	3058	1117	36.53%			879
Orange County Water District Division 4	325	123	37.85%			84
Savanna School District	1550	588	37.94%			432
Stanton	3383	1240	36.65%			963
Stanton Ward Division 1	3383	1240	36.65%			963
State Board of Equalization (4th District)	3383	1240	36.65%			963
Totals:	3383	1240	36.65%			963

Grand Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 1					
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 1	RIGOBERTO A. RAMIREZ
29th Senate District	3383	1932	57.11%		1460
2nd Supervisorial District	3383	1932	57.11%		1460
47th Congressional District	3383	1932	57.11%		1460
65th Assembly District	3383	1932	57.11%		1460
Anaheim Union High School District	3383	1932	57.11%		1460
Anaheim Union High School District Trustee Area 1	664	379	57.08%		287
Anaheim Union High School District Trustee Area 2	2719	1553	57.12%		1173
County Board of Education Trustee Area 2	3383	1932	57.11%		1460
Magnolia School District	1833	986	53.79%		770
Magnolia School District Trustee Area 1	1694	912	53.84%		712
Magnolia School District Trustee Area 5	139	74	53.24%		58
Municipal Water District Of Orange County	3383	1932	57.11%		1460
Municipal Water District of Orange County Division 1	3383	1932	57.11%		1460
North Orange County Community College District	3383	1932	57.11%		1460
North Orange County Community College District	1550	946	61.03%		690
North Orange County Community College District	1833	986	53.79%		770
Orange County	3383	1932	57.11%		1460
Orange County Water District	3383	1932	57.11%		1460
Orange County Water District Division 1	3058	1738	56.83%		1319
Orange County Water District Division 4	325	194	59.69%		141
Savanna School District	1550	946	61.03%		690
Stanton	3383	1932	57.11%		1460
Stanton Ward Division 1	3383	1932	57.11%		1460
State Board of Equalization (4th District)	3383	1932	57.11%		1460
Totals	3383	1932	57.11%		1460

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 3									
Precinct	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 3		GARY TAYLOR	JAMES MICHAEL SCOTT	LOREEN BERLIN	RAMONA M. MACIAS
27137	0	0	0.00%			0	0	0	0
27155	0	0	0.00%			0	0	0	0
27156	1216	781	64.23%			299	90	165	103
27161	999	549	54.95%			225	59	52	134
27162	1336	850	63.62%			386	90	109	126
27170	947	577	60.93%			244	69	74	106
Totals	4499	2757	61.28%			1154	308	400	475

Early Voting Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 3									
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 3		GARY TAYLOR	JAMES MICHAEL SCOTT	LOREEN BERLIN	RAMONA M. MACIAS
29th Senate District	4499	35	0.78%			16	4	4	5
2nd Supervisorial District	4499	35	0.78%			16	4	4	5
47th Congressional District	4499	35	0.78%			16	4	4	5
65th Assembly District	4499	35	0.78%			16	4	4	5
Anaheim Union High School District	1336	13	0.97%			7	1	1	2
Anaheim Union High School District Trustee Area	1336	13	0.97%			7	1	1	2
Coast Community College District	1217	12	0.99%			4	2	2	1
Coast Community College District Trustee Area	1217	12	0.99%			4	2	2	1
Coast Community College District Trustee Area	0	0	0.00%			0	0	0	0
County Board of Education Trustee Area 2	4499	35	0.78%			16	4	4	5
Garden Grove Unified School District	3163	22	0.70%			9	3	3	3
Garden Grove Unified School District Trustee Area	3163	22	0.70%			9	3	3	3
Municipal Water District of Orange County	4499	35	0.78%			16	4	4	5
Municipal Water District of Orange County Division	4499	35	0.78%			16	4	4	5
North Orange County Community College District	3282	23	0.70%			12	2	2	4
North Orange County Community College District	3282	23	0.70%			12	2	2	4
Orange County	4499	35	0.78%			16	4	4	5
Orange County Water District	4499	35	0.78%			16	4	4	5
Orange County Water District Division 1	2216	12	0.54%			4	2	2	1
Orange County Water District Division 4	2283	23	1.01%			12	2	2	4
Savanna School District	1336	13	0.97%			7	1	1	2
Stanton	4499	35	0.78%			16	4	4	5
Stanton Ward Division 3	4499	35	0.78%			16	4	4	5
State Board of Equalization (4th District)	4499	35	0.78%			16	4	4	5
Totals:	4499	35	0.78%			16	4	4	5

Vote-by-Mail Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 3									
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 3		GARY TAYLOR	JAMES MICHAEL SCOTT	LOREEN BERLIN	RAMONA M. MACIAS
29th Senate District	4499	1661	36.92%			782	175	243	248
2nd Supervisorial District	4499	1661	36.92%			782	175	243	248
47th Congressional District	4499	1661	36.92%			782	175	243	248
65th Assembly District	4499	1661	36.92%			782	175	243	248
Anaheim Union High School District	1336	543	40.64%			275	54	75	73
Anaheim Union High School District Trustee Area 1	1336	543	40.64%			275	54	75	73
Coast Community College District	1217	481	39.52%			200	50	101	65
Coast Community College District Trustee Area 1	1217	481	39.52%			200	50	101	65
Coast Community College District Trustee Area 2	0	0	0.00%			0	0	0	0
County Board of Education Trustee Area 2	4499	1661	36.92%			782	175	243	248
Garden Grove Unified School District	3163	1118	35.35%			507	121	168	175
Garden Grove Unified School District Trustee Area 1	3163	1118	35.35%			507	121	168	175
Municipal Water District of Orange County	4499	1661	36.92%			782	175	243	248
Municipal Water District of Orange County Division 1	4499	1661	36.92%			782	175	243	248
North Orange County Community College District	3282	1180	35.95%			582	125	142	183
North Orange County Community College District	3282	1180	35.95%			582	125	142	183
Orange County	4499	1661	36.92%			782	175	243	248
Orange County Water District	4499	1661	36.92%			782	175	243	248
Orange County Water District Division 1	2216	796	35.92%			354	85	130	127
Orange County Water District Division 4	2283	866	37.89%			428	90	113	121
Savanna School District	1336	543	40.64%			275	54	75	73
Stanton	4499	1661	36.92%			782	175	243	248
Stanton Ward Division 3	4499	1661	36.92%			782	175	243	248
State Board of Equalization (4th District)	4499	1661	36.92%			782	175	243	248
Totals	4499	1661	36.92%			782	175	243	248

Grand Totals

Orange County Statement of Votes

CITY OF STANTON Member, City Council, District 3									
District	Party Member Registration	Ballots Cast	Turnout	CITY OF STANTON Member, City Council, District 3		GARY TAYLOR	JAMES MICHAEL SCOTT	LOREEN BERLIN	RAMONA M. MACIAS
29th Senate District	4499	2757	61.28%			1154	308	400	475
2nd Supervisorial District	4499	2757	61.28%			1154	308	400	475
47th Congressional District	4499	2757	61.28%			1154	308	400	475
65th Assembly District	4499	2757	61.28%			1154	308	400	475
Anaheim Union High School District	1336	850	63.62%			386	90	109	126
Anaheim Union High School District Trustee Area	1336	850	63.62%			386	90	109	126
Coast Community College District	1217	781	64.17%			299	90	165	109
Coast Community College District Trustee Area	1217	781	64.17%			299	90	165	109
Coast Community College District Trustee Area	0	0	0.00%			0	0	0	0
County Board of Education Trustee Area 2	4499	2757	61.28%			1154	308	400	475
Garden Grove Unified School District	3163	1907	60.29%			768	218	291	349
Garden Grove Unified School District Trustee Area	3163	1907	60.29%			768	218	291	349
Municipal Water District Of Orange County	4499	2757	61.28%			1154	308	400	475
Municipal Water District of Orange County Div	4499	2757	61.28%			1154	308	400	475
North Orange County Community College Distr	3282	1976	60.21%			855	218	235	366
North Orange County Community College Distr	3282	1976	60.21%			855	218	235	366
Orange County	4499	2757	61.28%			1154	308	400	475
Orange County Water District	4499	2757	61.28%			1154	308	400	475
Orange County Water District Division 1	2218	1330	60.02%			524	149	217	243
Orange County Water District Division 4	2283	1427	62.51%			630	159	183	232
Savanna School District	1336	850	63.62%			386	90	109	126
Stanton	4499	2757	61.28%			1154	308	400	475
Stanton Ward Division 3	4499	2757	61.28%			1154	308	400	475
State Board of Equalization (4th District)	4499	2757	61.28%			1154	308	400	475
Totals:	4499	2757	61.28%			1154	308	400	475

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: December 11, 2018

SUBJECT: CONSIDERATION OF RESOLUTION OF DENIAL OF CONDITIONAL USE PERMIT C18-04 FOR THE OPERATION OF A CREMATORY AT THE PROPERTY LOCATED AT 8351 KATELLA AVE.

REPORT IN BRIEF:

At the direction of the City Council, staff has drafted a resolution of denial of Conditional Use Permit C18-04 for the operation of a crematory at the property located at 8351 Katella Avenue in the IG (Industrial General) zone.

RECOMMENDED ACTION:

1. Declare this action not subject to CEQA per Section 15061(b)(4) and 15270, as CEQA does not apply to projects which a public agency rejects or disapproves; and
2. The City Council consider Resolution No. 2018-48 denying Conditional Use Permit C18-04.

BACKGROUND:

On November 27, 2018, the City Council conducted a public hearing to consider an appeal of the Planning Commission's decision to approve Conditional Use Permit C18-04 for the operation of a crematory on the property located at 8351 Katella Ave. in the IG (Industrial General) zone. At the conclusion of the public hearing, and after consideration of all public testimony and administrative record, the City Council voted to approve the appeal, and deny the Conditional Use Permit. The City Council directed staff to draft a resolution of denial for the Conditional Use Permit that reflected the findings and justifications discussed during the public hearing.

ANALYSIS/JUSTIFICATION:

The City Council identified a number of justifications for denial of the conditional use permit, including:

1. The parking for the additional use would create an adverse impact on the on-street parking and circulation; and
2. There is a cumulative impact on the air quality in the area by existing polluters, and the addition of a new polluter would create a negative impact on the surrounding businesses and sensitive receptors; and

3. There are a number of sensitive receptors (e.g., elderly, children and athletes, etc.) in the area, including residential neighborhoods within 800 feet of the property, a school within 900 feet, an adult day care directly adjacent to the subject site, and four churches, that would be negatively impacted by the air quality issues that could be caused by the daily operations of the business, or in circumstances in which there are mechanical failures of the machinery causing a discharge of highly polluted smoke.

A resolution has been drafted for consideration by the City Council that memorializes these justifications as findings for denial of the conditional use permit.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

This action is not subject to CEQA pursuant to State CEQA Guidelines sections 15061(b)(4) and 15720.

PUBLIC NOTIFICATION:

Made public through the regular agenda-posting process.

STRATEGIC PLAN:


5 – Provide a High Quality of Life

Prepared by,



Kelly Hart
Community & Economic
Development Director

Approved by,



Robert W. Hall
Interim City Manager

ATTACHMENTS

- A. City Council Resolution No. 2018-48 denying CUP C18-04
- B. City Council Agenda Item 10A from November 27, 2018

RESOLUTION NO. 2018-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA OVERTURNING THE APPROVAL OF CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE

WHEREAS, on July 10, 2018, the Applicant submitted an application for a conditional use permit to allow for the addition of cremation services to an existing mortuary business in the City of Stanton; and

WHEREAS, on October 3, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Conditional Use Permit C18-04 to allow a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue within the IG (Industrial General) zone; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2482 approving Conditional Use Permit C18-04; and

WHEREAS, on October 11, 2018, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04 to the City Council; and

WHEREAS, on November 27, 2018, the City Council held a duly-noticed public hearing and considered the staff report, agenda items, 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 and are incorporated herein by this reference.

SECTION 2: CEQA. Pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), sections 15061(b)(4) and 15270, the California Environmental Quality Act ("CEQA") does not apply to projects which a public agency rejects or disapproves. Therefore, no further environmental review is required.

SECTION 3: Findings. The proposed use cannot be approved because the following findings as set forth in Section 20.550.060 of the Stanton Municipal Code cannot be made:

A. The proposed use is not consistent with the General Plan and any applicable specific plan for the following reasons:

General Plan Strategy LU-1.1.1 encourages land uses which maximize economic development and enhance the quality of life. Economic Development refers to the increase in the standard of living in a population with sustained growth and enhanced local quality of life. The addition of cremation services to the existing business does not provide a supportive or high-quality, safe and healthy working environment for employees. Based on testimony by the manufacturer of the cremation machine, there are points at which the machines fail and cause smoke to emit from the smoke stack into the air beyond what is permissible by the South Coast Air Quality Management District (SCAQMD). This potential failure of the machine would result in impacting the area, and creating a health risk for the local employees, and individuals susceptible to negative impacts from air pollution. The air emissions generated by the cremation machine could negatively impact the quality of life of individuals susceptible to air pollution, such as elderly, children, and athletes. Within close proximity to the proposed facility, there is an adult day care facility for the elderly, and a mobile home park with a large elderly population. In addition, there is a sports field associated with a high school 900 feet to the southeast of the site. The decrease in the air quality as a result of this facility could impact the quality of life of the individuals susceptible to the impacts of air pollution. Due to the proximity and the population of those individuals to the subject site, this facility could result in a decrease in quality of life, and would therefore not maximize economic development.

General Plan Strategy LU-1.1.2 seeks to ensure adjacent land uses are compatible with one another. Adjoining the subject site is an industrial business park. Within the industrial business park, an adult day care facility for the elderly operates in the building which measures 30 feet from the subject site. In addition, the sports field for the Rancho Alamitos High School is located 900 feet from the subject site, along with residential areas in the City of Garden Grove and Stanton 760 and 820 feet respectively. Section 20.300.040.D of the Stanton Municipal Code states,

“Minimum Separation Distances. The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. For the purposes of this section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g., athletes, children, elderly, sick, etc.) than the population at large are most likely to spend time (e.g., schools and schoolyards, parks and playgrounds, day care centers, nursing homes, hospitals, residential communities, etc.).”

The Municipal Code does not set the minimum distance standards, but identifies that a separation should be considered between the sensitive land uses and the producers of

air pollutants. Based on the testimony by the manufacturer of the cremation machine, issues occur with the machines and could result in a temporary increase in the discharge of pollutants into the air. In addition to the eventual machinery malfunction, the daily output of air pollutants within close proximity to sensitive populations would create an incompatibility.

General Plan Goal ED-1.3 seeks to improve the quality of industrial uses located in the city. The general plan identifies quality industrial uses as light manufacturing and flex tech uses. Due to the air emissions, the use would be consistent with the definition of heavy manufacturing, and would be inconsistent with the goal of improving the quality of industrial uses in the city.

General Plan Action 1.3.1(b) address issues related to the availability of on-street and off-street parking in existing industrial areas. The existing mortuary use is creating a parking impact to the site, and surrounding uses, and creating conflict between the operator and the industrial uses within the vicinity of the property. The addition of the cremation use would require additional parking to be provided, and increases the types of services that could be provided at the facility. This could create a larger parking conflict between the industrial users. Per the General Plan, the purpose and intent of development in the industrial zone is intended to, "minimize conflict between the industrial uses in the designation and adjacent land uses...". As there is already a parking conflict, and the expansion of the use could exacerbate that conflict, the proposed use *does not meet this goal*.

General Plan Strategy RC-3.1.2 seeks to reduce the negative impacts of poor air quality on the city's sensitive receptors. Within the vicinity of the subject site, there are a number of existing businesses that are considered stationary sources of air pollution, including, but not limited to, an automotive paint and body shop, a concrete batch plant, a concrete block manufacturing plant, and an automotive dismantling facility. The inclusion of an additional pollutant source would not result in a reduction of negative impacts of poor air quality on the city's sensitive receptors, rather it could create an increase.

General Plan Strategy RC-3.1.3 seeks to minimize stationary pollution sources (point source and area sources) in urbanized land areas. Within the vicinity of the subject site, there are a number of existing businesses that are considered stationary sources of air pollution, including, but not limited to, an automotive paint and body shop, a concrete batch plant, a concrete block manufacturing plant, and an automotive dismantling facility. The addition of the cremation facility would not result in a reduction of stationary pollution sources.

B. The proposed use is allowed within the applicable zone but does not comply with all other applicable provisions of this Zoning Code and the Municipal Code. The subject use of a crematorium is permitted, subject to approval of a conditional use permit, and compliance with all applicable provisions of the zoning code. Section 20.220.010.B of the Stanton Municipal Code indicates that "activities [in the IG (Industrial General) zone] are located within enclosed buildings and typically have little or no potential of creating

noise, smoke, dust, vibration, or other environmental impacts or pollution.” The cremation operation could be conditioned in such a way to reduce noise levels, as identified by the blower cover, which reduces the noise levels to lower than city street traffic. However, the use creates emissions and pollution, which is regulated by the South Coast Air Quality Management District (SCAQMD) which creates standard and maximum emission levels. This does not sufficiently address the emission levels and pollution created when there is a malfunction with the machinery, which is a possibility, and does occur per the testimony of the machine manufacturer at the public hearing, where he admitted that “shit happens.” As there is a possibility of emissions and pollution outside the regulated maximums identified by the SCAQMD, the use would not fall under the provision of Section 20.220.010.B of the municipal code.

C. The design, location, size, and operating characteristics of the proposed activity will not be compatible with the existing and future land uses in the vicinity. The subject site is located on the northeast corner of Katella Ave. and Boatman Ave. There is no on-street parking permitted on Katella Ave., and Boatman Ave. has limited on-street parking, which is already impacted by the other existing uses on the street. The existing business on the subject property is a mortuary. The mortuary use requires a demand of 49 parking spaces. For the cremation use, an existing storage area would be converted to the cremation chamber room. The conversion of the storage space to cremation room increases the parking demand to 50 spaces. There are currently 49 parking spaces on-site, however, 50 spaces could be accommodated.

During the public hearing portion of the Planning Commission meeting on October 3, 2018, extensive testimony was provided regarding parking issues related to the existing mortuary, and the exacerbation of the parking issues with the addition of the cremation services. Specifically, statements were made indicating that during mortuary services, there is overflow parking by the patrons, who park in the adjacent business park, on the adjacent properties on Boatman Ave., and on additional properties west on Katella Ave. The manager of the mortuary facility, Betty Davis, spoke on the parking issues as well, indicating that she had spoken with a number of the business owners to request approval to park on their properties in order to accommodate the overflow parking. The business manager’s testimony recognized the need for additional parking opportunities to accommodate their business with the need to reach out to the local business owners to gain additional parking. The business manager testified that the overflow parking impacts caused by the mortuary could easily be solved by neighboring businesses if they would purchase “No Parking” signs and enforce them by hiring a towing company. In so doing, the applicant acknowledged the existing parking issues and indicated that the best solution would be investments by neighboring property owners in parking mitigation. During the public hearing for the Appeal of the Planning Commission’s decision at the City Council meeting on November 27, 2018, additional public testimony was provided regarding the continuing issue of parking for the mortuary use.

Section 20.320.030.A of the Stanton Municipal Code states, “Minimum standards. Off-street parking shall be provided in compliance with Table 3-6 (Off-Street Parking Space Requirements). The standards shall be considered the minimum required to preserve the public health, safety, and welfare, and the review authority may require more

extensive parking." Upon evaluation of the existing parking issues related to the mortuary, and the fact that the addition of cremation services would increase the parking demand, it is determined that the minimum requirement for the use as identified in the municipal code is not sufficient for the operation, based on the location, lack of parking availability on Katella Ave., and the impacted parking that pre-existed the mortuary use on Boatman Ave. The parking impacts caused by the applicant business are incompatible with surrounding uses.

In regards to the operating characteristics, the cremation machine would be placed within the existing storage room. A smoke stack would need to be installed to allow for ventilation of the machine. The smoke stack would run from the machine, through the roof structure, and ventilate into the atmosphere. The maximum allowed emission of pollutants are regulated by the SCAQMD. However, Section 20.300.040.D of the Stanton Municipal Code does state,

"The proximity of proposed sensitive land uses to air pollution sources should be considered in siting of the sensitive use. For the purposes of this Section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g., athletes, children, elderly, sick, etc.) than the population at large are most likely to spend time (e.g., schools and schoolyards, parks and playgrounds, day care centers, nursing homes, hospitals, residential communities, etc.)."

In proximity to the proposed cremation facility, there is an adult day care facility, four churches, a high school, and a number of residential neighborhoods in close proximity to the use. The adult day care facility is operated from the adjacent building in the industrial business park to the east. The adult day care facility is approximately 30 feet from the building in which the cremation activities would occur. The adult day care facility includes social services and programs for seniors, where seniors receive care if they are physically, mentally, or functionally impaired. The operation of the cremation facility in extreme close proximity to the adult day care facility would pose a health risk to the elderly, who are considered susceptible to the effects of air pollution.

In addition, there is a high school located 900 feet to the south of the subject property. The athletic fields for the high school are also in the close proximity to the proposed cremation use. Athletes and children are considered susceptible to the effects of air pollution. With the athletic fields in close proximity to the subject property, the children would be participating in aerobic exercise and sports, and the addition of the cremation facility would decrease the air quality in the area, and could impact the health and welfare of the children and athletes that utilize the sports fields.

There are also residential communities located within close proximity to the subject property. A mobile home park, with a large elderly population is located 820 feet to the northeast of the property, and a single family subdivision is located 760 feet to the southeast in the city of Garden Grove. There are also legal non-conforming residences located in the industrial general zone 1,200 feet from the subject property. With the

large elderly population within the mobile home park to the northeast of the subject site, there is a significant population of individuals susceptible to the effects of air pollution.

Making matters worse for the sensitive receptors in close proximity to the proposed use is the testimony by the manufacturer of the crematory machine that malfunctions do occur, likely resulting in smoke and pollution beyond acceptable levels. The manufacturer testified that they install cameras to monitor the smoke stack so that they are notified when malfunctions occur. He testified that these malfunctions do occur, saying that "shit happens." These malfunctions will result in pollution levels exceeding those allowed by SCAQMD standards, and are incompatible with all surrounding land uses, most especially sensitive receptors. The zoning code standards noted above for sensitive receptors assume pollution within acceptable standards. Even within acceptable standards, this use is incompatible with sensitive surrounding uses. When taking into account the predicted malfunctions, the proposed use is quintessentially incompatible with surrounding uses.

In addition to the parking issues, and the proximity of sensitive land uses to the subject property, the General Plan identifies a regional goal to reduce the number of stationary pollution sources in urbanized areas. Within the vicinity of the subject site, there are a number of existing businesses that are considered stationary sources of air pollution, including, but not limited to, an automotive paint and body shop, a concrete batch plant, a concrete block manufacturing plant, and an automotive dismantling facility. With the number of stationary source air polluters within the vicinity of the subject site, the addition of a new source pollutant would be detrimental to the health, safety, and welfare of the residents, businesses, and sensitive receptors of air pollution.

D. The site is not physically suitable in terms of its location. As noted above, the proposed site for the crematorium is located close to a number of sensitive receptors, including an adult day care facility, four churches, a high school, and a number of residential neighborhoods. The adult day care facility is operated from the adjacent building in the industrial business park to the east. The adult day care facility is approximately 30 feet from the building in which the cremation activities would occur. The adult day care facility includes social services and programs for seniors, where seniors receive care if they are physically, mentally, or functionally impaired. The operation of the cremation facility in extreme close proximity to the adult day care facility would pose a health risk to the elderly, who are considered susceptible to the effects of air pollution.

In addition, there is a high school located 900 feet to the south of the subject property. The athletic fields for the high school are in the closest proximity to the proposed cremation use. Athletes and children are considered susceptible to the effects of air pollution. With the athletic fields in close proximity to the subject property, the children would be participating in aerobic exercise and sports, and the addition of the cremation facility would decrease the air quality in the area, and could impact the health and welfare of the children and athletes that utilize the sports fields.

There are also residential communities located within close proximity to the subject

property. A mobile home park, with a large elderly population is located 820 feet to the northeast of the property, and a single family subdivision is located 760 feet to the southeast in the city of Garden Grove. There are also legal non-conforming residences located in the industrial general zone 1,200 feet from the subject property. With the large elderly population within the mobile home park to the northeast of the subject site, there is a significant population of individuals susceptible to the effects of air pollution.

Testimony was given by the manufacturer of the crematory machine that malfunctions do occur, likely resulting in smoke and pollution beyond acceptable levels. The manufacturer testified that they install cameras to monitor the smoke stack so that they are notified when malfunctions occur. He testified that these malfunctions do occur, saying that "shit happens." These malfunctions will result in pollution levels exceeding those allowed by SCAQMD standards, and are incompatible with all surrounding land uses, most especially sensitive receptors. Thus the proposed use is not suitable in terms of physical location.

The site is also not physically suitable due to parking impacts. The subject site is located on the northeast corner of Katella Ave. and Boatman Ave. There is no on-street parking permitted on Katella Ave., and Boatman Ave. has limited on-street parking, which is already impacted by the other existing uses on the street. The existing business on the subject property is a mortuary. The mortuary use requires a demand of 49 parking spaces. For the cremation use, an existing storage area would be converted to the cremation chamber room. The conversion of the storage space to cremation room increases the parking demand to 50 spaces. There are currently 49 parking spaces on-site, however, 50 spaces could be accommodated.

During the public hearing portion of the Planning Commission meeting on October 3, 2018, extensive testimony was provided regarding parking issues related to the existing mortuary, and the exacerbation of the parking issues with the addition of the cremation services. Specifically, statements were made indicating that during mortuary services, there is overflow parking by the patrons, who park in the adjacent business park, on the adjacent properties on Boatman Ave., and on additional properties west on Katella Ave. The manager of the mortuary facility, Betty Davis, spoke on the parking issues as well, indicating that she had spoken with a number of the business owners to request approval to park on their properties in order to accommodate the overflow parking. The business manager's testimony recognized the need for additional parking opportunities to accommodate their business with the need to reach out to the local business owners to gain additional parking. The business manager testified that the overflow parking impacts caused by the mortuary could easily be solved by neighboring businesses if they would purchase "No Parking" signs and enforce them by hiring a towing company. In so doing, the applicant acknowledged the existing parking issues and indicated that the best solution would be investments by neighboring property owners in parking mitigation. During the public hearing for the Appeal of the Planning Commission's decision at the City Council meeting on November 27, 2018, additional public testimony was provided regarding the continuing issue of parking for the mortuary use.

E. The site's is not suitable because the proposed use will adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. As noted above and below, the existing and future parking impacts caused by the use will adversely affect the public convenience and will be materially detrimental to improvements, persons, property, and uses in the vicinity. Similarly, the impacts caused by pollution emanating from the crematory will adversely impact the public health and safety and be materially detrimental to improvements, persons, property, or uses in the vicinity.

During the public hearing portion of the Planning Commission meeting on October 3, 2018, extensive testimony was provided regarding parking issues related to the existing mortuary, and the exacerbation of the parking issues with the addition of the cremation services. Specifically, statements were made indicating that during mortuary services, there is overflow parking by the patrons, who park in the adjacent business park, on the adjacent properties on Boatman Ave., and on additional properties west on Katella Ave. The manager of the mortuary facility, Betty Davis, spoke on the parking issues as well, indicating that she had spoken with a number of the business owners to request approval to park on their properties in order to accommodate the overflow parking. The business manager's testimony recognized the need for additional parking opportunities to accommodate their business with the need to reach out to the local business owners to gain additional parking. The business manager testified that the overflow parking impacts caused by the mortuary could easily be solved by neighboring businesses if they would purchase "No Parking" signs and enforce them by hiring a towing company. In so doing, the applicant acknowledged the existing parking issues and indicated that the best solution would be investments by neighboring property owners in parking mitigation. During the public hearing for the Appeal of the Planning Commission's decision at the City Council meeting on November 27, 2018, additional public testimony was provided regarding the continuing issue of parking for the mortuary use.

Section 20.320.030.A of the Stanton Municipal Code states, "Minimum standards. Off-street parking shall be provided in compliance with Table 3-6 (Off-Street Parking Space Requirements). The standards shall be considered the minimum required to preserve the public health, safety, and welfare, and the review authority may require more extensive parking. Upon evaluation of the existing parking issues related to the mortuary, and the fact that the addition of cremation services would increase the parking demand, it is determined that the minimum requirement for the use as identified in the municipal code is not sufficient for the operation, based on the location, lack of parking availability on Katella Ave., and the impacted parking that pre-existed the mortuary use on Boatman Ave. Thus the parking impacts caused by the applicant business are will adversely affect the public convenience and will be material detrimental to improvements, persons, property, and uses in the vicinity.

Similarly, the impacts caused by pollution emanating from the crematory will adversely impact the public health and safety and be materially detrimental to improvements, persons, property, or uses in the vicinity. The smoke stack of the crematory would run from the machine, through the roof structure, and ventilate into the atmosphere. In

proximity to the proposed cremation facility, there is an adult day care facility, four churches, a high school, and a number of residential neighborhoods in close proximity to the use. The adult day care facility is operated from the adjacent building in the industrial business park to the east. The adult day care facility is approximately 30 feet from the building in which the cremation activities would occur. The adult day care facility includes social services and programs for seniors, where seniors receive care if they are physically, mentally, or functionally impaired. The operation of the cremation facility in extreme close proximity to the adult day care facility would pose a health risk to the elderly, who are considered susceptible to the effects of air pollution.

In addition, there is a high school located 900 feet to the south of the subject property. The athletic fields for the high school are in the closest proximity to the proposed cremation use. Athletes and children are considered susceptible to the effects of air pollution. With the athletic fields in close proximity to the subject property, the children would be participating in aerobic exercise, and sports, and the addition of the cremation facility would decrease the air quality in the area, and could impact the health and welfare of the children and athletes that utilize the sports fields.

There are also residential communities located within close proximity to the subject property. A mobile home park, with a large elderly population is located 820 feet to the northeast of the property, and a single family subdivision is located 760 feet to the southeast in the city of Garden Grove. There are also legal non-conforming residences located in the industrial general zone 1,200 feet from the subject property. With the large elderly population within the mobile home park to the northeast of the subject site, there is a significant population of individuals susceptible to the effects of air pollution.

Making matters worse for the sensitive receptors in close proximity to the proposed use is the testimony by the manufacturer of the crematory machine that malfunctions do occur, likely resulting in smoke and pollution beyond acceptable levels. The manufacturer testified that they install cameras to monitor the smoke stack so that they are notified when malfunctions occur. He testified that these malfunctions do occur, saying that "shit happens." These malfunctions will result in pollution levels exceeding those allowed by SCAQMD standards, and will cause negative impacts to the health, safety, and welfare of individuals in the vicinity of the use.

SECTION 4: That based upon the above findings, the City Council hereby overturns the Planning Commission's approval of the Conditional Use Permit and denies the Conditional Use Permit.

SECTION 5: Approval of Appeal and Denial of Conditional Use Permit. 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 overturns the Planning Commission's approval of Conditional Use Permit C18-04 to add cremation services to an existing mortuary business located at 8351 Katella Ave., in the IG (Industrial General) zoning district and approves Appellants' appeal.

SECTION 6: Severability. 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: Custodian and Location 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 Community Development Director is the custodian of the record of proceedings.

SECTION 8: 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 December 11, 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. 2018-45 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on December 11, 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

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION TO ALLOW FOR THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH AN EXISTING MORTUARY AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

REPORT IN BRIEF:

This is an appeal of the Planning Commission's decision to approve the application for Conditional Use Permit C18-04 to allow for the operation of a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue.

RECOMMENDED ACTION:

1. The City Council hold a public hearing; and
2. The City Council consider Resolution No. 2018-45 upholding the Planning Commission's approval of Conditional Use Permit C18-04.

BACKGROUND:

In 2016, the Heaven's Gate Funeral Home obtained a business license, which allowed for the operation of a mortuary business located at 8351 Katella Avenue in the IG (Industrial General) zone. Per Table 2-7 in Section 20.220.020 of the Stanton Municipal Code (SMC), funeral homes and mortuaries without cremation facilities are uses that are permitted by right, and not subject to a conditional use permit. The Applicant is now requesting to add cremation services to the existing mortuary within the same building. Per Section 20.220.020 of the Stanton Municipal Code (SMC), a crematory use requires approval of a conditional use permit.

On July 10, 2018, Doug Browne (Applicant) submitted an application for a conditional use permit to allow for the addition of cremation services to the existing business. On October 3, 2018, the Planning Commission held a public hearing to consider Conditional Use Permit C18-04. At the conclusion of the public hearing, the Planning Commission, with a 3-2 vote, approved the request for the Conditional Use Permit to allow for the addition of a crematory use to the existing mortuary. Within the 10-day appeal period, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04.

ANALYSIS/JUSTIFICATION:

PROJECT LOCATION/DESCRIPTION – The subject site consists of a 28,630 square foot parcel, improved with an existing 12,000 square foot building, which currently houses a mortuary and parking garage for the mortuary business.

The project site is located in a large industrial district at the northeast corner of Katella and Boatman Avenues. On Boatman Ave., the industrial businesses include automotive repair businesses, including automotive painting and bodywork, and sign manufacturing companies. In the industrial business park to the east of the site, uses including a mortuary, adult day care facility, office and warehousing uses, and other industrial businesses. To the south of the site are a roofing material storage and distributor, an automotive dismantling and storage yard, auto body shops, and a recycling center. To the north of the site, businesses include a building materials sales company, personal storage facility, and industrial businesses on Monroe Ave. To the west of the site includes the Southern California Electric Company property, an automotive storage business, an automotive repair business, and a lumber and plywood business.

The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. There are also existing nonconforming residential units within the IG zone along Katella Ave. that are approximately 1,200 lineal feet from the subject property. The nearest school is the Rancho Alamitos High School, southeast of the site by approximately 900 lineal feet to the sports field.

OPERATIONS – The existing mortuary, Heaven's Gate Funeral Home, has been operating in Stanton since 2016 and provides clients with funeral and memorial planning services, which include embalming and preparation services. The facility is currently comprised of an office/reception area, a showroom, three viewing rooms, an embalming room and a storage room. The office is used to meet with clients to arrange funeral and memorial services. The showroom is utilized to display caskets, urns, and other related product options for their clients. The viewing rooms provide a place for family and friends of the deceased to gather and pay their respects.

The Applicant is proposing to convert the existing 1,032 square foot storage room to a cremation chamber. The cremation process consists of a traditional incineration process using a machine that is designed to eliminate any smoke or odor and is compliant with EPA standards. The process takes approximately 1.5-2 hours for each cremation. After the remains are processed, they are packaged into an urn and picked up by the client.

According to the Applicant, a cultural custom for some of their clients involves allowing friends and families of the deceased to observe the cremation service which includes placing the body (which is in a wood casket or cremation box) into the cremation chamber. In order to accommodate this custom, the operator is proposing to install a window in the wall between the cremation chamber and viewing room #3.

The business would service its own clients who are utilizing their facility for memorial services in addition to other funeral homes that do not have the capacity to perform cremation services. Remains are collected by refrigerated transporter vans which are owned by the business operator. There are a total of three transporter vans, one of which will be taken home by the operator nightly and the remaining two vans will be parked on-site in the parking garage. Remains would be delivered to the facility by the transporter van which would fully enter the unit through the roll-up door at the rear of the unit. Upon entering the unit, the remains would be placed in a refrigerated storage unit until they can be processed by the staff. The business currently has a refrigerated storage unit which has the capacity to hold up to three unprocessed remains but is proposing to install a walk-in refrigerated unit that can hold 10-15 unprocessed remains at a time. According to the business operator, the average storage period is five days before the remains are processed for cremation. According to the Applicant, cremations for their clients who would host the funeral services on-site would be conducted between the hours of 8:00 a.m. and 9:00 p.m. daily. The Applicant estimates to conduct approximately 15 "witnessed" cremations and ten "direct" (non-service) cremations per month between these hours. Cremations performed for outside clients would be conducted after 6 p.m. and are proposed to take place through the night, depending on the workload.

In regards to noise generated by the operation, the Applicant states that the noise level generated by the machine is approximately 71-74 decibels at five feet from the blower motor. The machine is equipped with a soundproof blower cover which is designed to lessen potential noise. Wall attenuation creates a further reduction of 10-12 decibels which is lower than average city traffic noise.

The Applicant states that the equipment used for cremating remains is a modern cremation chamber which is vented through the roof of the building. There is a smoke stack in place which contains a series of baffles which filter the contaminants so that the discharge has no detectable odor. The Applicant further states that the vapors emitted from the cremation machine evaporates into the atmosphere and does not filter down to the ground level. These emissions, according to the Applicant, comply with EPA requirements for pollution considerations. Air quality standards are regulated by the South Coast Air Quality Management District (SCAQMD). The SCAQMD is the responsible agency to evaluate air quality standards. The Applicant, if the CUP is approved, would need to apply for a permit with the SCAQMD, who would conduct a risk assessment, ensure that all machinery, venting, and emissions meet the standards, and determine whether a permit should be issued. If the SCAQMD does not issue the permit, the crematory services would not be able to be initiated.

CIRCULATION/PARKING - The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are a total of 49 parking spaces available on-site, including 19 spaces located within the parking garage. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site was deficient by one space. The Applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff included a condition of approval in the resolution which would require the

Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. Additionally, staff also included a condition of approval which requires the Applicant to file a parking management plan with the city which would be automatically implemented for any service event that is held at the facility.

Although there are three viewing rooms, not more than one viewing service is scheduled during any given time period. Additionally, viewing services are scheduled a minimum of two hours in between services. Therefore, the parking demand will not be further impacted by the inclusion of cremation services as any viewing associated with the cremation service would follow the same procedures as the mortuary services. Conditions of approval were added to memorialize this operation standard to ensure the parking and neighboring streets are not further impacted.

PLANNING COMMISSION MEETING - At the Planning Commission meeting, staff presented the project and also presented one letter of support and three letters from community members in opposition of the project. Documents were also provided with the letters of opposition which included an article from the OC Register discussing the opposition of a proposed crematory and mortuary which was originally proposed in the City of Garden Grove. Additional documents submitted included the minutes from the public hearing and the resolution from the Garden Grove Planning Commission denying the requested CUP. These documents indicated that the basis of denial was site suitability since the proposed location was directly adjacent to residential zoning districts and in the direct vicinity of a school. Additional documents provided with the opposition letters included an opinion letter published in the Weatherford Democrat and an article in Applied Economics which indicated diminished residential land values adjacent to crematory operations. These articles did not provide information regarding the impacts on industrial land values adjacent to crematories.

During the public hearing portion of the meeting, testimony from several community members spoke in favor of the project, as well as community members who were in opposition to the project. A real estate broker, Steve Abraham, who spoke in favor of the project, stated that the use and the location of the proposed crematory will not affect the values of the surrounding properties. Mr. Abraham also stated that he believed the crematory would not be detrimental to public health because the public would not be able to see or smell the emissions since they meet the strict EPA emission standards. The community members that spoke in opposition of the proposed project expressed concerns including: toxic emissions that would impact the health and comfort of people living and working in the area, the negative impact on surrounding property values due to the proposed use, the parking issues that are already experienced with the existing mortuary, concerns regarding the location of the crematory use adjacent to a large number of employees and population, and concerns that the use is not inspected with enough regularity by the SCAQMD and it is therefore not guaranteed that the system would not run in compliance with the standards.

In response to hearing testimony from the public, the Applicant and business owner provided an overview of the company's operations and addressed the air quality and parking concerns. The Applicant indicated that the proposed use is subject to regulations set forth by the

Southern California Air Quality Management District (SCAQMD) who sets strict standards for air emissions. The Applicant further stated that the contaminants that result from the cremation operation are highly filtered through the smoke stack and are well within the levels set by SCAQMD. In response to the parking issues, the Applicant discussed how adjacent businesses could prevent those who are not patrons of their business from parking in their lots. He stated that the property owners could post "No Parking" signs which would allow the property managers to have the unauthorized vehicles towed away. A representative from the mortuary stated that they became aware of the parking issues and in response, implemented a valet system during services in order to prevent attendees from parking on adjacent properties.

BASIS FOR PLANNING COMMISSION DECISION – In order to approve a conditional use permit, *all* of the findings set forth in Stanton Municipal Code Section 20.550.060(B) must be met. These findings require that a use be consistent with the Goals and Policies of the General Plan and be a conditionally permitted use within the district the use is proposed to be located. The finding also address the suitability of the use's location, compatibility with surrounding uses, how the use would be operated, and whether the use would be detrimental to neighboring properties. In order to approve a Conditional Use Permit, all of the required findings must be met. In this case, the Planning Commission determined that all of the findings could be met based on the location. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in a highly industrialized area within the IG (Industrial General) zone. It is surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses. The property is generally located away from sensitive uses such as residential neighborhoods and schools. The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. The nearest school is approximately 900 lineal feet to the sports field. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements. If the proposed project receives approval for a permit from SCAQMD, the regulating agency for air emissions, they are making the determination that the facility would not create a health risk to the public.

After hearing testimony from the public, the applicant, and City staff, the Commission approved Conditional Use Permit 18-04 by a vote of 3 to 2 in favor of the CUP request. Within the 10-day appeal period, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04.

APPEAL – On October 10, 2018, an appeal of the Planning Commission's decision to approve Conditional Use Permit C18-04 was submitted by a number of business owners in the general vicinity. The basis of the appeal, stated by the Appellants and provided in Attachment B, can be summarized that the Appellants believe that crematories have caused problems in other places, will pose health issues, and are in incompatible with religious beliefs and superstitions.

City Staff's Response to Appeal

1. The Appellants assert that there are concerns regarding fires and explosions from crematories located in other places.

City Response: The existing building has fire sprinklers throughout the facility with all the required alarm systems. Fire extinguishers are also located throughout the building. The Orange County Fire Authority conducts inspections of commercial facilities to ensure the appropriate fire suppression systems are in place, fire exit plans are clearly identified, and there is no blockage of access to emergency exits. When reviewing the application for the requested CUP, staff requested the Orange County Fire Authority (OCFA) review the proposed project and identify if any additional fire safety measures which would be required as part of the proposed use. Upon review of the proposal, OCFA has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification. This requirement is standard practice for any other industrial use.

If the use is approved, Building Permits would be required for the installation of the cremation equipment. Through the processing of the plan review, the plans would also need to be submitted to OCFA to ensure that no modification to the fire sprinkler system would be required. With any use, from residential to heavy industrial, there is the possibility of fire. OCFA has fire suppression requirements to ensure that fire systems are in place to quickly assist OCFA with unexpected fire emergencies and help minimize damage. Since the fire suppression systems are in place, the risk for fire or damage to surrounding properties is intended to be minimal.

2. The Appellants assert that there are concerns regarding toxic mercury emissions released into the air and that most crematories are self-monitored (not inspected by regulatory agencies).

City Response: In order to operate the proposed crematory, the Applicant must obtain approval by the South Coast Air Quality Management District (SCAQMD), the regulatory agency that monitors air emissions. As part of the review and approval process for obtaining a permit through SCAQMD, a Health Risk Assessment is conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Any equipment that has the potential to give off toxic emissions (e.g. spray booths, boilers, internal combustion engines, gasoline dispensing facilities, etc.) must go through this process. Without approval from SCAQMD, the crematory would not be permitted to operate. Through the SCAQMD permitting process, the applicant would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices are identified, and meet the minimum standards as well. SCAQMD would also inspect the facility prior to operation to make sure all required systems are in place prior to operation.

In regards to the concern of self-monitoring of crematoriums, Staff contacted SCAQMD to

get further clarification of the compliance process for businesses who have obtained permits. The SCAQMD engineer stated that before a permit is issued, an inspection is conducted at the facility to test the equipment once it is installed to ensure that it is compliant with the permit's conditions of approval. Once a permit is received, the equipment operator is required to renew the permit on an annual basis. The renewal process for the permit involves paying an annual fee and demonstrating that the business has been operating in compliance with SCAQMD requirements. In regards to regular inspections conducted by SCAQMD, the engineer stated that inspections are conducted on a complaint driven basis and if neighboring businesses have any concerns or complaints, they may call the compliance division of SCAQMD who will investigate the complaints.

In regard to air emission standards, it is not the City of Stanton but SCAQMD who is the regulating agency for determining what is an acceptable level of air contaminants that are emitted by the operation. Through the SCAQMD permitting process, the applicant would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices meet the minimum standards. The City of Stanton is only determining whether the proposed use, as conditioned, is appropriate for the location. Since the proposed crematory is surrounded by industrial uses and in the IG zone with no residential zones or schools adjacent to the site, the required findings could be made based on the location. The proposed project could be supported, based on the fact that SCAQMD is the regulating agency for air emissions and if they approve a permit, they are making the determination that the facility would not create a health risk to the public. Further, the CUP itself does not guarantee that the crematory would be able to operate as the ability to operate falls under SCAQMD.

3. The Appellants assert that the addition of a crematory will impact parking.

City Response: The proposed crematory involves the conversion of an existing storage room into a cremation chamber and does not involve additional square footage to the existing building. Staff conducted a parking analysis during the application review process. Using the requirements of Section 20.320.030 of the Stanton Municipal Code (SMC), it was determined that the addition of the crematory use to the existing mortuary would require a total of 50 parking spaces. The site currently has a total of 49 parking spaces and therefore would be deficient by one space. The Applicant has proposed to add the parking space adjacent to the south drive aisle, on the western portion of the property. In order to ensure that the proposal meets the minimum parking requirement, staff included a condition of approval in the resolution which would require the Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use.

At the Planning Commission meeting, neighboring business owners objected to the project citing that there are existing parking issues at the site. Their concern was that when the mortuary parking lot became full, patrons of the mortuary business utilized off-site parking lots that belonged to the neighboring businesses. In order to manage the demand on on-

site parking, the Applicant has indicated that only one viewing service is scheduled during any given time period and that viewing services would be scheduled a minimum of two hours in between services. In addition, Staff has included conditions of approval to ensure that parking is not further impacted. These conditions include: proof that the required 50 parking stalls are provided to the City prior to issuance of a business license for the crematory services, a parking management plan be filed with the city to be implemented for any viewing/service event at the facility, and a maximum of two transporter vehicles be parked on-site. With these conditions of approval, the addition of the crematory services to the existing mortuary is not anticipated to further impact the parking demand.

Further, with the addition of the 50th parking space on the property, the proposed use meets the parking requirements as specified in the Stanton Municipal Code. Additionally, the parking concerns identified by the public at the Planning Commission meeting were regarding the existing mortuary use, which is a use that is permitted by right and would not cease operations if the crematory service was denied.

4. The Appellants assert that the addition of a crematory will result in devaluation of surrounding properties.

City Response: Prior to the Planning Commission hearing, neighboring business owners provided documents which addressed the effects of a crematory on surrounding property values. The additional documents provided, which include an opinion letter published in the Weatherford Democrat and an article in Applied Economics, referenced only residential properties adjacent to crematory operations, based on the portions of the article and paper provided. There has been no supporting evidence provided to indicate that the proposed use would lower property values of the surrounding industrial properties. Additional documents were also provided with letters of opposition including an article from the OC Register which discusses the opposition of a proposed crematory and mortuary which was originally proposed in the City of Garden Grove, minutes from the public hearing and the resolution from the Garden Grove Planning Commission denying the requested CUP. These documents all indicate that the proposed CUP was denied based on the site being adjacent to a residential neighborhood and in the immediate vicinity of a school and therefore was found to be an unsuitable location for the proposed use.

In this instance, the proposed crematory is located in an industrial district, surrounded by a variety of industrial uses which include automotive repair, painting and bodywork businesses, a sign manufacturing company, warehousing uses, a recycling center, building materials companies, personal storage facility, and an industrial business park which contain uses such as a mortuary, adult day care facility and various offices. The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. There are also existing nonconforming residential units within the IG zone along Katella Ave. that are approximately 1,200 lineal feet from the subject property. The nearest school is the Rancho Alamitos High School, southeast of the site by approximately 900 lineal feet to the sports field. The required findings for approval of a Conditional Use Permit take into consideration the suitability of the use's location and the compatibility with surrounding uses. The findings do not take into consideration whether a use has the

potential to reduce values of adjacent properties. In this case, the required findings could be made based on the location. The proposed project could be supported, based on the fact that SCAQMD is the regulating agency for air emissions and if they approve a permit, they are making the determination that the facility would not create a health risk to the public.

5. The Appellants assert that employees of businesses within a half mile radius and neighboring residences are concerned with health issues related to the proposed crematory and religious and superstitious beliefs associated with the storing and burning bodies.

City Response: In regards to health issues related to the proposed crematory, the regulating agency is the SCAQMD who is responsible for determining if the emissions that are released into the air from the facility pose a risk to the surrounding community. The approval of a CUP is only the first step in the approval process for operating a crematory. Without approval from SCAQMD, the crematory would not be permitted to operate. If the SCAQMD approves a permit, the approval is an indication that the Agency determined that the proposed operation would not cause a health risk to the public.

SCAQMD requires issuance of a Permit to Operate for any equipment that emits pollutants into the atmosphere. Once an application is filed, SCAQMD requires an Engineering Evaluation, which would include a Health Risk Assessment (HRA). An HRA is a technical study that evaluates how toxic emissions are released from a facility, how they disperse throughout the community, and the potential for those toxic pollutants to impact human health. If the HRA shows that the equipment meets the air emission requirements established by SCAQMD, a Permit to Construct is issued by SCAQMD. The Permit to Construct contains certain conditions of approval including but not limited to equipment maintenance provisions, maximum number of pounds of remains cremated per month, record keeping, and testing requirements. Once the piece of equipment is installed or constructed, SCAQMD processes the application for a Permit to Operate. Before the Permit to Operate can be approved, SCAQMD will perform an inspection to determine if the equipment has been constructed in compliance with all applicable rules and regulations.

In regards to the concerns of religious and superstitious beliefs associated with the storage and burning of bodies associated with the crematory use, although it is understood that these concerns may exist, the consideration of the use should be based on the findings identified in the municipal code. Further, the storage of bodies is already an existing element of the existing mortuary so the proposed crematory would not be adding this as a new component to their operations. The findings that must be made prior to approval of a Conditional Use Permit address the suitability of the use's location, compatibility with surrounding uses, how the use would be operated, and whether the use would be detrimental to neighboring properties. In this case, the proposed crematory is fully surrounded by industrial uses with no adjacent residential uses.

The proposed crematory is subject to licensing and approval by the State of California

Cemetery and Funeral Bureau as well as the South Coast Air Quality Management District (SCAQMD). The Applicant would be required to obtain all necessary permits prior to issuance of a new business license and initiation of operations. SCAQMD requires a Health Risk Assessment be conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community prior to the issuance of a permit to operate. Additionally, OCFA reviews the plans to ensure that they meet fire protection and life-safety requirements. Fire suppression systems are in place with the existing mortuary and OCFA requires that the applicant submit plans if the existing fire sprinkler system requires modification. With these conditions and permit requirements in place, the use is not expected to interfere with the use or enjoyment of surrounding properties.

Although the Appellants' concerns are understood, the City's consideration for the requested CUP is if the site is suitable for the proposed use. Based on the concerns, the appropriate fire suppression and fire safety systems would be in place and evaluated by OCFA; and the emissions and concerns regarding air quality would be evaluated via a risk assessment by SCAQMD and a permit would only be issued if it is demonstrated that the facility is utilizing appropriate equipment and filtration devices to not cause an adverse impact on the surrounding community. In addition, there is no known evidence regarding devaluation of property values. Finally, the subject property is located in a highly industrialized area, with other heavy industrial users that also require SCAQMD permits to operate, therefore it could be consistent and compatible with surrounding uses. As proposed, conditioned and regulated by appropriate permitting agencies, the cremation facility is not expected to result in a significant risk to the health of employees or the general public.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the California Environmental Quality Act (CEQA) this project has been determined to be categorically exempt under Section 15301(Existing Facilities). An initial study environmental information form was submitted by the Applicant upon submittal of the application. The form was reviewed by staff and it was determined that the inclusion of cremation services within the IG zone and in an enclosed existing building, subject to approval by SCAQMD for permitting purposes, would fall under the CEQA exemption category of existing facilities. This category consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

PUBLIC NOTIFICATION:

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

STRATEGIC PLAN:

2 – Promote a Strong Local Economy

Prepared by,




Rose Rivera
Associate Planner

Reviewed by,



Kelly Hart
Community & Economic
Development Director

Approved by,



Robert W. Hall
Interim City Manager

ATTACHMENTS

- A. City Council Resolution No. 2018-45 for upholding approval of C18-04
- B. Letter of Appeal from Neighboring Businesses (dated October 10, 2018)
- C. Planning Commission staff report and attachments (dated October 3, 2018)
- D. Documents submitted by Applicant for the Planning Commission public hearing
- E. Documents submitted by neighboring business owners for the Planning Commission public hearing

RESOLUTION NO. 2018-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE APPROVAL OF CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE

WHEREAS, on July 10, 2018, the Applicant submitted an application for a conditional use permit to allow for the addition of cremation services to an existing mortuary business in the City of Stanton; and

WHEREAS, on October 3, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Conditional Use Permit C18-04 to allow a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue within the IG (Industrial General) zone; and

WHEREAS, the Planning Commission, after due consideration of all reports and testimony at said hearing, adopted Planning Commission Resolution No. 2482 approving Conditional Use Permit C18-04; and

WHEREAS, on October 11, 2018, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04 to the City Council; and

WHEREAS, on November 27, 2018, the City Council held a duly-noticed public hearing and considered the staff report, agenda items, 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 Initial Study Short Environmental Form, and the entire record before it, 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 15301 (Existing Facilities) as the project involves the operation of a crematory in conjunction with an existing mortuary within in an

existing building. This category consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The inclusion of cremation services within the IG zone, is within an enclosed existing building and is subject to approval by SCAQMD, the regulating agency for air emissions. SCAQMD would only issue a permit to operate the crematory if they determine that the facility meets the air emission standards as to not create a health risk to the public.

SECTION 3: Findings. That in accordance with the findings as set forth in Section 20.550.060 of the Stanton Municipal Code:

- A. The proposed use is consistent with the General Plan, including Economic Development Strategy ED-4.1.1, to encourage existing Stanton businesses to expand and grow and Goal ED-1.3, to improve the quality of industrial uses located within the city. Approval of CUP C18-04 which would allow for a cremation facility will create employment opportunities in the City and provide a new service to the Stanton community that is not currently provided. Moreover, the addition of cremation services would support the existing mortuary business and help to more efficiently serve their clients.
- B. The proposed use is allowed within the applicable zone and complies with all other provisions of the Stanton Municipal Code (SMC). The existing mortuary is a permitted use in the IG (Industrial General) zone and a crematory use is permitted subject to approval of a conditional use permit. The SMC does not identify specific standards regarding crematory services; however, the proposal complies with all other development standards of the SMC. The proposed crematory will take place in an existing building of the mortuary with no new construction or expansion of the building proposed. There is existing landscape treatment along the perimeter of the site which meet the requirements for required landscape buffers in nonresidential zones. Parking requirements for the proposed use would be met with the addition of one parking space which would be provided adjacent to the south drive aisle, on the western portion of the property. Additional conditions of approval have been included which would require that the applicant provide a total of 50 parking spaces prior to issuance of a business license for the new use, a parking management plan to be instituted for each service event to limit overflow parking issues, and a maximum of two transporter vehicles to be parked on-site.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in a highly industrialized area within the IG (Industrial General) zone. It is surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses. The property is generally located away from sensitive uses such as residential neighborhoods and schools. The nearest

residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. The nearest school is approximately 900 lineal feet to the sports field. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements. If the proposed project receives approval for a permit from SCAQMD, the regulating agency for air emissions, they are making the determination that the facility would not create a health risk to the public. The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are currently a total of 49 parking spaces available on-site. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. An additional space would be provided adjacent to the south drive aisle, on the western portion of the property to meet the parking requirement. Conditions of approval have been included which would require the applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. In addition, the applicant would be required to develop a parking management plan to be instituted for each service event to limit overflow parking issues. Based on the proposed operations, building design, and existing surrounding uses, the proposed use could be considered compatible with existing and future anticipated land uses as all other uses are industrial in nature, with the nearest residential use approximately 760 feet east of the subject property.

- D. The site is physically suitable in terms of its design, location, shape, size, and operating characteristics of the proposed use; the provision of public and emergency vehicle access; public protection services; the provision of utilities; and served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate. The site is located in the IG (Industrial General) zone, surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses and generally located away from sensitive uses such as residential neighborhoods and schools. With the conditions of approval, the site would provide adequate parking to accommodate the parking requirements specified in the SMC and would accommodate delivery vehicle access to the indoor area. Furthermore, the site is already being serviced by all required utilities and public protection services. The Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification. Building Permits would be required for the installation of the cremation equipment. Through the processing of the plan review, the plans would also need to be submitted to OCFA to ensure that no modification to the fire sprinkler system would be required. OCFA has fire suppression requirements to ensure that fire systems are in place to quickly assist OCFA with unexpected fire emergencies and help minimize damage. Since the fire suppression systems are in place, the

risk for fire or damage to surrounding properties is intended to be minimal.

- E. The site's suitability ensures that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. All activity would be conducted indoors, within a fully enclosed building. The machine used in conjunction with the cremation operation is equipped with a soundproof blower cover which is designed to lessen any potential noise. Additionally, wall attenuation further reduces any potential noise that could be generated by the operation. The proposed cremation facility shall be licensed and regulated by South Coast Air Quality Management District (SCAQMD) and the State of California Cemetery and Funeral Bureau ensuring that the cremation process is conducted in a manner that is safe to employees and members of the public. SCAQMD, the regulatory agency that monitors air emissions, must approve a Permit to Operate in order for the cremations to take place. As part of the review and approval process for obtaining a permit through SCAQMD, a Health Risk Assessment is conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Without approval from SCAQMD, the crematory would not be permitted to operate. Through the SCAQMD permitting process, the facility would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices are identified, and meet the minimum standards as well. SCAQMD would also inspect the facility prior to operation to make sure all required systems are in place prior to operation. If the permit is issued by SCAQMD, it is determined that the use would not create a health risk to the surrounding community.

SECTION 4: That based upon the above findings, the Planning Commission hereby approves Conditional Use Permit to allow subject to the following Conditions:

- A. That all conditions of the Planning Division be met, including, but not limited to, the following:**
1. The applicant(s)/owner(s) shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to the application for this proposed project, and such requirements shall be made a condition of permit approval.
 2. The proposed project will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plans, drawings submitted, and conditions imposed in this Resolution of Approval.
 3. Any deviations to the approved plans must first be approved by the Planning Division. Any approval by the Building Division does not constitute approval by the Planning Division.

4. The applicant(s)/owner(s) shall agree and consent in writing within 30 days to the conditions of approval as adopted by the Planning Commission. In addition, the applicant(s)/owner(s) shall record the conditions of approval in the Office of the County Recorders. Proof of recordation shall be provided to the Planning Division prior to final of the building permit.
5. All business related activities shall occur fully within the enclosed building. Outdoor work is expressly prohibited. Exterior noise shall not exceed 65 dBA at the property line.
6. Outdoor storage of materials may be permitted in compliance with Section 20.400.250 (Outdoor Storage and Activities) of the Stanton Municipal Code, to the satisfaction of the Community Development Director. No outdoor storage may occur within the required parking areas. No outdoor storage of chemicals or solvents associated with the embalming or cremation process may occur.
7. Loading and unloading of transporter vans or trucks and parking and storage of vehicles used in connection with the business shall be prohibited on adjoining streets and alleys.
8. Loading and unloading of the remains outside the enclosed building and parking garage shall be strictly prohibited.
9. 50 parking spaces shall be provided at all times, unless otherwise approved by the Community Development Department. Proof of the constructed additional parking stall shall be provided to the City prior to issuance of a business license for the crematory services.
10. A parking management plan shall be filed with the city to be automatically implemented for any service event that is held at the facility.
11. A maximum of two transporter vehicles may be parked on-site.
12. Deliveries shall be limited to the hours between 6:00 a.m. to 9:00 p.m., unless otherwise authorized by the Community Development Director.
13. All access doors to the cremation facility shall remain closed, except during times when the remains are being transported into or from the unit.
14. The remains must be placed within the cooler/refrigeration unit within two (2) hours of arriving at the subject unit. The remains must stay in the cooler/refrigeration unit at all times, except when the remains are being prepared for cremation, embalming, viewing and funeral services, or transport.

15. The storage of unprocessed remains on-site shall be limited to a maximum of seven (7) calendar days before beginning of the cremation process. A maximum of 15 unprocessed remains may be stored on-site at one time, unless additional storage/refrigeration capacity is provided to the satisfaction of the Community Development Director.
16. Roof-mounted mechanical equipment, including exhaust vents, shall be screened from public view to the satisfaction of the Community Development Department.
17. Based on substantiated reports from surrounding businesses or property owners of any noise or odors emanating from the subject unit, the Community Development Director may require modifications to the business operations, including but not limited to the length of time the remains may be on-site or the number of remains that may be on-site at a given time, additional sound proofing, or additional air filtration devices.
18. All medical and hazardous waste created by the cremation process shall be disposed of in accordance with all local, state and federal laws.
19. The applicant shall comply with all applicable regulations, licensing, permitting and certification requirements for the use, storage, and transportation of human remains as required by the State of California Cemetery and Funeral Bureau, the South Coast Air Quality Management District (SCAQMD), and all other County, State or Federal agencies exercising authority over said materials.
20. The applicant shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to this use, and such requirements shall be made a condition of permit approval.
21. Approval of all necessary permits through SCAQMD shall be obtained prior to building permit issuance for the machinery installation, and business license issuance for final inspection, or as required by SCAQMD.
22. Approval for modifications of the proposed use shall be obtained from the Planning Commission, subject to an amended Conditional Use Permit.
23. Graffiti on the property shall be removed at the property owner's expense within 24 hours.
24. In accordance with policies adopted by the City, the applicant(s)/owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigations/inspections, which result in a finding of violation of any applicable laws and/or conditions of approval. The applicant/owner shall have 30 days from the date of receipt of invoices to make payment to the City of Stanton.

25. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and fully co-operate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

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 and permit for this project.
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. Provide South Coast Air Quality Management District checklist with plan submittal to determine whether construction or business operations will require an air quality permit for this project.
 10. Provide approval by the Orange County Health Department and permit for this project.
 11. Incinerators and Crematories must comply with 2016 California Mechanical Code Sections 926.1 and 926.2.
 12. 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.**
- D. That all requirements of the Orange County Fire Authority be met, including but not limited to the following:**
1. Prior to issuance of a building permit, the applicant or responsible party shall submit the following plan(s) to the Orange County Fire Authority for review: fire sprinkler system (service codes PR430), if the existing fire sprinkler system requires modification. Approval shall be obtained on each plan prior to the event specified.

SECTION 4: Denial of Appeal. 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 Planning Commission's approval of Conditional Use Permit C18-04 to addition of cremation services to an existing mortuary business located at 8351 Katella Ave., in the IG (Industrial General) zoning district and denies Appellants' appeal.

SECTION 5: Severability. 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 6: Custodian and Location 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 Community Development Director is the custodian of the record of proceedings.

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 November 27, 2018 by the following vote, to wit:

SIGNATURE PAGE FOR RESOLUTION NO. 2018-45

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. 2018-45 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 27, 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



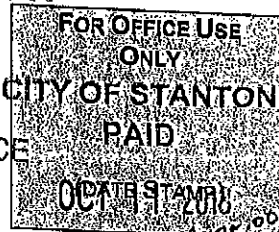
CITY OF STANTON
APPEAL FORM AND HANDOUT

City Clerk's Office
7800 Katella Avenue, Stanton, CA 90680
Phone: (714) 379-9222 Fax: (714) 890-1443

CITY OF STANTON

OCT 11 2018

CITY CLERK'S OFFICE



An appeal shall be filed within ten (10) calendar days after the final action of the Planning Commission.

APPEAL OF: ☒ Planning Commission Decision (\$2,185 fee) ☐ Other: _____ (\$2,185 fee)

Type of Permit (example: Conditional Use Permit): C18-04 Permit Number: _____

Address of Project: 8351 Katella Ave Decision Date: 10/3/18

APPELLANT INFORMATION

Name of Applicant (Appellant): Linda Smith / Brian Wilson / David Bonnenberg / Goulade Farrar

Mailing Address: _____

Telephone Number: (____) _____ Email: _____

In what capacity is the appellant filing? ☐ Recorded Property Owner ☐ Interested Party ☒ Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: _____

Mailing Address: _____

Telephone Number: (____) _____ Email: _____

Describe what portion(s) of the decision you are appealing: to put in crematory in 8351 Katella Ave.

Describe the Purpose for Your Appeal (be specific): We are appealing the crematory at "Heavens Gate". - see attached.

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 AND REQUIRED PUBLIC NOTICES.

Signature: _____ Date: 10/10/18

REASONS FOR APPEAL

Problems with crematoriums in other places

- Fires from crematoriums.
- Explosions from crematoriums.
- Mercury emissions being released into the air. They are clean and orderless but toxic
- Most crematoriums are self-monitored.
- Parking is already an issue and would be worse.
- Devaluation of surrounding property.
- There is residential within a half mile of the crematorium.

CONCERNS OF THE EMPLOYEES OF BUSINESSES WITHIN ½ MILE RADIUS AND NEIGHBORING RESIDENCES

- Health issues
- Religious beliefs
- Superstitious concerning death (burning bodies, storing bodies)



CITY OF STANTON REPORT TO THE PLANNING COMMISSION

TO: Chairperson and Members of the Planning Commission

DATE: October 3, 2018

SUBJECT: PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C18-04 TO ALLOW FOR THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH AN EXISTING MORTUARY AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing; and
- Declare that the project is categorically exempt per California Environmental Quality Act, Public Resource Code Section 15301, Class 1 (Existing Facilities); and
- Adopt Resolution No. 2482 approving Conditional Use Permit C18-04.

BACKGROUND

In 2016, the Heaven's Gate Funeral Home obtained a business license which allowed for the operation of a mortuary business located at 8351 Katella Avenue in the IG (Industrial General) zone. The Applicant is now requesting to add cremation services to the existing mortuary within the same building. Per Section 20.220.020 of the Stanton Municipal Code (SMC), a crematory use requires approval of a conditional use permit.

As such, the Applicant has submitted an application for a conditional use permit to allow for the cremation business.

ANALYSIS/JUSTIFICATION

PROJECT LOCATION/DESCRIPTION – The subject site consists of a 28,630 square foot parcel, improved with an existing 12,000 square foot building, which currently houses a mortuary and parking garage for the mortuary business.

The project site is located in a large industrial district at the northeast corner of Katella and Boatman Avenues. Surrounding uses are a broad range of industrial businesses including an automotive paint and body repair shop, a sign manufacturing company, a building materials yard and an industrial business park. The nearest residentially zoned properties are approximately 800 feet northeast of the site.

PROPOSED OPERATIONS – The existing mortuary, Heaven's Gate Funeral Home, has been operating in Stanton since 2016 and provides clients with funeral and memorial planning services, which include embalming and preparation services. The facility is currently comprised of an office/reception area, a showroom, three viewing rooms, an embalming room and a storage room. The office is used to meet with clients to arrange funeral and memorial services. The showroom is utilized to display caskets, urns, and other related product options for their clients. The viewing rooms provide a place for family and friends of the deceased to gather and pay their respects.

The Applicant is proposing to convert the existing 1,032 square foot storage room to a cremation chamber. The cremation process consists of a traditional incineration process using a machine that is designed to eliminate any smoke or odor and is compliant with EPA standards. The process takes approximately 1.5-2 hours for each cremation. After the remains are processed, they are packaged into an urn and picked up by the client.

According to the Applicant, a cultural custom for some of their clients involves allowing friends and families of the deceased to observe the cremation service which includes placing the body (which is in a wood casket or cremation box) into the cremation chamber. In order to accommodate this custom, the operator is proposing to install a window in the wall between the cremation chamber and viewing room #3.

The business would service its own clients who are utilizing their facility for memorial services in addition to other funeral homes that do not have the capacity to perform cremation services. Remains are collected by refrigerated transporter vans which are owned by the business operator. There are a total of three transporter vans, one of which will be taken home by the operator nightly and the remaining two vans will be parked on-site in the parking garage. Remains would be delivered to the facility by the transporter van which would fully enter the unit through the roll-up door at the rear of the unit. Upon entering the unit, the remains would be placed in a refrigerated storage unit

until they can be processed by the staff. The business currently has a refrigerated storage unit which has the capacity to hold up to three unprocessed remains but is proposing to install a walk-in refrigerated unit that can hold 10-15 unprocessed remains at a time. According to the business operator, the average storage period is five days before the remains are processed for cremation. According to the Applicant, cremations for their clients who would host the funeral services on-site would be conducted between the hours of 8:00 a.m. and 9:00 p.m. daily. Cremations performed for outside clients will be conducted after 6 p.m. and are proposed to take place through the night, depending on the workload.

In regards to noise generated by the operation, the Applicant states that the noise level generated by the machine is approximately 71-74 decibels at five feet from the blower motor. The machine is equipped with a soundproof blower cover which is designed to lessen potential noise. Wall attenuation creates a further reduction of 10-12 decibels which is lower than average city traffic noise.

CIRCULATION/PARKING - The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are a total of 49 parking spaces available on-site, including 19 spaces located within the parking garage. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site is deficient by one space. The Applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff has included a condition of approval in the resolution which would require the Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use.

Although there are three viewing rooms, not more than one viewing service is scheduled during any given time period. Additionally, viewing services are scheduled a minimum of two hours in between services. Therefore, the parking demand will not be further impacted by the number of guests attending services. Conditions of approval have been added to memorialize this operation standard to ensure the parking and neighboring streets are not impacted.

LICENSING REQUIREMENTS - The proposed crematory is subject to licensing and approval by the State of California Cemetery and Funeral Bureau as well as the South Coast Air Quality Management District (SCAQMD). The Applicant would be required to obtain all necessary permits prior to issuance of a new business license and initiation of operations. The Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification.

As proposed, conditioned and regulated by appropriate permitting agencies, the

cremation facility is not expected to result in a significant risk to the health of employees or the general public. SCAQMD requires a Risk Assessment be conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Further, the location is in a highly industrial area with no nearby residential uses and therefore would not have an impact on the health of employees or the general public.

ENVIRONMENTAL IMPACT

In accordance with the requirements of the California Environmental Quality Act (CEQA) this project has been determined to be categorically exempt under Section 15301, Class 1 (Existing Facilities).

PUBLIC NOTIFICATION

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

Prepared by,



Rose Rivera
Associate Planner

Approved by,



Kelly Hart
Community & Economic
Development Director

ATTACHMENTS

- A. Resolution No. 2482
- B. Vicinity Map
- C. Narrative
- D. Noise Measurement Report
- E. Site Plan, Floor Plan and Elevations

RESOLUTION NO. 2482

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON APPROVING CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

THE PLANNING COMMISSION OF THE CITY OF STANTON HEREBY RESOLVES AS FOLLOWS:

WHEREAS, on October 3, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Conditional Use Permit C18-04 to allow a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue within the IG (Industrial General) zone; and

WHEREAS, the Commission 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, staff has reviewed the environmental form 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 15301, Class 1 (Existing Facilities); 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: The Planning Commission hereby finds that all of the facts, findings and conclusions set forth above in this resolution are true and correct.

SECTION 2: Based upon the Initial Study, the Planning Commission 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 15301, Class 1 (Existing Facilities).

SECTION 3: That in accordance with the findings as set forth in Chapter 20.550.060 of the Stanton Municipal Code:

- A. The proposed use is consistent with the General Plan, including Economic Development Goal ED-4.1, to attract new businesses to the city while supporting and promoting those already located in Stanton and Goal ED-1.3, to improve the quality of industrial uses located within the city. Approval of CUP C18-04 which would allow for a cremation facility will create employment opportunities in the City and provide a new service to the Stanton community that is not currently provided. Moreover, the addition of cremation

ATTACHMENT A

services would support the existing mortuary business and help to more efficiently serve their clients.

- B. The proposed use is allowed within the applicable zone and complies with all other provisions of the Stanton Municipal Code (SMC). The existing mortuary is a permitted use and a crematory use is permitted subject to approval of a conditional use permit. The SMC does not identify specific standards regarding crematory services, however, the proposal complies with all other development standards of the SMC.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in the IG (Industrial General) zone and is adjacent to other manufacturing and automotive repair businesses. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements to ensure the business does not adversely affect the surrounding air quality. The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are currently a total of 49 parking spaces available on-site. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site is deficient by one space. The applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff has included a condition of approval in the resolution which would require the applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. Based on the proposed operations, building design, and existing surrounding uses, the proposed use would be considered compatible with existing and future anticipated land uses as all other uses are industrial in nature, with the nearest residential use approximately 800 feet east of the subject property.
- D. The site is physically suitable in terms of its design, location, shape, size, and operating characteristics of the proposed use; the provision of public and emergency vehicle access; public protection services; the provision of utilities; and served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate. The site is located in the IG (Industrial General) zone; would provide adequate parking to accommodate the parking requirements specified in the SMC; accommodates delivery vehicle access to the indoor area; and is consistent with all the requirements of the municipal code. Furthermore, the site is already being serviced by all required utilities and public protection services. Further, the Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification.
- E. The site's suitability ensures that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. All activity would be conducted indoors, within a fully enclosed building. The machine

used in conjunction with the cremation operation is equipped with a soundproof blower cover which is designed to lessen any potential noise. Additionally, wall attenuation further reduces any potential noise that could be generated by the operation. The proposed cremation facility shall be licensed and regulated by South Coast Air Quality Management District and the State of California Cemetery and Funeral Bureau ensuring that the cremation process is conducted in a manner that is safe to employees and members of the public.

- F. The requirements of the California Environmental Quality Act (CEQA) have been satisfied.

SECTION 4: That based upon the above findings, the Planning Commission hereby approves Conditional Use Permit to allow subject to the following Conditions:

- A. That all conditions of the Planning Division be met, including, but not limited to, the following:
1. The applicant(s)/owner(s) shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to the application for this proposed project, and such requirements shall be made a condition of permit approval.
 2. The proposed project will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plans, drawings submitted, and conditions imposed in this Resolution of Approval.
 3. Any deviations to the approved plans must first be approved by the Planning Division. Any approval by the Building Division does not constitute approval by the Planning Division.
 4. The applicant(s)/owner(s) shall agree and consent in writing within 30 days to the conditions of approval as adopted by the Planning Commission. In addition, the applicant(s)/owner(s) shall record the conditions of approval in the Office of the County Recorders. Proof of recordation shall be provided to the Planning Division prior to final of the building permit.
 5. All business related activities shall occur fully within the enclosed building. Outdoor work is expressly prohibited. Exterior noise shall not exceed 65 dBA at the property line.
 6. Outdoor storage of materials may be permitted in compliance with Section 20.400.250 (Outdoor Storage and Activities) of the Stanton Municipal Code, to the satisfaction of the Community Development Director. No outdoor storage may occur within the required parking areas. No outdoor storage of chemicals or solvents associated with the embalming or cremation process may occur.
 7. Loading and unloading of transporter vans or trucks and parking and storage of vehicles used in connection with the business shall be prohibited on adjoining streets and alleys.
 8. Loading and unloading of the remains outside the enclosed building and parking garage shall be strictly prohibited.

9. 50 parking spaces shall be provided at all times, unless otherwise approved by the Community Development Department. Proof of the constructed 50th parking stall shall be provided to the City prior to issuance of a business license for the crematory services.
10. A maximum of two transporter vehicles may be parked on-site.
11. Deliveries shall be limited to the hours between 6:00 a.m. to 9:00 p.m., unless otherwise authorized by the Community Development Director.
12. All access doors to the cremation facility shall remain closed, except during times when the remains are being transported into or from the unit.
13. The remains must be placed within the cooler/refrigeration unit within two (2) hours of arriving at the subject unit. The remains must stay in the cooler/refrigeration unit at all times, except when the remains are being prepared for cremation, embalming, viewing and funeral services, or transport.
14. The storage of unprocessed remains on-site shall be limited to a maximum of seven (7) calendar days before beginning of the cremation process. A maximum of 15 unprocessed remains may be stored on-site at one time, unless additional storage/refrigeration capacity is provided to the satisfaction of the Community Development Director.
15. Roof-mounted mechanical equipment, including exhaust vents, shall be screened from public view to the satisfaction of the Community Development Department.
16. Based on substantiated reports from surrounding businesses or property owners of any noise or odors emanating from the subject unit, the Community Development Director may require modifications to the business operations, including but not limited to the length of time the remains may be on-site or the number of remains that may be on-site at a given time, additional sound proofing, or additional air filtration devices.
17. All medical and hazardous waste created by the cremation process shall be disposed of in accordance with all local, state and federal laws.
18. The applicant shall comply with all applicable regulations, licensing, permitting and certification requirements for the use, storage, and transportation of human remains as required by the State of California Cemetery and Funeral Bureau, the South Coast Air Quality Management District, and all other County, State or Federal agencies exercising authority over said materials.
19. The applicant shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to this use, and such requirements shall be made a condition of permit approval.
20. Approval for modifications of the proposed use shall be obtained from the Planning Commission, subject to an amended Conditional Use Permit.

21. Graffiti on the property shall be removed at the property owner's expense within 24 hours.
22. In accordance with policies adopted by the City, the applicant(s)/owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigations/inspections, which result in a finding of violation of any applicable laws and/or conditions of approval. The applicant/owner shall have 30 days from the date of receipt of invoices to make payment to the City of Stanton.
23. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and fully co-operate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

B. That all requirements of the Building Division be met.

C. That all requirements of the Engineering Division be met.

D. That all requirements of the Orange County Fire Authority be met.

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on October 3, 2018 by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

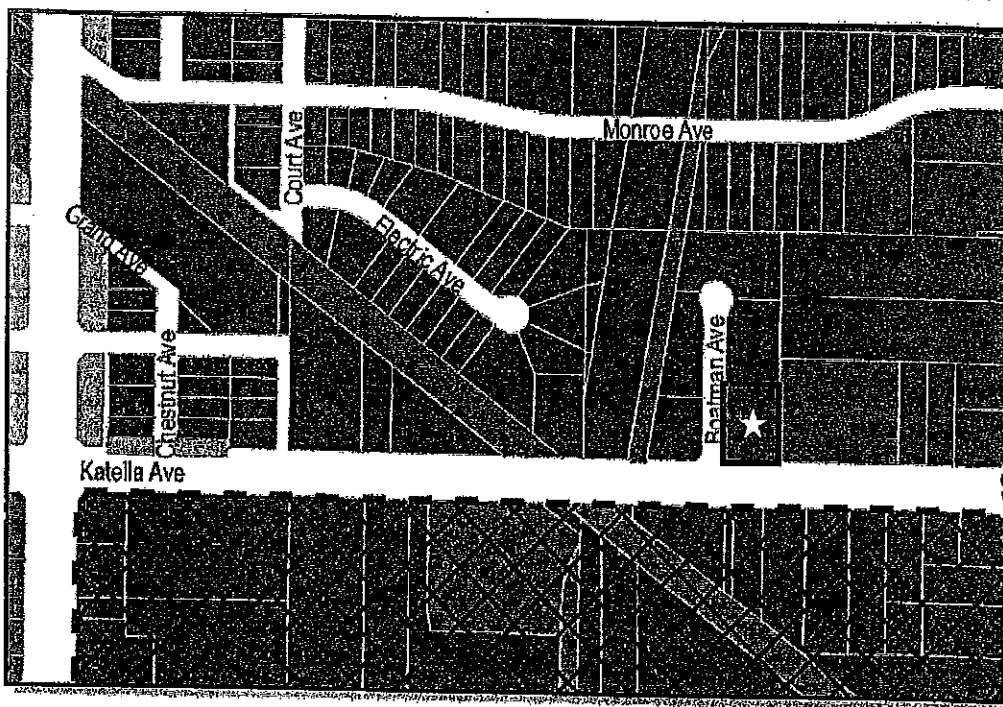
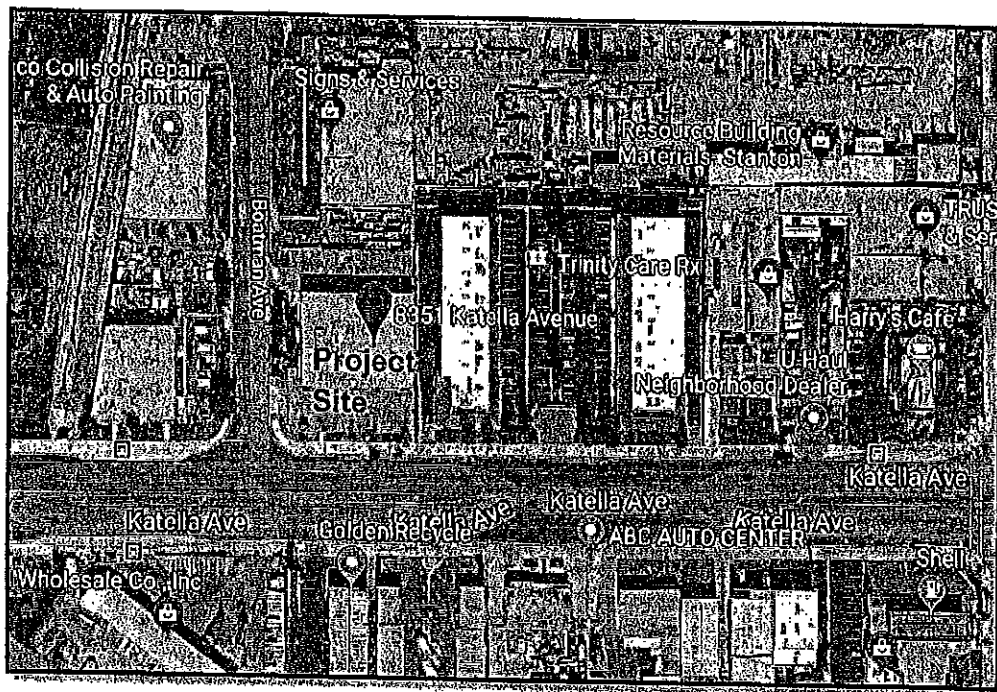
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Sou Moua, Chairperson
Stanton Planning Commission

Kelly Hart
Planning Commission Secretary

VICINITY MAP 8351 KATELLA AVE.



Industrial

 Business Park Zone

 Industrial General Zone

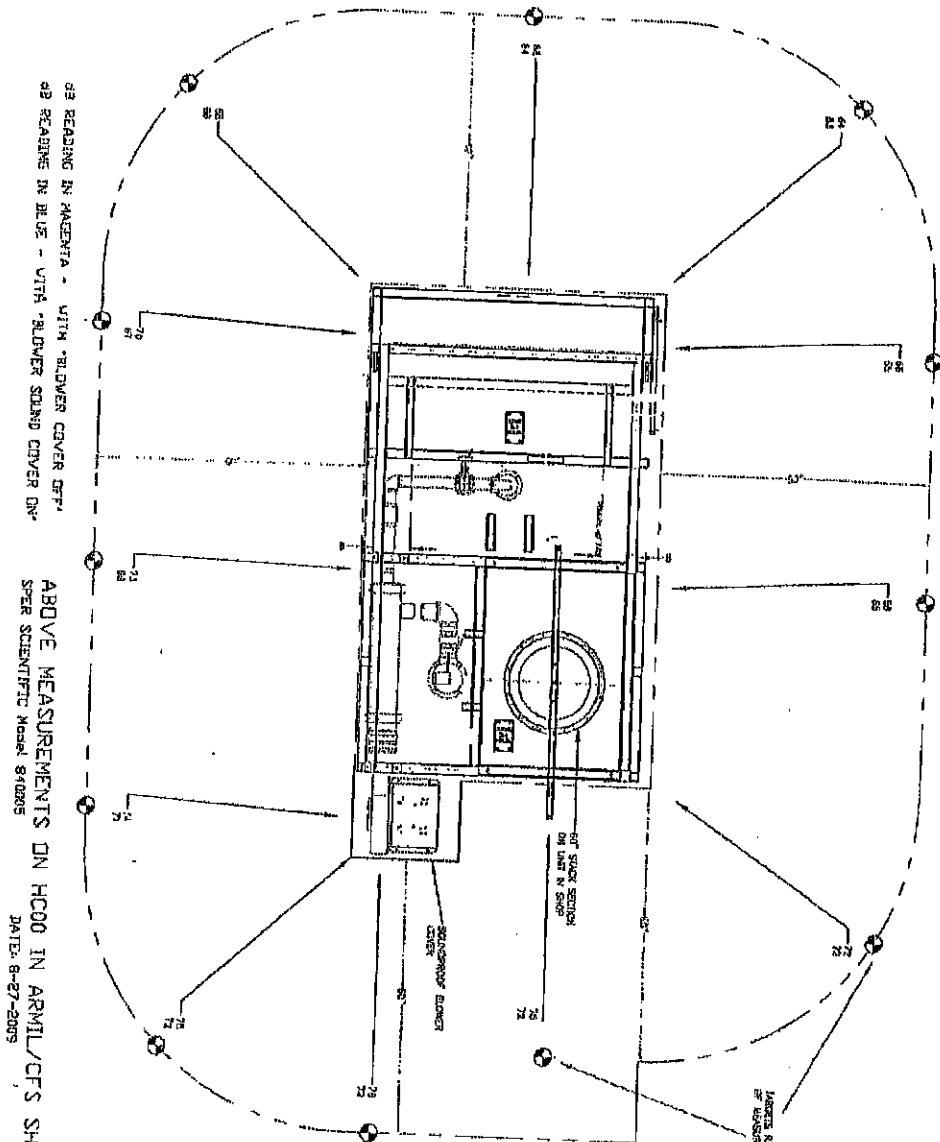
ATTACHMENT B

Narrative for Proposed Cremation Facility

The existing funeral home building is configured to accommodate a cremation unit in an existing 1000' storage room, only a small portion of which is currently used. In the tradition of the operator's clients' customs, the performance of the cremation is 'ceremonial' and involves those friends and family members of the deceased observing the placement of the casket into the cremation chamber through a proposed viewing window (see the floor plan exhibit attached). The modern cremation chamber is vented through the roof of the building, filtered through baffles, and hence discharges no detectable odor to the atmosphere and fully complies with EPA requirements for pollution considerations. The addition of a cremation service to the operator's existing business requires a permit from the State of California Cemetery and Funeral Bureau.

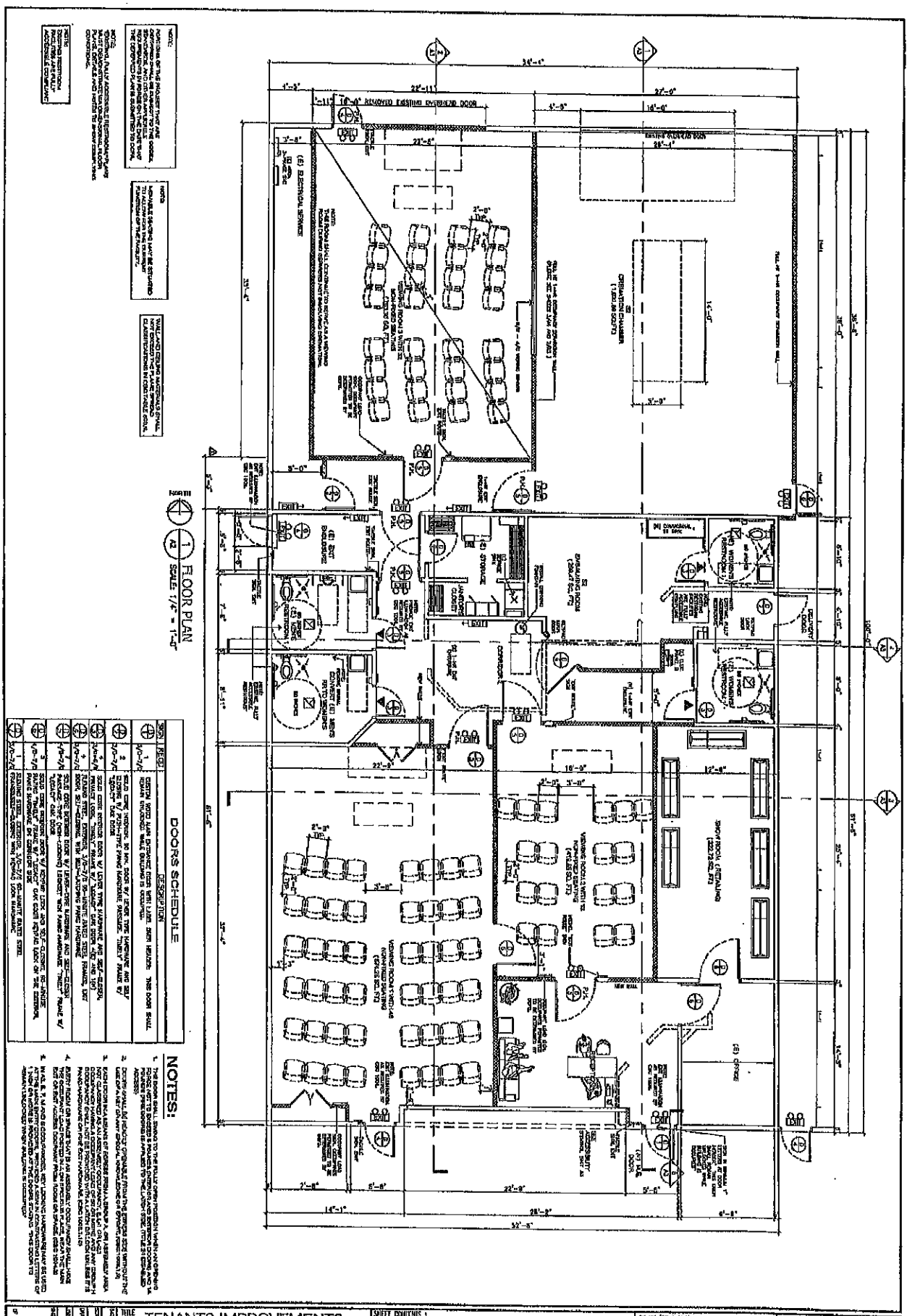
ATTACHMENT C

dB



dB READINGS OF CREATOR SOUND LEVEL
ALL TAKEN AT (60" HIGH) (60" DISTANCE)
dB METER HELD AT ANGLE OF ARROW AS SHOWN
(BOTH BURNERS IGNITED DURING MEASUREMENTS)





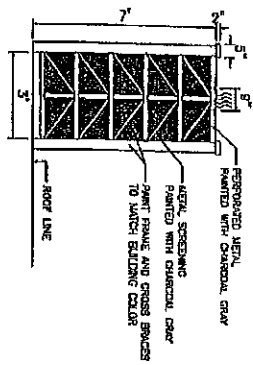
1 FLOOR PLAN
SCALE: 1/8" = 1'-0"

DOORS SCHEDULE

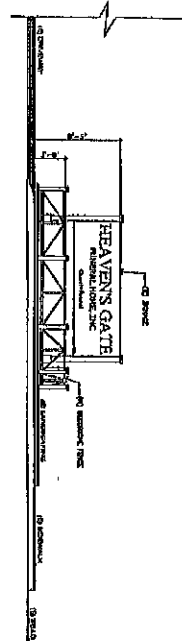
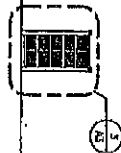
NO.	DESCRIPTION
1	DOOR FROM HALL TO SERVICE AREA
2	DOOR FROM HALL TO STORAGE AREA
3	DOOR FROM HALL TO RESTROOM
4	DOOR FROM HALL TO OFFICE
5	DOOR FROM HALL TO SERVICE AREA
6	DOOR FROM HALL TO STORAGE AREA
7	DOOR FROM HALL TO RESTROOM
8	DOOR FROM HALL TO OFFICE
9	DOOR FROM HALL TO SERVICE AREA
10	DOOR FROM HALL TO STORAGE AREA
11	DOOR FROM HALL TO RESTROOM
12	DOOR FROM HALL TO OFFICE
13	DOOR FROM HALL TO SERVICE AREA
14	DOOR FROM HALL TO STORAGE AREA
15	DOOR FROM HALL TO RESTROOM
16	DOOR FROM HALL TO OFFICE
17	DOOR FROM HALL TO SERVICE AREA
18	DOOR FROM HALL TO STORAGE AREA
19	DOOR FROM HALL TO RESTROOM
20	DOOR FROM HALL TO OFFICE

NOTES:

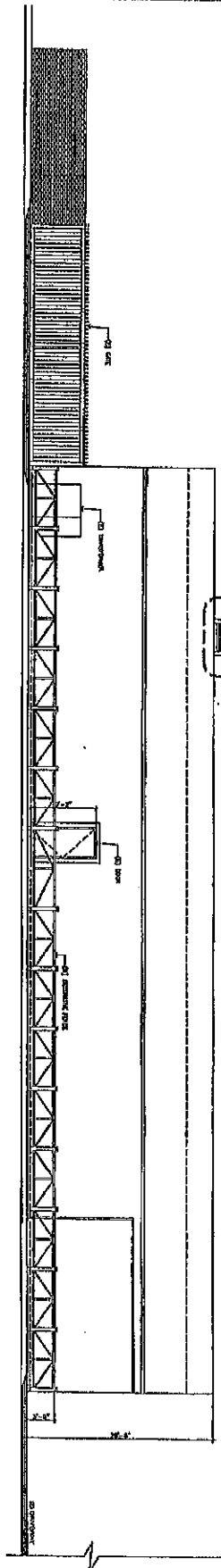
1. THE ROOM SHALL BE USED TO PROVIDE A PLACE FOR THE CREMATION OF THE DECEASED.
2. THE ROOM SHALL BE USED TO PROVIDE A PLACE FOR THE CREMATION OF THE DECEASED.
3. THE ROOM SHALL BE USED TO PROVIDE A PLACE FOR THE CREMATION OF THE DECEASED.
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19. THE ROOM SHALL BE USED TO PROVIDE A PLACE FOR THE CREMATION OF THE DECEASED.
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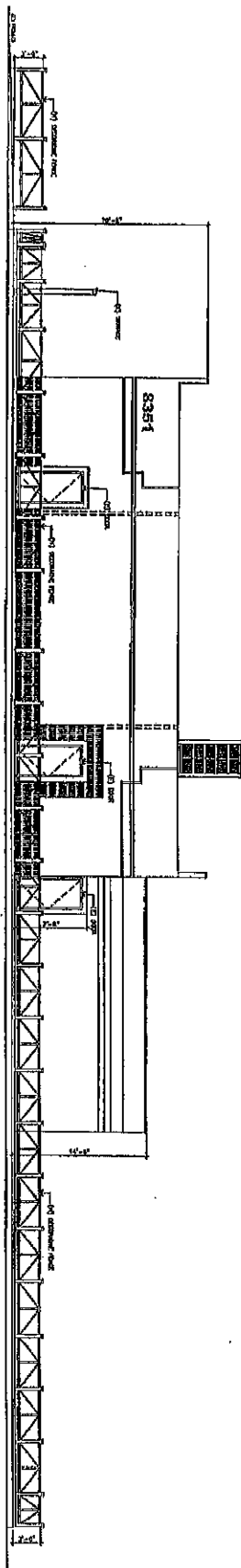
3 SMOKESTACK SCREENING
SCALE 1/8" = 1'-0"



2 WEST ELEVATION
SCALE 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



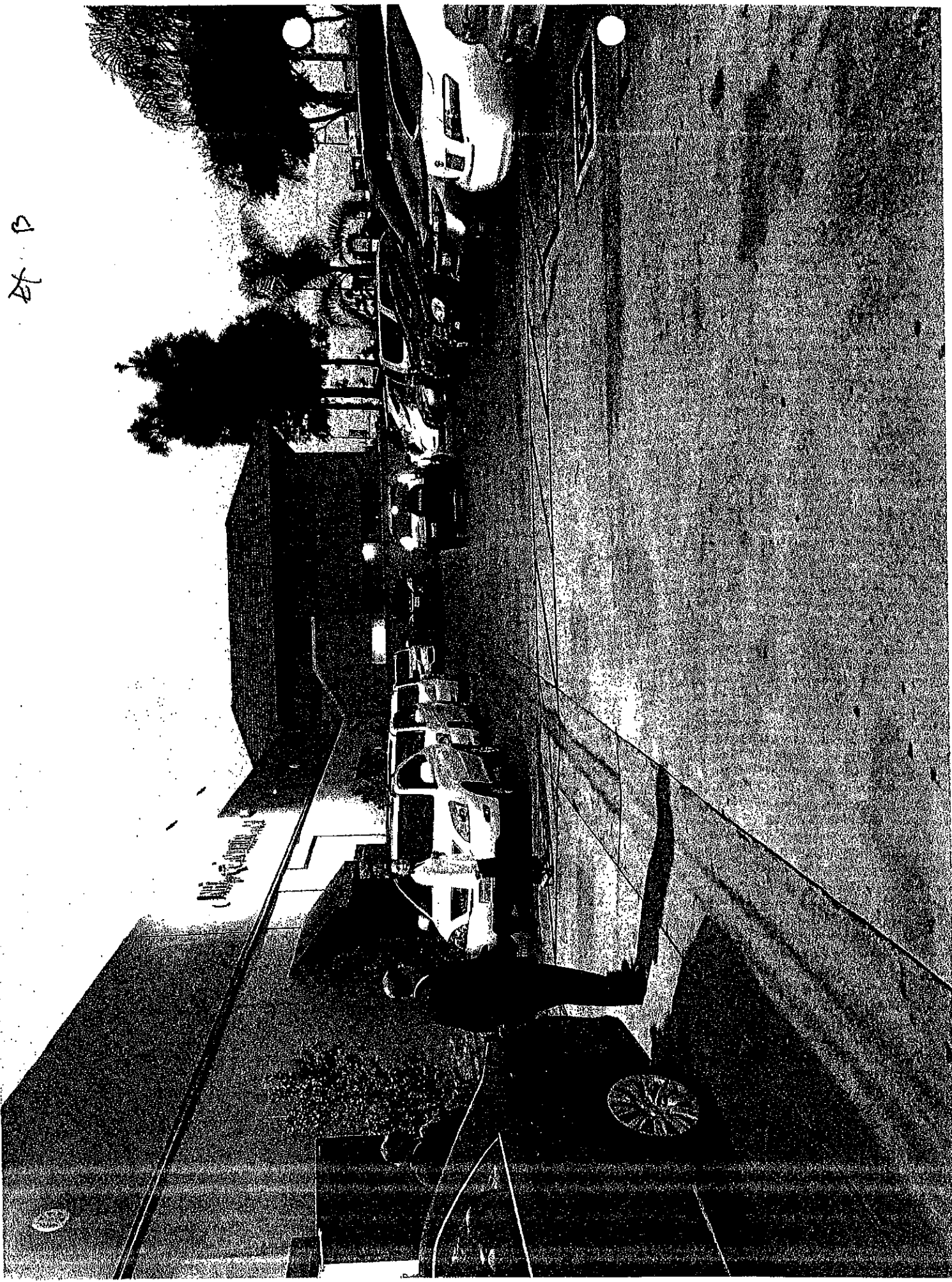
**DOCUMENTS SUBMITTED BY THE APPLICANT
FOR THE
PLANNING COMMISSION PUBLIC HEARING**

9 A

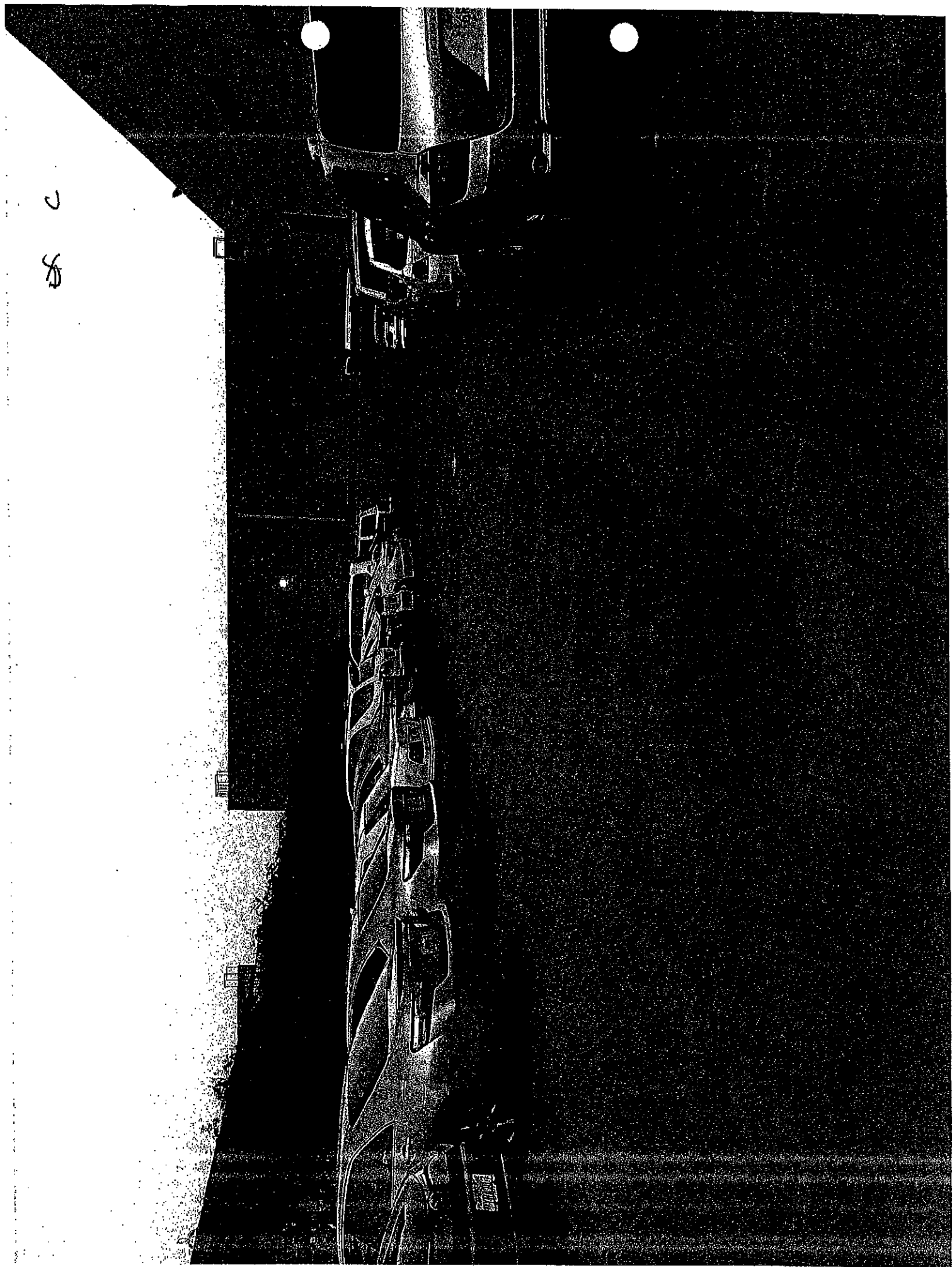
Crematory Emissions Factors (USEPA Final 1999 Non Point HAP Source Estimates, August 26, 2003)

	Human Cremation	Animal Cremation
Compound	EF (lb/ton)	EF (lb/ton)
Arsenic and arsenic compounds (Inorganic)	4.00E-04	4.00E-04
Beryllium (and beryllium compounds)	1.84E-05	1.84E-05
Cadmium and cadmium compounds	1.46E-03	1.46E-03
Chromium, hexavalent *	1.91E-04	1.91E-04
Polychlorinated Dibenzofurans (PCDF) (as 2, 3, 4, 8-Eqv) and t	1.43E-07	1.43E-07
Polychlorinated Dibenzo-p-Dioxins (PCDD) (as 2,3,7,8-Eqv)	7.74E-08	7.74E-08
Formaldehyde	2.89E-09	2.89E-09
Hydrogen Chloride (Hydrochloric Acid)	1.97E+00	1.97E+00
Lead and lead compounds (Inorganic, Including elemental lead	9.39E-03	9.39E-03
Nickel & nickel compounds (except nickel oxide):	5.09E-04	5.09E-04
Mercury and mercury compounds (Inorganic)	5.32E-03	0.00E+00
PolyCyclic Aromatic Hydrocarbon (PAHs)	9.63E-04	9.63E-04

*Emission factor from EPA is for Total Chrome. Hex Chrome emission factor is from San Diego APCD



4. 12



APPLICATION:

Accessibility to public buildings, commercial buildings and publicly funded housing. Group occupancies included are A, B, E, F, H, I, M, R (hotels, motels, Inn, dormitories, resorts, homeless shelters, halfway houses, transient group homes and similar places of transient lodging), S, and outdoor occupancies, such as parks and recreational areas, campsites, beach picnic areas, boat docks, and nature trails. For application to privately funded housing, refer to Chapter 11-A of the California Building Code, Volume 1.

CODE REFERENCE: CALIFORNIA BUILDING CODE, VOLUME 1, CHAPTERS 10 AND 11B**AN IMPORTANT NOTE:**

The contents of all illustrations of this bulletin are taken from the California Building Code, Volume 1, Chapters 10 and 11B. The users of this bulletin should be aware that this bulletin is intended only as an aid to the basic understanding of the regulations and that to fully understand and apply these regulations, they must refer to the code reference stated above.

NEW BUILDINGS**GENERAL CONCEPT:**

Provide path of travel from handicapped parking spaces to all accessible elements and spaces, such as walks, sidewalks, curb ramps and pedestrian ramps, lobbies and corridors, elevators, sanitary facilities, other improved areas or necessary combinations thereof that provide free and unobstructed access to and from a particular area or location for pedestrians and/or wheelchair users.

ILLUSTRATION OF ACCESSIBILITY REGULATIONS**ACCESSIBLE PARKING:**

Handicapped parking spaces shall be located on the shortest accessible route to an accessible entrance and they shall be so arranged that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own. The required number of handicapped parking spaces shall be in accordance with table below.

TOTAL REQUIRED	MINIMUM HANDICAPPED SPACES REQUIRED
1 to 25	1 van accessible space
26 - 50	2 including 1 van accessible space
51 - 75	3 including 1 van accessible space
76 - 100	4 including 1 van accessible space
101 - 150	5 including 1 van accessible space
151 - 200	6 including 1 van accessible space
201 - 300	7 including 1 van accessible space
301 - 400	8 including 1 van accessible space
401 - 500	9 including 2 van accessible spaces
501 - 1000	2% including 3 van accessible spaces
1001 - ?	20 + 1 per 100 or fraction, including min. 1 van accessible space per 8 accessible spaces or fraction thereof



Lễ Nhập Quan & Phát Tang

Date: Friday August 3, 2018

Time: 9:00 AM- 11:00AM

**Place: Heaven's Gate Funeral Home
Chapel 1**

Lễ Di Quan: 12:00PM - Hỏa Táng 1:00PM.

1 Comment

Duke Nguyen on August 1, 2018 at 9:39 am

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

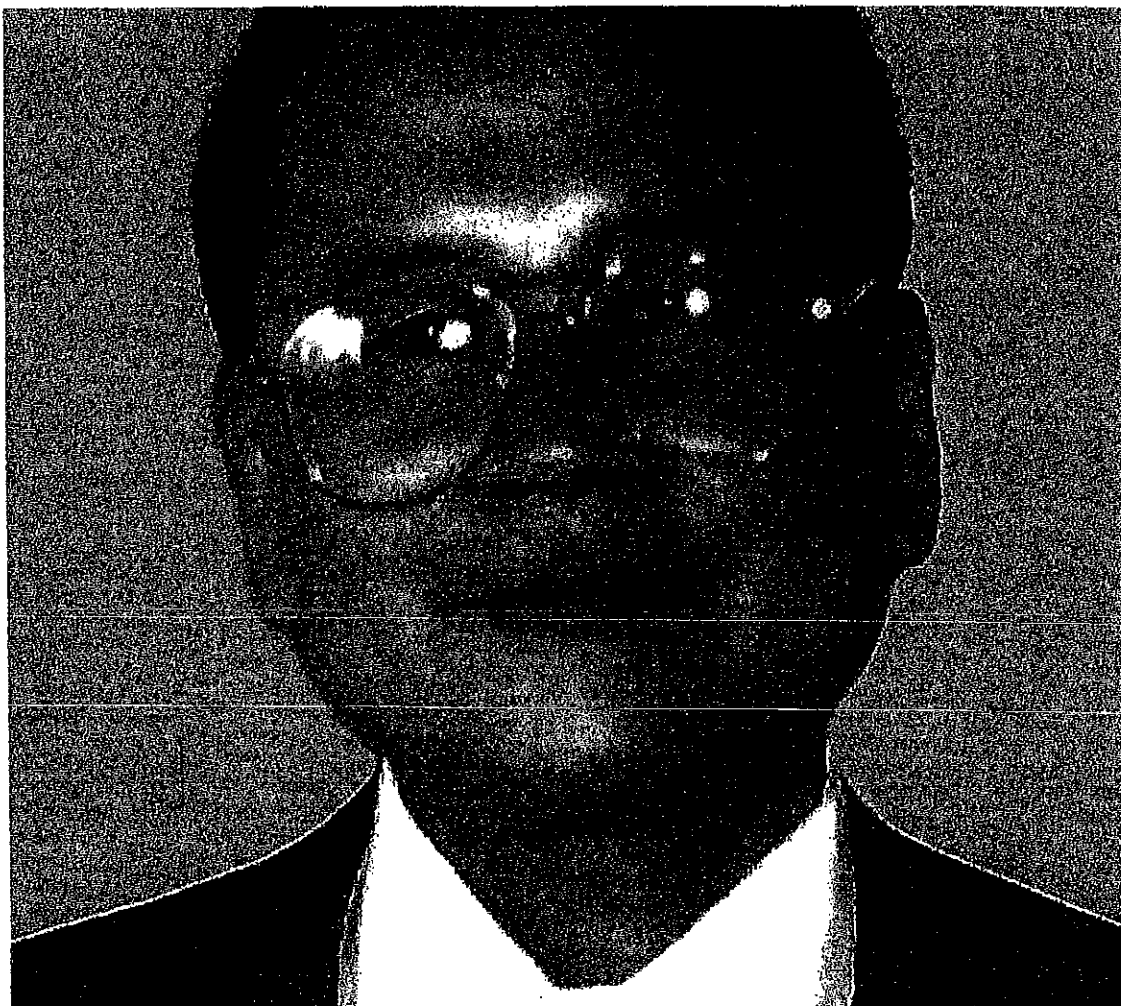
Archives

October 2018

September 2018

Bùi Văn Rĩ

by Duke Nguyen | Aug 1, 2018 | Obituaries | 1 comment



November 4, 1942 – July 31, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Thursday- August 9, 2018

Time: 8:00AM – 9:00AM (Lễ nhập quan & phát tang)

9:00AM – 1:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

1 Comment

Duke Nguyen on August 6, 2018 at 2:04 pm

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

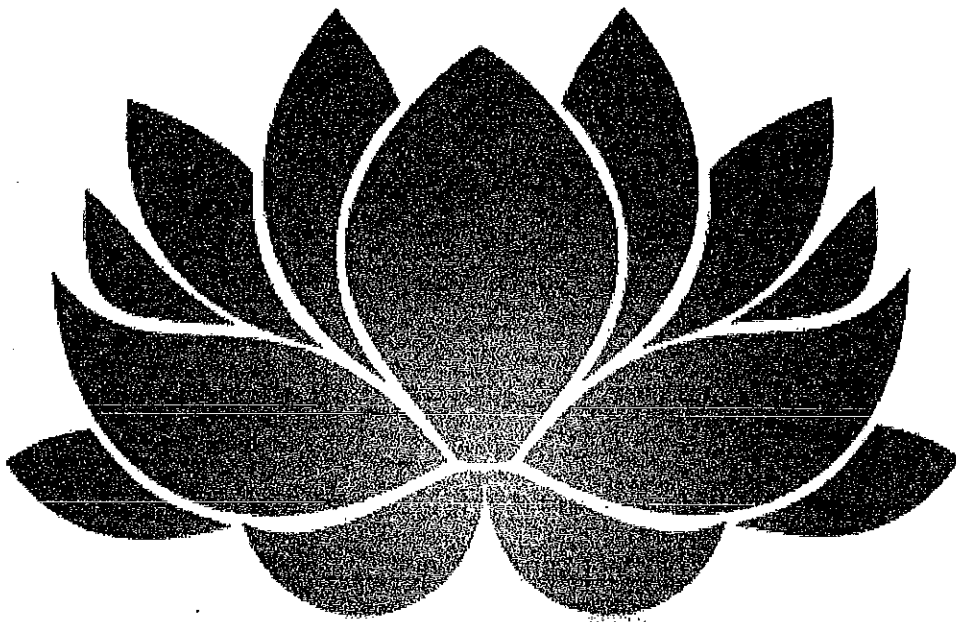
Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Tăng Quảng Vinh

by Duke Nguyen | Aug 6, 2018 | Obituaries | 1 comment



March 1, 1973 – August 5, 2018

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan, Phát Tang & Thăm Viếng

Date: Saturday August 11, 2018

Time: 10:00AM – 7:00PM (Lễ nhập quan & Thăm Viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

September 2018

August 2018

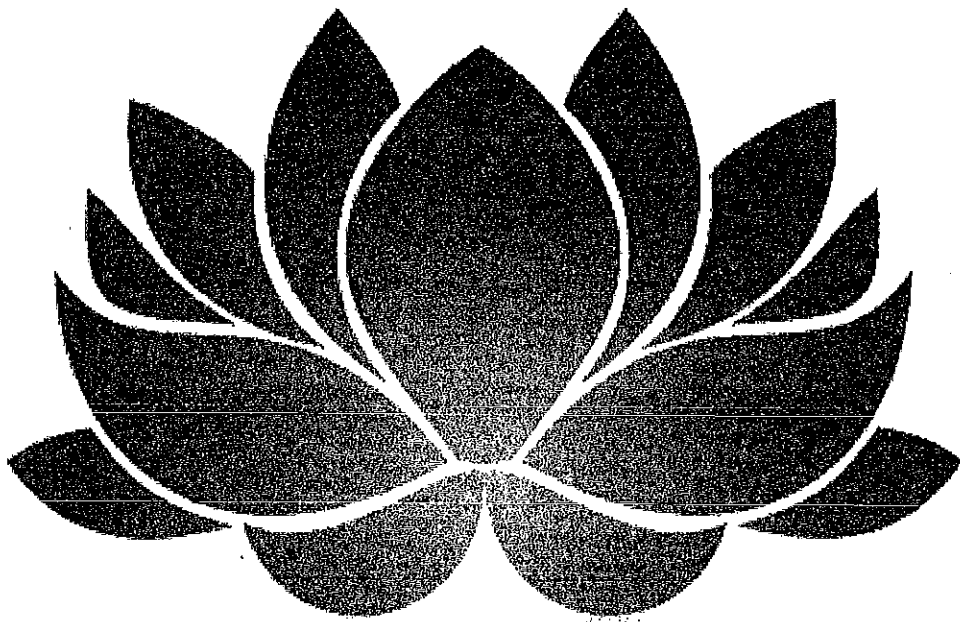
July 2018

June 2018

May 2018

Nguyễn Thế Mỹ

by Duke Nguyen | Aug 8, 2018 | Obituaries | 0 comments



March 03, 1951 – August 6, 2018

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Thăm Viếng

Date: Saturday August 11, 2018

Time: 9:00AM – 9:00PM

Place: Heaven's Gate Funeral Home Chapel

2 Comments

Cliftonguest on August 22, 2018 at 9:33 am

Duke Nguyen, thanks so much for the post. Much thanks again. Really Cool.

Reply

Duke Nguyen on August 7, 2018 at 10:22 am

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

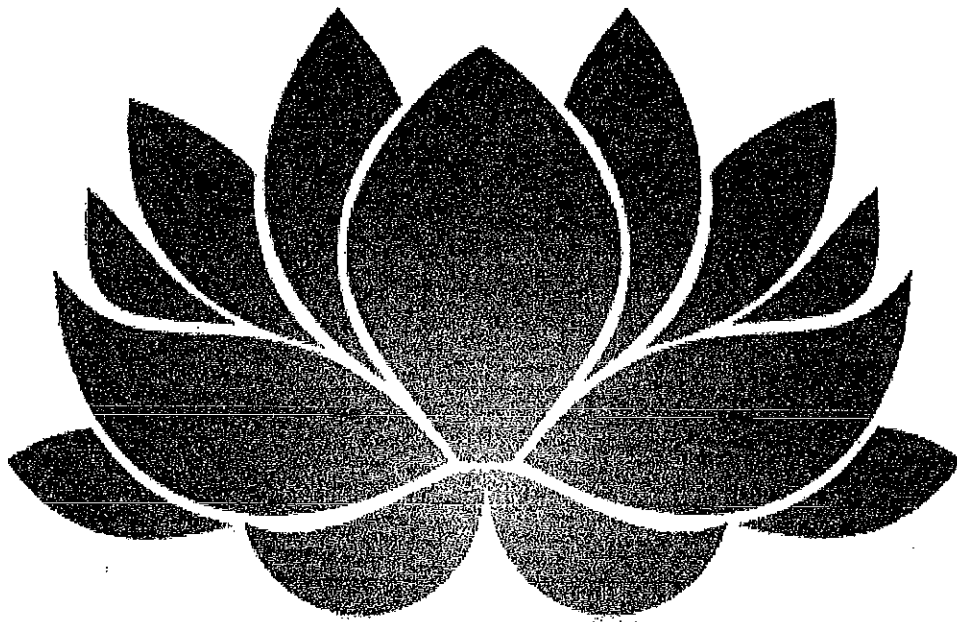
Reply

Send Flowers

Please contact for flowers arrangements.

Phạm Văn Toàn

by Duke Nguyen | Aug 7, 2018 | Obituaries | 2 comments



June 15, 1943 – August 6, 2018

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION & MEMORIAL SERVICE

Thăm Viếng & An Táng

Date: Sunday August 12, 2018

Time: 3:00PM – 8:00PM

Place: Heaven's Gate Funeral Home Chapel

Body will be shipped back to Vietnam after the service.

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

September 2018

August 2018

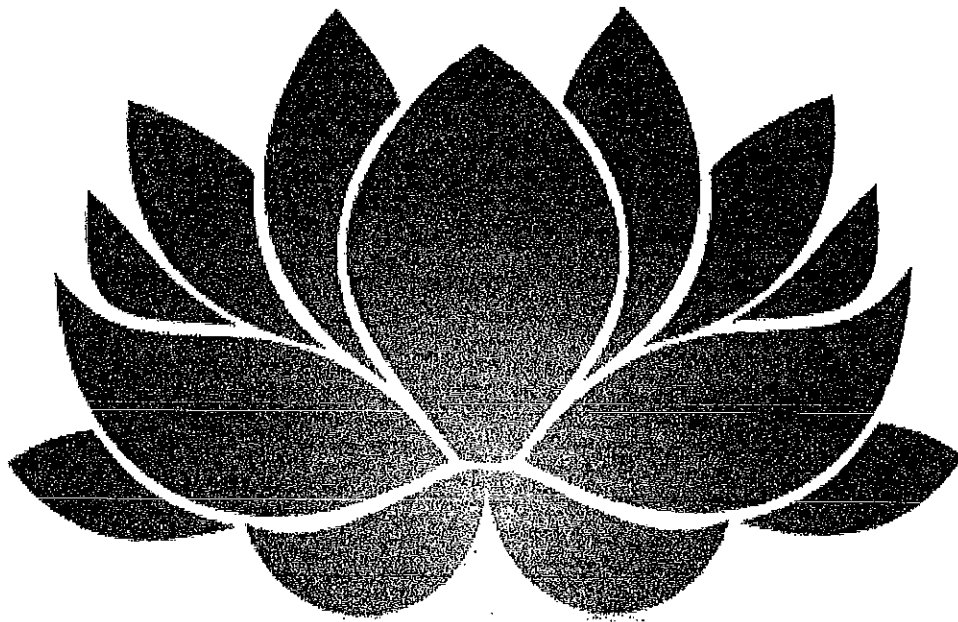
July 2018

June 2018

May 2018

Dương Tân

by Duke Nguyen | Aug 8, 2018 | Obituaries | 0 comments



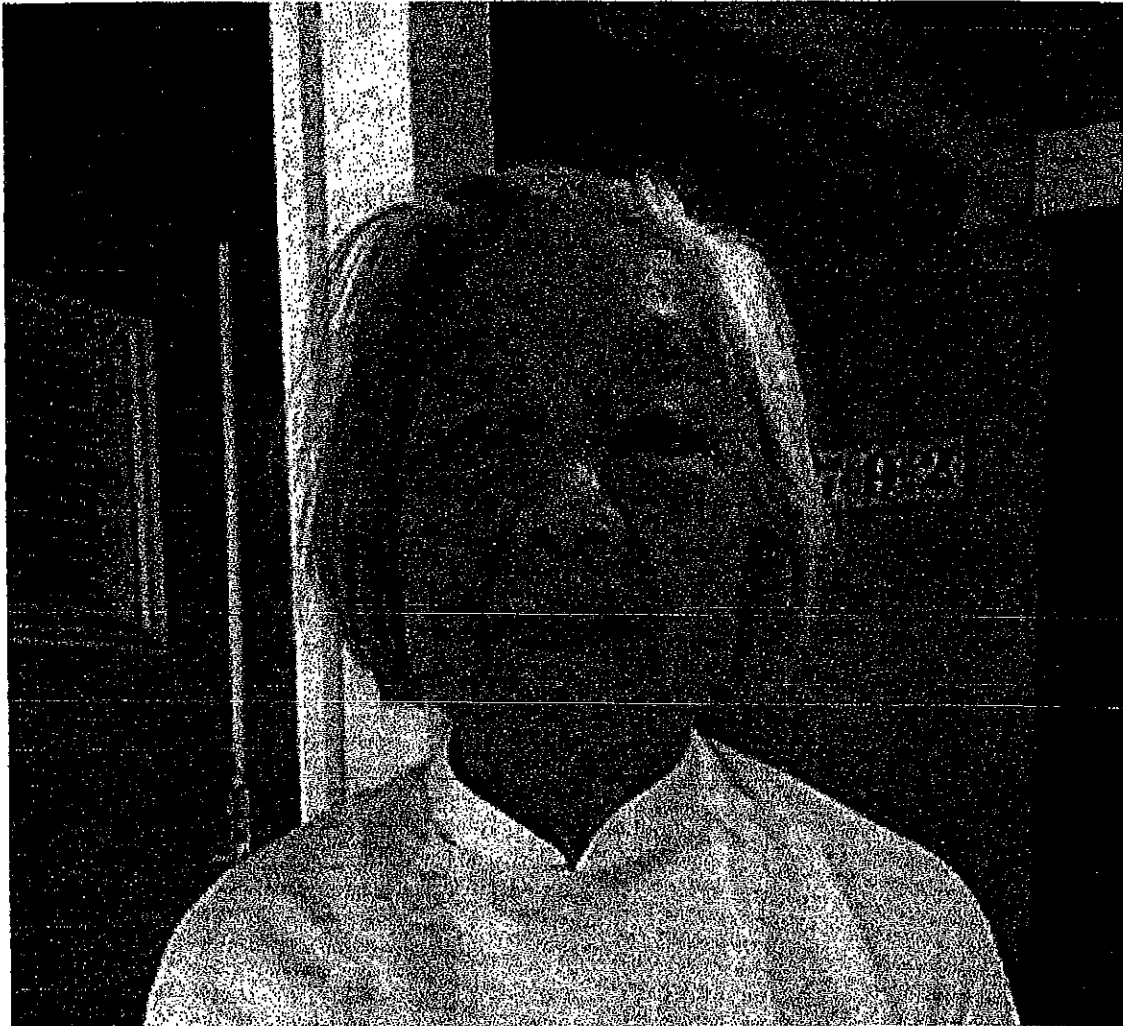
June 6, 1946 – August 7, 2018

(Cửu Thập Tam Niên)
TÒA THÁNH TÂY NINH
THÁNH THẤT CALIFORNIA

Gia đình xin miễn phúng điếu

Nguyễn Kim Minh

by Duke Nguyen | Aug 15, 2018 | Òbltuarles | 1 comment



VISITATION

MEMORIAL SERVICE

BURIAL

Nghi Thức Phát Tang và Thăm Viếng

Date: Monday September 10, 2018

Time: 10:00AM - 8:00PM

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

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June 2018

May 2018

Navigation

Trần Quốc Thịnh

by Duke Nguyen | Sep 7, 2018 | Obituaries | 0 comments



**January 20, 1967 – September 6,
2018**

Chương Trình Tang Lễ (Visitation & Memorial Services)

March 19, 1965 – September 7,
2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

MEMORIAL SERVICE



CÁO PHÓ

Giáo dân chúng tôi và cộng đồng này
biểu lộ lòng Thâm Kính Quyết Thệ và
Đền Đáp sự gĩa Uất, Anh, Em, Cha,
Đàn, Chị và



ÔNG TONY TIẾN HUI
BUI HONG ANH TUAN

Sinh ngày 18 tháng 01 năm 1963 (Ất Tỵ)
Hôm nay, ngày 07 tháng 09 năm 2018 (Mùng 07 tháng 8 năm Mậu Tuất) tại Quận Los Angeles, California, USA
Đang sống tại: 10000 Wilshire Blvd, Suite 1000, Los Angeles, CA 90024
Thiêu tang tại: 10000 Wilshire Blvd, Suite 1000, Los Angeles, CA 90024

CHƯƠNG TRÌNH TANG LỄ

Thăm viếng: Từ 08h00 đến 09h00 ngày 10/09/2018

Thăm viếng: Từ 09h00 đến 10h00 ngày 10/09/2018

GATEWAY CHINESE BURIAL GROUND, 10000 Wilshire Blvd, Suite 1000, Los Angeles, CA 90024

Vào giờ 10h00 ngày 10/09/2018

Thăm viếng: Từ 08h00 đến 09h00 ngày 10/09/2018 (Thăm viếng: Từ 08h00 đến 09h00 ngày 10/09/2018)

PHƯƠNG ANH HONOR KIM HON

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1 Comment

Bui Bill on September 14, 2018 at 1:16 am

Chao ba, ba di di. Dung co lam con buon ok. Con 15 tuoi roi. Con ma lon con uong voi ba okay. Bye ba.

Reply

December 13, 1928 – September 19, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Sunday 23, 2018

Time: 08:00AM – 2:00PM

Place: Heaven's Gate Funeral Home Chapel

1 Comment

Anonymous on September 20, 2018 at 2:02 pm

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Bùi Thị Trước

by Duke Nguyen | Sep 20, 2018 | Obituaries | 1 comment



VISITATION & MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Wednesday September 26, 2018

Time: 09:00AM – 10:00AM (Lễ nhập quan)

10:00AM – 1:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

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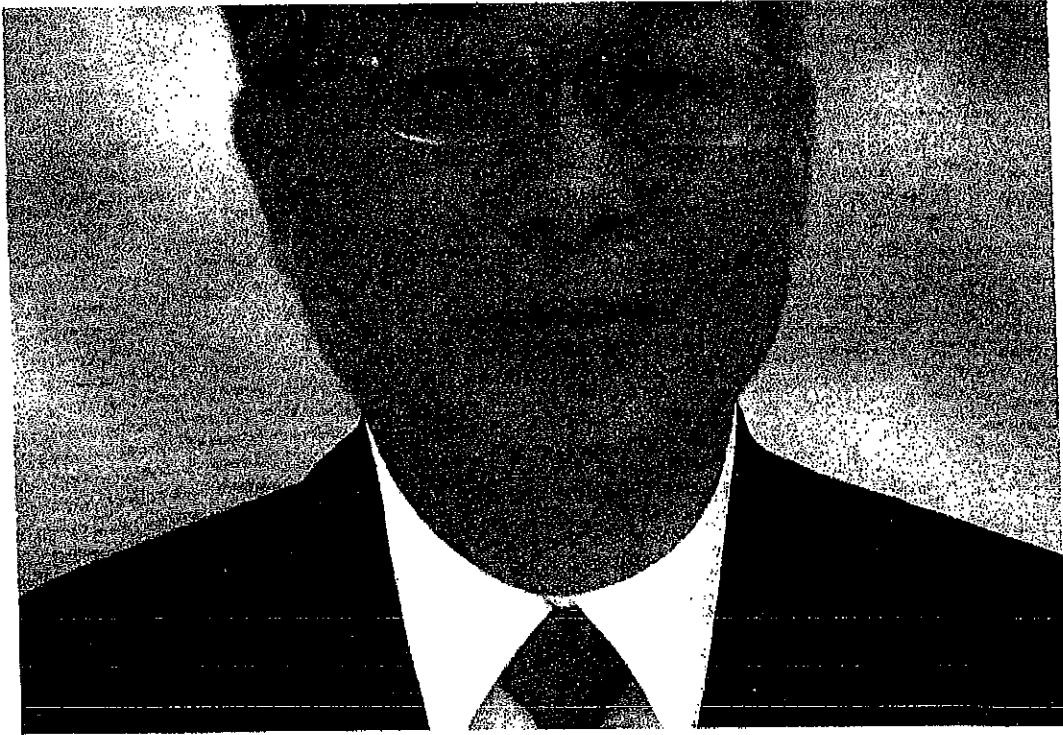
June 2018

May 2018

Navigation

Nguyễn Văn Đắc

by Duke Nguyen | Sep 21, 2018 | Obituaries | 0 comments



**December 15, 1955 – September
26, 2018**

Chương Trình Tang Lễ (Visitation & Memorial Services)

Date: Friday September 28, 2018

Time: 1:00PM – 08:00PM

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

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Obituaries

Services

Cremation

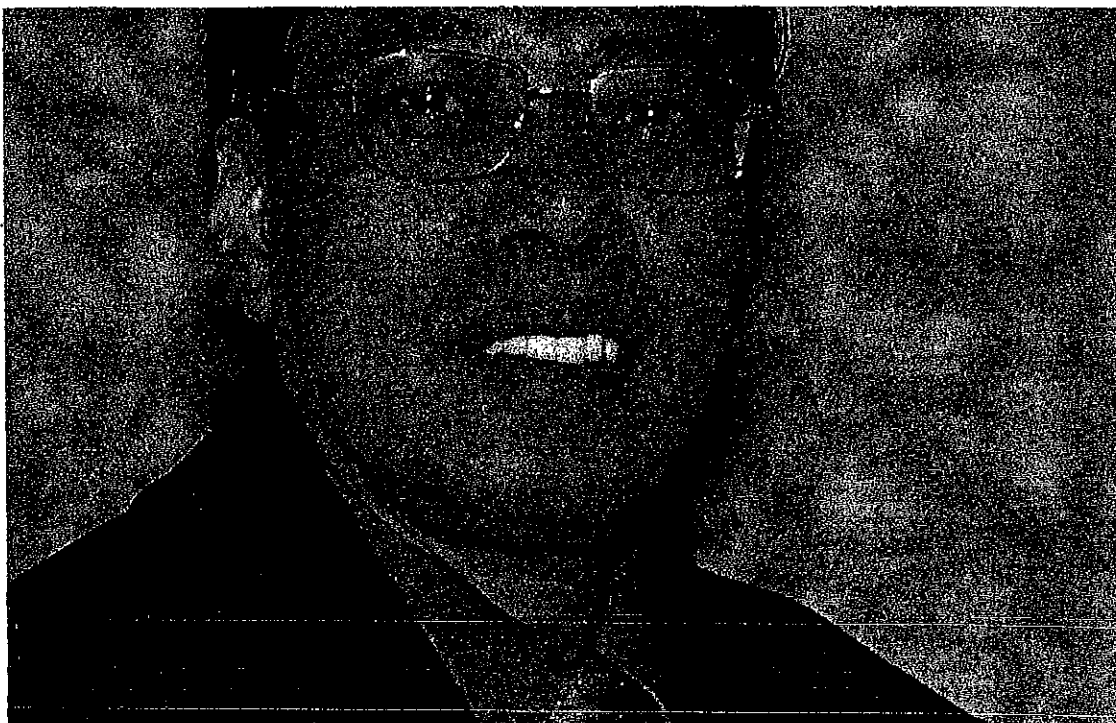
Receiving & Forwarding Remains

Ship To & From Vietnam

Away From Home Protection

Nguyễn Đặc Lập

by Duke Nguyen | Sep 20, 2018 | Obituaries | 0 comments



April 8, 1948 – September 15, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

BURIAL

Thăm Viếng

March 14, 1952 – September 23, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

BURIAL

Lễ Nhập Quan và Thăm Viếng

Date: Saturday 29, 2018

Time: 11:00AM – 12:00PM (Lễ nhập quan)

12:00PM – 8:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

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Đặng Khánh Đức

by Duke Nguyen | Sep 24, 2018 | Obituaries | 0 comments



February 2, 1928 – September 23, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

Phát tang và Thăm Viếng

Date: Friday 9/28/, 2018

Time: 4:00PM – 8:00PM

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

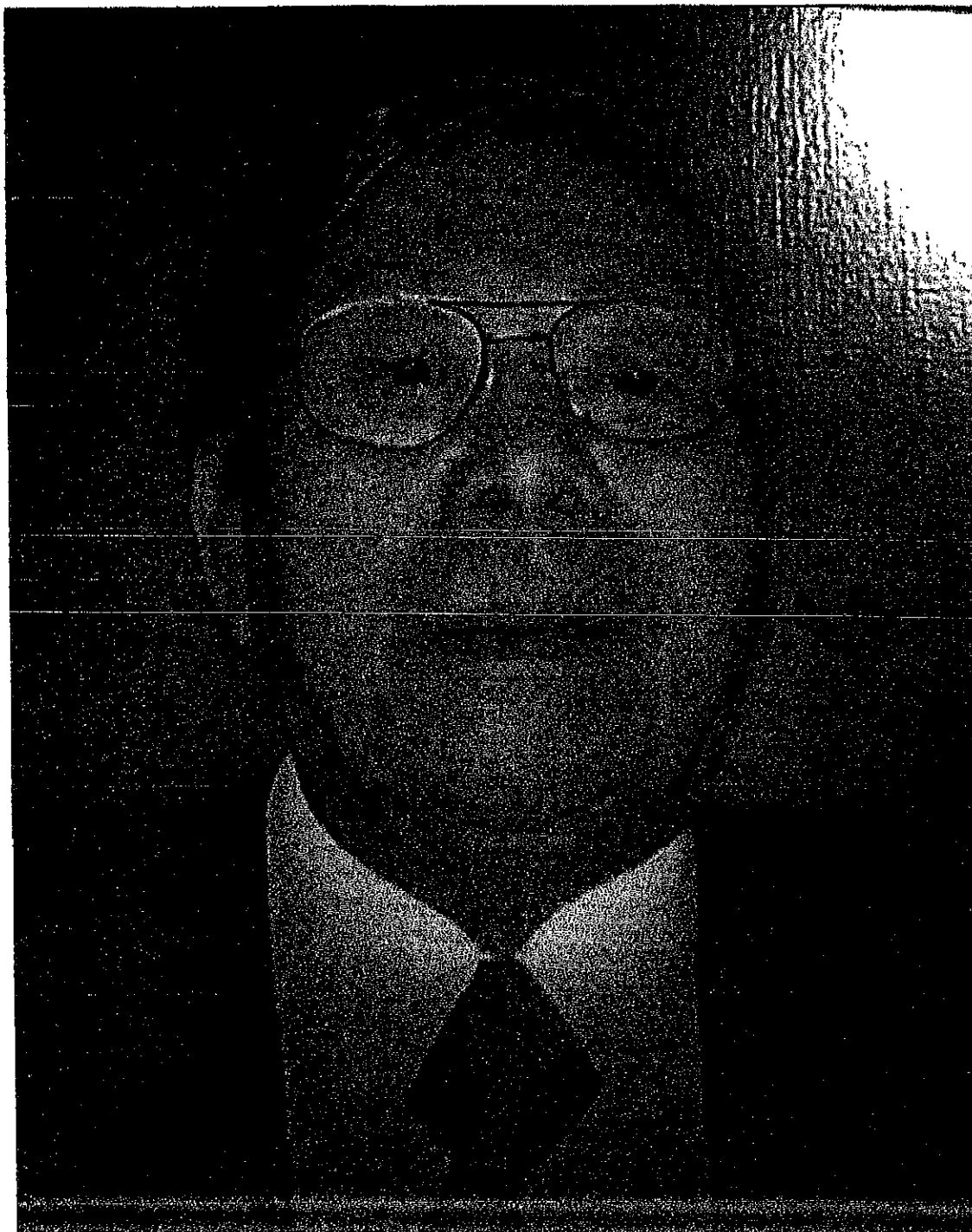
September 2018

August 2018

July 2018

Phạm Văn Tín

by Duke Nguyen | Sep 24, 2018 | Obituaries | 0 comments



**DOCUMENTS SUBMITTED BY NEIGHBORING BUSINESS OWNERS
FOR THE
PLANNING COMMISSION PUBLIC HEARING**

Rivera, Rose

From: Mitchell Thomas [REDACTED]
Sent: Tuesday, October 02, 2018 2:02 PM
To: Rivera, Rose
Subject: CREMATORY at 8351 Katella Ave. Stanton, CA.
Importance: High

Stanton Planning Commission

10/02/18

Hearing on October 3, 2018

RE: Request to add cremation services to existing mortuary.

**As the Owner of Ford Wholesale Co., Inc.
8302 Katella Ave., Stanton, CA. 90680**

I/WE OBJECT to the Request for Conditional Use Permit C18-04 at 8351 Katella Ave.

I/WE are concerned about the potential long-term physical and mental health impacts from

residing and/or working in such close proximity to a crematory.

I/WE are concerned that the proximity of the proposed use would interfere with the use and

enjoyment of OUR property, and that due to negative public perceptions about living in the

close proximity to such a use, OUR property values would DECREASE substantially, IF the

proposed use was allowed at this location.

I/WE believe that the requested use at the proposed location will, IN FACT, adversely affect

the health, peace, and comfort of persons residing or working in the surrounding area, and

unreasonably interfere with the use, enjoyment, and/or valuation of OUR property and that of

other persons located in the vicinity of the site.

Therefore, the required finding for approval of the Conditional Use Permit cannot be made.

I/WE RESERVE ALL LEGAL RIGHTS IN A COURT of LAW regarding this CUP C18-04 request.

**Respectfully submitted:
Mitchell Thomas – Owner**

Ford Wholesale Co., Inc.
8302 Katella Ave. Stanton, CA.



NORTH
ORANGE COUNTY
CHAMBER

October 3, 2018

Chairman Sou Moua
Planning Commission
City of Stanton
7800 Katella Avenue
Stanton, CA 90680

October 3, 2018; Item 7 B

Dear Chairman Moua,

North Orange County Chamber supports consideration of a Conditional Use Permit allowing for the operation of a cremation facility in conjunction with an existing mortuary located at 8351 Katella Avenue in the City of Stanton.

Heaven's Gate Funeral Home is a family owned and operated business. Their roots in the area since 2007 -- locally since 2016 -- provides them unique insight to the requests and needs of their customers. The request to provide cremation services at their existing mortuary and within the same building is recognized by us as a business decision of the applicant.

According to the staff report for this item, the site's suitability ensures that the type, density, and intensity of use proposed will not adversely affect the public convenience, health, interest, safety or general welfare, constitute a nuisance, or be materially detrimental to the proposed improvements. We therefore recommend approval of Permit C18-04 to allow the applicant to proceed modifying conditions to include the use requested.

NOC is the voice of the business community in North Orange County representing 3,000 business members throughout the region. We actively work to build stronger communities and advocate for a healthy business climate.

Thank you for your continued partnership and support.

Sincerely,

Theresa Harvey
President and CEO
North Orange County Chamber

Cc: Planning Commissioners
Kelly Hart, Community Development Director

BOARD OF DIRECTORS

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Holiday Inn Buena Park
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Carlos Salazar
Salazar Associates
Katie Wanamaker
The Source Buena Park

RECEIVED

OCT - 3 2018

COMMUNITY DEVELOPMENT

To Whom It May Concern,

As a general partner in Ray Thornton Properties I would like to let all concerned parties know that Ray Thornton Properties is adamantly against the plans to build a crematorium on Katella Ave.

Ray Thornton Properties has several small business parks on Katella Ave and Dale St, with one being right across the street from the proposed crematorium location.

It is our understanding that the crematorium will have a negative impact on our future property value, and could also impact our selection of future tenants.

Sincerely,



Ron Thornton

Ray Thornton Properties



Ewles Materials

DIV. OF JOHN B. EWLES, INC.

GENERAL ENGINEERING CONTRACTOR

License No. 232684

P.O. BOX 578 • STANTON, CALIFORNIA 90680 • (714) 894-1988 • FAX: (714) 894-7699

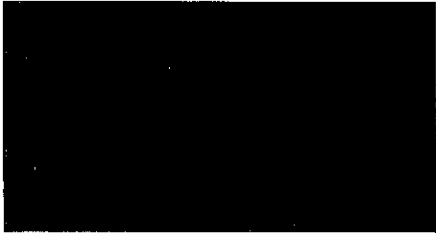
To whom it may concern:

Katella Business Park, John B Ewles Inc, and New Rental Co., have written this letter to express adamant disapproval of the plans to develop a crematorium on Katella Ave.

It is a collective understanding that the development of a crematorium and its business activities therein will negatively impact the surrounding businesses, communities and overall property values.

A collaborative effort is underway by business owners and property owners alike, to refuse the proposed development of the crematorium, and will continue to voice its disapproval.

We appreciate your consideration of our concerns in this matter, and are open to any and all discussion moving forward.



Steve Ewles
President

Mitchell Thomas

From: Mitchell Thomas
Sent: Tuesday, October 02, 2018 2:02 PM
To: 'rrivera@ci.stanton.ca.us'
Subject: CREMATORY at 8351 Katella Ave, Stanton,CA.
Importance: High

**Stanton Planning
Commission**

10/02/18

Hearing on October 3, 2018

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Therefore, the required finding for approval of the Conditional Use Permit cannot be made.

I/WE RESERVE ALL LEGAL RIGHTS IN A COURT OF LAW regarding this CUP C18-04 request.

Respectfully submitted:

Mitchell Thomas - Owner
Ford Wholesale Co., Inc.
8302 Katella Ave. Stanton, CA.

NEWS > LOCAL NEWS

Neighbors fighting Garden Grove funeral home's crematorium plans

By CHRIS HAIRE | chaire@scng.com | Long Beach Press-Telegram
June 16, 2016 at 7:00 am

0 COMMENTS

GARDEN GROVE – A proposed funeral home has drawn the ire of some residents in Garden Grove, Orange and Santa Ana because of fears its crematorium would cause health problems.

Heaven's Gate Funeral Home, which would occupy an approximately 19,500-square-foot abandoned office building on Garden Grove Boulevard if approved by the Planning Commission today, would have a showroom for caskets and urns, host wakes and cremate bodies.

It is the crematorium, which would border three cities and be within 300 feet of several houses, that has residents concerned. There is not enough evidence, they say, to prove that fumes released when bodies are burned are not harmful to others.

"I don't want it to affect our children," said Khal Nguyen of Santa Ana, who lives near the proposed funeral home and has two young children.

"They say the fumes will be clear, odorless and invisible," Nguyen said. "But how many other things were clear, odorless and invisible that we later found out were harmful. We don't want to be guinea pigs."

Heaven's Gate's owner, Tuan Duc Nguyen (no relation to Khai Nguyen), who runs a storefront mortuary of the same name in Westminster, says it is unfair to prevent him from opening. The building is zoned as light commercial, which allows his type of business.

"I've been looking for a place to expand my business for 10 years," he said. "It's very hard. I want to open the funeral home to take care of my community."

Tuan Duc Nguyen said his funeral home would have two furnaces that would cremate an estimated 34 bodies each per month.

"I can't believe the zoning would let them get that close to a residential area," said Stan Wirth, who has lived in a Garden Grove house a block from the proposed funeral home for 37 years. "If it were just a funeral home, I'd be OK with it. But not a crematorium."

Cremations have become an increasingly popular method for families looking at funeral options. Mike Nicodemus, vice president of cremations for the National Funeral Directors Association, said 65 percent of those who die in California this year will be cremated, compared with 48 percent nationwide.

Nicodemus said environmental fears are overblown.

"It's no problem at all for the environment," he said. "There should only be heat vapors. No smoke should come out of the stack."

He added that the machines must be well-maintained, the employees properly trained and the furnaces running between 1,400 and 1,800 degrees.

Heaven's Gate applied for a permit from the South Coast Air Quality Management District in February and awaits a decision. An inspection of the facility would determine whether it posed a risk of cancer and other health problems, AQMD spokesman Sam Atwood said.

Opposition to crematoriums is not isolated. Residents of Richmond, San Leandro, San Rafael and Long Beach have all fought to prevent them in their neighborhoods – saying they fear health risks, dwindling property values and even the "creepiness" of living near a funeral home.

According to city documents, eight people showed up at a neighborhood meeting in April, at which a few expressed "a general fear of ghosts." At a Garden Grove Planning Commission meeting this month, 36 people spoke against the proposed funeral home.

The city also received a petition with 486 signatures opposing the funeral home. Tuan Duc Nguyen submitted a petition with about the same amount of signatures in his favor.

Pom Nguyen moved to her house in Santa Ana, behind the proposed funeral home, a year ago with her husband and three young children. The house is an investment, she said, and the family wouldn't have moved in if they knew about the proposed funeral home.

"Having to look and funerals every day, it'd be depressing," Pom Nguyen said. "And I think it will hurt our investment."

The losing side at the Planning Commission meeting will have 21 days to appeal to the City Council and potentially appeal to the courts after that, City Attorney Omar Sandoval said.

"If I follow every regulation, what is their reason for denying me?" said Tuan Duc Nguyen. "I am prepared to take them to court and fight."

Contact the writer: 714-796-6979 or chalre@ocregister.com



SPONSORED CONTENT

Former FBI Agent Is Warning To Always Keep Your Keys Wrapped In Foil

By GND.com

GND.com

If You See Someone With Their Keys Wrapped In Foil, This Is What It Means



Chris Haire

Chris Haire is the senior reporter for the Press-Telegram. He previously was a general assignment reporter for the Orange County Register, covering everything from spot news to human-interest features. He has been with the Register and Southern California News Group since December 2012. He graduated with honors from the Columbia

2
GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, June 2, 2016

CALL TO ORDER: 7:05 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Barker
Commissioner Margolin
Commissioner Nuygen
Commissioner Paredes
Commissioner Zamora

Absent: Kanzler

PLEDGE OF ALLEGIANCE: Led by Chair O'Neill. He then mentioned Memorial Day and remembered those who gave their lives so that people could express themselves freely.

ORAL COMMUNICATIONS - PUBLIC - Mr. Hugh Tra asked that some restrictions be removed on Main Street entertainment in order to attract new and local customers; that bands could be allowed on certain nights; and, that fees could be charged for special events.

May 19, 2016 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Zamora

Ayes: (6) Barker, Margolin, Nuygen, O'Neill, Paredes, Zamora
Noes: (0) None
Absent: (1) Kanzler

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT NO. CUP-073-2016 FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF FAIRVIEW STREET.

Applicant: Heaven's Gate Funeral Home, Inc.
Date: June 2, 2016

Request: Conditional Use Permit approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.

Ms. Binh Minh Tran was available for Vietnamese translation.

Staff noted that a Neighborhood Meeting, open to the public, was held on Wednesday, April 13th, 2016 to review and receive input on the applicant's proposal to operate the proposed funeral home with a mortuary and crematory. The eight (8) attendees expressed opposition to the project with similar concerns related to the creepiness of living next to dead bodies, a general fear of ghosts, and that human remains may be stored for long periods of time.

Subsequent to the April 13, 2016 community meeting, staff received a letter of opposition, along with a petition containing 486 signatures, which was included in the record. Some of the reasons for opposition to the project set forth in the letter included: that there are many schools and churches in the area; that the fear of dead bodies being stored behind neighboring homes and the dangers from air pollution from the crematory has caused stress and anxiety in the community, especially for children, that the crematory emissions, such as vaporized Mercury, and other toxic chemicals, could pose health risks. An updated list included 81 additional signatures.

Staff also received another letter of opposition from www.change.org with identical language to the previously mentioned letter, with the website tallying an additional 376 supporters of the opposition, along with 108 comments, which was also placed into the record.

One letter of support was received from Tuan Nguyen, the owner of the Funeral Home, with 465 signatures of support. This letter was entered into the record.

Two additional opposition letters, received prior to the meeting, cited a concern relating to potential hazards to human health from crematory emissions. These letters were also entered into the record.

Additional handouts provided at the meeting included a Heaven's Gate Funeral Home Frequently Asked Questions sheet by the applicant, a Crematory Emission's Data sheet, a letter of opposition from Chieu, and petitions of 81 and 287 additional signatures opposing the project. All of these were entered into the record.

Commissioner Margolin asked if annual testing of the RPPD (Reduced Pressure Principle Device) backflow device was standard. Staff replied yes, the device was related to fire prevention.

Commissioner Margolin then asked how long the embalming process took. Staff deferred to the applicant.

Regarding Condition No. 24, allowing food on the premises with City approval, Commissioner Margolin asked if the health department addressed the discarded food after a funeral for health standards. Staff replied yes, that food may be brought in as long as there was no cooking on site due to no kitchen facilities, and that a special events permit would be required for any temporary food event in the parking area or yard areas.

Commissioner Zamora asked how long human remains were kept on site and how many bodies would be cremated per day. Staff deferred to the applicant.

Commissioner Zamora asked about the removal of non-bone fragments or foreign materials. Staff replied that any foreign materials would be removed prior to placing the body in the cremation chamber.

Commissioner Zamora then asked staff to confirm that if the applicant did not get approval by the South Coast Air Quality Management District (SCAQMD), they could not open. Staff replied yes. *

Commissioner Zamora then asked who inspects the crematory on a weekly basis and was the facility open at night. Staff responded that the owner would inspect the machine, with the State of California and SCAQMD monitoring the business for proper operation and use, and that the business was not open in the evening.

Commissioner Zamora noted that no alcohol was to be sold or consumed on the premises, and asked what happened if alcohol was brought in. Staff replied that the City would be notified as this would be a violation of the Conditional Use Permit; that the applicant would be accountable and could be fined with an administrative citation of up to \$1,000.

Commissioner Zamora asked staff to clarify 'amusement devices' in Condition No. 17. Staff responded that this condition was typical and related to gaming or gambling machines.

Commissioner Paredes asked for the number of crematories operating in Garden Grove and where were they located. Staff replied that there were two funeral homes without crematories; that the applicant's other crematory facility was off-site; and that this facility would have two cremation chambers. *

Commissioner Paredes then asked where the embalming process chemicals would be stored, how long bodies would be in cold storage, and if tooth fillings with mercury and amalgams were removed. Staff

deferred to the applicant on the chemicals and length of time, then stated that any foreign metals would be removed prior to cremation and that vaporization would not be a factor.

Commissioner Barker asked if a system would be in place to measure emissions. Staff deferred to the applicant and equipment manufacturer.

Chair O'Neill opened the public hearing.

Mr. Tuan Nguyen, the owner, Ms. Chi Tang, the representative, and Mr. John Raggett, the cremation equipment representative, approached the Commission. A fact sheet on the funeral home was distributed in both English and Vietnamese.

Ms. Tang described the project and stated that the facility could help with lower cost funeral services all over Southern California; that remains could be shipped to Vietnam; that they wished to expand the level of business/service/convenience for all groups; that land was expensive; that the business would benefit the City with revenue; that they have a petition of support with signatures from clients who have supported them through the years; that bodies were kept for 3-5 days with no storage more than a week; that embalming was for burials only; that fluids with poisonous substances were not allowed; that the facility had cameras and all areas were locked; that there were two cremation units; that licensed staff was required; and that the owner was a licensed embalmer.

Mr. John Raggett, the technical manufacturer, stated that the surrounding area had 14 machines; that two were down the street by the Christ Cathedral; that four were around the corner from there; that two were in Westminster, and four in Santa Ana, near the 5 and 22 Freeways, and two at Fairhaven Cemetery in Santa Ana; that the City recommended finding a C-2 or C-3 zone; that a crematory was cleaner than burning a fire in a fireplace or cooking a hamburger in a hamburger facility as these have higher emissions due to lower temperatures of burning; that a crematory burns at 1800 degrees and was regulated by Air Quality, from which they have a permit; that if there was anything unethical near residents they would not look at that zone; that the crematory would be inspected yearly unannounced by Air Quality, sometimes twice yearly by Consumer Affairs; that the machine was to be maintained every six months for proper operation; that a cremation takes one to one and a half hours; that there would be no smoke or odor, only heat flume from the stack like a car; that the machines were quiet and residents would not be able to see it or smell it, no smoke or odor; and that the property had been vacant for years and was chosen for the zone in a commercial/industrial area off the freeway.

Commissioner Paredes asked if the chemicals used in the embalming

and cremation processes were different. Mr. Raggett explained that regardless, an individual was put in 40 degree cold storage for sterility and sanitation; that there was no embalming with cremation; that only after paperwork was completed would a body be cremated; that embalming was for the viewing process or burial; that certain cremation machines could handle larger bodies up to 1,000 pounds; and that for this facility, anyone larger than 200 pounds would be outsourced.

Commissioner Paredes asked if there was a cremation backlog because if there were other crematories available, why build another. Mr. Raggett explained that families like to keep the loved one close; that they sometimes want to witness the cremation and participate in the service; that bodies were in boxes, or caskets, all mandated by the state; and that metals and plastics, such as pacemakers, would cause emissions and were removed.

Chair O'Neill asked the applicant to clarify the cultural issues, and Ms. Chi provided a response and discussed Asian religious traditions and practices.

Commissioner Barker asked if other waste was burned, for example, hazardous waste, medical waste, or trash. Ms. Chi replied no, that was illegal, and that the California Bureau of Cemetery and Funeral Services inspected the facility every six months as it was heavily regulated.

Commissioner Barker asked if there would be a system to measure emissions. Mr. Raggett stated that the machine would be source tested about every three years, mandated by Air Quality, to ensure the machine was operating properly to be smoke, odor, and particulate free; and, that the machine itself was a constant measure, being temperature and air quality controlled.

Commissioner Barker asked for clarification of the mercury and amalgam. Mr. Raggett responded that older people's teeth, such as baby boomers, have small amounts of amalgam and mercury in their teeth. Also, foreign materials in bodies would be removed at the funeral home and recycled to be properly disposed of.

Commissioner Zamora asked who did the weekly inspections. Mr. Raggett stated that the operator would inspect before the machine was run, both daily and weekly, along with inspections by the manufacturer; and, that records were kept for Consumer Affairs and Air Quality.

Commissioner Zamora then asked about alcohol consumption on the premises. Ms. Chi answered that alcohol and food were not allowed; that coffee and water was available; that praying food, such as fruit bowl by outside restaurants, was allowed on the shrine for prayer; and that there were no parties.

Commissioner Paredes asked for confirmation that 34 bodies were allowed to be cremated per month. Ms. Chi said yes. Mr. Raggett stated the hours would be Monday through Friday from 8:00 a.m. to 5:00 p.m. with no activity at night. *

Commissioner Barker asked for clarification on the filtration system. Mr. Raggett explained that there was a two-second retention time at 1800 degrees; that the stack sensors work as the filtration system; that when the heat hits the atmosphere at a cooled 900 degrees, this was better than the machines in the 1970-80's; and, that everything was pollution controlled, for example, if there was an upset cremation with smoke, the burner turns off automatically and gives it air.

Commissioner Nuygen asked what process was used to ensure toxins were not released into the air. Mr. Raggett responded that daily, each cremation would be documented with a chart recorder to log in each step of the cremation process and this log would be checked by the state unannounced; and, that the chart recorder on the machine was checked by Air Quality, so the information was kept both manually and electronically, stored up to five years.

Commissioner Paredes asked for the logistics of taking bodies in and out of the facility. Ms. Chi stated that to be respectful, the loading and unloading of bodies would take place inside the facility; that the hearse would enter an area with a roll-up door; that a wall would be built between the warehouse and the cremation machine; and that a short distance, from the door to the coach/hearse for burial, was typical.

Chair O'Neill called for a recess at 8:20 p.m. The session reconvened at 8:30 p.m.

Chair O'Neill opened the public hearing to receive testimony in favor of or in opposition to the request.

The following people opposed the request for the following reasons:

Mr. Saul Quinones: 20 feet from the homes, where his cousin lived; and they do not want to smell the burning fumes of bodies.

Ms. Stacey Hua spoke on behalf of the residents: negative impact on physical and mental health on children and seniors; negatively affects property values with lower re-sale values; fear of deceased, may have to move away; toxic chemicals released and contamination in the air such as mercury dioxin and amalgam poisoning as these metals were not removed prior to cremation; mercury vapors harmful causing health issues such as an effect on young children and fetus's, immune system issues and cancer; process not regulated as safe levels cannot be ✓

measured; would affect future children, who would be leaders; some children stopped going outside; elderly would have issues too; need to protect health; other states have complaints of increased traffic and smells; ten other funeral homes were located in the area and another was not needed in the neighborhood.

Ms. Katie Le: lived next door to the proposed site; concern for how children would be affected with toxic emissions such as mercury, carbon monoxide, nitrogen oxide, carbon dioxide, sulfur oxide, and volatile acids such as hydrogen chloride, hydrogen fluoride, and carbon dioxide, which were listed in the Mitigated Negative Declaration; though fumes were filtered, crematoriums still spill toxins; no statistics on mercury emissions; the number of people opposing the project was large; the signatures for support from the applicant were people not from the community; and Nicole at the Cremation Society of Orange Coast, who had a cremation business at Lewis Street and Lampson Avenue, agreed that the crematory should not be close to the homes.

Mr. David Lee: health risk due to the particulates that could be breathed in and lodged in the lungs, with active children high at risk; emissions rise with aging machine parts; questioned qualification of inspectors and effectiveness of mitigation; filtering fumes has little effect on toxins; weekly inspections were pointless; disputed integrity and questions accuracy of study.

Mr. Dylan Tran, Ms. Brooklyn Tran, and Mr. Peter Hua: affected asthma; could cause diseases such as cancer; children afraid to go outside, scared of dead bodies; they would not be able to sleep and would have nightmares of dead bodies.

Mr. Nu Bui: seniors not eating or playing; the poor want days without worries; listen to our wish; they want to live in peace.

Mr. Richard Rowe: the City has a stewardship for health and quality of life; lived in Garden Grove 40 years; mercury has low vapor pressure so 900 degrees not low enough, which results in mercury going into air.

Ms. Thao Tran: proximity issue as there was not a lot of space around the facility; odors; traffic; loud noises; property value reduction; mercury; burned body releases chemicals.

The following person supported the request for the following reasons:

Mr. Steve Abraham, the real estate broker for the project: the request was based on facts not fears; the property owners have rights; owners have met hurdles; only eight (8) people showed up at neighborhood meeting at which four were former family members who used his services and would have supported the proposal had they known Tuan

Nguyen was the applicant; one other person was a competitor; business would bring in revenue with sales tax; benefit for the neighbors; if the conditions were not met, the Conditional Use Permit could be pulled; the decision to support should be based on fact.

The following persons opposed the request for the following reasons:

Mr. Vincent Nguyen: the children would be a concern, especially at nearby school for eight (8) years; he experienced being near a furnace at 50', it was too hot and his eyes watered; applicant did not know about the Vietnamese culture; dead were celebrated; would have smell every day; afraid of the fear from everywhere.

Mr. Viet Mai: no one knew about the neighborhood meeting; people are afraid; smoke; dead people in cars; suggest Commissioners put themselves in their shoes; no one would want business next to funeral home; lower property values.

Mr. Quan Van Luu: cremations occur already at Lewis Street and Harbor Boulevard, so with others around, another one was not needed here.

Mr. Jessie Arambulo: lived a few blocks from crematory; project was disturbing; need to take seriously; loved neighborhood; not easy to sell house, would have higher property taxes if moved elsewhere; consider another location; consider morally.

Ms. Lynn Hua: do not approve; psychological effects; children want to play outside.

Mr. Joseph Tran: dentists today were moving away from amalgam and instead were using composites; with baby boomers still around, mercury emissions would increase over time in the next two or three decades.

Mr. Stan Wirth: he would be yards away from funeral home; lots of children in the area; increased fumes, noise, and traffic.

Mr. Alex Pantoja: already parking problems across the street at Cedar Grove from church; if there was viewing and church on the same day, 76 parking spaces would not be enough; already had restrictions on water usage; water contamination with embalming; kids walk across area to go home; senior home next door where bus stops.

Mr. Tim Nguyen: he found out about the project through his daughter's friend; was not aware of psychological affects; children would lose self-confidence and be afraid of ghosts; too close to backyard.

Mr. Khai Nguyen: 100 feet from project with two children; report doesn't matter; no guarantee on health; if machine breaks, particles go into

environment; does not want children to be guinea pigs; fears they would have to move; residents lived in the area already; no one would buy their property at market value.

Ms. Hoang Ho: lived one street behind funeral home; Commissioners already heard enough opinion from community; the number of people present were a statement, along with elderly and children, to voice opinions; Tuan Nguyen would have no support from at least a few hundred families of all cultures.

Ms. Auralla Garcia: three-story school within 500 feet of funeral home, which her daughter attends; daughter had cancer, but did not want it to come back; kids scared of dead people.

Ms. Kia Marina: need to cool bones more than 900 degrees; this may affect earth and environment; residents may have to pay more to air condition their homes; lived by freeway with emissions and could be a problem mixed with funeral home emissions.

Mr. Siraj Hussein: he had a different religion, but the proposal was scary, especially near a school; needs to be in a neutral area; he loves his neighborhood, but area would be chaotic; services were already nearby.

Mr. Thuy Nguyen: need to look at sociological perspective; four generations; wondered if the applicant's research and study was factual; people fear death; surprised the Vietnamese owner did not consider the proximity, cultural, ethical, and moral values regarding grief.

Ms. Nicole Nguyen: used to work at Rose Hills Memorial Park; sometimes bodies were kept longer than 3-5 days; usually a crematory was separate and not within a funeral home; would impact other cities, such as Santa Ana.

Mr. Robert Darcy: emissions would be from 8:00 a.m. to 5:00 p.m. every day and it was not clear how people would react; proximity way too close to homes.

Mr. Rick Vu and Tu Vu: agreed that the funeral home would be too close; don't want to see hearses every day; environmental and psychological effects; have to explain to children.

Mr. Carlos: unsightly and ghoulsh issue people do not like to think about; area has nice homes and schools; science just coming to understand mercury.

Ms. Madalene Tran: her relatives live right behind; she remembered her experience of living near a cemetery as a child, very sad; put benefit of citizens first.

Mr. Martin: funeral home would affect everyone's peace; something will be in the air that people would breathe; people's feeling were important.

Ms. Gina Nguyen: funeral home would be trauma for children; imagination can create fear and stay with a person; there was life after death; there were many families, but one business.

Mr. Thomas Tran: suddenly everyone was talking; people were scared.

Mr. Keith: proximity concern, especially with our children and their future; let people decide what they want; there were other location options, such as rezoning.

Ms. Phuong Hoang: enough funeral homes around; would not bring in business; in residential area, would only bring fear to residents, children, and seniors; imagination was scary; people would live in fear; put the project somewhere else.

Commissioner Paredes commented that he lived near a funeral home, without a crematory, at Chapman Avenue and Nutwood Street, with a Boys & Girls Club nearby. He asked if the crematory was the real issue or the whole facility.

The applicant was invited back up to respond. Ms. Tang thanked all present and stated that they chose the zone for the opportunity to be a benefit to the community; that they understood the concerns, but would leave the decision up to the Commission based on the facts; and, that they would respect whatever decision was made.

There being no further comments, the public portion of the hearing was closed.

Commissioner Margolin commented that she understood the dedication to the Vietnamese young and old and wished that other ethnicities cared as much; that the fear factor was what bothered her and that children learn from their parents; that a culture believing in ghosts was fine, however, to instill this fear of ghosts in children was not right because there was enough fear already; that the parent's suffering was their own personal experience; and that there was no reason to frighten children with the idea of ghosts.

Commissioner Paredes commented that the public testimony was the funeral home versus the crematory; that the environmental impact was not clear, as the neighborhood was also next to a freeway with pollutants and an industrial area; that he would look at the community area as a whole.

Commissioner Nuygen asked for a raise of hands of people who lived behind the project area. A majority of the people raised their hands. He stated that their voices needed to be heard, as well as the applicant's.

Commissioner Barker commented that his experience of living near a funeral home as a child was creepy, but soon the home became a neighborhood fixture as parents began to pass away.

Commissioner Zamora expressed concern with the children's fears, which may be taught to them; that death was a fact of life and was sad that children were afraid of the dead; that her environmental concern was with the air and that she would like unbiased emission facts from similar situations. She asked if there were there any regulations regarding proximity to neighborhoods.

Commissioner Paredes checked Realtor.com online and stated that the lowering of property values could be based on nearby strip clubs, rental properties, and funeral homes, which may impact a neighborhood. *

Staff mentioned that before the Commission was the proposed resolution of approval based on legal findings supported by facts; that four findings must be made, which were included in the resolution, to approve a Conditional Use Permit; that if the Commission decided to deny the Permit, a finding must be made that a finding could not be met.

Chair O'Neill stated that the weight of the concern was proximity rather than the crematory itself, and the environmental.

Commissioner Nuygen agreed with Commissioner Zamora and commented that his concern was the contradiction of facts regarding environmental impacts and asked staff if an independent study could be done to make the decision easier.

Commissioner Margolin moved to approve the request, subject to the recommended conditions of approval, and commented that Commissioners have received the facts, the project had met the requirements regarding emissions and needs; and that as a Commissioner she could not deny a business that had met the Code. She added that her reasoning did not have to do with anything other than a Commissioner's obligation.

Motion No. 1:

Action: Public Hearing held. Speaker(s): Chi Tang (Representative), Tuan Nguyen (Owner present, but did not speak), John Ragget (American Cremation Equipment Company), Mark Blodgett (Blodgett, Baylosis

Environmental Planning). 36 people spoke in opposition to the request. In addition to the Applicant and its representatives, one person spoke in favor of the request.

Action: Motion to adopt a Resolution approving the proposed Conditional Use Permit failed for lack of an affirmative vote of a majority of the Commissioner's present.

Motion: Margolin Second: Barker

Ayes: (3) Barker, Margolin, O'Neill,
Noes: (2) Nuygen, Paredes
Abstain: (1) Zamora
Absent: (1) Kanzler

Staff noted that the Mitigated Negative Declaration and Initial Study consultant, Mark Blodgett, of Blodgett Baylosis Environmental Planning, was available to respond to the Commissioner's technical questions if the Public Hearing was re-opened.

Commissioner Zamora moved to continue the case to the Thursday, June 16, 2016 meeting, in order to have a consultant answer questions regarding area emissions as a whole, to address Page 53 of the report, and to address the contradictions and receive further research.

Commissioner Margolin then asked if a Commissioner, who abstained from voting, had the right to ask for another motion when the first motion failed. And, with a continuance, would the audience speak all over again.

Staff pointed out that further public comment at a future meeting could be limited at the discretion of the Commission and that more than two weeks would be required to gather additional information. The suggestion was to continue to a date uncertain and to have the case re-advertised. Additionally, if an independent consultant was hired to check the consultant's work, the applicant would be responsible for the cost.

Motion No. 2:

Action: Motion to continue the Item to the June 16, 2016 meeting to receive additional technical information from Staff died for lack of a second.

Motion: Zamora Second: None

Chair O'Neill re-opened the public hearing to receive testimony from the

consultant/expert.

Mr. Mark Blodgett stated that he was retained by the City of Garden Grove to prepare the Initial Study; that the project was unique by occupying an existing building; that the use needed to be scrutinized through CEQA (California Environmental Quality Act); that they looked at air quality as well as 16 other issues that included noise and traffic; that California has the most stringent emissions controls in the United States; that earlier studies occurred before the more stringent standards; that they identified potential contaminants as part of their study; that they asked for the technical specifications and paperwork that the South Coast Air Quality Management district provided; that they went and observed a cremation looking for smoke, visible emissions, particulates, or odors; that their observations concluded there were no noticeable emissions to see, no odors to smell, and noted, however, that they could not get up in the flume to do measurements; that this was a CUP and fugitive dust or odors were not permitted from any business; that visible emissions were a nuisance and not permitted from a crematorium, a Burger King, or any other use; that the CUP could be rescinded with any violation; that the study was open and independent; that the applicant had to agree to the mitigation; and that CEQA would find everything and anything that could or would be wrong.

Commissioner Barker asked if the company was pre-approved. Mr. Blodgett replied yes.

Commissioner Barker asked how the smells would be contained. Mr. Blodgett stated that the two enforcement agencies, the City and South Coast Air Quality Management District, would be monitoring health risks, and that concerns were complaint driven.

Commissioner Zamora asked for clarification of children around the toxins, and the supposed contradictions on Page 53. Mr. Blodgett stated that the citation was a reference to a report they reviewed; that they wanted to look at a new facility, so they did a field survey; that the manufacturer installed a crematorium near his home and he did not know it, which gave him a comfort level; that if there was any type of health risk to anyone, the recommendation would have been denial; that if he could eliminate the risk he would do it; that if the equipment was working properly there would be no odor; that the staff would be well-trained and the equipment maintained; that professionally, the concerns may or may not be fear-based; and, that the residents did not have the opportunity to look at an operating crematorium, experience living in close proximity to one, or conduct extensive research, which took three to four months, as he did.

There being no further comments, the public portion of the hearing was closed.

Commissioner Barker moved to approve the request, subject to the recommended conditions of approval.

Motion No. 3:

Action: Motion to adopt a Resolution approving the proposed Conditional Use Permit failed for lack of an affirmative vote of a majority of the Commissioner's present

Motion: Barker Second: Margolin

Ayes: (3) Barker, Margolin, O'Neill

Noes: (2) Paredes, Zamora

Abstain: (1) Nuygen

Absent: (1) Kanzler

Chair O'Neill moved to re-open the public hearing and continue the case to the next regular meeting on Thursday, June 16, 2016 in order for a full Commission to vote on the project. Staff was also directed to prepare and have on hand, a resolution of denial, should the request be denied.

Motion No. 4:

Action: The motion to re-open the public hearing and continue the public hearing to the next regular meeting at 7:00 p.m. on Thursday, June 16, 2016, in order for a full Commission to be present to vote on the project, and to direct Staff to prepare an additional alternative Resolution of Denial based on the testimony provided at the public hearing, was approved.

Motion: O'Neill Second: Barker

Ayes: (5) Barker, Margolin, Nuygen, O'Neill, Zamora

Noes: (1) Paredes

Absent: (1) Kanzler

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff gave a brief description of the items for the next regular meeting to be held on Thursday, June 16, 2016, which includes a drive-thru Starbucks and the continued case.

ADJOURNMENT: At 11:20 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, June 16, 2016, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: Margolin Second: Zamora

Ayes: (6) Barker, Margolin, Nuygen, O'Neill, Paredes,
Zamora

Noes: (0) None

Absent: (1) Kanzler

Judith Moore
Recording Secretary

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RESOLUTION NO. 5863-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING CONDITIONAL USE PERMIT NO. CUP-073-2016, A REQUEST TO OPERATE A NEW FUNERAL HOME, WITHIN AN EXISTING APPROXIMATELY 19,460 SQUARE FOOT OFFICE BUILDING, WHICH INCLUDES A MORTUARY AND CREMATORY, FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NOS. 399-011-44 AND 46.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on June 16, 2016, does hereby deny Case No. Conditional Use Permit No. CUP-073-2016 for a property located on the South side of Garden Grove Boulevard and east of Fairview Street, at 13272 Garden Grove Boulevard, Assessor's Parcel No. 399-011-44 & 46.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-073-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Heaven's Gate Funeral Home, Inc.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.
3. Because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject site is 1.4-acres in area and is improved with an existing approximately 19,460 square foot one-story office building located on the south side of Garden Grove Boulevard, east of Fairview Street at 13272 Garden Grove Boulevard (Assessor's Parcel Nos. 399-011-44 & 399-011-46).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 2, 2016, and duly continued to, and further held on, June 16, 2016, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meetings of June 2, 2016 and June 16, 2016.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is 1.4-acres in area and is improved with an existing approximately 19,460 square foot one-story office building, located on the south side of Garden Grove Boulevard, east of Fairview Street at 13272 Garden Grove Boulevard (Assessor's Parcel Nos. 399-011-44 & 399-011-46).

The property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The subject property is adjacent to C-2 zoned properties to the east and west, R-1 (Single-Family Residential) zoned properties to the south, and C-3 (Heavy Commercial) zoned properties, across Garden Grove Boulevard, to the north. The property is located on the edge of the C-2 Zone adjacent to a residential neighborhood, and the building in which the proposed funeral home, mortuary, and crematory would be housed is within a few hundred feet of existing single family residences. There is also a school in the immediate vicinity.

In March of 1981, the City approved Site Plan No. SP-107-81, which allowed the construction of the 19,460 square foot single-story office building. According to business license records, the office building has been vacant since 2014, and was previously occupied by general office type businesses.

The applicant has requested to utilize the existing office building to operate a new funeral home, which will include a mortuary and crematory. Mortuaries and crematories are permitted uses in the C-2 zone, subject to the approval of a Conditional Use Permit.

Pursuant to Garden Grove Municipal Code Section 9.32.030.D.4 (Conditional Use Permit), in order for the Planning Commission to approve a Conditional Use Permit, information submitted by the applicant and/or presented at the public hearing shall substantiate each of the following four (4) findings:

1. That the proposed use will be consistent with the City's adopted General Plan.
2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.
4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

FINDINGS AND REASONS:

Based on the totality of information provided, the Planning Commission finds that the following required finding for a Conditional Use Permit cannot be made:

2. Required Finding: That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Reason Required Finding Cannot Be Made: Although located within the C-2 Zone, the property on which the proposed funeral home, mortuary and crematory would be located is adjacent to a residential neighborhood, and the building itself is within a few hundred feet of existing single family residences. There is also a school in the immediate vicinity. Several members of the public testified that, due to its proximity to single family residences and other sensitive uses, the proposed new use is inappropriate for this particular location. Several residents of the adjacent residential neighborhood testified that the nature of the use makes them and their children uncomfortable, that they are concerned about the potential long-term physical and mental health impacts from residing and/or working in such close proximity to a crematory, that the proximity of the proposed use would interfere with their use and enjoyment of their properties, and that, due to negative public perceptions about living in proximity to such a use, their property values would decrease if the proposed use was established at this location.

For these reasons, and based on the totality of the information provided, it appears that the requested use at the proposed location will, in fact, adversely affect the health, peace, and comfort of persons residing or working in the surrounding area, and unreasonably interfere with the use, enjoyment, and/or valuation of the property of other persons located in the

http://www.weatherforddemocrat.com/opinion/letters_to_the_editor/the-crematorium-next-to-my-home/article_71e6f13d-ddaf-5f7c-a7fc-e057b98a1efc.html

The crematorium next to my home

Sherrie Bays

CNH | Jul 11, 2011



On June 22, Weatherford Planning and Zoning Board approved a Conditional Use Permit for Galbreath-Pickard Funeral Chapel to install an incinerator with a 19-foot smokestack so that they can do cremations on site. Galbreath-Pickard is located on the corner of First and Elm streets. It is next door to North Side Baptist Preschool. Courts Christian Academy is across the street, at 802 N. Elm. Weatherford ISD has two campuses close by — Bowle Learning Center across the street and Seguin Elementary School a few blocks away.

The fact that this permit was approved is surprising because there is strong scientific evidence that crematoriums produce dangerous pollutants which are linked with serious health problems, especially for children. These pollutants include mercury, dioxins, dibenzofurans, sulfur dioxide, nitrogen oxide and hydrogen chloride.

In 2010, the United States Environmental Protection Agency stated that toxins are released into the environment through the cremation of human bodies. The most dangerous of these is mercury. During the cremation process, the mercury in the body becomes vaporized into a colorless, odorless gas. Even the new state-of-the-art facility that Galbreath-Pickard wants to build is not capable of filtering the mercury vapors out of the exhaust from the smokestack.

Mercury is especially dangerous in this heated vaporized form because when it is inhaled, it is quickly absorbed into the bloodstream and carried to the brain and other organs. Even very small amounts of mercury can be dangerous. The EPA confirms that there are serious health effects from even low-level exposure to mercury.

Young children and unborn babies are the most vulnerable because their brains and nervous systems are still developing. Studies done by researchers at the University of Texas Health Science Center found that close proximity to sources of mercury release were associated with increases in learning disabilities, autism and special education rates. Adults can also develop problems with the brain and nervous system, as well as the lungs, kidneys and immune system.

The project manager, Deb Carney, told the Planning and Zoning Board at its June 22 meeting that more pollutants are emitted by nearby fast food chains than by crematoriums. With all due respect, we are not talking about dirty dish water and french fry grease. We are talking about the systematic burning of human remains, day-in and day-out, for decades to come.

The Planning and Zoning Board was told that there would be no odors or visible smoke. That's because vaporized mercury is a colorless, odorless gas. Ms. Carney also told the Planning and Zoning Board that crematoriums are heavily regulated by the state. When it comes to mercury pollution, this is absolutely not true. According to the EPA, there are no federal or state regulations restricting mercury emissions from crematoriums.

In communities across the country, city leaders have begun to deny conditional use permits for crematoriums near schools and homes. Besides protecting the health of residents, there are financial issues to consider. City tax revenues could decrease because property values of homes and businesses

located near the crematorium will go down, according to a 2010 article in Applied Economics. Schools will also need more money for Special Education due to the rise in learning disabilities and autism among children who live near the crematorium.

Because of concerns like these, other cities have required that crematoriums be located in less populated areas. Weatherford is surrounded by rural land which would provide a much better location for this facility.

You might wonder why there was no opposition from residents at the June 22 Planning and Zoning meeting. The answer is simple – no one told us about this. We had to read about it in the June 23 issue of the Weatherford Democrat. It's a good thing my neighbors and I read the paper.

Since the permit has gotten past the Planning and Zoning Board, the next step is approval by the City Council. I sincerely hope that the City Council will give the health of its residents top priority and deny the conditional use permit for a crematorium in this location.

Whether you agree with me or not, please let the Weatherford City Council know what you think. You can call them at 817-598-4202 or 817-598-4201. You can also send them a fax at 817-598-4294 or drop them a note at 303 Palo Pinto St., Weatherford, 76086. Sure, it might take a few minutes, but isn't it worth it to protect your home and family?

Sherrie Bays is a guest columnist.

0 comments

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Weatherford Democrat Events

Mon, Sep 30

Thu, Sep 27

Our high school class

19th Annual Auction

Volunteer for

ACADEMIA Spelling Bee

10:45 PM - 11:00 PM

WED THU FRI SAT SUN MON



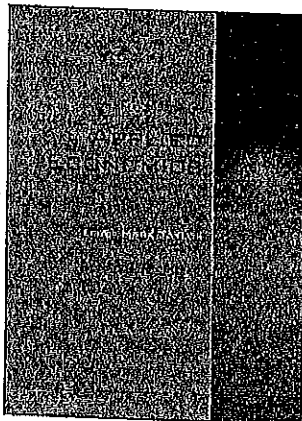
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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

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A hedonic study of residential house sales in Rawlins, Wyoming, was conducted to estimate the impact of an environmental shock from a new point source upon adjacent residential property values. We use a unique data base of house sale prices and associated house attributes, including structural and neighbourhood characteristics and geographic distances and directions from the source of the shock, atmospheric emissions from a new crematory. Our data spans 27 months of house sales: 7 months before, and 20 months after the startup of crematory operations. Results indicate that proximity, measured both in terms of direction and distance from the crematory, imparts a statistically significant negative impact on average house sale prices – an increase of 0.3 to 3.6% of average sale price for every one-tenth mile increase up to one-half mile in distance away from the crematory, but depending on direction from the crematory. This distance benefit increases somewhat with calendar time only for houses located west of the crematory.

1. Introduction

Residential property values depend both on physical and locational attributes. Attributes include structural, neighbourhood and environmental characteristics, all of which may impact the selling price of a property. Indeed, housing markets are one of the few places where environmental amenities are traded in formal markets along with physical amenities. As such, for decades, economists have used hedonic property value techniques to measure monetary equivalents of a variety of environmental quality

changes that affect consumers' welfare via their purchase and consumption of the good 'housing.' Recent examples include air quality (Kiel and McClain, 1995; McMillen and Thorsnes, 2003), aesthetic views (Bourassa *et al.*, 2004) and proximity to other amenities or disamenities such as proximity to natural areas (Thorsnes, 2002) or landfills (Ketkar, 1992).

Hedonic property value studies are useful if they provide empirical evidence that selling prices of a heterogeneous market good reflect alternative levels of amenities (good or bad). Given the sometimes

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DON'T LET THE DEAD DESTROY THE LIVING

On behalf of the business owners, employees, and residents of the city of Stanton, we are concerned about the plan to operate a crematory at the Heaven's Gate funeral home in Stanton. This facility will add a new, permanent, ongoing source of pollution which will immediately impact our community. It is well-known that crematories emit mercury because of dental fillings and other heavy metals and toxins that vaporize at high temperatures.

We have seen sufficient evidence in the form of scientific studies and expert opinions to warrant our concerns. Crematory emissions contain known toxins, including mercury from dental amalgam fillings, cadmium, lead, dioxins, furans, hydrogen chloride, nitrogen oxides and other pollutants at levels exceeding National Air Quality Guidelines. Heavy metals and PCDD/Fs stand out because of their toxicity and capacity for bioaccumulation, which means chronic and ongoing potential risks for human health exist.

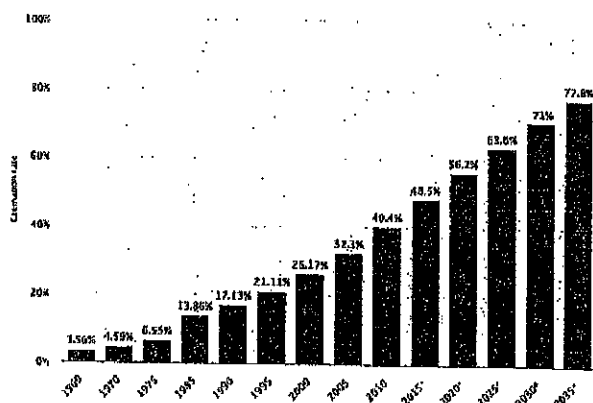
EPA recognizes that pollution from all sources of mercury is a serious concern to human health and the environment.

Mercury is well-documented as a toxic, environmentally persistent substance that demonstrates the ability for bio-accumulation and atmospheric transportation on a local, regional, and global scale.

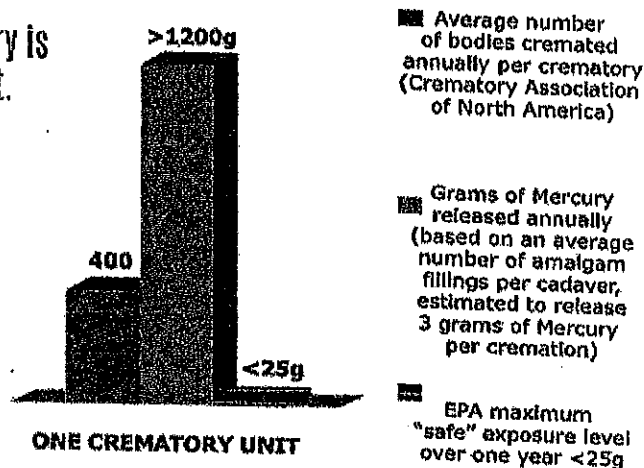
There is evidence that even low-level exposure to mercury has serious health impacts.

Mercury is a known neurotoxin which affects developing fetuses and young children even at low levels of exposure. Dioxins are known to cause cancer and birth defects. Human health is compromised by significantly smaller concentrations of these toxins than ever imagined. In summary, there is enough scientific data to indicate the potential for harm to human health from living or working near a crematory is very real. There is good reason to expect in the future stricter regulations on crematory emissions are coming, but they are not in place yet. We are just not willing to allow this crematory to become established in Stanton, only to later learn our health and properties have been adversely impacted.

Cremation rate in the United States from 1960 to 2035



Since cremation rates are only expected to continue to rise, the estimated number of cremations annually will be significantly higher. A business owner has a right to expand and grow, but with those rights also comes responsibility. Two years ago, Tuan Duc Nguyen of Heaven's Gate was denied permission to operate a crematory in Garden Grove. Now he has targeted our community of Stanton without regard for the impact it would have on the environment and on the health of our citizens. Our constitution protects us as property owners, workers and residents from the negative impact of a land use that is too intense for the surrounding area and is better suited for a more remote location.



At this time we are asking all of our neighbors, along with government officials at every level to take the time to investigate all of the current information, so they make an informed decision as to what is right for this community. Environmental responsibility demands an in-depth environmental assessment before considering approval of any cremation facility in our community. We must ask ourselves if the City of Stanton is willing to take on the financial burden of frequent air quality monitoring, considering the high cost of heavy metal testing.